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Balibo five murdered in cold blood

It has taken more than 31 years for official confirmation that five journalists who witnessed events leading up to Indonesia's invasion of East Timor were murdered in cold blood in October 1975 by troops under the command of an Indonesian officer who later became a government minister. Relatives have been pushing for this for years. An inquest in New South Wales, which opened in February, is revealing about what happened in the border village of Balibo all those years ago and offers hope that the truth will finally be confirmed.

The five journalists were cameraman Brian Peters, 28, and reporter Malcolm Rennie, 29, both Britons working for Australia's Channel Nine, reporter Greg Shackleton, 29, soundman Tony Stewart, 21, both Australians, and cameraman Gary Cunningham, 27, a New Zealander, working for Channel Seven.

The inquest has also brought to light the way in which British and Australian diplomats deliberately covered up the murders to protect Indonesia from international opprobrium and to conceal Jakarta's invasion of East Timor which resulted in twenty-eight years of brutal occupation and suffering.

Speaking on the day the inquest began, Maureen Tolfree, sister of Brian Peters, said she never doubted that the men died for the crime of witnessing and filming the clandestine invasion.

'It has been such a long time, all the years that they have lied to us, all the years that they have said they were killed in crossfire. And the awful things they said about my brother and his colleagues, that they were incompetent and in the wrong place.

'That makes me very angry. They were bloody good journalists. They were in the right place, that was their job. I want an apology from the Australian and British governments for lying to us.'

Ever since learning of her brother's death in suspicious circumstances, Maureen, then aged 41 and working for a catering firm in Bristol, has travelled many times to Australia and Indonesia, determined to leave no stone unturned until she discovers the truth.

All she could discover at the time was that the five men were burned to death in Balibo and their remains taken to Jakarta where they were buried by officials from the Australian and British embassies, without the knowledge or consent of relatives.

Members of the Indonesian army had dressed the dead men in Portuguese uniforms and placed machine guns by their sides to look as if they were fighting with Fretilin, the Timorese resistance movement.

In fact, at the time, Fretilin fighters had already retreated from the area so there was no other reason for the Indonesian attack than to target the journalists.

According to Sue Anzel, a cousin of Malcolm Rennie whom she met shortly before his departure for East Timor:

'No one really knew what was going on but Malcolm believed the Indonesians were getting ready for something. When they entered Balibo, they found and filmed exactly what they had suspected, Indonesian ships off the coast. They slept in an abandoned house. To distinguish themselves from the Fretilin soldiers in the village, they painted the word 'Australia' and a crude Australian flag on the wall. Early on 16 October, the warships began to shell the village and Indonesian soldiers and their Timorese supporters entered the village. The journalists were never seen alive again.' [*The Times*, London, 3 February 2007]

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Diplomatic cover-up

It is not known whether the men were shot or stabbed but according to *The Times* of London, quoted above, only the British embassy in Jakarta would have known. But it washed its hands of the affair, as demonstrated by diplomatic cables published by the daily for the first time last year.

Sir John Ford, the British ambassador, asked Richard Woolcott, his Australian counterpart, to refrain from pressing the Indonesians for details of the deaths. 'Since no protests will produce the journalists' bodies I think we should ourselves avoid representations about them. They were in a war zone of their own choice,' he wrote.

A later cable says: 'Once the Indonesians had established themselves in Dili they went on a rampage of looting and killing... If asked to comment on any stories of atrocities, I suggest we say that we have no information.'



Shirley Shackleton, widow of Greg, and her son Evan in front of the Balibo house, restored in 2003

Judicial milestone

The chances of having an inquest were always very slim, but Maureen Tolfree, with the help of her Australian lawyer, Rodney Lewis, was finally able to convince the coronial office in New South Wales that they had the powers to investigate the death of her brother Brian Peters because he had been living in Sydney and was

British and Australian diplomats deliberately covered up the murders

a New South Wales resident at the time of his death. The other four men were living in Melbourne.

On the first day of the inquest, counsel for the coroner, Mark Tedeschi, QC, said evidence would be presented to suggest that the journalists were attempting to surrender into the protection of the advancing (Indonesian) forces, and calling out that they were Australians, that they were journalists.

The first persons to testify were several East Timorese who had been recruited into the Indonesian army as auxiliaries. None was prepared to reveal their names in public to protect their relatives, so they were allowed to use pseudonyms.

Indonesian army officer named

On the first day, the inquest heard evidence from 'Glebe 2' that Captain Mohammad Yunus Yosfiah was the first to start shooting the journalists, and the shooting continued for two or three minutes by other soldiers. 'Glebe 2' said senior military officers warned him not to tell anyone about the shooting. He told the inquest that he had issued false press releases and lied to Australian investigators about the incident but finally told the truth to an Australian journalist in 1999 when he couldn't hold his silence any more.

Following his retirement from the army with the rank of lieutenant-general, Yunus Yosfiah was appointed minister of information in the first post-Suharto government of President Habibie. He is now a member of Parliament for the Muslim party, the PPP.

The coroner informed the court that she had requested the former officer by letter to testify at the inquest or to do so via video-link. A previous request to the retired general via Indonesia's ambassador in Australia was treated with contempt. Yunus told the press that claims that he took part in or ordered the killings were 'bullshit'. [*The Age*, 28 February 2007]

After his refusal, the coroner announced that a warrant for his arrest had been issued. While acknowledging that the arrest warrant had no legal force outside Australia, she said that the warrant demonstrated how crucial his testimony is.

'Glebe2' also said that Colonel Dading Kalbuadi, commander of the Indonesian invading force, had flown over the scene by helicopter to make sure the journalists' bodies were burnt in another house. The soldiers had also burned all their documents and equipment. [*Press release of Reporters Without Borders*, 8 February 2007]

The next witness, 'Glebe 3', who was moved to tears as he spoke, said he saw Brian Peters with his hands in the air crying 'Australia' and then collapse to the ground. 'Glebe 4' provided more details, saying there were 500 fighters - 120 Timorese militiamen and about 400 *Kopassus* special forces - backed by artillery and the navy. After two days of bombardment, all the civilians had fled. Five Fretilin guerrillas stayed to defend the town but withdrew when the Indonesians advanced. The five journalists had remained.

This account is also confirmed in a film shot by Portuguese journalists a few days before the town was taken, which shows the journalists painting a wall. Aware of the danger, the Portuguese journalists left Balibo shortly before the attack but the five journalists from Australia decided to stay, believing that their status as journalists would keep them safe.

The journalists' last transcript

The last film by the journalists was shot the evening before they were killed. This film, which has since been shown to audiences on many occasions, shows Greg Shackleton sitting in front of the house speaking through a microphone:

'Something happened here last night that moved us very deeply. We were brought to this tiny village in East Timor and were targets of a barrage of questions from men who knew they may die tomorrow and cannot understand why the rest of the world doesn't care. Why, they ask, are the Indonesians invading us? Why, they ask, are the Australians not helping us? I said that we would certainly ask that Australia raise this fighting at the United Nations. At that, the second in charge rose to his feet, exclaimed 'Comerado journalist', shook my hand and we were applauded because we were Australians. That's all they want – for the United Nations to care about what is happening here.'

Intelligence information heard in secret

It is no secret that Australia's electronic spy agency, the Defence Signals Directorate, has been intercepting Indonesian intelligence traffic for many years. The coroner stated that information regarding intercepts would be very relevant to the inquest. Several former agency officers told the inquest that they had seen intercepted messages mentioning the killing of the journalists.

Perhaps the most sensational evidence came when former senior federal government officials, George Brownhill and Ian Cunliffe said they had seen a radio message between a soldier in Balibo and his commander in Jakarta which said 'in accordance with your instructions, the five journalists have been located and shot'.

However, the coroner agreed that further evidence regarding the intercepts would be heard in closed session 'for reasons of national security'. *Sydney Morning Herald's* Asia Pacific editor, Hamish McDonald, described these excuses as 'ridiculous'.

Another Australian journalist, Emma Aberici, said that everyone was 'quite shocked' that someone so senior would repeat such important intelligence information. 'It's explosive because it adds weight to previous suspicions that the journalists were specifically targeted and executed because they had been filming images that were potentially damaging to Indonesia'. [AAP, 22 February 2007]

Shirley Shackleton whose husband Greg was one of the Balibo Five said that this disclosure in open court meant that, after all these years, the inquest has been a success. However, she reserved her greatest anger for Australia's ambassador Richard Woolcott 'who orchestrated the funeral in which the remains of all the five men were put in one small child's coffin, which was buried in Jakarta. I don't think there's anything in that grave. It was a token and needs to be seen for what it was, an absolutely cynical exercise.'

As we went to press, the inquest was still in progress.



The remote village of Passabe lies on the precarious border between East and West Timor. It is a battle scarred community with a horrific past. In the run up to the vote for independence in 1999, Passabe was a base for hundreds of pro-Indonesia militiamen – East Timorese who participated in a rampage of violence that climaxed in a bloody massacre.

This film provides an intimate look at how ordinary folk - victims and perpetrators - struggle to rebuild their lives and attempt to come to terms with their gruesome recent history.

Screening dates

Tapol, along with Human Rights Watch and Progressio, have arranged two screenings in London:

Wednesday, 9 May, 6:30 pm.

St Ethelburga's
78 Bishopsgate
Nearest Tube: Liverpool Street or Bank

In association with St Ethelburga's Centre for Reconciliation and Peace

Thursday 17 May, 6:30 pm.

Khalili lecture theatre
School of Oriental and African Studies
Thornhaugh Street
Nearest Tube: Russell Square

In association with SOAS Centre for Law and Conflict

For more information on the film or to order go to

www.passabe.com
contact@lianainfilms.com

Military reform in Indonesia today

It is widely accepted that political reform in the post-Suharto era has been sluggish. Military reform has proceeded at a similar pace. Although the military has started to take a back seat in formal politics and accepted the need to transform itself exclusively into a defence force, the vital question is whether the reforms will hold. Ever since the birth of the Indonesian Republic, the military or more precisely the army has played a major role in politics. The key problem has been controlling the army's role in the economy.



Left to right: President SBY, Navy Chief Slamet Soebijanto, former TNI commander Endriartono Sutarto, TNI commander Djoko Santoso, Army Chief Djoko Suyanto

The withdrawal of the military from legislative bodies, the separation of the police from the armed forces and the strenuous efforts taken to control military businesses are some of the achievements during the past eight years. Military reform still has a long way to go but a major step was taken when the 1966 military doctrine was abandoned and replaced.

The new military doctrine

On 24 January, almost out of the blue, the TNI, the Indonesian armed forces, announced a new military doctrine, *Tri Darma Eka Karma* (Tridek) to replace the previous doctrine known as Cadek, which goes back to December 1966. Those were the early days of Suharto's New Order dictatorship. The new doctrine represents a positive step in the long-and-winding road towards military reform and professionalism in Indonesia.

Tridek was announced during a volatile political period earlier this year when prominent retired generals were almost competing with each other to express disagreement with government policies. New Order stalwarts, such as retired four-star generals Tri Sutrisno and Wiranto, made several statements between September 2006 and January 2007. Tri Sutrisno, a former vice-president, vehemently attacked President Susilo Bambang Yudhoyono, SBY, accusing him of betraying the founding ideals of the Republic. Wiranto, another old-timer, announced his intention to set up a new political party with a dazzling array of retired officers on the board. He said the party would make a bid for power in the 2009 general elections.

SBY, a retired four-star general himself, quietly organised some counter moves towards adopting a new military doctrine, in consultation with current TNI chiefs. The chances of implementing military reform under the SBY presidency are certainly more favourable than under his predecessors.

Presidents come and go

During the eighteen months of the presidency of Bacharuddin Jusuf Habibie who took over from Suharto in May 1998, many important reforms were introduced, including the separation of the police from the armed forces and the ending of the notorious *Dwifungsi* doctrine, the dual function of the military. In that period, the 4,000 or so active military officers who concurrently held posts in the civilian administration were given the choice of either resigning from their civilian posts or retiring from active military service. This brought to an end a thirty-two year period of privileges enjoyed by the army.

'The chances of military reform under SBY are more favourable than under his predecessors.'

After Habibie came Abdurrahman Wahid, known popularly as Gus Dur. His twenty-month presidency was constantly disrupted as he became the butt of military venom, which led ultimately to his impeachment.

Gus Dur introduced a number of major reforms, including the dissolution of *Bakorstanas*, the notorious body in charge of security and order. His presidential instruction 98/2000 designated the police as the main force to handle law and order. Many historians have likened Gus Dur's clashes with senior army officials as a never-ending boxing match. It was several months before he was able to sack General Wiranto who had held the top armed forces post since the final years of the Suharto era. But Gus Dur was outmanoeuvred by the hardliner, General Ryamizard Ryacudu. In the end Gus Dur was impeached by the People's Congress on the grounds of a minor corruption scandal.

During the Megawati Sukarnoputri presidency, there was little in the way of conflict with the military top brass. In moves towards establishing greater professionalism in the military, it was decided to end the policy of appointing

active members of the armed forces and the police as members of parliament.

Since the commencement of the SBY presidency, military reform has resumed and taken a number of forms. SBY is the first president to have successfully curbed hard-line officers. He was able to appoint loyal officers to top-ranking positions in the armed forces. For the first time, an air force marshal became commander-in-chief of the TNI and an impeccable police general was appointed as chief of police.

Tridek and Cadek

Tridek stands for *Tri Dharma Eka Karma*, while Cadek stands for *Catur Dharma Eka Karma*. The names are in Sanskrit, the language always used for military nomenclature. *Tri* stands for three while *Catur* stands for four. From 1962 until the Habibie presidency, the police force was part of the armed forces, meaning that the doctrine was applicable to all the four wings: the army, the navy, the air force and the police.

It was on 1 April 1999 that the police force regained its independence and was separated from the TNI, meaning that since then, the doctrine has been applicable to three not four forces.

But the difference between Tridek and Cadek goes deeper than that because it represents a very different spirit. The military under Tridek is now defined as a defence force although its role extends to defending the unity of the state:

The main task of the TNI is to uphold the sovereignty of the nation, to defend the entirety of the territory of the Unitary State of Indonesia and protect the entire people and nation from threats and disturbances against the unity of the nation and state.

Structure of a military regime

The Cadek doctrine provided the foundation for Suharto's military regime and the rules of the doctrine were rigidly enforced up to the early eighties. The primary role of ABRI, as the armed forces were then known, was defined under Cadek as follows:

As a Defence and Security Force to safeguard, to secure, to defend and maintain the independence, sovereignty and integrity of the nation and people; to safeguard, to secure, to defend and maintain the ideology of Pancasila and the 1945 Constitution; and to safeguard, secure, defend and maintain the organisation of national development and its achievements.

The introduction of Cadek in 1966 as the New Order military doctrine was used to legitimise the military's involvement in all aspects of life. Within a short period of time, the influence of Cadek had penetrated all sections of society.

By 1969, all the civilian structures had been destroyed or had been taken over by the military, that is to say, by the army. The state oil company and the system of rice distribution were put under the control of army generals. From top to bottom, key posts such as cabinet ministers, provincial governors, district chiefs down to village chiefs, fell into the hands of army officers.

The structures created were tailored for a totalitarian state. *Kopkamtib*, the most brutal institution of all, was created to 'restore' security and order, which basically meant that army territorial commands were given unrestricted powers to arrest and imprison people. This

meant in practice that anybody who was suspected of leftist inclinations could be arrested and held without trial.

Kopkamtib has now been renamed *Komando Pasukan Keamanan dan Ketertiban* (Command Troops for Security and Order) and has a more limited mandate than its predecessor. One of its actions was to send troops to Aceh for military operations from 2003 till 2005.

Other structures were created which became an integral part of Suharto's New Order. To mention just the more notorious ones: *litsus* (*penelitian khusus*, special investigation) was the Indonesian version of 'big brother vigilance'. This kept a close watch particularly on all civil servants and officials appointed to run state companies, to make sure that they were people with a 'clean slate'; in other words, that they were not related to anyone involved in leftist politics.

The military hierarchy created two new powerful positions for all government departments: *Assospol* or assistant for social and political affairs and the *Asisten Kekaryaan* or assistant for functional groups. *Sospol* became the generic term for the widespread involvement of the military in everyday life. This was how *Dwifungsi*, the dual function of the military, was implemented in practice. Every department, down to village level had a *sospol* section or at least a *sospol* official who was often more powerful than the head of the department himself.

The *Asisten Kekaryaan* was responsible for making sure that strategic positions were reserved for army officers or trusted, loyal civilians. The *kekaryaan* concept is basically a corporatist concept; its Indonesian form can be compared with the kind of corporatism that survived for so many years in fascist Spain and Portugal under Franco and Salazar.

The overthrow of Suharto in 1998 also meant the end of most of these structures. In 1999, President Habibie announced that *Dwifungsi* and all its structures were at an end. But in fact, most of the structures have remained in place, albeit in a somewhat diminished form. The introduction of Tridek was seen as another death sentence for the old structures but no one should forget that the majority of senior officers in active service today were bred and raised in the old structures. It will still take years and a new generation of officers to bring about a situation in which civilian supremacy becomes a reality.

Military businesses

Although exact figures have never been made available, up till last year the military needed to find two-thirds of its budget from outside sources. The state was only able to provide one-third of the funds required for the everyday functioning of the armed forces. In the last two years, this huge deficit has been reduced but there is still a gap of more than 50 per cent.

This situation has been used by the military to justify continuing with its role in the economy. In addition, it argues that there is a long history of military involvement in business, dating back to the birth of the armed forces in 1945. In a nutshell, military units were organised regionally (in military terms, territorially) and were able to raise their own funds. As a result, regional commands have supplemented their income from the state by running their own businesses. When the former dictator General Suharto was territorial commander of Central Java in the 1950s, he ran an extensive smuggling operation, exporting local products to Singapore. Things grew worse when President Sukarno decided in the late fifties to nationalise British and



Dutch companies, which quickly fell under military control. From this time on, many army officers took over as CEOs of the state companies.

These state companies were never efficiently managed, with a large portion of the profits being siphoned off to enrich officers. It was during these golden days for the military that the tradition of NKK, Nepotism, Corruption

These are not the kind of conditions that would ensure professionalism in the armed forces. Much of the weaponry is outdated, poor in quality and lacking in quantity. Training is below standard and many foreign countries are reluctant to supply training and expertise to the TNI because of its bad reputation gained from its involvement in so many human rights violations in East Timor, Aceh and West Papua during the eighties and nineties.

The defence minister, Juwono Sudarsono, is acutely aware of all these problems and complications. As the first civilian defence minister since the Republic was born, he has undertaken some cautious reform measures, including the control of military businesses.

These reforms would mean that all well-run military businesses are placed under the coordination of the defence ministry while ailing companies are closed down. But this has been like trying to walk at night in a tropical forest. According to the TNI's own inventory, more than 1,500 military business need to be reviewed. No one expects the deadline of 2009 for assessing and supervising so many companies to be met. To make matters worse, a new problem has emerged: how to tame and regulate the recent growth of police businesses.

Koter, territorial commands

The territorial command structure of the army is one of the last remaining bastions of the New Order, despite strong criticisms from civil society organisations as well as from parliament. The *komando territorial* (koter) still flourishes from top to bottom and has existed for more than three decades. It can best be described as a shadow structure

paralleling the civilian provincial and district structures. Since one of the basic principles of the latest reforms is that the TNI is now confined to being a defence force, the territorial structure should be altogether abandoned.

However, it is not difficult to understand why the army wants to retain the territorial structure. This has been the basis for the army's economic activities as well as its political dominance since 1965.

It is far from easy for the army's top generals to justify the continued existence of koter so they now claim that, under conditions of an emergency, 'national defence' would necessitate the mobilisation of all forces. The current war against terrorism is being used as an excuse for retaining koter. It is alleged that in the fight against terrorism, an additional structure is required, so as not to have to rely on conventional military operations.

Although there is strong disagreement over the continued existence of koter, the structure has remained, and has even become more widespread. The establishment of new provinces, districts and sub-districts has been used as the pretext by the military to expand its territorial structure. This has occurred particularly in places of conflict or potential conflict, where several new military commands have recently been set up.

Most human rights organisations are well aware that military reform is not going to proceed smoothly, since it is so closely related to the need for political reform in general. The continuing sluggishness of both political and military reforms means that what really matters is the necessary political will from all sides.

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and Collusion, was born. This continues to plague the Indonesian economy to this day.

Such bloodsucking practices could not last forever. It was virtually impossible to explain why it was that Pertamina, the state oil company, went bankrupt at the height of the oil crisis in 1974. While all the oil-rich countries became phenomenally rich, Indonesia's Pertamina collapsed under the weight of corruption and mismanagement. The state distribution agency Bulog, responsible for the purchase and distribution of rice, became a haven for corruptors, a situation that continues to the present day.

While things have improved somewhat and most incompetent military personnel have been removed, the huge budget deficit has remained. These days, the military has become increasingly engaged in illegal activities in logging, fishing and extortion, to make up for earnings lost elsewhere. On top of this, the police force has been officially designated as the force now responsible for law and order. As a result, most companies no longer need to pay bribes to local military personnel to safeguard their 'security arrangements' which has eliminated yet another source of income for the military.

Some would argue that there is a legitimate need for the military to run businesses of their own to provide basic needs for the troops, for the upkeep of their families, housing, healthcare, education and so on. In reality, the gap between the rich and the poor within military ranks is quite marked. While many officers live in luxury, the barracks provided for the troops have leaking roofs and lack some of the most basic facilities.

Upgrade in UK-Indonesia military ties

Confirmation that the UK and Indonesia are intent on upgrading their military relations came with the news in February that Indonesia is considering the procurement of more BAE Systems Hawk aircraft. TAPOL believes that the move is dangerously precipitate given the fragile state of Indonesia's transition to democracy and its heavy-handed military approach to the political problems of West Papua. It is also likely to be a significant disincentive for military reform.

The controversial plans for stronger military ties were first announced during Prime Minister Tony Blair's visit to Indonesia in March 2006 [1]. In November, BAE Systems attended the second Indonesian arms fair in Jakarta [2].

The potential Hawk deal was revealed after Defence Minister Juwono Sudarsono, a former Indonesian Ambassador to the UK, held talks with BAE Systems during a visit to London in January for the inaugural meeting of the UK-Indonesia Partnership Forum set up during Mr Blair's visit to Indonesia [3].

In a statement released on 9 February, TAPOL expressed concern that the UK government and BAE Systems were seeking fresh deals when the UK had still not accounted for its past role as a major supplier of arms used in Timor-Leste and other areas of conflict.

It also questioned whether a country that has immense problems with corruption should be contemplating a multi-million pound contract with a company that until recently was being investigated for corruption by the Serious Fraud Office in London.

£565m owed for previous arms deals

With half the population living in poverty and the government still paying hundreds of millions of pounds for previous arms deals, the possible Hawk deal could also have a significant impact on Indonesia's poor.

According to figures released on 12 March in reply to a parliamentary question tabled at the request of TAPOL and Campaign Against Arms Trade, Indonesia's debt to the UK's Export Credit Guarantee Department (ECGD) was approximately £565 million for military equipment as of February 2007. That represented 75 per cent of the total debt. Around £340 million was for the purchase of Hawk aircraft under previous deals [4].

Under various rescheduling agreements, repayment of the debt is not due to be completed until 2021 [5].

Disincentive for military reform

Despite embarking on a process of reform, the Indonesian armed forces (known as TNI) continue to be implicated in human rights violations and to resist accountability for past abuses. The TNI has been notorious for its use of imported military equipment in conflicts in Timor-Leste, Aceh and West Papua.

TAPOL believes that any move by Western governments to upgrade military relations with Indonesia

provides high-profile political support for the TNI and runs the risk of helping to sustain the existing civil/military power relations.

It is particularly concerned about the possible use of Hawk aircraft in West Papua where Indonesian rule is strongly contested, human rights violations are routine, and military expansion is under way.

In September/October 2000, previously-exported Hawk jets were used to overfly the population of Wamena in Papua's central highlands in a clear act of intimidation. In 2005, British-made Tactica armoured personnel carriers fitted with water cannons were sent to West Papua to control protests against Jakarta.

CAVR recommendations

Timor-Leste's Commission for Reception, Truth and Reconciliation (CAVR) recently recommended that business corporations which profited from the sale of weapons to Indonesia during the occupation of Timor-Leste should contribute to a reparations programme irrespective of whether the equipment they supplied was used in specific violations. The British company that derived the most profit – mainly through the sale of Hawk aircraft – was BAE Systems (then known as British Aerospace) [6], but it has made no attempt to act on the CAVR recommendation.

The CAVR also recommended that military support for Indonesia should be 'totally conditional on progress towards full democratisation, the subordination of the military to the rule of law and civilian government, and strict adherence with international human rights, including respect for the right of self-determination.' The British government has failed to respond to the recommendation and already appears to be ignoring it.

Allegations of systematic corruption in deals with Saudi Arabia arranged by BAE Systems were being investigated by the Serious Fraud Office until they were controversially halted for reasons of UK national security. Claims that a deal in the mid-1990s for the sale of light tanks and armoured vehicles to Indonesia by the British company Alvis – now owned by BAE Systems – was made possible by the payment of a massive bribe have not been addressed [7].

Notes:

1. See *TAPOL press release*, 31 March 2006.
2. See *TAPOL press release*, 21 November 2006.
3. 'RI may procure Hawk aircraft from UK', *The Jakarta Post*, 9 February 2007; and 'Britain, Indonesia launch partnership', *The Jakarta Post*, 2 February 2007.
4. *Hansard*, 12 March 2007, Col 70w.
5. *Hansard*, 13 January 2005, Col 625w.
6. Eight British Aerospace Hawk fighter jets were sold to Indonesia in 1978. More orders for a total of 40 aircraft followed in the 1990s. See- <http://tapol.gn.apc.org/bulletin/2005/Bull181.htm#truth>
7. See '£16.5 million arms bribe paid', *TAPOL Bulletin* 178, page 15

A Papuan perspective

An edited version of the following article was published in the Singapore-based newspaper, the Straits Times on 14 March 2007. It was written in response to an opinion piece by the paper's senior writer, John McBeth, on 20 February 2007 criticising TAPOL for its reaction to the news that Indonesia was considering the purchase of more Hawk aircraft [see separate article]. For copyright reasons we are not permitted to publish Mr McBeth's original article.

A day after it was recently accused by this newspaper's senior writer, John McBeth, of a lack of perspective and credibility, TAPOL, the London-based Indonesia Human Rights Campaign, was visited by a survivor of a brutal attack by Indonesian police officers on a group of students in West Papua.

Peneas Lokbere, a guest of Peace Brigades International, described to us in painful detail how, in December 2000, the students from Abepura were badly beaten and tortured. Some had their hair cut off and were forced to eat it mixed with blood. They had vinegar poured in their wounds.

Two students died in police custody from their injuries. Another was shot dead as the students were rounded up following an attack by unidentified persons on a police station that left a police officer and a security guard dead.

Seven other people, including Mr Lokbere's brother, have since died from causes thought to relate to their injuries.

None of the students had been involved in any criminal activities and the survivors were released after two days.

A Swiss journalist arrested for taking photos of a Papuan pro-independence demonstration witnessed what happened in the police station:

'...what I saw there was unspeakably shocking. About half a dozen policemen were swinging their clubs at bodies that were lying on the floor and, oddly enough, did not cry out; at most, only soft groans issued from them...blood sprayed the walls all the way up to the ceiling'.

On the same day as Mr Lokbere's visit to TAPOL, Human Rights Watch published a report on political prisoners in West Papua. It concluded: 'While Indonesia is certainly in a transition period, the repression detailed in this report shows that there is still much to be done in institutionalising meaningful protections for basic rights in the country'.

Indonesia's National Commission on Human Rights, Komnas HAM, found that the Abepura case constituted a gross violation of human rights and identified 25 suspects.

After much delay, two senior police officers were charged with crimes against humanity. They became the first persons tried in Indonesia's permanent human rights court. In September 2005, the two men were acquitted, prompting anger and despair among the victims families and the wider Papuan community.

None of the other suspects have been brought to trial and no-one has been held to account for the horrific attacks on the students. Sadly this is just one of several cases of



Tactica armoured vehicle with water cannon in Jayapura

serious crimes in West Papua and Indonesia that have resulted in impunity for the perpetrators.

In August 2005, a month before the human rights court announced its verdict in the Abepura case, two British-made armoured personnel carriers fitted with water cannons were deployed to West Papua for use by the police for crowd control purposes. This brings us to the crux of Mr McBeth's complaint against TAPOL.

Attacking TAPOL's criticism of the deployment, Mr McBeth argues that military hardware is supposed to be used in conflict areas, such as West Papua, and to put down 'internal rebellions'.

He appears completely unconcerned about human rights, avoids the question of whether military equipment will be used for internal repression, overlooks the highly sensitive political situation in West Papua and misunderstands the nature of the conflict there. His disturbingly hard-line position allows him to dismiss the tragedy of East Timor as 'an unhappy memory'.

Using the example of South Korea he suggests that the disciplined use of riot-control equipment can make all the difference. He should try telling Mr Lokbere that the Indonesian police in West Papua are disciplined and capable of using proportionate force against peaceful demonstrators.

In TAPOL's view, there should be a strong presumption, if not prohibition, against supplying military hardware to security forces that are not subject to normal democratic controls.

The killing of five security forces personnel during street protests in Abepura last year, referred to by Mr McBeth, was also appalling, but such incidents will not be prevented simply by providing the police and military with more equipment. A determination to address the Papuans' heartfelt grievances by political means is what is required by the Indonesian authorities and the international community.

Mr McBeth misses the point that the presence of military hardware on the streets is highly intimidating and a powerful deterrent to Papuans wishing to protest. Its

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Human rights and political problems persist

The prospects of the Papuan people enjoying a peaceful and dignified existence seem as remote as ever if developments in the first part of 2007 are anything to go by. Thousands of villagers are suffering from a humanitarian crisis in and around the central highland town of Mulia, Human Rights Watch has criticised the lack of meaningful protections for basic rights, and political tensions persist over the administrative division of the territory.

Mulia crisis

Although there are differing views on the cause of the conflict and resulting humanitarian crisis around the Puncak Jaya district capital of Mulia, a report by a pastoral team of the Ecumenical Council of Papuan Churches, PGGP, following a visit to the area from 16 to 18 January, has helped to clarify the situation [1].

Stressing its priority to make Papua a 'Land of Peace', PGGP reported on congregations evacuating their villages and suffering from starvation, sickness and fear while the government of Puncak Jaya was busy preparing for local elections.

A total of 2,187 people fled from the Yami sub-district, crossed the Yamo river and made their way to the Yamo sub-district. The population of Yamo was thereby increased from 2,950 to 5,137 and the inflated population was left vulnerable to hunger.

The PGGP called for particular attention to the situation in the village of Yambuni where 'seven to eight families stay together in one traditional house (*honai*) and in former kiosks or pig stalls without proper food...They also suffer from sicknesses, such as malaria, scabies and swollen spleens'.

The refugees' situation was made worse by the fact that they felt compelled to destroy bridges because of fear of being pursued by the military and the Goliat Tabuni Free Papua Movement(OPM) group, says PGGP.

It reported that four people had died due to a lack of food and medicine: Tanno Telengen (male, aged 50), Laya Morib (male 30), Mitiles Morib (male, 20), and Walia Wonda (male, 41).

It noted that requests for medicine were turned down because of suspicions by the security forces that medicine supplied during a similar crisis in 2004 was passed on to the OPM.

PGGP expressed concern about the increased military presence in the area, including personnel from the police mobile brigade, Brimob, and the intelligence services. It warned that actions against the OPM could develop into a conflict with the local population. As the US State Department has pointed out, civilians caught up in such

conflicts are invariably classified as separatists by the Indonesian military to justify their actions.

PGGP called for the withdrawal of non-organic security forces personnel and the re-deployment of those remaining to the town of Mulia in order to decrease the potential for conflict with local people, reduce fear and trauma, and restore a safe environment.

It also called for immediate action from the provincial government of Papua and the government of Puncak Jaya to solve the humanitarian emergency and refugees crisis. It urged the military, police and OPM to guarantee the security of food and medical supplies and asked the National Human Rights Commission, Komnas HAM, to investigate the events that have led to the current crisis.

PGGP regards the crisis as a consequence of an armed conflict between the OPM and military and police units in Puncak Jaya, the most recent phase of which was sparked by the killing on 8 December of two army personnel blamed on the OPM. Others suspect that the conflict has been engineered by the military to justify an increased presence in the central highlands and West Papua in general [2].

The result is a military fiefdom, with control over the mining and logging industries being the TNI's reward

'Blundering in?', a report for the West Papua Project of the Centre for Peace and Conflict Studies, Sydney University, launched on 27 March 2007, has concluded:

'The Mulia conflict is part of an ongoing expansion of the Indonesian military (TNI) in remote regions of West Papua, which inevitably leads to confrontation with the indigenous population. This confrontation is then used to justify, and increase, TNI's military presence, and to block civilian authority. Local sources, quoted in this report, accuse the military of using provocateurs to trigger violent incidents around Mulia, in order to justify their greater deployment there, and in other parts of West Papua.

'The result is a military fiefdom, with all the illicit spoils of control over the mining and logging industries, as well as the broader economy, being the TNI's reward. This system results in great suffering for the Highlands people, and all West Papuans, as they become pawns in the military's machinations.'

Divisive policies on new provinces

The conflict in West Papua is highly political as well as military, not least because of central government policies that are regarded by many as part of a divide-and-rule approach to the territory.

Intense controversy has surrounded the creation of a new province of West Irian Jaya in 2003 in contravention of the 2001 law introducing special autonomy to West Papua. Tensions are likely to increase with recent moves to re-

name the new province West Papua despite the fact that West Papua remains the popular name for the whole territory. A request to change the name has been made to the Department of Home Affairs in Jakarta by the new province's governor, Abraham O Artuturi.

Local administrative representatives are also demanding new provinces in South Papua and Southwest Papua (which includes part of the new province of West Irian Jaya). There are also proposals for the creation of six new regencies (districts) across West Papua.

Apart from the fact that the division of West Papua does not enjoy popular support, there is the danger that in situations where good governance is elusive the creation of new provinces and administrative districts will simply concentrate money and political power in small bureaucratic and political elites loyal to Jakarta. The government argues that the creation of smaller more manageable districts leads to a fairer spread of economic resources under special autonomy, but there is no evidence yet of that happening.

the creation of new districts will simply concentrate power in political elites loyal to Jakarta

New provincial and district-level military commands will in most cases accompany the establishment of the new administrations. The overall net effect is likely to be greater political, military, and economic control by the central government over the general population.

Papua's first political party formed

In a more positive development, Papua's first local political party, the Papua People's Awakening Party (*Partai Kebangkitan Rakyat Papua* – PKRP) was formed on 16 March with the support of the Papuan People's Assembly, MRP.

Until recently, indigenous Papuans had to seek election for regional and national legislatures as representatives of established national political parties, but the 2001 law on special autonomy authorises indigenous Papuans to form their own political parties.

This is an important development and follows December's successful local elections in Aceh, which resulted in victory for a large number of independent candidates associated with GAM. However, statutory regulations are still required before Papuan parties can participate in general elections.

MRP Second Vice Chairwoman, Hanna Wikoyabi, welcomed the new party:

'The local political party must be a means for people from various walks of life, including women, clergymen, youth, customary communities, to have a chance to win seats in legislatures,' she said.

'So far, there are various groups of people in legislatures who claim to represent the indigenous Papuan community but they in reality are unable to voice the aspirations of indigenous Papuans or are just motivated by personal interests so that indigenous Papuans' political rights remain neglected while Papuans themselves are often left to bear certain stigmas within the frame of the unitary state of the Republic of Indonesia' [3]

Human Rights Watch on political prisoners

Human Rights Watch has published a report that illustrates the extent to which basic rights of freedom of association, assembly and expression are routinely violated in West Papua. It concludes that: 'While Indonesia is certainly in a transition period, the repression detailed in this report shows that there is still much to be done in institutionalising meaningful protections for basic rights in the country'.

'Protest and Punishment: Political Prisoners in Papua'[4] highlights the cases of 18 Papuans serving jail sentences for exercising their right to express their political views by words or peaceful actions. They include Filep Karma and Yusak Pakage, jailed for 15 and 10 years respectively for organising peaceful celebrations of West Papua's national day on 1 December 2004 and raising the national 'Morning Star' flag.

Human Rights Watch suggests that the 18 cases are just 'the tip of the iceberg' and that in reality there are many more such cases.

All the prisoners have been convicted of treason or spreading hatred of the government for non-violent activities such as flag-raising, or attendance at peaceful meetings on self-determination options for Papua. The report documents how the Indonesian government continues to use the criminal law to punish individuals who peacefully advocate independence for West Papua.

Human Rights Watch accuses the judiciary of failing to act independently and the courts of being used as a tool in political repression.

It calls for the immediate release of all political prisoners, the lifting of restrictions on access to West Papua, and the repeal of laws that criminalise those exercising their basic rights.

Makassar prisoners to be transferred

At the end of March, it was announced that nine men imprisoned in Makassar, South Sulawesi are to be sent back to West Papua [5]. There has long been concern about their treatment and their isolation from their families and lawyers.

Three of the men, Linus Hiluka, Heri Asso and Gustaf Ayomi, are political prisoners named in the Human Rights Watch report. The other six were transferred to Makassar from Wamena following their convictions for their alleged roles in a raid on a weapons store in 2003.

Efforts are also being made to persuade the authorities to transfer to West Papua six men convicted of involvement in the killing of two Americans and an Indonesian near the Freeport mine in August 2002[5].

Fishing dispute ends in violence

An attempt by a community in the south of Papua to protect its customary rights over maritime resources has led to a dispute with a Chinese-owned fishing company, PT Minatama Mutiara, and the detention and torture of 14 Papuans by members of the Indonesian security forces according to Church sources from the town of Merauke [6].

The victims were reportedly shot at, threatened at gunpoint, forcibly detained, bound and tortured, repeatedly beaten, cut with weapons and hit with blunt instruments on 21 December 2006. One person, Titus Yun, is reported to have died as a result of the injuries he sustained.

The abuses appear to be retaliation by the security forces and the fishing company against people asserting their rights by removing fishing nets belonging to the company. The livelihoods of local people are severely threatened by commercial companies using giant nets which decimate the resources of traditional fishing grounds.

The protection services provided to the fishing companies are yet another example of military business activities being a cause of human rights violations and conflicts with local communities.

Police occupy Church office

In a blatant act of intimidation, police forcibly occupied the Synod Office in Jayapura of *Gereja Kingmi* (the Indigenous Church in West Papua) and injured two clergy on 30 December 2006 after accusing the Church of being the religious arm of the OPM.

Two Kingmi clergy, Rev Benny Giay and Rev Noakh Nawipa were also accused of co-operating in the August 2002 killing of two Americans and an Indonesian near the Freeport copper-and-gold mine [7]. The two men deny the accusations and insist they are being targeted because of their non-violent work for justice and peace in West Papua:

'The victims of Indonesian brutality are the members of the church. The church has the right to stand up for the rights of the people. It is an attack on the institution and legitimate work of the Kingmi Church itself,' said Benny Giay.

Associating the Church with the OPM may be part of a deliberate policy aimed at silencing clergy who speak out and overturning the right of the Kingmi Church to maintain an independent Synod in West Papua.

From 1962 to 1983 the Kingmi Church (which was established by American missionaries) operated independently in West Papua. In 1983 the Church joined with the *Gereja Kemah Injil Indonesia* (The Tabernacle Bible Church of Indonesia) in order to assist the visa applications of foreign missionaries applying to live in West Papua.

'When foreign missionaries stopped coming to West Papua we decided that there was no reason to continue to remain under the control of Jakarta. In our congress this year we withdrew our membership from the *Gereja Kemah Injil Indonesia* and reinstated the Kingmi Church's former status as an independent Synod in West Papua. Jakarta opposes this and accuses us of being separatists' said Pastor Giay [8].

Friend of Papua to chair US Congressional panel

Eni Faleomavaega, representative of the Pacific-Island territory of American Samoa and long-time supporter of West Papua, has assumed the leadership of the House of Representatives' subcommittee on Asia and the Pacific. He has promised to hold public hearings on Indonesia's actions in Papua.

In an interview with the Associated Press, Faleomavaega stated his intention to champion Papuan rights and called for West Papua to stage a self-determination vote about its future.

'The bottom line, as I've said to Indonesian leaders in recent times, is that you've done such a lousy job in your relationship with the West Papuan people, you might as well give them their independence,' he said. 'If you want to talk about fairness, give the people of West Papua the right of self-determination.'

Papuan gold panners forced to move on

The controversy surrounding gold panning by Papuans in the vicinity of the US copper-and-gold mining giant, Freeport McMoran, has re-surfaced with the news that a three-month long police operation has succeeded in evacuating three hundred local people from the area.

The police claim that it is dangerous for people to pan for gold in prohibited areas and that they are operating illegally. But many would argue that it is Freeport's presence that is illegitimate since it is making huge profits from the mine while the Papuans, who have had no say in Freeport's contractual arrangements, enjoy little benefit and continue to live in poverty.

Clashes have occurred in the past when the security forces have attempted to remove panners from the Freeport area. An incident in February 2006 led to the suspension of Freeport mining operations for three days and a major demonstration against Freeport in Abepura the following month that resulted in the deaths of five security forces personnel.

Actions against Freeport have taken place in several parts of West Papua as well as in Jakarta and other cities. Some groups are calling for Freeport to stop its operations while others are pressing for a re-negotiation of the Contract of Work originally signed in 1967 and renewed in 1999.

Calls for a revision are now being made by the Papuan Legislative Assembly, DPRP, and the Papuan People's Assembly, MRP. A DPRP Special Committee on Freeport has proposed the setting up of a joint team, comprising members of the provincial government, the DPRP and the MRP, to take the matter forward.

Sources: *Cenderawasih Pos* 24, 26 & 28 March 2007.

Notes:

1. PGGP, Special Mulia Report, 29 January 2007. See also 'Renewed conflict in Puncak Jaya', TAPOL Bulletin no 185, p. 5.
2. See 'Renewed conflict in Puncak Jaya', *ibid*.
3. 'Council supports Formation of Papua's First Local Political Party', Antara, 19 March 2007.
4. www.hrw.org/reports/2007/papua0207/
5. *Cenderawasih Pos*, 29 March 2007
6. 'Dispute over fishing rights with Chinese company leads to human rights abuses of Marind people', Report by Paula Makabory and Matthew Jamieson, Institute for Papuan Advocacy & Human Rights, 26 January 2007.
7. See 'Convictions fail to resolve Timika murder mystery', TAPOL Bulletin, no 185, p.6.
8. See 'Police occupy Church Synod Office in West Papua', West Papua Institute For Human Rights press release, 31 December 2006; and 'Indonesian Police Accuse West Papuan Clergy of Being Members of the West Papua Guerrilla Army, Institute for Papuan Advocacy & Human Rights press release 1 January 2007.

Abepura 2000 survivor speaks out

On a visit to London in February, Peneas Lokbere, a young West Papuan who survived the Abepura killings in 2000 spoke out about the horrific treatment of the victims and how they suffer from the physical and psychological after-effects to this day.

Peneas Lokbere was speaking on behalf of *Komunitas Survivor Abepura*, the Community of Abepura Survivors (KSA). He is also co-ordinator of the PBHI (Indonesian Legal Aid and Human Rights Association) office in Jayapura, West Papua. He visited several European countries to spread awareness about the first Abepura incident in 2000 as well as other incidents that have occurred in West Papua in the past few years. He also drew attention to the failure of Indonesia's judicial system to bring the perpetrators of these crimes to justice.

His European trip was sponsored by Peace Brigades International (PBI), an organisation which provides protection for human rights activists in several countries.

Accompanying him was Rudolf Kabayong, from the Justice and Peace Secretariat (SKP) of the Jayapura Catholic Diocese.

The first Abepura incident occurred on 7 December 2000. On that day, the local police headquarters in Abepura was attacked; one police officer and a security guard were killed. In response, police conducted 'sweepings' of three student dormitories and several other places at 2am the following morning. One hundred and fifty people, including nine women and a seven-year old child were rounded up and taken into custody. On the trucks that drove them away, they were maltreated and taunted with racist remarks.

The men were later separated from the women and subjected to very harsh treatment. Their hair was shaved off and in some cases pulled out with flesh, which they were forced to eat. This had clear racist overtones as all Papuans have frizzy or curly hair unlike most other Indonesians who have straight hair. Another taunt was: 'You eat pig meat, which is why you look like pigs.'

The women captives were burnt with cigarettes and told that they were no good for anything but looking after the home.

Two of the men died in police cells as a result of the injuries they sustained, and one was shot dead during the raids on the dormitories.

The Papuans' treatment was witnessed by a Swiss journalist, Oswald Iten, who was being held in police custody for nine days for taking photos of a pro-independence demonstration. He later spoke about what he had seen.

He described how he was able to peer through the bars of the cell-block leading to the guardroom where the men were being held. 'About half a dozen policemen were



Peneas Lokbere with Carmel Budiardjo of Tapol

swinging their clubs at bodies that were lying on the floor.' After returning to his cell, he said: 'I could still see the clubs, staffs and split bamboo whips at their work. Their ends were smeared with blood and blood sprayed on the walls all the way up to the ceiling.'

Later Iten witnessed the death of one of the prisoners, Orri Doronggi.

'The last to enter (my cell) was a large man, who fell over the bodies on the floor and lay groaning. He tried repeatedly to straighten himself up, only to fall back down again.... In the back of the big man's head, there appeared to be a coin-sized hole through which I believed I spotted some brain tissue. After nearly an hour and a half of groaning and spasmodic movement, his suffering body neared its end. About two metres from me, his powerful body raised itself again and his head struck the wall. A final laboured breath issued from him, then his head dropped down on the cement floor....After a while, three lackeys came and dragged the body out. I later learnt that the man

Two of the men died in police cells...one was shot dead

who had been tortured to death was named Ori Doronggi. I saw a picture of his corpse in the newspaper, *Cenderawasih Pos*. The dispatch said three dead Papuans had been brought to the morgue and the police stated that they had died in the fighting'. [Sydney Morning Herald, 9 January, 2001, re-published in *TAPOL Bulletin*, No. 161, March/April 2001.]

The three men who died were Orri Doronggi, Jhonu Karunggu and Elkius Suginiap.

A fourth man, Arnold Mundu Soklayo, died four years later, in April 2004; he had been totally paralysed since the incident. Three others also died in 2004: Upenus Kogoya, Robi Wonda and Temandur Koyoga.

Another two, Daud Lokbere and Patianus Lokbere, died in 2005 and Denni Degei died in 2006. All these deaths are thought to have some relation to the injuries they suffered in December 2000.

Komnas HAM investigation

The Abepura incident was subsequently investigated by the National Human Rights Commission, Komnas HAM, which concluded: 'This case constitutes a gross violation of human rights and should be prosecuted under the rights tribunal law rather than under the Criminal Code.' The Commission named 25 police officers as suspects, of whom 21 were members of the elite police force, Brimob and four were high-ranking police officers in West Papua. The Commission's findings were submitted to the Attorney-General.

Two months earlier, in November 2000, Indonesia had adopted a Human Rights Law, according to which gross violations of human rights should be tried before a Human Rights Court. The Human Rights Court in Makassar, South Sulawesi, was given jurisdiction over cases occurring in West Papua.

Pressure soon mounted for the perpetrators to be brought to justice, but it was not until 2003 that the Makassar court began hearing the case. Only two of the suspects named by Komnas HAM were put on trial, Jhoni Wainal and Daud Sihombing. Much to the disappointment and anger of the survivors, the two men were acquitted on the grounds that the charges against them could not be described as gross human rights violations. According to the Court, they were 'ordinary crimes' and should therefore be heard before a criminal court. The charges have been taken no further. Both men were released and have since been promoted. Peneas explained that the case had since been forwarded to the Supreme Court but he was not optimistic about the outcome.

Activities of the Komunitas Survivor Abepura

The KSA was set up in Jayapura on 4 April 2002. Its main objective is to pursue the rights of the survivors by judicial means. The KSA now has 102 members, all of whom are survivors and their families.

The KSA regards the Abepura incident as a typical example of many other incidents that have occurred in West Papua since 2000, all of which should be properly investigated and brought to court. These include:

The Wasior Incident in 2001

Villagers in Wondama had been in dispute for years about compensation from a local logging company for trees felled on their land. On 31 March 2001, three employees of the company were shot dead in an attack by an unidentified group of men. Troops of Brimob arrived, to seek out the OPM, alleged to be responsible for the killings. Fearful of the arrival of these troops, many villagers fled their homes.

On 3 May, Brimob seized 22 men on their way home from attending a traditional event. Six of the men were shot dead, two were seriously wounded and the rest were arrested.

On 13 June, another attack on a logging company occurred, killing five members of Brimob who were standing guard at the company. This led to Brimob, together with the regional military command, launching *Operasi Penyisiran dan Penumpasan* (Sweep and Crush

Operation). More Brimob troops were flown in and the region of Wasior was sealed off. They extended their operations to Ransiki where nine people were arrested and tortured, including a 15-year old schoolboy who was so badly beaten he fell unconscious.

Among the people arrested was a 51-year old primary school teacher, Daniel Yairus Ramar, head of the local tribal council, who died from torture. His wife was later taken into custody. The police pressured her to say that her husband had been involved in the attacks on the logging companies, which she refused to do.

The Wamena Incident in 2003

On 4 April 2003, an ammunitions depot was attacked; weapons and a large quantity of ammunitions were seized. The Indonesian army (TNI) accused separatists of the attack, though other sources believed that the army was behind the incident, to justify a crackdown.

Kopassus troops that had previously been withdrawn from the area were called back and up to 30 people were arrested. Many were beaten and tortured. One young Papuan, Yapenas Murib, died at the hands of *Kopassus* after being taken out to the street in a very weak state. A noose was put round his neck and he was ordered to walk in one direction while a truck attached to the rope pulled in the other direction, causing him to fall and be dragged along the ground. He died after choking on his food.

The army conducted sweepings throughout the area; many homes were burnt down, as well as three schools and a clinic. [For a detailed report of this incident, see *TAPOL Bulletin* No. 171/172, June-July 2003.]

no-one has been held to account for the violent reprisals

Other incidents

Other incidents have occurred in West Papua, the most recent being the 16 March 2006 incident when students at Cendrawasih University organised protests against the Freeport mining operations, after local people had been driven away from looking for gold in the debris left by the company. A clash occurred near the university when five members of the security forces who had tried to remove a blockage set up on the road by the students were killed or fatally injured. During the sweepings and arrests that followed, many students were assaulted, beaten and ill-treated by the police, others students fled the area, across the border to Papua New Guinea where, as far as we know, they are still taking refuge. One student, Dany Hisage, was reportedly shot dead while three others, including a 12 year-old girl and a 9 year-old boy were shot and injured [see *TAPOL Bulletin*, No. 183, p. 10].

Twelve days later, on 28 March, a masked man shot at students and three days later, the Kejora flag was unfurled at the University. In May 2006, a group of unidentified men attacked a military post in Arso, near the border with PNG.

Although a number of students were convicted of involvement in the violence that led to the deaths of the five security forces personnel on 16 March, no-one has been held to account for the violent reprisals taken against those caught up in the sweepings. None of the other incidents have been subjected to proper investigation with a view to bringing those responsible to justice.

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***Chega!*: Parliament must act now**

For a full fifteen minutes I was unable to speak. I was overcome by profound sadness, frustration and anger.

Eventually I turned to my companion that evening, Elaine Briere - whose evocative photos of Timorese village life had done so much to draw attention to the desperate plight of the Timorese people during the Indonesian occupation - and asked her how it was possible to understand what had happened. How 'ordinary people', how 'ordinary peasant farmers', who had previously lived happily together, had been driven to commit such atrocities.

The immediate cause of my emotional turmoil was the acclaimed film *Passabe*, which I had just watched at the Vancouver International Film Festival in September 2006. The film describes how victims and perpetrators in the Oecusse village of *Passabe* and surrounding villages attempt to come to terms with their horrific past following the massacre of 74 men by Indonesian-recruited militias in September 1999.

From long and bitter experience, I already knew the answer to my question about how and why this had happened.

In October 1975, two months before the Indonesian invasion, I wrote in the Bulletin published by my organisation TAPOL: 'An Indonesian takeover of 'Portuguese' East Timor would bring bloodshed and terror to the country, as did the military takeover in Indonesia in 1965.'

In the previous August, on behalf of TAPOL I wrote a letter to the British government urging it to work for an international initiative that would safeguard the right to self-determination of the Timorese people. The letter recalled the massacres and repression that had followed in the wake of military rule in Indonesia. Not surprisingly given its subsequent complicity in the Indonesian takeover and occupation of East Timor, the British government did nothing.

I was therefore fully aware of the capacity of the Indonesian military to brutalise a population under its control. I knew about the depravities that resulted from power acting with impunity and about how the military could force traumatised militias to carry out its vicious dirty work. But after watching *Passabe* I wanted to be sure the whole world understood how and why this had happened.

The experiences of "ordinary people", like those featured in *Passabe*, are key to our understanding of why such appalling crimes are committed and how those affected can be reconciled and rehabilitated. The Commission for Reception, Truth and Reconciliation (CAVR) makes this clear in its highly-praised report, *Chega! (Enough!)*:

'The experiences of 'ordinary people', both the many who died and those who survived, tell us where we have come from and help us understand who we are today. From their stories we see more clearly both the extremes of

human dignity and of human degradation that were manifested in our country during these 25 years.

'We must learn from both sides of this human story. We must acknowledge our potential for both extremes, and strive always to bring the best of our humanity into our lives and relationships - our families, our communities and our nation - each day as we build a new future.'

But a new future can be built only if truth and reconciliation are accompanied by accountability and justice. If there is no justice, there will be no respect for the rule of law and instability will prevail as we have sadly seen over the past year in East Timor.

That is why *Chega!* itself is so important. It provides an impressive record of the truth about the widespread and systematic violations of human rights perpetrated between 1974 and 1999 and makes important recommendations on the question of justice and redress for victims.

I find it deeply disturbing that key players in the international community - including the UN, the US and the UK - have failed to respond adequately, if at all, to *Chega!*'s findings and recommendations.

As a British citizen I am particularly ashamed of Britain's role in supporting the aggressor in the conflict. This policy was, according to *Chega!* dictated by the importance Britain attached to its long-standing commercial interests in

It is essential for the National Parliament to consider the report and oversee its implementation

Indonesia. Britain was a major supplier of arms to Indonesia during the occupation and senior Indonesian military officials were given training in British military establishments.

Chega! recommends that the British government and business corporations that profited from weapons sales to Indonesia during the occupation contribute to a reparations programme for the victims.

The consequences of countries such as Britain being allowed to ignore *Chega!* are all too evident from the fact that negotiations are now underway for the sale to Indonesia of yet more Hawk aircraft. Hawks were used in East Timor during the occupation and I fear that they could be used again in other conflict areas such as West Papua.

In November my organisation jointly sponsored the British launch of *Chega!* in the UK Parliament with the all-party Parliamentary Human Rights Group, Amnesty International, Human Rights Watch and Progressio.

One of the objectives of the launch was for British parliamentarians to encourage their counterparts in the Timor Parliament to act on the report. Prime Minister Ramos-Horta sent a message acknowledging the far-reaching nature of *Chega!*'s recommendations and undertook on behalf of the government and the parliament to implement them as far as possible.

One of the excuses being used for international inaction is that it is inappropriate for others to act until the views of the democratically-elected representatives of the Timor-

continued opposite

NGOs write to Parliament

The following letter was sent to Francisco Guterres (Lu'Olo), President of the Timor-Leste National Parliament and copied to leaders of Timorese political parties by TAPOL, Amnesty International, Human Rights Watch and Progressio on 14 March 2007

Dear Mr Guterres,

On 28 November 2006, *Chega!*, the report of the Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR), was launched in the UK Parliament at an event sponsored by our organisations – Amnesty International, Human Rights Watch, TAPOL the Indonesia Human Rights Campaign, and Progressio – in conjunction with the all-party Parliamentary Human Rights Group.

The purpose of this event was to acknowledge the very significant achievements of the Commission and to highlight the urgent need for due consideration of the report by the relevant governments and international bodies, as a crucial step towards the achievement of justice for the people of Timor-Leste, which is so long overdue.

Our organisations are very concerned that the National Parliament of Timor-Leste has yet to consider the report formally. As the sponsors of the UK launch, and as long-term campaigners for the human rights of the Timorese people, we urge the National Parliament to schedule the report for formal consideration at the earliest opportunity, and to take primary responsibility for monitoring and overseeing the implementation of key recommendations as proposed by the report. We urge you particularly to provide all possible support to those recommendations pertaining to accountability for perpetrators and justice for victims of grave human rights violations.

Our organisations are deeply impressed by the remarkable achievements of the CAVR in documenting the truth about the widespread and systematic violations of human rights perpetrated between 1974 and 1999. However, the Commission's report by no means marks the conclusion of the process. The due consideration of the report by relevant parties, and the implementation of key recommendations relating to human rights, are equally important stages. The need for justice for those people whose experiences are documented in the report has been ignored for too long by their own government and by the international community. The report concludes "that there have been no adequate justice measures for the crimes against humanity committed in Timor-Leste throughout the 25-year mandate period."

We believe that the culture of impunity which has prevailed in Timor-Leste for the serious human rights violations committed during Indonesia's 24-year occupation, and in the lead up to and aftermath of the UN-organised popular consultation in 1999, is a contributing factor to the recent breakdown in law and order in the country. The violence and unrest of the past months have re-emphasised the need for those now in power in Timor-Leste to learn the lessons from the CAVR report and to acknowledge and act upon them as a matter of urgency.

Due consideration of the report and the implementation of key recommendations relating to human rights, will help ensure that the mistakes of the past are not repeated and will play an important part in building a nation based on justice and truth.

We were most encouraged by a message from Prime Minister José Ramos-Horta recorded for the UK launch and for a similar event in Australia. In this message the Prime Minister acknowledged the far-reaching nature of the CAVR's recommendations and undertook on behalf of the government and the parliament to endeavour to implement the recommendations as far as possible.

The need for the National Parliament to consider the report at the earliest possible opportunity, is made more urgent by that fact that other key addressees of recommendations in the report – members of the international community, including the UK government and the United Nations – have expressed their intention to defer consideration of the report, and taking action on those recommendations directed at them, until the views of the democratically-elected representatives of the Timor-Leste people are known. It is imperative that the Timor-Leste National Parliament take action as a matter of urgency to consider the report, make a public commitment to supporting the recommendations, and begin the process of their implementation.

The delay in the due consideration of the report of the CAVR, and the subsequent delay in the implementation of its recommendations, are to the detriment of the Timorese people and are a cause for deep concern. Our organisations urge the National Parliament to acknowledge the need of those people for recognition of their experiences and for justice, through an early and thorough consideration of the report.

Please advise us if we can assist the National Parliament in any way in fulfilling its responsibilities concerning the report.

We look forward to hearing from you.

Yours sincerely etc.

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Leste people are known. I do not accept that excuse, but I do believe that it is essential for the National Parliament to consider the report and oversee its implementation.

I urge it to do that now for the sake of the hundreds of thousands of 'ordinary people' whose lives have been so

devastated by their horrific experiences over the past thirty years.

Carmel Budiardjo

A translation of the above article was published in the Timorese-language newspapers *Diario* on 21 March 2007 and *Suara Timor Lorosae* on 22 March 2007.

US annual report on human rights 2006

The US State Department is required under law to produce annual reports on human rights practices in a number of countries. Indonesia is one of the countries whose human rights practices are reported in a separate chapter

This is a very welcome practice which is not equalled in any other country. The UK Foreign and Commonwealth Office produces a less detailed Human Rights Report, but in 2006 dropped Indonesia as a country of concern in that report.

The US Report is extremely detailed with attention being paid to incidents and abuses that have occurred in many parts of the country. It therefore provides a useful resource for human rights activists around the world.

While drawing attention to several important conclusions that can be drawn from the chapter on Indonesia, this comment will also focus on a few issues regarding which the Report is less than satisfactory.

In its introductory remarks, the Report lists the types of human rights abuses that occurred during the year under review:

'...unlawful killings by security force personnel, terrorists, vigilante groups and mobs, torture, harsh prison conditions, arbitrary detentions, a corrupt judicial system, warrantless searches, infringements on free speech, restrictions on peaceful assembly...'

While pointing out that there was a sharp decrease in unlawful killings by security personnel especially in conflict areas, it says: 'However, the government, in the past, rarely investigated such killings and largely failed to hold soldiers and police accountable for killings and other serious human rights abuses that occurred in past years.'

It draws attention to a number of unfinished cases from 2004 such as:

- An incident on 20 January 2006 when soldiers opened fire on a crowd in Paniai, Papua, killing one Papuan and wounding two others... At year's end no charges had been filed.
- There were no developments regarding 44 civilians and 37 GAM members who, according to the human rights NGO Coalition in Aceh, were killed in 2005.
- The beating to death of an East Java resident by police, the killing of three persons who allegedly tried to escape police custody in Sragen, Central Java, the killings of Hermansyah and Ade Candra, who allegedly tried to escape police questioning in Pekanbaru, and the police shooting in Poso that injured Bambang, a wrongly accused murder suspect.

With regard to prison and detention conditions, the Report says that conditions in the 365 prisons were harsh and overcrowding was widespread.

Occupancy was frequently two to three times over recommended capacity, inmates were regularly mistreated and the authorities failed to supply sufficient food for inmates. Relatives reported that prison officials sought

money to allow them to visit and unruly detainees were held in solitary confinement for up to six days on a rice and water diet.

West Papua

In the introductory section, the Report refers to the implementation of the Aceh Peace Accord signed in 2005, which 'continued to yield substantial legal and judicial improvements'. No mention is made however of the failure to deal with the 'West Papua problem', even though President Susilo Bambang Yudhoyono declared in his state address in August 2006 that he would now devote attention to solving the issue.

While a number of human rights issues relating to West Papua are mentioned under the several thematic headings, the context in which many of the abuses occurred is not explained. The US-owned Freeport-McMoran copper-and-gold mine based in Tembagapura, West Papua, is one of the largest in the world and covers an area of 230 square kilometres; by virtue of its huge output and earnings, it is the largest taxpayer in Indonesia. In 2005, the company's payments to Indonesia in taxes and revenues amounted to

This violation of the Papuan people's political rights was simply passed over.

US\$1.2 billion, while its sales during the year totalled 1.46 billion pounds of copper and a record 2.8 million ounces of gold.

During the year under review, the activities of Freeport were the focus of many protests followed by abuses perpetrated against the protesters. In February 2006, local people in the vicinity of the company's operations started panning for gold in the waste left by Freeport operations but were forcibly removed. The ensuing clashes with the police forced operations to be suspended for three days. The incident drew attention to the fact that Papuans, most of whom live in conditions of extreme poverty, have no say in the unbridled exploitation of what they rightfully see as their own natural resources.

Given that a US company profits so massively from Papua's natural resources, the US government should surely devote special attention to the consequences felt by the local people. The fateful protests held on 16 March 2006 in Abepura were a direct consequence of the way in which Papuans living in the vicinity of the company had been treated. Yet, the events of that day were presented in the context of Papua being described as 'an area of separatist conflict'.

Nor is there any mention of the way in which the 2001 Law on Special Autonomy for Papua has been violated. The territory of West Papua has been carved up into three provinces while provisions in the law for the Papuan People's Assembly (MRP) to be consulted on such matters have been ignored.

This violation of the Papuan people's political rights is a legitimate matter for mention in a Human Rights Report but was simply passed over.

As a result of the unbridled influx of non-Papuans into West Papua, Papuans are now in danger of becoming a minority in their own homeland. For more than two decades, this was the result of an official policy of transmigration into West Papua from many parts of Indonesia. The beneficiaries were given land, formerly belonging to Papuans, in many cases without adequate compensation.

While the Report states that, particularly in Kalimantan and Papua, 'local residents believed that the government-sponsored transmigration program interfered with their traditional ways of life, land usage, and economic opportunities', it fails to spell out more comprehensively what this has meant in practice.

According to recent estimates, non-Papuans now account for nearly 45 per cent of the population. The influx has been particularly marked in urban centres. These Indonesian newcomers have gradually taken over many critically important commercial activities. Moreover, they continue to enjoy support from the government, being among the at least 71,748 households (more than 350,000 people) moved in previous years from overpopulated areas to 361 isolated and less developed areas in 26 provinces. (The breakdown for West Papua is not given.) This has left Papuans trading their products on the fringes of the markets, while shops and stalls are almost all owned and run by Indonesians. This alarming decline in the economic rights of the Papuan people is surely worth mention and comment in a report on Human Rights Practices.

East Timor

The Report states that in August 2005, the governments of Indonesia and East Timor established the Truth and Friendship Commission to address the human rights violations that occurred in East Timor in 1999. In a later entry, it states that by 2005, East Timor's Serious Crimes Unit had indicted a total of 391 individuals for crimes against humanity committed during and after the 1999 referendum; however, 290 of these individuals remained at large with little chance of being returned to East Timor. In other words, not explained in the report, they were safely living in Indonesia.

Nothing further is said about these 'individuals' or about the events that occurred in 1999. During September, Indonesian army units engaged in extremely destructive activities, in revenge after the Timorese voted overwhelmingly to quit Indonesia and become an independent state. Much of the infrastructure in Dili and other East Timorese towns was wrecked and up to 1,500 Timorese lost their lives. Tens of thousands were driven across the border to West Timor. This can be counted one of the worst of the many crimes against humanity perpetrated by the TNI during their 23-year occupation of East Timor, for which no reparations have been paid nor have any of those responsible been brought to account.

Responses by the TNI

Among the numerous TNI violations which occurred during 2005 is a particularly nasty incident which is reported and which is unlikely to be known to most people who follow developments in Indonesia. This was a rare case of punishment being meted out, but totally disproportionate to the crime:

'On January 16, the Makassar military court sentenced three army soldiers to 10-week jail sentences and fines of \$0.55 (Rp. 5,000) each for their involvement in the

November 2005 attack on Banrimanurung village in South Sulawesi. Investigators from the Makassar military police found that 25 soldiers were involved in the attack, which injured three persons and destroyed 50 houses, four cars and three motorcycles. The attack was triggered by an incident the previous week when villagers punched a soldier.'

In a paragraph devoted to the horrific Tanjung Priok massacre of 12 September 1984, there is no mention of the senior TNI (ABRI) officer who made sure that the true death toll of that terrible massacre by army troops would not be made public. The massacre killed a large number of Muslims at a time when the Suharto dictatorship was seeking to force all parties and organisations to adopt the state ideology, Pancasila, which was strongly resented by Muslim communities. In what was clearly a provocation, a soldier entered a mosque without taking off his shoes, to remove some posters from the walls. This triggered anger sending hundreds of people onto the streets in protest, who were subsequently shot and killed in large numbers.

The Report mentions the acquittal of a captain and a retired army major-general and ten subordinates in a case in which 'dozens and perhaps hundreds of persons were shot and killed'. To understand the true nature of that terrible crime against humanity, which was later reduced to 'a criminal case, not a human rights one', it needs to be stated that the massacre was overseen by no less than the army commander, General Benny Murdani. The morning after the massacre, Murdani told a press conference that '9 persons had been killed'. The Petition-of-Fifty (a group of leading personalities) said that at least forty had died and denounced Murdani for 'misleading the public'. Later death toll figures far exceeded even those of the Petition. The Petition's call for an inquiry into the incident was ignored.

Komnas HAM investigations lead nowhere

The Report mentions two occasions when Komnas HAM, the National Human Rights Commission, undertook investigations and forwarded the results to the Attorney-General's Office. One was the 1997-1998 abduction of 12 or 14 pro democracy activists. The AGO took no action because it could not prosecute these crimes unless Parliament (DPR) declared them to be gross human rights violations. The other was the killing in 1998 of four Trisakti University students and nine demonstrators at the Semanggi intersections and a further four Semanggi killings in 1999. In both cases, Komnas HAM concluded that there were gross human rights violations. Regarding the latter case, the Speaker of Parliament said it would not reconsider its 2001 decision that these cases were not gross human rights violations.

According to Law 26/2000 on Human Rights Courts, for violations that occurred prior to enactment of the law, a human rights court can only be set up by decision of Parliament. In these cases, the findings of the officially established human rights commission were simply ignored by the legislature.

We would add that the first ever session of a Human Rights Court held in Makassar under Law 26/2000 in 2005 acquitted two police officers charged in connection with the deaths of three students and sweepings of student dormitories in Abepura in December 2000. No one has therefore been brought to account for this incident.

Rights for women take a tumble

Take a brief look at the history of Indonesia's long struggle for independence and you will see that women have occupied a prominent place since the early days. Most notable is the name of Kartini, hailing from an aristocratic family, who in her short life - she died in 1904, aged 24, giving birth to her first child - promoted the right of women to receive education and espoused the idea of equality for women. At the beginning of the 20th century, this was a revolutionary idea.

Another figure of note was Tjut Nya Din who took over the leadership of the Acehnese people's struggle against the Dutch after the death of her husband, also in the early part of the 20th century.

Then there was Sulami who was jailed for twenty years in the late 1960s by the Suharto government in the crackdown against Indonesian communists and activists. After her release, she launched a movement to unearth and re-bury the remains of people who had been murdered during the massacres which swept Indonesia after Suharto came to power in 1965. This infuriated Muslim groups which physically attacked her and her supporters, forcing them to abandon the campaign to avoid bloodshed.

During the Suharto era from 1965 till 1998, women were put firmly in their place; they were expected to devote their energies to looking after the children and keeping house for their husbands. A number of women's organisations came into being which organised women in accordance with the work or professions of their husbands.

Before 1965, the most active women's organisation was *Gerwani*, which by the time the dictator took power had several million members. It was banned along with many other mass organisations that were branded as fronts for the PKI, the Indonesian Communist Party. In the crackdown that followed the events of 1965 during which an estimated one million people were killed, members or suspected members of *Gerwani* were singled out and subjected to horrific abuses. Even today, most of these abused women prefer to hide their sufferings, even from their children, but a few months ago, accounts of their experiences were recorded in a book that focused on the experiences of thirteen women.

In January this year, Indonesia's leading political weekly, *Tempo*, devoted a special issue to 'Women of Substance' featuring fifty women known for their involvement in a variety of professions, from rock climbing to skydiving, from piloting aircraft to structural engineering as well as being peace-makers in places of ethnic conflict. In the introduction to the special issue, *Tempo* said it was meant to serve as a reminder 'that women have yet to reach equal status with men and that everyone must contribute to turning that around'.

When Indonesia's first directly elected president, former general Susilo Bambang Yudhoyono, assumed office with a pledge to undertake *reformasi*, it was hoped that all

sections of society would benefit. However, women have not fared at all well and are facing new threats to their personal freedoms and dignity.

Sharia laws

Indonesia has the largest Muslim population in the world, and until recently Muslims have been known for their tolerance and ability to collaborate with traditional belief systems and other faiths. Unfortunately, in the past couple of years, there has been an upsurge of fundamentalism in some parts of the country, promoting the adoption of sharia law, in violation of Indonesia's secular constitution. According to the Indonesian Women's Coalition, as many as 50 ordinances based on sharia law have been adopted in no fewer than five provinces.

These ordinances prohibit a woman from being out at night alone or in the company of a male with whom she is not related, and ban any form of dress which exposes 'sensual' parts of the body.

Women have been arrested for failing to wear a headscarf, or failing to 'wear it properly'. Caning and other kinds of brutal punishment are being meted out by so-called sharia police. Their prime targets are invariably women. Women have been arrested for being out at night and accused of being prostitutes.

A regional autonomy law adopted five years ago was welcomed as a move towards decentralisation but the downside is that some regions have used these powers to adopt sharia by-laws. Human rights organisations have

Canings and other kinds of brutal punishment are being meted out by so-called sharia police

lobbied the government to revoke these unconstitutional laws but the government, while promising action, has shown reluctance to act for fear of antagonising Muslim zealots.

To date, according to *Tempo*, 22 cities and regencies have put into effect sharia-based regulations. Some are anti-immorality regulations, others for instance require schoolgirls to keep their heads covered at all times.

Soon after sharia was adopted in Aceh, several years ago, there were reports of women being caned or imprisoned for violating the dress code. This may soon change following the election last November of a new governor and deputy who have rejected these ordinances, but they have admitted that they will need to move carefully, so as not to antagonise hardliners and appear to be anti-Islam.

Women's rights have come under attack from another direction, with the drafting of an anti-pornography law for which Islamic parties in Parliament having been pushing hard. The bill would regulate the distribution of pornography and much more, potentially changing the lives of all Indonesian women. The law has provoked anger among dancers and entertainers, especially from ethnic groups whose dress habits could become unlawful.

An outspoken woman activist from the Unity and Diversity Alliance said that it not only regulates

pornography but also 'the way we behave, the way we dress'. It's considered a criminal offence if a woman shows her navel, her thigh or too much of her legs. 'If I wear a miniskirt, or a skirt that is higher than my knee, the fine will be about 200 million rupiahs (about \$200) up to 1 billion rupiahs or be imprisoned for up to four years. This is even higher than the punishment for corruption or rape'. She said that women feel offended because the draft law makes women out to be responsible for destroying the nation's morals.

Women's organisations have recently rallied against polygamy which is all too common in Indonesia. Some men claim that Islam permits them to take four wives while prominent women Muslims have disputed this as a flawed interpretation of the Koran. When a popular Muslim cleric announced to audiences of 150 local radio stations that he had decided to take a second wife, the President was inundated with emails and text messages from housewives and female activists protesting. This led to the President extending an earlier ban preventing civil servants, members of the government and heads of regional and local administrations from taking a second wife. However, polygamy is widely prevalent particularly in rural areas.

Women in Indonesia are disadvantaged at all levels of society. With poverty so widespread, millions of Indonesians travel abroad to seek work. More than 75 per cent of these migrant workers take jobs as domestic servants. In January, the Jakarta Post wrote: "We keep hearing from government officials and community leaders that the women who go overseas to work as domestic helpers are 'national heroes' and 'foreign revenue heroes'. We even see placards honoring them in public places like international airports." However, many women returning home or setting out for jobs in the Middle East are treated dismissively at best, and with contempt and downright rudeness at worst. Many face bullying and extortion. Their low status makes them vulnerable to anything from physical abuse from their employers to corrupt practices by immigration officials on their return home. In a well-researched report last year, Human Rights Watch said poorly trained domestic workers 'often understand little about the terms of their employment, leaving them open to forced labour, debt bondage and human trafficking'.

the draft law makes women out to be responsible for destroying the nation's morals

Last year, the National Commission on Violence Against Women announced that it was seeking a revision of the Criminal Code Procedures to make them more gender-sensitive. The commission chairwoman, Karmala Chandrakirana, complained that articles on rape require women to prove penetration 'whereas under international law attempted rape is already a punishable offence'. The director of the International Women's Rights Law Clinic, Rhonda Copelon said: 'In many cases in Indonesia, women are blamed if they do not present evidence. Many rape cases here could turn victims into defendants because they cannot bring evidence to court.'

Efforts to change discriminatory laws are hampered by the low proportion of women in Indonesia's Parliament. Women's organisations have for years been calling for a 30 per cent quota for women in legislative bodies nationwide as a way to strengthen women's political bargaining position in national and regional assemblies. However, the

Abuse of women domestic workers

According to a new report by Amnesty International domestic workers in Indonesia face withheld wages, working days of up to 22 hours, beatings, sexual violence and forced confinement.

'Exploitation and abuse: the plight of women domestic workers' says that most of the 2.6 million domestic workers are women or girls who start work as young as twelve or thirteen. They are generally considered as second-class citizens.

Even the government is discriminating against the workers, excluding them from legal protection given to other workers governing fair pay and limitations on working hours. Millions of women are left vulnerable to abusive employers.

Although the government submitted a draft law on domestic workers to parliament in June 2006, Amnesty International is concerned that it omits fundamental workers' rights, including clearly defined daily hours of work and rest periods and a minimum wage.

A law on domestic violence is not being implemented fully and most people are unaware that it applies to domestic workers.

'The government needs to stop viewing domestic workers as inferior and give them the same legal protections as other workers. It also needs to educate police, the courts, employers and recruitment agencies on the fact that violence against domestic workers is a criminal offence,' says Amnesty.

The report is available at:

<http://web.amnesty.org/library/Index/ENGASA210012007?open&of=ENG-IDN>

country's major political parties have failed to show commitment to this endeavour.

After the 2004 general elections, women held only 64 seats or 11.6 percent of the 550 seats in the current House of Representatives, compared to 65 seats, or 13 percent, in the 1987-1992 period, the largest percentage of women in the history of the House, still way below the 165 seats that would achieve the 30 per cent quota.

Perhaps the ultimate indignity for women came with a remark made last June by the country's Vice-President, Jusuf Kalla, speaking at a conference to promote tourism from the Middle East when he said that tourism propaganda should highlight the availability of attractive women. 'The marketing needs a better campaign based on the visitor's appetite,' he said. He capped his offensive remark by saying the tourists would bring numerous benefits to the women and their offspring, as well as the country's entertainment community.

Indonesia's fledgling democracy clearly has a long way to go before it takes firm action to promote women's rights.

The above article was published in the March 2007 edition of the journal of *Liberation*.

History book bans provoke anger

Academics and human rights activists have protested against the Attorney-General's decision to ban a number of history books because of their presentation of the events of 1965. Other recent freedom of expression abuses raise serious doubts about the SBY government's commitment to upholding basic rights.

In March this year, the Attorney-General's office announced that dozens of history books would be banned because they did not include any mention of the alleged role of the PKI, the Indonesian Communist Party, in the events of October 1965 and in an incident in 1948.

The AGO said that the books were being banned because they failed to mention a 'PKI coup d'etat' in 1948 and they also did not include the initials, PKI alongside the letters G30S for the events of 1965. The former refers to a clash between the government of Sukarno and Moh. Hatta and the Communist Party in Madiun, East Java in September 1948, which ultimately led to a heavy crackdown on the PKI.

The abbreviation G30S stands for 30 September Movement of 1965 (the incident actually occurred on 1 October) when six generals and an army officer were kidnapped and killed, for which the PKI has been blamed. This led to the rise to power of Major-General Suharto and the virtual annihilation not only of the Communist Party but also dozens of organisations allegedly linked to the PKI.

According to the *Jakarta Post*, teachers, scholars, activists and members of the public have joined hands to file a petition and launch a legal action against the AGO's ban.

One of the country's foremost historians, Aswi Warman Adam, speaking on behalf of the Indonesian History Society said: 'The state is supposed to educate the nation as stipulated in the Constitution. But instead it insists on only mentioning a historical fact which is still in dispute.'

According to the AGO's announcement, the books 'not only failed to state the facts but challenged some of the 'accepted truths' which could create public disorder.'

The banned books have been written based on the 2004 curriculum which was later revised by the Ministry of Education.

The head of Jakarta's history teachers' association, Ratna Hapsari, said: 'As teachers, we are supposed to not only reveal historical facts but also to explain the larger context and meaning of an event like G30S.'

Ban will be challenged

Johnson Panjaitan, head of the Indonesian Legal Aid and Human Rights Association, PBHI, announced that his organisation plans to take legal action against the bans. 'If a nation has truly been reformed, there should no longer be institutions capable of censoring public information.'

It was not until after the downfall of the dictator, Suharto, that alternative information about the 1965 bloodbath began to surface. In 2002, during the presidency of Abdurrahman Wahid, a number of historians produced a different analysis of G30S, which became a supplement to the state's version and was used in schools. In the spirit of reform, these efforts were subsequently accommodated by the Education Department and included in the 2004 curriculum.

One history book for 12th graders, based on the 2004 curriculum, for example, gives five different versions of the 30 September movement using more than ten books written by local and foreign scholars as references. [*Jakarta Post*, 20 March 2007]

Playboy editor faces jail

The editor-in-chief of *Playboy*, a popular magazine, Erwin Arnada, faces the prospect of a two-year sentence in a case that accuses him of violating the indecency provisions of the criminal code.

When the magazine first appeared last April it led to violent protests from Muslim groups as a result of which the proprietors decided to shift the editorial offices from Jakarta to Bali.

there should no longer be institutions capable of censoring public information.

One academic commented that the action against the editor was very unfair as there were plenty of other magazines 'that are worse' than *Playboy*. Indeed, anyone who drives along the streets of Jakarta will be endlessly plagued every time they stop in the heavy traffic by vendors offering a wide range of soft-porn magazines.

Meanwhile a popular TV programme is also coming under attack for its satirical impersonation of present and former political leaders. The Sunday evening TV programme, *Republik Mimpi*, or Republic of Dreams, has been criticised for 'breeding disrespect' by Information and Communications Minister, Sofyan Djalil. A senior adviser at the ministry said the minister did not want the programme to be halted but suggested that changes needed to be made to reduce the concentration on just a few people (i.e. the President and Vice-President). He was afraid that 'with a relatively low level of education, people may actually believe it's really true'. [*Radio Australia*, 14 March 2007]

Political party faces disruption

A recently-established party, *Papernas*, the National Liberation Unity party was compelled to halt a meeting in Batu, East Java when confronted by violent disturbances organised by FAKI, the Indonesian Anti-Communist Front.

This was the party's first regional conference in East Java, held on 4 March and was attended by 282 participants from 20 cities in the province. Soon after the meeting commenced, a crowd of around fifty people

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Women victims of 1965 speak out

***Kembang Kembang Genjer, (Genjer Flowers)* by Fransisca Ria Susanti, September 2006. Published by Lembaga Sastra Pembebasan, 165 pages, with forewords by Prof. Saskia E. Wieringa and Dr. Asvi Warman Adam.**

A poster on the wall in my office presents a vivid depiction of mass murder set against scenes of people going about their daily lives and engaging in recreational activities. Splashed across the top are the words: *Akui Negara Bertanggungjawab Atas Tragedi 1965* (The State Should Take Responsible for the 1965 Tragedy).

Eight years after the fall of Suharto in May 1998, this is a plea that still falls on deaf ears. There has been no acknowledgement of anything, nor has anyone been brought to account for the terrible events that followed in the wake of the incident on 1 October 1965 when six army generals and an officer were kidnapped and killed and the Indonesian Communist Party (PKI) was blamed for the killings. Far from allowing these allegations to be tested in a court of law, almost all the communist leaders were hunted down and killed within days. The only exception was Sudisman who was tried before a military tribunal two years later and sentenced to death. Hundreds of thousands of people were killed. Even more were thrown into prison, many for up to fourteen years, and almost all without trial.

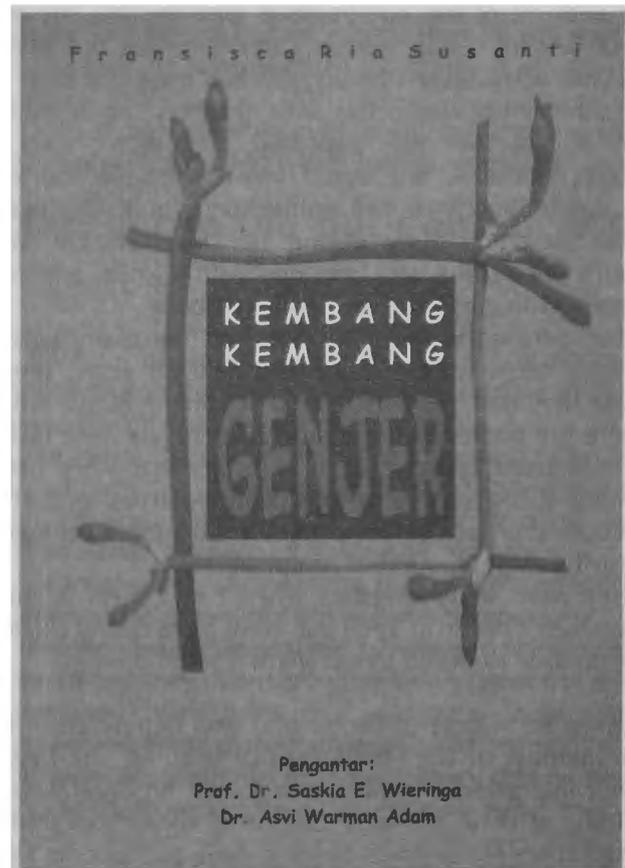
During the more than two decades that Suharto held power, those who survived the terrible retribution unleashed against hundreds of thousands communists,

those who survived the terrible retribution suffered in silence

alleged communists, sons and daughters, relatives, even neighbours or friends of communists suffered in silence.

Kembang Kembang Genjer is one of a number of books published in the past few years which gives the opportunity to victims, in this case all of them women, to tell their stories. *Genjer-genjer* is the name of a Banyuwangi song that was very popular in the 1960s. Everyone was singing it, including pop stars like Bing Slamet on the radio and at public meetings. Women too joined in the fun, never dreaming that it would one day have terrible consequences for them. For *Genjer-genjer* was also popular among members of *Gerwani*, the women's organisation which was one of the many organisations to be struck down and destroyed, alongside the PKI, when Suharto seized power.

Kembang Kembang Genjer consists of thirteen chapters relating the experiences of women now in their 70s or 80s. Some were well-known leaders of *Gerwani* or trade unionists who survived to tell the tale, and some were not members of anything, just ordinary members of the public. They all suffered beyond endurance in the crackdown that followed in the wake of the 1965 events. These survivors were tracked down last year by the author and told of their



experiences. Some received her very hesitantly, still fearful of revealing their identity and past, more than forty years on. One of the women would not allow her real name to be used.

Soon after 1 October 1965, with all newspapers banned except two dailies owned by the armed forces, stories began to circulate about a group of women and young girls slashing the sexual organs of the generals, gouging their eyes out and dancing triumphantly round the corpses. This image of unspeakable depravities by women was intended to incite moral outrage and was instrumental in setting alight the forces that rallied to the call to kill communists and annihilate the PKI. The ruse was unbelievably successful and the entire progressive movement, not just the PKI, was destroyed. Many years later, the Cornell scholar Benedict Anderson discovered documents that showed conclusively that the bodies of the generals had never been mutilated, showing that these stories were a pack of lies.

As Professor Wieringa says in her foreword, no one has yet explained who it was who thought up the idea of spreading these lurid fantasies about what those young women were alleged to have done. 'Their homes and livelihoods were destroyed, their children traumatised, they were deserted and many members of their families were dismissed from their jobs or prevented from going to university.'

Here are summaries of the experiences of four of the women interviewed by the author:

1 Sumilah, then aged fourteen, was arrested on 19 November 1965, and was to spend 14 years in detention, much of the time at the Plantungan prison camp in Kendal, Central Java. She had no idea why she had been picked up along with 47 others but thinks it was because she was fond of singing *Genjer-genjer*. Later it turned out that it was a case of mistaken identity; she had been mistaken for her mother who was active in a teachers' organisation. When her mother was captured, this didn't lead to Sumilah's release. As fate would have it, she spent fourteen years in detention while her mother spent 'only' four years. Sumilah describes how during her incarceration in a women's prison, she was lacerated with a knife, whipped and burnt with cigarettes on her naked body.

I can personally vouch for the fact that many girls in their early teens were arrested and held for years, simply because they had been discovered at Lubang Buaya which is where the bodies of the murdered generals were taken. They had been taking part in exercises that were being organised at the time by various political parties, as part of the mobilisation of the population in Sukarno's campaign against the establishment of Malaysia.

They were still youngsters when I met them in Bukit Duri women's prison in 1969 and were quite clearly clueless about politics. We used to call them 'the children'.

2 Tarni is the widow of Njoto who was deputy chairman and a member of the Politbureau of the PKI. She herself was not interested in politics and joined no organisation. Not long after a previous boyfriend died, she started getting letters (sometimes twice a day) and poems from Nyoto whom she had met with a friend, and they subsequently got married. By October 1965, they had six children and Tarni was pregnant with their seventh child. The eldest of her children was called Svetlana, a name which she stopped using after 1965 because it sounded suspiciously like a **even some of the army guards spoke with**

On that fateful day, Njoto was in North Sumatra and a friend warned Tarni that she was in danger and should leave home immediately though she had no idea what had happened. Their chauffeur drove her and her small children to the home of an acquaintance but he refused to take them in. So, as their own home had been smashed to pieces, she fled with the children to a house that had been given to Njoto by the PKI as his official residence.

After arriving back from Medan, Nyoto thought that by wearing his ministerial uniform, he would be safe from bodily harm (he was shot dead not long after). But it soon became apparent that the official residence was unsafe. They decided to take three children each in search of sanctuary. But the house where Tarni took refuge was attacked and the two of them moved the whole family to the home of a colonel friend where she stayed for a while. From then on, she and the children moved from house to house, often being allowed to stay for only one night. Sometimes they stayed in one place during the day and moved somewhere else for the night.

Tarni said that she was never physically attacked and thinks this may have been because she was acquainted with

Tien, the wife of Suharto. Whether that was true or not, it did not prevent her from being driven from pillar to post, simply for being the wife of a communist leader.

When they then found refuge at the office of a student organisation, she saw Njoto briefly for the last time. She stayed there till after her seventh child was born, but this house was later raided by the military. This led to her own arrest, with all the children. After a period of freedom, she was re-arrested in Central Java and held in several prisons until eventually being moved to Plantungan where she was held till 1979, after being separated from the children. One of her daughters later wrote a book, 'Humanitarian Tragedy 1965-2005' in which she recalls hearing people being shot dead when she was only four years old.

They have never been able to discover where Nyoto was buried. But the oldest daughter now calls herself Svetlana again and they feel no rancour against their father.

3 Sudjinah was one of the four women who were put on trial. Their crime? That they had engaged in political activities after the events of October 1965. During the months after the event, when President Sukarno was trying to stop the killings by issuing a Command and all newspapers with the exception of the two dailies owned by the armed forces had been banned, Sudjinah and several other women started to produce a bulletin called: 'Implement the Command of President Sukarno'. They were hoping to prevent Suharto from seizing power from the President. But after being discovered, Sudjinah was arrested and severely beaten. Rattan was used to lacerate her whole body.

She hails from an aristocratic family in the Surakarta court, and took a degree at Gadjah University, Yogyakarta. After becoming involved in pro-independence activities, she joined *Gerwani* and was sent abroad several times to attend international gatherings. The reports she sent home were published in *Harian Rakjat*, the newspaper of the PKI. Then *Gerwani* appointed her to represent them at the

incredulity about her resilience in the face of the terrible brutalities

WIDF, the Women's International Democratic Federation. With a good knowledge of languages, she later became an interpreter at the organisation's head office, and met many of the foreign delegates who visited *Gerwani*.

But it was her journalistic experience which led her to start producing a bulletin after the events of October 1965. Along with three other women activists who, against great odds, tried to carry out political work, she was put on trial in the late 1970s. Sudjinah was sentenced to 18 years and the three others received sentences of 20, 18 and 15 years.

The four women were held in strict isolation from other political prisoners in Bukit Duri prison and only allowed to have contact with women criminal prisoners who were held in a separate block.

One of her co-defendants was Sri Ambar, head of the women's section of the left-wing trade union organisation, SOBSI. I had the good fortune to meet her occasionally in the days before 1965. She was a woman of great character, very self-confident and sociable. After her arrest she was subjected to days of brutal beatings in an attempt to make

her reveal the whereabouts of a young activist but she stood firm. They even arrested her mother whom they beat in front of her, hoping to break her spirit but she refused to say anything, encouraged by her mother. When I myself was arrested, even some of the army guards spoke with incredulity about her resilience in the face of the terrible brutalities to which she was subjected. To me, she was a model of defiance.

Many years later in 2000, when I met a group of women in Jakarta with whom I had spent time in prison, Sri Ambar was present; she was deaf, hardly able to comprehend what was going on and was unable to move without assistance or to function physically in any way. She was a shadow of her former self.

Another of the four women was Sulami who was released after serving a 20-year sentence. After her release, she decided to start exhuming the bodies of some of the people who were murdered in the crackdown that followed the incident on 1 October 1965, so that their families could give them a decent burial. But when they began the exhumations, they were set upon by Muslim thugs who accused them to trying to revive the PKI. So the exhumations were halted for fear of provoking bloodshed.

For years after the fall of Suharto, Sudjinah was still able to write and make a living from doing translations. It was Sudjinah who translated my book, *Surviving Indonesia's Gulag*, into Indonesian.

When she met the author of *Kembang-Kembang Genjer*, Sudjinah was walking with great difficulty and had difficulty remember things from the present though her memory of the past was still strong. She was being cared for by a small community of women.

4 Kusnah also walks with a great difficulty because one leg is crippled from the after effects of kicks she sustained from soldiers wearing heavy boots. She described the beatings she received and spoke about being repeatedly struck across the mouth and face causing heavy bleeding; she lost several teeth during the torture sessions. She was held for a time at a notorious army command post called Posko in Gunung Sahari, Jakarta. She was frequently 'borrowed' (*di-bon*) by other units, moving from one place to another. On one occasion she was tied up and left out in the open for the night, during a thunder storm and in the pouring rain, with a dog barking at her heels. Her captors expected her to die but somehow she survived.

Her sufferings were not only physical. Whenever she was interrogated, the officers bared their genitals and told

her to engage in oral sex. When she refused, the beatings were resumed.

Before 1965, she worked for Unilever and was active in the local trade union. She was sacked in 1966 and arrested soon afterwards. She and her husband Harsodiono who was also arrested but for a shorter period, had twelve children. In order to ensure that her children would receive parental care, she persuaded the military to release her husband and regard her as a hostage if he ran away. He was released but she remained in detention for more than ten years.

Like so many other women prisoners, Kusnah ended up in Plantungan, the camp which had been an isolation camp

Her captors expected her to die but somehow she survived

for sufferers of leprosy. The camp had long since been abandoned and the barracks were in a terrible state, with snakes slithering around almost every day.

She was particularly incensed about the camp commander, Prayogo, who stole the food and clothing sent by church organisations for the prisoners. On one occasion, he stole a load of shoes from Belgium, sold them and kept the proceeds. He also sought sexual favours from the prisoners some of whom later became pregnant.

But she also spoke warmly of villagers living near the camp. At first they called the women 'violators of generals' bodies' and 'prostitutes' but gradually their opinions changed and they started surreptitiously sending in food packets despite warnings from the military that helping the prisoners could lead to their homes being burnt down.

In her concluding remarks, the author writes:

'For decades, the state has never acknowledged their existence. These days, they expect nothing from the state. Unlike other citizens who are issued identity cards for life, they must have their identity cards renewed every five years.'

'They have found their own way of surviving. They have developed a very moving solidarity among themselves in a state that has betrayed its own citizens.'

A worthy tribute to women who even today are still traumatised by the terrible things that happened to them so long ago.

Carmel Budiardjo

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arrived at the venue on motorbikes, yelling slogans intent on disrupting the meeting. They accused the party of having a communist ethos. They burned party flags and made attempts to spread fear among the participants.

While the attack continued, police who were in the vicinity took no action to hold back the mob. Later, when the organisers tried to re-start the meeting, the police placed a barricade around the meeting-place, but FAKI hoodlums resumed their attacks, breaking windows and causing other damage. Later that evening, the meeting was able to take place for a few short hours.

In a statement following this incident, the Asian Human Rights Commission, a Hong-Kong based NGO, said:

'The AHRC condemns these violent attacks against civilians and the failure of the police to stop the violence. Such actions violate the victims' rights to freedom of expression and assembly as recognised by Articles 19 and 21 of the International Covenant on Civil and Political Rights to which Indonesia is a state party. The Government of Indonesia must therefore be held responsible for failing to provide its citizens with the security they need to enjoy these rights and freedoms.'

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deployment directly contributes to violations of the rights to freedom of assembly and expression. British-made water cannons were used in Indonesia on many occasions in the 1990s against the pro-democracy movement opposed to the Suharto dictatorship.

Filep Karma and Yusak Pakage, two of the prisoners highlighted in the Human Rights Watch report, know all about abuses of basic free speech rights. They have been jailed for 15 and 10 years respectively simply for organising peaceful celebrations of West Papua's national day and raising the national 'Morning Star' flag. Their treatment is in stark contrast to that of the police officers involved in the Abepura abuses.

It needs to be stressed that Papuans who demonstrate or raise the flag are not involved in internal rebellion. They are simply asserting their democratic right to express their political views.

Mr McBeth correctly points out that Indonesia has moved on since the Suharto period. It has made welcome and significant progress in its transition to democracy, but it has by no means completed that transition.

Democratic conditions do not pertain in West Papua and Indonesia's failure to secure accountability for past abuses, epitomised by the Abepura case, and establish respect for the rule of law mean that it is far from being a fully-functioning democracy.

Accountability is not a stand-alone concept that exists only in a perfect world, as Mr McBeth suggests. It is an integral part of democracy.

Reform of the Indonesian military, TNI, is underway, but the TNI's ideological attachment to the belief that it is the only institution capable of protecting the unity of Indonesia remains a substantial obstacle to reform. It is allied to a strong distrust of civilian politicians and a willingness to use excessive force to maintain the country's territorial integrity, especially in West Papua. The TNI's traditional reliance on business activities for a substantial proportion of its income is another major stumbling block in the way of reform.

In this situation, any move by Western governments to upgrade military relations with Indonesia provides high-profile political support for the TNI and runs the risk of helping to sustain the existing civil/military power relations.

In expressing concern about a possible deal for the sale of more British-made Hawk aircraft to Indonesia, TAPOL, was in part responding to a recommendation in the highly-praised report of the UN-backed Commission for Reception, Truth and Reconciliation (CAVR) in East Timor. The Commission says that military support for Indonesia should be 'totally conditional on progress towards full democratisation, the subordination of the military to the rule of law and civilian government, and strict adherence with international human rights, including respect for the right to self-determination'.

That would seem to be an entirely appropriate approach to the question of military sales.

Paul Barber

The writer is research and advocacy officer for TAPOL.

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In reply to a question about these incidents, Rudolf Kabayong of the SKP said that although President Yudhoyono said after his inauguration as president that he would try to solve the Papua question, the Indonesians have used the military or security approach. He said that the military were seeking to instil fear among Papuans as a way of getting them to abandon their aspirations for freedom.

He also mentioned many other problems in West Papua, among them the decision to go ahead with dividing the province into several provinces, ignoring the need to consult first with the Papuan People's Assembly, MRP, which in 2003 conducted a public consultation about opinions regarding partition.

Little attention was being paid to the many health problems in West Papua or to enabling economic activities to proceed.

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