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## The Indonesia Human Rights Campaign

TAPOL Bulletin No. 180

October 2005

# 1965 victims must be rehabilitated

*This October, our thoughts inevitably dwell once again on the events forty years ago when Indonesia was plunged into the darkest era in its history since becoming an independent state in 1945.*

While historians still dispute the intentions of the army officers who staged a coup attempt on 1 October 1965, kidnapping and killing a group of senior army officers, there is no dispute about what happened afterwards. Suharto, then a major-general, was not among the officers kidnapped, leaving him free to strike back at the conspirators, most of whom were killed. He then turned his attention to the popular President Sukarno, gradually undermining his position to the point where he was able to seize the presidency in March 1966.

In the months following Suharto's intervention on 1 October 1965, a white terror directed against the Indonesian Communist Party, the PKI, wrongly blamed for the coup attempt - and mass organisations associated with it, led to hundreds of thousands of deaths. Some were at the hands of the military acting on Suharto's orders, and many more at the hands of mostly Muslim and Nationalist mobs inflamed by anti-communist propaganda. The killings were incited in particular by false allegations that members of the left-wing women's organisation, Gerwani, had been involved in sexual depravities at the base where the kidnapped generals were taken.

An estimated 1.7 million people were thrown into prison in the six months following Suharto's intervention. Many men and women lost their lives in prisons across the country, at the hands of torturers or because of malnutrition. In the early 1970s, the number of detainees was still around 70,000, most of whom were held without charge or trial until 1979. In 1969, 12,000 male prisoners were banished to the remote prison island of Buru where hundreds died of starvation or mal-treatment. Hundreds of women were dispatched to Plantungan, a detention centre in Central Java which had formerly been a leprosy colony.

About two hundred of those arrested, mostly military men or senior PKI figures, were brought to trial to legitimise Suharto's allegation that the PKI had organised the events of 1 October and were planning to depose Sukarno, but the vast majority were never tried.

In the decade which followed the events of 1965,

Indonesia was high on the list of human rights violators with the largest number of untried political prisoners in the world. No fewer than two dozen discriminatory laws and regulations were enacted during the Suharto era, almost all of which are still on the statute books. One such law is a resolution adopted by the upper house, the MPR, in 1966 which outlaws the teaching of Marxism-Leninism. An

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attempt by President Abdurrahman Wahid in 2000 to repeal this provoked furious protests, forcing him to give up the idea.

Under growing international pressure, which further intensified following Indonesia's invasion of East Timor in December 1975, Suharto's New Order was forced to start releasing the prisoners and by the end of 1979, virtually all the prisoners had been set free.

But release from prison left the ex-tapols (short for *tahanan politik*, political prisoner) as they were known, in a state of limbo, not free in the true sense of the word. Stacked against them was a system of discrimination which has dogged them, their offspring and even their children's offspring ever since.

A Home Affairs ministerial decree in 1981, which provided for the 'comprehensive surveillance and political "rehabilitation"' of ex-tapols, is still used today to legitimise discriminatory practices, particularly at the local level. The insertion of the initials 'ET' for ex-tapol on identity cards helped to reinforce the stigma; although officially banned, similar practices still persist in some places. According to one regulation, while persons over 60 years can obtain a life-long identity card with a single application, elderly ex-tapols must renew their cards every three years. There are estimated to be at least two dozen laws and regulations still on the statute books imposing discrimination of one sort or another against ex-tapols and their families and against the teaching of Marxism-Leninism.

Article 60 (g) of the 2003 Law on General Elections banned anyone 'directly or indirectly involved' in the October 1965 events from standing as candidates for local, provincial or national assemblies. The ban was lifted by the Constitutional Court in 2004 for being discriminatory and unconstitutional. But this is the only discriminatory regulation to have been repealed. The Court does not have the power to review laws passed prior to October 1999 (when the Indonesian Constitution was amended for the first time) yet most discriminatory laws were enacted before that date. A Class Action against all five post-Suharto presidents, was filed by a group of victims and political luminaries in 2004 to seek compensation for the millions held without trial.

Of all the post-Suharto presidents, only Abdurrahman Wahid (Gus Dur), during his presidency from October 1999 to July 2001, took action to remove some of the most blatant discriminations, including the repeal of *litsus* ('special investigations' to which prisoners were subjected to determine whether they had a 'clean environment'). He also made a public apology to the victims, speaking also for his organisation, the Nahdlatul Ulama (NU), many of whose members took part in the killings.

As a consequence of these laws and regulations, the

Indonesian State has enforced a system which breeds prejudice against millions of its citizens.



1965 victims protesting

## The stigma persists

This deplorable situation means that the stigma attached to being an ex-tapol persists against people who were held without due process and imprisoned for years without ever being tried and found guilty of anything.

During the past few months, there have been many stories in the Indonesian press about continued stigmatisation. The following cases give but a taster of the true scale of the problem.

Tjahyono, chair of his local Institute of the Struggle for the Rehabilitation of Victims of the New Order, who spent ten years in Nusakambangan Island prison and on Buru, says he won't feel free until he is rehabilitated and the historical record is rectified. His children who, as infants, spent time in a juvenile detention centre, still suffer the consequences of his past. One daughter has 001 (distinguishing her as the child of a 1965 victim) marked on her ID card. As a result, she has been denied any teaching jobs, so makes a living as a dressmaker. His son has been

refused a job in the civil service.

Gusti, now 85 years, has been forced, along with 175 other ex-tapols, to relocate to Argosari, an isolated village in East Kalimantan. Oentung, another ex-tapol in Argosari, spent ten years in a string of prisons. The reason for his incarceration was his devotion to the Javanese traditional drama, *ludruk*. This led him to join the cultural organisation, LEKRA, which had close ties with the PKI. Another 'inmate' of Argosari is Kasran, 81, located there because he joined the peasants' organisation, BTI. His children were taunted as 'PKI children' and 'children of a murderer' by their schoolmates, forcing them to quit their school.

Verdi Ishak, the 45-year old son of the publisher Joesoef Ishak, is a sociologist, unable to find work in his own field; he now works at a foreign embassy.

## Rehabilitation, the way forward

Forty years have passed since the events of October 1965, and seven years have elapsed since the downfall of the architect of the New Order, Suharto. It is now time for the pain and misery inflicted on these innocent victims to end.

A comprehensive act of rehabilitation is long overdue. This should consist of:

1. A Presidential Decree granting full rehabilitation and restitution to all the victims of 1965 and their offspring.
2. The restoration of the civil and legal rights of the victims of 1965.

3. The repeal of all the discriminatory laws and regulations introduced since 1965.

4. The creation of an independent commission of historians and civil and political figures to review the historical records, to provide a true accounting of what happened in 1965 and after.

### **Suharto must be tried**

While millions of his victims still suffer from the continuation of discrimination, Suharto the architect of their sufferings, lives in secluded luxury with his children who enriched themselves during his years in power. In 2004, he faced charges of corruption, but the trial was adjourned on grounds of ill-health. In May this year, the government of President Susilo Bambang Yudhoyono announced that no further action would be taken against him.

The government should rescind this decision and acknowledge that the man who was responsible for the calamity that befell Indonesia from 1965 - 1998 should be brought to account for his crimes against humanity. He must not be allowed to go unpunished.

This article was written by Carmel Budiardjo, founder of TAPOL, who spent more than three years as an untried prisoner, from September 1968 until January 1971.

## **UPDATE**

### **Class Action thrown out by the court**

A Class Action which was filed by a number of organisations representing victims of PKI stigmatisation earlier this year has been thrown out by the Central Court in Jakarta. [See TAPOL Bulletin 179, July 2005]

The action was against four former Indonesian presidents, Suharto, J.B. Habibie, Abdurrahman Wahid and Megawati Sukarnoputri and the present president, Susilo Bambang Yudhoyono. The Class Action calls for an end to the discriminatory laws and regulations that still remain in force, an end to the continued stigmatisation of the 1965 victims and for compensation to be paid to the millions of people represented by the Class Action.

It also calls on the present president to set up a team to assess the damages suffered by each victim. Another of its demands is for Indonesian history books to include to include a history of the killings that occurred in 1965/66

One of the victims, Ribka Tjiptaning Proletariyati, whose parents were arrested, published a book about her experiences as a victim. The book is titled: *Aku Bangga Jadi Anak PKI* (I am proud to be a PKI daughter). Asked recently about what she would be doing to pursue the issue of rehabilitation for the PKI victims, she said:

'In conjunction with the commemoration of the Pancasila Sanctity Day on Oct. 1, we are going to make a petition to ask the government to rehabilitate our names. If members of the separatist Free Aceh Movement (GAM) can enjoy rehabilitation, then why can't we? We have never asked for independence. We have never waged an armed rebellion against the government. All we want is the government to rehabilitate our families, our parents, our names.'

## **Indonesia ratifies two rights covenants**

In a major move towards upholding human rights in Indonesia, the Indonesian Parliament ratified the two most important international covenants on human rights, but with one major reservation, on the question of self-determination.

Before ending its first one-year session in late September, the Parliament, elected in April last year, ratified the UN's 1966 International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights.

This means that for the first time, Indonesia has committed itself to eliminating all forms of restrictions on freedom of expression, assembly and association, threats to religious freedom, forced labour and discrimination in the workplace.

The chairman of House Commission I on defence and foreign affairs, Theo Sambuaga, said that ratification would oblige Indonesia to 'protect the rights of its citizens to an international standard'. The covenants would also serve as an important reference for national laws already passed or to be passed in the future.

### **Reservation on self-determination**

However, ratification also included one major reservation with regard to the right to self-determination in Article 1 of each covenant. Sambuaga said this meant that 'self-determination does not apply to any parts of a united state and there would be no part of the Covenant that would go against the unitary state of the Republic of Indonesia'. Clearly the Indonesian Parliament was determined not to provide legitimacy to the demand for independence, widely supported in West Papua.

Foreign Minister Hassan Wirayuda said that ratification means that the international community could hold Indonesia accountable for implementation of the two covenants and Indonesia will now be required to submit biennial reports on their implementation.

However, Indonesian human rights activists have criticised the ratification as 'half-hearted'. Ifdhal Kasim, director of ELSAM, the Institute for Policy Research and Advocacy, complained that ratification had excluded two optional protocols which were as important as other clauses in the Covenant on Civil and Political Rights.

The two excluded protocols were on mechanisms for victims of human rights violations to individually claim for rights restoration, and on the abolition of capital punishment. [*Jakarta Post*, 1 October 2005]

## Masterminds of Munir's murder are beyond the law

*More than a year after the murder of Indonesia's foremost human rights activist Munir, Indonesia is no nearer to bringing the true perpetrators to justice. A man now on trial is just the most exposed collaborator in the conspiracy which plotted this wicked crime. A fact-finding team set up by the President found evidence of a conspiracy involving the country's formidable intelligence agency, BIN, as well as senior officials of the national airline, Garuda.*

In August this year, the trial began in Jakarta of Polycarpus Budihari Priyanto, charged with the murder of Munir. Although Polycarpus, a pilot with Garuda, certainly played a role in the murder for which he should be punished, it is becoming increasingly evident that his trial will be as far as the case goes, while the men who masterminded the crime will not be brought to justice. Moreover, the trial could foreclose further action to bring the guilty men to justice: BIN has a reputation for ruthlessness and it is more than likely that the police who are in charge of the investigation will shy away from taking on such a formidable institution.

Usman Hamid, a member of the Fact-Finding Team (TPF) which investigated the murder earlier this year, was concerned that efforts to reveal the role of BIN would be thwarted. 'Some top officials and police will resist efforts to solve this case. We are sure to encounter obstacles and attempts at a cover-up... I am convinced that police are being pressured.'

Attention has focused on the man who headed the intelligence agency at the time Munir was murdered, retired Lt. General Hendropriyono. He has made no secret of his contempt for the investigations. The TPF identified him as a key figure but he failed to show up when summoned for questioning. He and his aides have even filed charges against members of the TPF for defamation.

Munir, 38 years old, died on his way to Amsterdam on 7 September 2004, on board Garuda flight 974. He was going to The Netherlands to take a one-year course in human rights law. Dutch forensic scientists who undertook the autopsy of his body announced that he had died from a massive dose of more than 500 mgs of arsenic, four times the lethal dose. It was following this revelation and the outcry that ensued that President Yudhoyono announced his intention to establish a fact-finding investigation team, in addition to the police investigations.

Munir was best known for his fearless pursuit of the Indonesian military because of their operations in many parts of the country. In the months prior to his death, he had received many death threats but never allowed them to stand in the way of his quest for justice and his condemnation of the atmosphere of impunity which has protected human rights violators in Indonesia for so many years. In the end he fell victim to well-laid plans by his opponents determined to annihilate him and send a message to other human rights activists.

Recently a document has been discovered which describes four ways in which he could be eliminated. They include sorcery, an accident and the possibility of putting an end to his life while on a trip abroad.

The poison which killed Munir was added to the welcome drink he was served at the start of the flight from Jakarta to Singapore. During the second leg, he started

vomiting violently. A doctor on board gave him a tranquiliser which sent him to sleep but when a stewardess approached him shortly before landing, she discovered that he was dead.

### The Polycarpus trial

From the start, Polycarpus was a prime suspect. Before the flight, he had been in touch with Munir's wife to establish exactly when Munir would travel. He was on board Flight 974, flying as an off-duty pilot and invited Munir to move from economy class to a business class seat soon after take-off from Jakarta. This clearly facilitated the murderous intentions of the sponsors. Polycarpus travelled only as far as Singapore. A Garuda flight operations support officer, giving testimony in court, said she had assigned Polycarpus as an extra crew member on the flight, on the instructions of the airline's President-Director, Indra Setiawan. Polycarpus is known to have been in regular communication with BIN officials, having made no fewer than 35 calls to their ex-directory numbers before and after the murder.

The indictment alleges that the defendants motives for murdering Munir were that, as a 'staunch nationalist' he viewed Munir 'as an obstacle to government programmes and wanted him eliminated'. In court, his lawyer, Mohammad Assegaf accused the prosecutors of fabricating these motives because of their inability to arrest the true murderer. He argued that his client was being used as a scapegoat.

Two other Garuda employees who were members of the crew on Flight 974 have also been named as suspects but they are not under arrest.

For the past year, Munir's widow, Suciwati, has devoted all her energies to seeking the truth about the murder of her husband, calling for the true perpetrators to be brought to justice. In the past few months she has travelled the length and breadth of the country as well as going abroad, to the US and Europe, to muster support for her campaign. In a recent statement, she said:

"I'm not just talking about the death of my husband. In the future, it could endanger human rights and democracy in Indonesia. Even an internationally known activist can be murdered. The message is: 'I can kill Munir and I can kill you.'" She has repeated her conviction that his murder was highly political and has herself been subjected to intimidation and death threats, in an attempt to force her to abandon her efforts on his behalf.

Along with Herawati, the wife of Polycarpus, Suciwati made an impassioned plea for Polycarpus to reveal the truth about his involvement in the murder and to name other players.

According to Human Rights Watch director, Brad Adams: 'Munir's murder represents a return to the bad old days in Indonesia when independent human rights activists

*Continued on page 21*

# Aceh: give peace a chance

*The peace agreement signed on 15 August in Helsinki between the Indonesian government and GAM, the Free Aceh Movement, is a milestone in Indonesian history. Although this accord is not the first to have been concluded between Jakarta and the secessionist movement in Aceh, there are substantial differences which make this a development of major political significance.*

There was a feeling of great relief in Aceh on 15 August that lasting peace was finally within reach as news circulated that a peace agreement, in the form of a Memorandum of Understanding (MoU), had been signed by the two warring parties. This reflected the people's longing for peace after nearly thirty years of conflict. Days before the signing of the deal, peace events were organised in many places. On 14 August, students organised a joint prayer gathering at the Baiturrachman Grand Mosque in Banda Aceh, after which white roses were handed out to members of the public as an expression of the desire for peace.

There have been two previous peace agreements in Aceh. In 2000, an agreement for a humanitarian pause was concluded, while in 2002 an accord known as COHA or the Cessation of Hostilities Agreement, was signed. However, both were short-lived and collapsed because of a lack of political will.

## Political will is crucial

The success or failure of any peace agreement is primarily dependent on the political goodwill of the two sides. Peace processes in other parts of the world, in Sri Lanka or Northern Ireland for example, have all had their ups and downs. And as these other processes have shown, it is not an easy matter to establish lasting peace in a situation where conflict has existed for years or even decades.

The signs are that this time, the MoU has come about because of political goodwill on both sides. GAM entered the talks with a decision to abandon its demand for independence while the Jakarta government acknowledged that a negotiated settlement was the only way to achieve a sustainable peace. Over the years, military operations have only brought devastation and misery for the population while armed resistance has been at the heart of GAM's campaign.

It gradually became apparent that Vice-President Yusuf Kalla along with several senior officials had initiated steps towards a peace accord months before the tsunami disaster struck Aceh on 26 December last year. A few days before the tsunami, agreement had been reached to start negotiations. The devastation wrought by the tsunami reinforced this and eight months later the Helsinki deal was signed.

Several factors helped to ensure that a peace agreement would be concluded. First and foremost was the tsunami which both GAM and the government recognised as a turning-point because of the need to engage in massive reconstruction and rehabilitation. In addition, strong international pressure to start talks again was an important factor. Huge funds had been pledged (around US\$4 billion) for reconstruction in Aceh. This commitment would not only finance the physical reconstruction but would help put to rest the trauma which has gripped the population for almost 30 years.



*TNI troops boarding ships to leave Aceh*

It is likely that in some respects common positions were reached too swiftly, without considering the political implications of the decisions taken, especially with regard to implementation. A wide range of issues were on the agenda, including the complex problem of amnesty for all political prisoners and GAM combatants.

There were other controversial issues such as self-government and political participation for the Acehnese. One of the most contentious issues, an agreement by Jakarta to allow Acehnese local parties to be set up contravenes Indonesian election law at present in force. (The law requires that political parties must have branches in at least half of the country's provinces.)

Another controversial issue emerged in July when it was announced that GAM members would be given houses and 2 to 3 hectares of land. Ultra-nationalist circles in Jakarta were quick to accuse the government of rewarding rebels for their armed struggle. Because of the many contentious issues, the Helsinki proceedings were often shrouded in secrecy to avoid provoking right-wing opposition in Parliament or among the general public.

## TNI and Aceh

Another key factor is the attitude of the TNI, the Indonesian armed forces. In the previous truces, the TNI played an obstructive role. They regarded negotiations with GAM as a humiliation; in their view, rebels should be dealt with by force. The TNI also used counterinsurgency tactics including training paramilitary youths. Militia groups backed by local military commands played a destructive role during the 2000 and 2002 ceasefires and were the determining factor that led to the collapse of those agreements.

Bearing these past experiences in mind, the attitude of

the top-brass was of crucial importance. In general, the majority of senior officers in Cilangkap, the TNI headquarters, can be expected to be unhappy with the talks. But the present TNI leadership, notably the commander-in-chief, General Endriartono Sutarto, has taken a highly unusual position. On several occasions he expressed the opinion that the peace process was a political matter and the armed forces would abide by the decisions taken by the government. In July, when it became apparent that a peace treaty would be signed, he went further, saying that if GAM gave up their weapons, TNI troops would be withdrawn from Aceh. As it turns out, the peace accord stipulated that all non-organic troops (special troops outside the provincial territorial command) should be withdrawn.

In a two-day seminar on Aceh held in Jakarta on 29 and 30 July, co-sponsored by TAPOL, Major-General Bambang Darmono, the last military commander for special operations in Aceh also stated that a negotiated settlement would be the best way to end the conflict. Known as a hardliner, Major-General Bambang Darmono, was a member of the Indonesian delegation at the Helsinki talks and was also present at the signing of the treaty on 15 August.

While key generals like Darmono have shown a remarkable shift since two years ago, several prominent retired generals have responded with sabre-rattling language. Retired General Wiranto, the top-ranking officer in the final days of Suharto, compared the Helsinki deal to a soccer match with GAM winning 1-0. Similar language has come from retired General Kiki Syahnakri, a former commander in East Timor. Such views are probably shared by other officers, though nothing is known about what the present army chief-of-staff General Djoko Santoso or other senior officers think.

It is fortunate that General Endriartono Sutarto currently holds the top position. He became commander during the Megawati presidency and was retained by President Susilo Bambang Yudhoyono (SBY) although he is by now well beyond retirement age. He has been kept on because of his moderate views and his acceptance of civilian supremacy. Army Chief-of-Staff General Ryamizard Ryacudu, a notorious hardliner, was unceremoniously sacked by SBY and replaced by Djoko Santoso a rather colourless officer who nonetheless has a good track record of ending the violence in Maluku. The removal of Ryamizard Ryacudu was a master stroke; the Helsinki agreement would not have proceeded so smoothly had he been in charge of the army.

The first positive step was taken at the end of August when the TNI withdrew two so-called non-organic battalions in a show of support for the MoU.

### A comprehensive document

Up to the very last moment, changes and amendments were being made to the final draft of the MoU. Insiders leaked sections of the draft which made it clear that it was much more than a simple cease fire or peace agreement.

It is a comprehensive document dealing with the political and economic future of the region. The dynamics of the talks were very interesting. Every time agreement was reached on a particular issue, the Indonesian delegation had to consult the Vice-President to check whether it would be acceptable to the legislature.

Indonesia's chief negotiators, Hamid Awaluddin, Minister of Justice and Human Rights, and Sofyan Djalil, Minister for Communications, are members of the Yusuf Kalla team which also includes Farid Husein, a high-rank-

ing civil servant.

They were all involved for months and had been in touch with GAM since January 2004, at a time when military operations were still raging in Aceh. Apart from being a seasoned politician, Yusuf Kalla is also a successful business man; he handled his dealings with local politicians rather like he would handle a business deal.

Although not discussed in great detail, it was clear that GAM combatants in the mountains, GAM refugees in Malaysia and elsewhere, and GAM ex-political prisoners would be re-integrated through a financial package which includes housing and eventual job opportunities.

### Background to the MoU

One section of the MoU deals with the ceasefire and the establishment and role of the monitoring mission organised by the European Union and ASEAN. A further section deals with issues such as governing of Aceh, the political participation of the Acehnese and the running of the economy of Aceh and there is also a rather skimpy section dealing with the rule of law and human rights.

The negotiations in Helsinki began at the end of January and agreement was reached on 15 August after only six rounds of talks. This was quite an achievement, an indication of the determination of both sides to reach a comprehensive settlement to a bitter conflict which had lasted for nearly thirty years.

It became clear after the second round that GAM had dropped its key demand for independence but wanted something substantial instead in the political and economic sphere. The governing of Aceh, political participation of the Acehnese and how far they would be able to run their own economic affairs gradually became critically important. This led the talks into new pastures, exceeding the bounds of Indonesia's autonomy law.

GAM rejected the NAD (*Nanggroe Aceh Darussalam*) special autonomy package which originated from the Habibie Presidency in the first year after the Suharto dictatorship. This was a period of opportunity which provided new openings against the backdrop of the stalemate which had previously prevailed in Indonesian politics. However the special autonomy deal never materialised and consequently, GAM demanded a different kind of self governance.

Finally an agreement was reached on these issues under the heading Political participation which states in Article 1:

'As soon as possible and not later than one year from the signing of this MoU, GoI (Government of Indonesia) agrees to and will facilitate the establishment of Aceh based political parties that meet national criteria. Understanding the aspirations of Acehnese people for local political parties, GoI will create, within one year or at the latest 18 months from the signing of this MoU, the political and legal conditions for the establishment of local political parties in Aceh in consultation with Parliament. The timely implementation of this MoU will contribute positively to this end.'

Although Indonesian election laws do not allow local political parties to exist, strong lobbying by Yusuf Kalla and the heads of parliamentary fractions secured a majority in favour of a future vote to change these laws.

April 2006 is fixed as the time when elections will take place in Aceh for the governor, district and sub-district chiefs. Under the Law on the Governing of Aceh, the Acehnese will have the right to nominate candidates for all official positions. It is possible for someone to stand as an

independent, provided they obtain the required support. A candidate for governor needs 30,000 supporters.

## The economic sector

Four articles on the economy provide the basis for far-reaching economic responsibilities in the post-conflict era, to secure external loans and set a local interest rate as well as setting and raising taxes for internal purposes. Aceh will have jurisdiction over natural resources in the surrounding sea and will be entitled to 70 per cent of the revenues from hydrocarbon deposits and other natural resources on land and in the territorial waters.

The reconstruction of Aceh after the tsunami will play a crucial role in peace-building. The population will soon feel the difference once economic aid starts pouring in. Rebuilt houses, increased economic opportunities and a sharply decreased violence will hopefully create conditions for a lasting peace.

The democratisation process is more likely to succeed if it goes hand in hand with increased economic activity and people feel that their daily lives are improving at all levels.

But contradictory factors will also be at work. The Indonesian economy is in a mess because of the on-going oil crisis and the weak performance of the Cabinet in tackling daily problems. Furthermore, the Aceh peace process comes with a whopping price tag, in particular for the reintegration of former GAM members, who will be provided with houses, land and job opportunities. If the US\$4 billion from the international community is utilised for peace-building efforts such as re-integration, the peace process will have a solid foundation.

## COHA and MoU

The MoU is much more than a cease fire agreement and conclusions and lessons can be drawn from the COHA experience. But the bottom line is that there seems to be the necessary goodwill to implement the provisions which cover just a few sheets of paper.

The COHA (Cessation of Hostilities Agreement), signed in Geneva in December 2002, never stood a chance as both sides were wary and suspicious. It lasted only six months and collapsed in May 2003 when the Megawati government declared martial law in Aceh and launched a massive military operation.

Despite the good intentions, the COHA agreement was doomed because of its flawed implementation. A peace building process was supposed to take place after the signing of the agreement but nothing happened. Several bloody incidents occurred, including the torching of a local peace office in Takengon which spread like wildfire, sapping the already low confidence of the Acehnese people.

Despite the unfavourable political conditions, the COHA agreement had certain advantages as compared to the MoU. The facilitator of COHA, the Humanitarian Dialogue Centre (HDC), made strenuous efforts to advocate the peace process with the Acehnese. Many Acehnese were actively involved in this process, while the MoU still has to establish a presence with the public.

The MoU facilitator, the Crisis Management Institute (CMI) in Finland, has so far limited itself to facilitating the talks. Advocacy still needs to be undertaken and there are still many questions about which organisations should shoulder this responsibility. There is an urgency to inform the population about implementing complex issues like political participation, economic opportunities and the rein-

tegration of the different categories of GAM members. Some aspects of implementation require the adoption of new regulations or amendments of existing laws, while a new law on the governing of Aceh will probably not take shape before further deliberations between the officials of the two sides, in April 2006.

While the CMI is not involved in the implementation process, other organisations are being approached by the Indonesian government. The International Organisation for Migration (IOM) which is already present and active in post-tsunami Aceh, will handle the difficult task of helping GAM members re-integrate into society.

## More than 1,400 prisoners released

The general amnesty and unconditional release of 1,424 Acehnese political prisoners is unprecedented in Indonesian history and the Indonesian government should be congratulated for taking this action, as a token of good will.

Security arrangements in the COHA and MoU also reflect the political conditions of each period. The role of the military was dominant in the COHA agreement while the MoU relies far more on the police to uphold internal law and order in Aceh. As for the de-commissioning of arms, under COHA, GAM weapons were placed in special go-downs under Indonesian authority while the MoU agreement stipulates that arms, ammunition and explosives must be destroyed. Each phase of de-commissioning will be followed by the withdrawal of Indonesian troops.

## Many stumbling blocks

So far, the peace process has proceeded smoothly with majority support in Parliament and the MPR, the People's Congress. But implementation faces many problems; many technicalities have not been worked out and it is likely that the 220 foreigners monitoring the process will have their work cut out to handle the many tasks.

During the long-drawn-out conflict, a war economy emerged in Aceh. Illegal activities such as the drugs trade and arms selling have been lucrative. GAM units have collected taxes from the population, a practice that must now end. Groups which benefit from such activities are expected to try to sabotage the peace process.

The tsunami made a deep impact on the economy; while on the one hand, reconstruction activities will generate new economic prospects, there are also negative influences. The arrival of many foreign aid workers has sent food, housing and transportation prices soaring. The official unemployment rate in Aceh is 27 per cent and if the local authorities do not act speedily, the present optimism will decline.

Since arrangements have been made to compensate GAM members, the families of soldiers who lost their lives may also expect compensation from the State. Whereas some troops were responsible for egregious human rights violations and benefited from legal or illegal business activities, many ordinary soldiers - regarded by the population as an army of occupation were brutalised by their experiences or killed in a conflict which claimed over 14,000 civilian lives.

But posting in Aceh had its positive side for the troops, many of whom indulged in lawful or unlawful business. Those troops who are withdrawn in accordance with the peace agreement should be deployed for the defence of the country and not sent elsewhere as non-organic troops. Moves to re-locate these troops to West Papua would be totally unacceptable.

# Peace in Aceh one month on

*One month after the peace agreement between GAM and the Indonesian Government was signed in Helsinki, 229 monitors from European and ASEAN countries have been sent to monitor the implementation of the accord designed to solve over 30 years of conflict. The first phase of decommissioning has finished and appears to have proceeded relatively smoothly.*

During this first phase of GAM's disarmament, 243 weapons were handed over to the Aceh Monitoring Mission (AMM), and destroyed. This is a considerable achievement given that the first step only mandated the handover of 210 weapons. The first handovers were in Banda Aceh, then Pidie and Bireuen; no major incidents occurred.

At the same time, troop withdrawals have begun. A total of 6,669 non-organic troops have now left Aceh. The non-organic police forces withdrawn include 1,300 Brimob (crack troops).

The AMM has opened offices in 11 districts, including its head office in Banda Aceh, and has four mobile teams. While there are still some reports of human rights violations, the indications are that there has been a drastic reduction in violence on the ground.

In general, things are moving fast. Nonetheless, it is evident that insufficient work is being done to prepare support mechanisms for affected communities. The delays in spreading information to the people and getting reintegration processes underway demonstrate clearly how important work is being left behind by other elements of the process.

## Informing the public

A critical building block for peace is keeping everyone informed. With ex-rebels unclear about their rights, receiving communities concerned about the impact of rebels returning, and tsunami-affected communities worried that the housing and land needs of the former GAM members could take precedence over their own needs, this is an essential part of the peace process.

To this end, a team has been established under the Department for Information and Communications (InfoKom). The Tim Sosialisasi Aceh Damai, or Core Socialisation Team, has a specific remit to inform the Acehnese population of the terms of the MoU (Memorandum of Understanding), which sets out the terms of the peace accord.

However, one month after the signing of the accord, public education seems stuck at the level of general points from the MoU. The key message delivered so far has reiterated the importance of peace, and asked the Acehnese to support the process. But this fails to address the real information needs of the population. The Acehnese have already clearly demonstrated their enthusiasm for the peace process. People have been waiting for decades for a sustainable peace to be implemented. There is no need to spend vast resources encouraging people to support the idea of peace.

To be more effective, the dissemination of information should move beyond the general points of the MoU and address people's hopes, fears and expectations. There are some concerns among Acehnese about how the

Demobilisation, Demilitarisation and Rehabilitation (DDR) and peace processes will be implemented. With a population still largely homeless, lacking basic amenities and unable to resume a semblance of normality, the provision of money, homes and land to demobilised GAM fighters inevitably raises concerns about giving less priority to the needs of people made homeless by the tsunami.

To address this, attention should focus on planning the reconstruction of villages to which former combatants will return. The team has to consider incentives for the population, indicating for instance that the villages of former combatants may receive some additional reconstruction and development funds, as is planned by some agencies.

Moving this process beyond the broad brush strokes of purpose and intention is hugely important if those in charge are serious about winning public involvement in the process and making people feel that they will really benefit from it. It has to tackle potential problems on the ground, at grass-roots level, before they become serious.

## Reintegration Project

The other neglected element at this stage is the reintegration of former combatants. This is also absolutely critical for the successful implementation of the peace process. According to the MoU, all victims of the conflict in Aceh will receive some form of compensation, while former political detainees will be granted amnesty.

However, as with the dissemination of information, details about the reintegration strategy remain unclear and have yet to get off the ground. There is no clear information, for example, about what has happened to former detainees who have now returned to Aceh after receiving amnesty, although many are believed to have rejoined their families. There is no information in the public domain as to where most of the released and amnestied prisoners are now living.

The reasons behind this, and the GAM caution it highlights, are evident in the problems encountered in getting former combatants to register for the reintegration programme and the benefits it offers. From the perspective of many former GAM combatants, the period between weapons handover and the reintegration programmes is simply too long. This is an understandable element of any transition period, but there are inherent dangers.

Special attention should be paid to the fact that the weapons handover on 15 September was only the first step in a long process. The next step will take place after a month, and thereafter at monthly intervals until December. But December is over three months away. Reintegration, therefore, is evidently not running parallel with the process of decommissioning.

An additional set of challenges arises from the fact that public education and reintegration are going to be even

more challenging if the government remains the only decision-making agency. The fact that the MoU vests the principal responsibility in the government is a significant flaw in an otherwise holistic strategy. Given the sensitivity of reintegration, it is necessary to have decision-making actors in addition to the state involved.

### **Demilitarization and Human Rights**

Particular attention should be paid to the lack of clarity surrounding the mechanisms for the withdrawal of the non-organic troops and police from Aceh.

Under the MoU, both sides have agreed to end all acts of violence. Responsibility for demilitarisation lies with both sides. GAM will demobilize its 3,000 troops, it will not wear uniform nor will it display its symbols after the MoU is implemented. Decommissioning will be undertaken by GAM and 840 factory-made weapons will be handed over to the AMM for destruction.

The government's parallel commitment is to the withdrawal of non-organic police and military forces from Aceh. This withdrawal is scheduled to take place at the same time as GAM's weapons handovers, in four monthly stages. As already noted, the first stage, involving 6,669 army and 1,300 police personnel, is complete.

In a 'conventional' security set up, law and order is in the hands of the Police. But in the Aceh context, the police are very unpopular with local communities because their behaviour mirrored that of the armed forces. Many stopping places used by bus and truck drivers to rest and take refreshments along the western and eastern coasts have served principally as police posts. Special attention needs to be given to BRIMOB units responsible for counter-insurgency operations in Aceh. Most of them have been involved in joint operations with the army against GAM.

Moreover, the question of past human rights violations is inadequately addressed in the MoU. In Indonesia generally, the culture of impunity established under the Suharto regime shows no sign of diminishing. One of the principal obstacles to effective democratisation has been this ongoing impunity. And in this context, it is a matter of serious concern that, while the MoU talks of compensation for victims of the Aceh conflict, there is no indication of what precisely is meant by a 'victim'. Nor is there any sense of what constitutes compensation. Sustainable peace cannot overlook, or be vague about, the terms needed to achieve justice. If the MoU is to succeed, such things must be dealt with from the outset.

## **First phase of prisoner reintegration**

*On 30 August, President Susilo Bambang Yudhoyono signed Presidential Decree 22/2005 granting an unprecedented amnesty to all Acehese prisoners detained for their alleged involvement in the activities of the Free Aceh Movement, GAM. This welcome move arose from a commitment made in the Helsinki Peace Agreement.*

Earlier, on Indonesia's Independence day, 17 August, some 200 prisoners had been set free. Over 1,400 more prisoners from several prisons in Aceh and many parts of Java were then unconditionally released by the end of August. As an act of good faith, the Indonesian Government promised to release the prisoners within two weeks of signing the peace deal. All the prisoners had been tried in the past two years on charges of treason or rebellion.

The amnesty and unconditional release mean that the social, political and economic rights and the right to participate freely in the political processes in Aceh and elsewhere in Indonesia are restored to the former prisoners.

In total around 2,000 prisoners were tried and sentenced. Of the 400 remaining in detention, 116 cases have been identified as disputed cases awaiting resolution while the rest will be classified into different undefined categories. Most of the 116 disputed cases relate to alleged GAM combatants who used or hoarded firearms. A solution will be sought through further negotiations between GAM and the Indonesian authorities.

Some well-known public figures are among those released. They include GAM negotiators Teungku Usman Lampoh Awe, Teuku Kamaruzaman, Amni bin Marzuki, and Nasruddin who were involved in previous peace talks that broke down in 2003, and activists such as Muhammad Nazar, chair of SIRA, the organisation that campaigned for a referendum in Aceh in the late nineties.

### **Unfair trials**

TAPOL has campaigned for years for the release of pris-

oners allegedly associated with GAM. The trials were grossly unfair and failed to live up to international standards. Most lasted not more than two or three sessions and severe sentences, in some cases up to 14 years, were passed, while the defendants' right to legal counsel and other due process rights were seriously restricted.

TAPOL welcomes the release of the prisoners as a promising start to the implementation of the peace agreement. Presidential Decree 22/2005 showed good will on the part of the Indonesian Government and will hopefully be followed by further measures stipulated in the MoU between the two sides.

The MoU includes a special section on reintegration into society of all persons granted amnesty. Special measures are to be taken, including the provision of economic facilities for former combatants, released political prisoners and affected civilians. A special Reintegration Fund will be administered by the authorities in Aceh and those released will be provided with housing and land.

Most of the former political prisoners are believed to have now re-joined their families, including those who received sentences of more than three years and were shipped to Java, although exact information about their whereabouts is still sketchy. No incidents have been reported. An initial sum of two million rupiahs was paid by the authorities to the 1400 prisoners released by the end of August. Further arrangements will follow.

# Growing intolerance among religious groups

*While the Bali bombing atrocities on 1 October (see box) were perpetrated by a small group of individuals bent on using any means including terrorism to express their political views, other recent incidents in urban centres in Java indicate a disturbing wider trend towards religious intolerance. Indonesia now faces acts of aggression by several Muslim groups against other religions. Indonesian Islam has a reputation for being moderate and compatible with democratic principles. But as in other parts of the world, some groups now preach intolerance and reject democracy and pluralism.*

In July a wave of attacks occurred in Bogor and Jakarta against a Muslim organisation, Ahmadiyah, which has enjoyed a strong following since the thirties and is known for its liberal religious views. A group named FPI (Front Pembela Islam, Front for the Defence of Islam) was in the forefront of the attacks. In September another series of attacks against Ahmadiyah took place in Cianjur, near Bandung, the capital of West Java.

These incidents were widely covered in the Indonesian media, which also reported strong protests against the attacks by mainstream organisations and Muslim intellectuals. The issue became the subject of heated debate in several seminars, which also attracted much attention across the political spectrum in Indonesia.

Some weeks later, mobs launched attacks in West Java, calling for seven churches to close down. They alleged that the churches had not been granted permission to be in the area and were becoming a nuisance to local people. These attacks also provoked much criticism and anger among mainstream religious organisations and more discussions ensued. According to the law, all places of worship require official permission.

A group known JIL (*Jaringan Islam Liberal*, Islam Liberal Network) was also targeted. JIL was formed in 2001 to promote a spirit of tolerance among religious groups, and attracted much attention, thanks to its activism, appearances on radio talk shows and in newspaper articles. But it also has had to confront a wave of intolerance, with several small groups calling for the JIL to be banned. Far from supporting these demands, the local community in the neighbourhood came to the JIL's support, and helped to protect its office against attacks.

## Edict by Muslim Council

The vituperative attacks by the FPI came in the wake of a series of fatwas or religious edicts, from Indonesia's powerful Islamic scholars' council, the MUI. On July 29, the council issued a number of fatwas condemning 'liberalism, secularism, and pluralism'. The eleven fatwas were read out at a meeting of 400 Islamic scholars from across the country; among other things, they condemned inter-faith prayers and marriages between people of different religions.

The MUI was set up during the Suharto dictatorship. Its original purpose was to curb the Muslim religion, which Suharto saw as a threat to his rule, and re-shape the religion along lines that would cease to represent a threat. But over time, it has installed itself as an institution, not unlike the Vatican, regulating Islam in a way that conforms with a largely conservative outlook.

The growing conservatism among leading ulamas in the MUI is a reflection of a similar strain of conservatism affecting the two main religious organisations in Indonesia,

*Muhammadiyah* and *Nahdlatul Ulama* (NU), which together represent the majority of Indonesian Muslims. The man who now heads *Muhammadiyah* as its elected chairman, Din Syamsuddin, is a prominent member of MUI, and holds strongly conservative views, unlike former *Muhammadiyah* leaders. PKB (*Partai Kebangkitan Bangsa*, *Party of National Reawakening*), the political wing of NU, also reflects this shift towards conservatism. While the PKB has maintained a spirit of inclusiveness, opening its doors to non-Muslims, a splinter group has now emerged that restricts membership to Muslims only.

Since the arrival of Islam from the Middle East in the eleventh century, through traders from India, Islam has existed peacefully, side by side with older beliefs, such as Hinduism, Buddhism as well as animist practices. The vast majority of Indonesia's 193 million Muslims who comprise 88 percent of the population, engage in a moderate form of Islam. The current trend towards conservatism and intolerance is gradually changing the face of Islam in Indonesia.

## New style Abangan-Santri divide

Both the NU and *Muhamadiyah* were founded in Java, where the abangan-santri dichotomy existed. The term santri applies to the more pious Muslims while the term abangan applies to those who are nominally Muslim but generally live a more secular life, and often owe allegiance to nationalist, that is to say, secular parties.

With the emergence of the world-wide phenomenon of radicalism within Islam, many young Indonesian Muslims were recruited to join the fight against communism in Afghanistan, against the perceived evils of Zionism and against American imperialism. They underwent very rigorous training, including military training, in Pakistan, Afghanistan and elsewhere. Much of this recruitment was directed towards abangans, who became born-again Muslims with extremist views. The predominant feature of these people is a literal interpretation of the Qur'an and intolerance towards people with other views.

Such training would certainly have helped to produce individuals inspired by the idea of becoming martyrs as the way to paradise and engaging in acts of terror as suicide bombers. The horrific bombing in Bali in October is believed to have been the work of three such men, whose severed heads have been displayed on television and in the media. The police are hoping that this gruesome display will help them to identify the bombers and lead them to the masterminds of these atrocities. This sombre development could well mean that Indonesia is likely to experience new acts of terror in the coming weeks or months.

A similar trend has also occurred globally among Christians with the emergence of a string of new, born-again congregations. As yet, these trends have not found a

footing in Indonesia. The Protestant church in Indonesia came into being under the influence of Dutch and German missionaries but in the last 25 years, a number of American Protestant denominations have embedded themselves in many parts of the country.

While new and minuscule radical Muslim groups have been showing their fist towards other religious groups, the new Christian congregations, also very radical in their views, are as yet hardly visible in Indonesia. As is widely acknowledged, George W. Bush owes his electoral victory to the support of the fundamentalist Christian vote. But there are no signs that the Bush presidency is wildly popular in Indonesia or that the religious and neocon overtones of his administration are reverberating in Indonesia.

### Secular leaders face a challenge

Indonesia is always mentioned as being the country with the largest Muslim population in the world. As in other nation states with a majority of Muslims, notably Turkey and Pakistan, Indonesian Muslims have also had their share of political difficulties. A constant feature has been the conflict between secular and religious leaders.

From 1945 till 1998, Indonesia was ruled by two secular head of states, Sukarno and Suharto. While Sukarno epitomised the typical third world leader of the fifties, like Nasser, Nkrumah and Nehru, Suharto was the prototype of Cold War dictators with strong anti-Communist and anti-Islam credentials. Both men were abangan Muslims and were, in different ways, political failures. Neither of them gained power through democratic elections. Sukarno assumed the presidency with the support of the existing political parties and the armed forces under Guided Democracy. Suharto seized power as the result of a ferocious onslaught against the left, in particular the Indonesian Communist Party, and staged five-yearly elections, during which a de-politicised population gave him the legitimacy he needed to remain in power.

For the first time in its history, democratic elections were held in 2004, resulting in the election of Susilo Bambang Yudhoyono as President. Muslim parties and candidates did not fare at all well, and once again, the world's largest Muslim nation has shown its preference for an abangan to take the helm.

During the first year of his presidency, Susilo has displayed a somewhat bemused attitude towards the religious strife that has erupted in parts of the country. He has ignored demands for Jemaah Islamiyah, a group espousing views not unlike those of Al Quai'da, to be banned, perhaps out of fear that this would alienate Muslim opinions and be contrary to the democratic principles which now hold sway in the country.

Attacks like those mentioned above, perpetrated by groups which see themselves as religious purists, assuming the robes of dangerous anti-apostasy, still express the views of a small minority. However, unless these trends are addressed properly by Indonesian civil society as well as by those in authority, they could become a worrisome threat to the country's secular traditions. Rather than taking these groups on, NGOs need to speak up constantly in favour of religious tolerance. They need to engage in a well-coordinated programme to appeal to the country's youth, to counteract a campaign of recruitment now being undertaken by militants.

### Second Bali bombing atrocity

On the evening of Saturday 1 October several bombs exploded on the tourist island of Bali, killing at least 23 people including three of the apparent perpetrators, and injuring dozens more. The atrocity occurred just three years after a series of bombs killed 202 people in Kuta, at the heart of Bali's tourist industry on 12 October 2002.

The latest attacks took place as this *Bulletin* was going to press, so detailed comment is not possible. See however the separate article on 'Growing intolerance among religious groups'.

At 7.30 in the evening, when bars and cafes were busy serving foreign tourists on the popular Jimbaran Beach, a bomb exploded in the Menega Cafe, between the candlelit tables. As diners fled, another bomb went off in the Nyoman Café next door. Within minutes more bombs exploded three miles away at the Raja noodles and steak restaurant in Kuta. Most of the victims were Indonesians in the eateries or nearby; others were from Australia and elsewhere.

Bali was just recovering from the impact of the first atrocity. A question on many people's minds now is: can Bali recover this time or is the damage to its reputation as a haven for tourists, back-packers and surfers irretrievably damaged?

On this occasion, the perpetrators were suicide bombers with explosives strapped round their waists. They are believed to be from the militant group, Jemaah Islamiyah, blamed for the first atrocity, or a splinter group, and may have targeted Bali for several reasons. Balinese are Hindus, unlike the vast majority of Indonesians who are Muslims. Eighty per cent of the Balinese workforce are involved in one way or another in the tourist trade which Muslim fanatics regard as being morally reprehensible. Furthermore, Bali is well-known throughout the world, meaning that a bombing outrage there would attract plenty of international attention.

Added to this is the likely motive of destabilising the country's democratically elected, secular government. According to initial investigations, three suicide bombers were involved. Three severed heads were found in the wreckage, believed to be those of the perpetrators.

This is the fourth bombing atrocity Indonesia has had to endure. Following the first Bali bombing, attacks took place in Jakarta, at the Marriott Hotel in August 2003 and outside the Australian embassy in September 2004. Many Indonesians were among the casualties on both occasions, especially outside the Australian embassy. The police made a number of arrests. Two of the men tried were given death sentences.

The Indonesian police have identified two Malaysian militants as prime suspects. Azahari bin Husin and Noordin Mohammed Top have been South-East Asia's most wanted men since the Bali bombings of 2002. Both men are still at large.

# Economy in deep trouble

*The fact that 1 October was the 40th anniversary of Suharto's rise to power was probably the last thing on many people's minds when the government chose that day to announce a hefty rise in the price of fuel. The bombing of tourist attractions in Bali on the same day and the appalling loss of life (see box on page 11) will have confronted Jakarta with a host of economic and political problems requiring urgent solution.*

## Oil price increase causes disarray

For years, the Indonesian economy has borne the burden of huge fuel subsidies, which intensified dramatically when the world price of oil skyrocketed from around \$25 a barrel in the first half of the year to the present level of \$65. Since this year's and next year's budgets were based on the assumption of \$40 a barrel, this plunged the government's fiscal plans into disarray. The government had no option but to raise its assumption to between \$50 and \$60 a barrel but global developments could soon deal another blow to these assumptions

Until recently, Indonesia has been a major oil-exporting country, but under-investment in the industry and a huge upsurge in the demand for petrol have turned things around, with imports now exceeding exports. Hence, the cost of importing petroleum has borne down heavily on the country's foreign exchange reserves.

The bombs in Bali are bound to have an impact on the Indonesian economy, which depends heavily on tourism. The decision taken by the government of Susilo Bambang Yudhoyono (SBY) to increase the price of fuel by a whopping 126 per cent came after weeks of soaring prices on the world market and volatility in the foreign exchange market. This saw the rupiah slump in value from less than 9,000 to the dollar to more than 11,000, then settle at around 10,500. Earlier this year, in March, the SBY government was forced to increase the price of fuel by 29 per cent, pledging at the time that there would be no further increases this year. This was a promise it would now have to break.

Fuel subsidies have been maintained since the Suharto era, in an effort to keep the cost of living low. The effect has been primarily to subsidise car owners. Travelling along the traffic-clogged streets of Jakarta, brand new SUVs are visible everywhere, an ungainly contrast to the hovels and shabby eating stalls which line the narrow streets. Weaving in between the cars are even more motorbikes; their combined effect on the level of pollution is what makes Jakarta the most heavily polluted city in South-East Asia. Far too little attention has been given to increasing public transport.

## Compensation for poorest families

The price hike was accompanied by a decision to provide compensation to 15.5 million families which would be hardest hit by the policy. They are to receive a three-monthly sum of Rp 300,000 (around \$30). It remains to be seen whether this well-intentioned policy runs smoothly and the handout reaches the intended recipients in full, and whether it will fully compensate for across-the-board price



*IMF chief Camdessus watches on as Suharto signs*

increases of basic commodities as well as transport.

The fuel subsidies also helped millions of poor households by keeping down the price of kerosene, which is used extensively for cooking by families with no electricity, as well as by street traders selling food. However, while the price of premium gasoline was increased by 87.5 per cent, the price of kerosene went up by a massive 185.71 per cent. Some analysts have warned that the price increases may force labour-intensive industries to close down, resulting in a major increase in unemployment.

Commenting on the fuel subsidies, *The Jakarta Post* [20 August 2005] said that 'money that would have been better spent on other basic services, including education, health and defence, was being squandered to keep cars on the road'.

Even before the price hike was official, thousands of people demonstrated against the planned increases. According to commentators, the decision to raise the price of fuel was taken at the insistence of Vice-President Yusef Kalla, a wealthy businessman, who reportedly used his muscle to persuade members of Parliament not to oppose the decision.

The combination of the fall of the rupiah and the hike in fuel prices has pushed inflation to around 10 per cent, and has had a negative impact on overall economic growth.

The manufacturing sector has also been hit by investors shutting down factories in Indonesia and shifting to other South-East Asian countries. The reason given is the pervasive nature of corruption and the corrosive bureaucratic nightmare involved in obtaining licences from local authorities. All this has only added to the level of unemployment, in a country where no social security exists.

*Continued on page 21*

# Tribal Council rejects special autonomy law

*The Papuan Tribal Council (Dewan Adat Papua) has firmly rejected a law on special autonomy because of the government's failure to implement the legislation. In August, thousands rallied throughout West Papua to oppose the law. Soon after, a report from Biak revealed a systematic pattern of violence and intimidation while a major investigation conducted by Australian scholars exposed a policy bordering on genocide.*

The law on Special Autonomy was adopted in 2001 in an attempt to grant West Papuans a greater say over their lives and to persuade them to abandon their support for independence. But the law has made virtually no impact on their lives and rumours are rife that autonomy funds have been dissipated by corruption. According to Rev. Sofyan Yoman, head of the Papuan Baptist Church, some of the money has been used to finance military operations.

Dissatisfaction with the law culminated in the *Dewan Adat* taking to the streets on 12 August in many parts of West Papua, calling on local administrations to 'hand back' the law to Jakarta. Between 15,000 and 20,000 people demonstrated in Jayapura. Many of them took part in a 'long march' of 17 kms from Abepura to Jayapura to support *Dewan Adat* leaders who delivered a message to the regional assembly rejecting the special autonomy law.

Similar peaceful demonstrations took place in other towns with 2,000 people involved in Manokwari, 1,000 in Biak and Wamena, and 2,000 in Sorong, amongst others.

## **Dewan Adat, an upcoming power**

The *Dewan Adat* emerged in the wake of the Second Papuan People's Congress in May-June 2000. The Congress was attended by 3,000 delegates and made a stirring call for independence. Since its establishment in 2000, the *Dewan Adat* has won support throughout West Papua. It holds plenary sessions annually, each time in a different region. In the past four years, these sessions have been attended by around 300 people representing the many indigenous groups.

This year's annual meeting took place in February, in Manokwari. The *Dewan Adat* decided to set a deadline of 15 August for the government to implement the special autonomy law, failing which the local administrations would be urged to hand back the law. The demonstrations were in fact held on 12 August, following a decision to bring forward the action for security reasons, and to avoid being over-shadowed by events connected with Indonesia's national day on 17 August.

A *Dewan Adat* plenary session in June reviewed the government's actions and noted that the government had not responded to the 15 August deadline announcement. It issued a communique drawing attention to the government's comprehensive failures. These were: the continued existence of the unlawfully established West Irian Jaya province, problems surrounding the installation of the Papuan Consultative Assembly, the MRP, inadequate representation of West Papua's 253 tribes, the presence of military personnel not regulated or controlled by the MRP as required by law, numerous human rights abuses, mostly because of a difference in the interpretation of Papuan history, and the persistence of appalling living conditions which had not improved since the law was enacted in 2001.

According to an analysis of the *Dewan Adat* distributed by the Papua Lobby, based in The Netherlands, this new



*Papuans handing back the special autonomy law*

body is a sign of the growing importance of organised civil society in Papua. The Papua Lobby states that *Dewan Adat* is committed to the principle of holding consultations with the authorities and the security forces on their intentions to peacefully express disagreement with, or opposition to, government policies.

*Dewan Adat* advocates the principles of non-violence and democracy while the two themes of the protest action on 12 August were: Special Autonomy of Papua Has Failed and The Lives of People in Papua are Threatened.

## **Violence and intimidation in Biak**

Although the actions organised by the *Dewan Adat* were allowed to proceed without any clampdown by the security forces, some violence and intimidation was conducted against the population, much of it aimed at persuading people not to take part in protests against the special autonomy law.

A report received from the island of Biak which runs into five and a half pages of closely-typed text, portrays a series of actions by the local army, police and militia indicative of a comprehensive intelligence operation. The report, drawn up by the Biak branch of the *Dewan Adat*, is entitled: 'Political Situation in West Papua: Attitude of the Army/Police and Militia in the District of Biak Numfor'.

The document reveals that the Biak branch of BAKIN (Intelligence Co-ordination Agency) set up by presidential decision on 10 June 2005 was under instructions to focus on local bureaucrats from the governor down. This followed the dispatch from April to August to the region of troops from outside West Papua. The security forces were under orders to conduct intelligence operations with the support of local militias.

The following are just a selection of the many actions and incidents that, according to the report, occurred in Biak during the run-up to and in the wake of the *Dewan Adat's* action on 12 August.

The intelligence agents employed four tactics: disguising

themselves as street traders; engaging in commercial activities such as the purchase and sale of fish and travelling from towns to the villages; taking jobs at government and private offices; and becoming security guards at public enterprises.

On 19 May, the *Dewan Adat* was informed that the police force in the sub-district of Sabar Miokre was to be replaced by a 100-strong unidentified army unit. The news spread a sense of great unease among the population whose past experience of having soldiers in their midst was one of chaos and loss of life.

On 1 June, local troops shot at peoples' homes, aiming at the rooftops.

On 13 June, the Jayapura military command instructed the South Biak military to arrest six persons, four of whom were *Dewan Adat* officials. On the following day, it ordered the arrest of four persons active in TPM, the armed wing of the OPM. [It is not known whether these ten persons are still in custody.]

On 15-16 June, on the pretext of cleaning up the markets, district and local officials, local assembly members, and security force personnel used hose pipes against traders when closing time approached. The security forces later announced that traders would from then on have to close their stalls at 6pm. [Evening trading is widespread in markets throughout Indonesia.]

On five consecutive days, *Dewan Adat* activists were beaten for allegedly passing round information about the action planned for 15 August.

The hoisting of the Morning Star flag by militias. [*Dewan Adat* had instructed their followers not to fly the flag, to avoid provoking the security forces.]

TNI units based in the village of Dedifu set up command posts within three hundred metres of the forest, to carry out house-to-house searches.

Local people were panic-stricken by army patrols which opened fire in the forest. Forest-dwellers fled their gardens in fright and some women and children fell and sustained injuries.

Eleven Papuan spies (whose names are given) were frequently involved in discussions with the army and police to monitor the political situation and orchestrate demos to provoke the security forces and target Papuans. Plans were made with these people to disrupt the action planned for 15 August.

At a meeting held between local figures and the military, it was decided to set up a Joint Team to warn people against taking part in the 15 August action. This meant that the military were doing things that were properly the responsibility of the local executive. What business was it of the TNI to convene such meetings, the report asks.

From 1-5 August, the army and police conducted sweepings throughout Biak and imposed a tight grip around villages and kampungs. Kopassus troops took part in these operations.

At a ceremony to mark the anniversary of the Indonesian air force, the Biak air force commander said he would resist a recent decision by the US House of Representatives to include supportive language on West Papua in the State Department Authorization Act passed in July (see box on page 15) and would oppose nations which support a Free Papua.

On 12 August, a show of force was organised to intimidate local people.

On 13 August, a naval battleship was used to drive local

fishermen from their traditional fishing grounds.

On 14 August, while people were at prayer, fully-armed troops entered the place of worship and arrested a congregant, spreading consternation among the congregation.

On 20 and 21 August, a meeting at the local korem (district command) decided to launch a 'Killing Operation' against those who support a Free Papua. Three Biak *Dewan Adat* leaders were mentioned as the targets.

On 23 August, a local militia member informed ELSHAM that he had been invited to a meeting between the military and local pro-government NGOs. Before entering the meeting, they were carefully searched and all writing equipment was confiscated. Besides targeting local *Dewan Adat* leaders, the meeting decided to target a local pop group called Beyuser set up in April to popularise traditional Papuan music which has been virtually extinguished. The names of a number of *Dewan Adat* members had been placed on the 'wanted' list.

In conclusion, ELSHAM Biak and the Biak *Dewan Adat*, who compiled this report, said that the information had been compiled from very reliable sources and from the victims themselves. They said that if this situation was allowed to continue, tensions would be further strained which could lead to casualties. They appealed to the domestic and international community:

1. To exert strong pressure on the TNI, the Police and the militias to halt their repressive activities.
2. To provide protection to the indigenous people throughout West Papua.

The report was dated 26 August 2005.

## Australian academics on genocide

A study by two Australian academics, the result of three years investigation in West Papua, was recently made public. Entitled *Genocide in West Papua?: The role of the Indonesian state apparatus and a current needs assessment of the Papuan people*, it warns that concerns 'if not acted upon, may pose serious threats to the survival of the indigenous people...'

The study covers 'threats posed by the Indonesian military to the province's stability, the recent increase in large-scale military campaigns which are decimating highland tribal communities, the HIV/AIDS explosion and persistent underdevelopment in the face of rapid and threatening demographic transition in which the Papuans face becoming a minority in their own land.'

The report is dedicated to Papua's leading human rights activist, John Rumbiak, who was instrumental in commissioning and planning the investigation but who suffered a stroke in February this year, from which he is still recovering.

The term 'silent genocide' is used to describe the series of incidents orchestrated by the military. Villages are destroyed by arson blamed on the Free Papua Movement, OPM, which then force the villagers to flee their homes and gardens and suffer from starvation and exposure. The latest example is the Puncak Jaya incident [see article in *TAPOL Bulletin* no. 178, March 2005], which forced more than six thousand people to flee.

The report draws attention to high rates of mother and child mortality, and the uncontrolled spread of HIV/Aids. 'As health and security of the population are supposed to be the responsibility of the government,' the report writes, 'Papuans can be forgiven for thinking that the government's policy towards Papua is one of ethnocide.'

Several sections address the problems of illegal logging whose perpetrators are protected by the military, and the security forces' involvement in business activity. It mentions reconstruction projects now run by the army. A senior army officer serving in Wamena, John Bauna, is behind the construction of a local multi-storey shopping centre. This is likely to be a magnet for consumerism at a time when indigenous Papuans are unable to compete with migrants from Indonesia and are becoming increasingly isolated and excluded from the cash economy.

In Manokwari, the TNI are building and training local militias in *Satgas Merah Putih* (Red and White Special Forces). They have two bases in Manokwari in areas where there are many transmigrants and Muslims.' One area is called SB7 and the other Orang Sebari. Weapons and ammunition are being smuggled in: 'But what makes me angry,' says the report's source, 'is that when people reported this to the authorities, there was no .... attempt to confiscate the weapons. So I am convinced that the TNI is preparing militias... and that at some stage these militias will become a force used to attack the community, as happened in East Timor.'

It is widely acknowledged that West Papua has the highest rate of HIV/AIDS in Indonesia. The study says that besides legal brothels, where the women undergo regular medical examination, there are many illegal brothels that offer their services much more cheaply. The network of brothels is linked to the trade in *gaharu* (sandalwood) which is sold by local people for prices far below those in the Middle East. The source, an Indonesian lawyer, said that *gaharu* is being exchanged for sex.

In a section titled *A New Apartheid?*, the study points out that freedom of movement within Papua is severely restricted. Papuans require a *surat jalan* (travel permit) when traveling to their own villages. Papuans who are members of the army or police are usually not allowed to carry weapons, unlike Indonesian soldiers. While migrants from elsewhere in Indonesia can easily get jobs, Papuans often wait years for a job. This is called 'structural discrimination over the right to work'.

## Demographic Transition

The report draws heavily on the findings of Michael Rumbiak, now deceased, a former leading demographer at Papua's Cendrawasih University. He pointed out that Indonesia's Family Planning programme (KB) is seen by Papuans as a depopulation programme. While this programme aims to restrict families to two children, HIV, the lack of adequate health services, and the high mortality rate among women and children is cutting Papua's population growth to zero. Rumbiak recommended that the programme in Papua should set a target per family of five children with subsidies to support family economic and health needs.

According to Rumbiak, HIV/AIDS cases in Papua 'are on a sharp increase - a huge, hidden, slow and silent but sure threat'. He warned that there are many hidden sufferers and recommended strong government policies to halt this growth. The main source of the disease is Thai fishermen, but calls by church and community groups to send these fishermen home have had no effect.

The demographer also warned that transmigration policies have impoverished the local people who have lost their traditional land rights. He takes the example of Arso in the Jayapura district where the population has grown from

## Historic language in US bill

At the end of July, the US House of Representatives approved a bill, which if passed into law, could increase international pressure on Indonesia to re-visit the contested 'Act of Free Choice' and to address its dire human rights record in West Papua.

The Foreign Relations Authorization Act for 2006 and 2007 included momentous language on Indonesia and West Papua submitted by Congressmen Faleomavaega, a prominent advocate for West Papua, and Donald Payne.

While recognising the advances in democratisation made by Indonesia in recent years, the bill notes with grave concern a lack of progress in the reform of the military, the continued commission of serious human rights violations by security forces personnel, and the government's failure to hold soldiers and police to account for their crimes.

In relation to West Papua, the House finds that the 1969 Act of Free Choice, which led to West Papua's incorporation into Indonesia, took place 'in circumstances that were subject to both overt and covert forms of manipulation'. Since then 'indigenous Papuans have suffered extensive human rights abuses, natural resource exploitation, environmental degradation, and commercial dominance by immigrant communities,' it says.

The Bill goes on to find that 'the promise of special autonomy has not been effectively realised and has been undermined in its implementation.'

Furthermore, 'Rather than demilitarizing its approach, Indonesia has reportedly sent thousands of additional troops to Papua, and military operations in the central highlands since the fall of 2004 have displaced thousands of civilians into very vulnerable circumstances, contributing further to mistrust of the central government by many indigenous Papuans.'

The bill requires the Secretary of State, within 180 days of the law being passed, to submit reports on the Act of Free Choice and on the implementation of special autonomy to include assessments of the extent of access to West Papua, troop levels and US efforts to promote human rights.

Following the House approval of the bill, Faleomavaega said: 'For too long, the cries of the West Papuans have fallen on deaf ears, and I pray that with the concerted attention of the Congress the international community will support this effort.'

The legislation still has to be passed by the Senate, whose recent record on such matters is not promising. Despite this, the bill has already had a major impact, forcing Indonesia to address international concerns about West Papua and defend its abject record in the territory.

# Abepura killers escape justice

*The Papuan people's sense of injustice and resentment at Indonesian rule is likely to have been strengthened by the acquittal in September of two senior police officers accused of allowing the killing of three Papuan students and the torture of dozens more in Abepura in December 2000. The Papuans' lack of faith in the justice system will have been compounded by the knowledge that by contrast, Papuan activists face lengthy jail terms for peaceful protest and non-violent political activities.*

## 'Unspeakably shocking' abuse

In the early hours of 7 December 2000, police assisted by locally-based forces of Indonesia's notorious paramilitary police mobile brigade, Brimob, raided three student dormitories in Abepura, close to the provincial capital Jayapura. The raids followed an attack by unidentified persons on the local police station and autonomy office, which left a police officer and a security guard dead.

During the raids, one student, Elkius Suhunaib, was shot dead by the police. Over a hundred others, including pregnant women and children, were detained and subjected to horrific beatings, violent assaults, torture and racist abuse. Two students, Ori Doronggi and Johny Karunggu, died in police custody; another, Agus Kabak, was left with permanent injuries and a fourth student, Arnold Mundo Soklayo, died later in Jayapura as a result of his injuries.

The assaults took place in the presence of a Swiss journalist, Oswald Iten, who had been arrested for taking photos of a pro-independence demonstration. He later described what he saw in graphic terms:

'...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. After a few long seconds, a guard saw me looking and struck his club against the bars of the cell block door. I quickly went back to my usual spot, from where I could still see the clubs, staffs and split bamboo whips at their work. Their ends were smeared with blood, and blood sprayed the walls all the way up to the ceiling. Sometimes I saw the policemen hopping up on benches, continuing to strike blows from there or jumping back down onto the bodies below...' [*Neue Zürcher Zeitung*, 22 December 2000].

Many of those detained were from Papua's central highlands. It is believed they may have been targeted as revenge for the killing of Indonesian settlers in the highland town of Wamena two months earlier [see *TAPOL Bulletin*, no 160, p. 20]. There was no evidence that the students were involved in the attack on the Abepura police station and autonomy office and they were all subsequently released.

Indonesia's National Commission on Human Rights, Komnas HAM, despite encountering police obstruction and witness intimidation, produced a damning report. It concluded that the case constituted a gross violation of

human rights and identified 25 suspects, including the provincial police chief Brig-Gen Sylvanus Wenas, his deputy, Brig-Gen Moersoetidarno, Brimob commander, Brig-Gen Johny Waismal Usman and Jayapura police commander Superintendent Daud Sihombing [see *TAPOL Bulletin*, no 162, p. 18].

The case was referred to Indonesia's Attorney General and after much delay two of the senior officers, Johny Usman and Daud Sihombing, were charged with crimes against humanity under Indonesia's Law 26/2000 on human rights courts. The law had been passed shortly before the Abepura killings to address serious crimes committed in East Timor and to establish a permanent human rights court with jurisdiction over future cases of gross human rights violations.

The officers were separately charged with command responsibility for the abuses committed by their subordinates. The trials took place in the new human rights court in Makassar, South Sulawesi, which has jurisdiction over West Papua. No explanation has been forthcoming as to why none of the other suspects named by Komnas HAM were charged.

## Verdicts prompt anger and despair

The lengthy trials concluded after sixteen months with not guilty verdicts on 8 and 9 September 2005. In the case of Brig-Gen. Johny Waismal Usman, the court found that there was evidence of abuse and torture by Brimob. However, it was not systematic and there was no clear evidence that Usman ordered the attacks: 'We found that the defendant's actions at the time were his response as a superior. His action was in accordance with standard operational procedures thus we have decided to set him free of all charges.' ['Cop cleared of rights abuse charges, *Jakarta Post*, 7 September 2005]. Furthermore, the abuse was not covered by Law 26/2000 and should instead have given rise to charges under Indonesia's ordinary criminal law, the court held. One judge dissented arguing that the offences were covered by Law 26/2000.

Daud Sihombing was found to have been aware of the actions of the police under his command and could have been held responsible, but not by the human rights court under Law 26/2000.

The announcements of the acquittals, prompted widespread disbelief, anger and despair. Several Papuans attending the hearings broke into tears and screams. A woman dressed in traditional costume climbed onto a chair and yelled at the judges for being unfair. By contrast,



*Papuans protesting against the acquittals*

Brimob officers attending the trial of Johny Waismal Usman celebrated by singing Brimob marching songs.

Interviewed on Radio New Zealand International, Oswald Iten, the Swiss journalist who witnessed the abuse, was in no doubt about Daud Sihombing's involvement:

'He being the commander of police, he having the office right above the cells where it happened. He would pass by this torture chamber every day several times. So I have absolutely no doubt that he was the man who had all the responsibility on this.' [Radio New Zealand International, 19 September 2005]

### Gross injustice

Benny Wenda, Head of DeMMak, the Koteka Tribal Assembly and international lobbyist with the Free West Papua Campaign, Oxford, UK, described the outcome as yet another insult to the Papuan people and evidence that they mean nothing to Indonesia as human beings:

'Have you seen photos of the bruised and battered faces of my people, kicked and beaten by Indonesian Police in their student hostel in Abepura in December 2000? I didn't just see photos, I saw some of my brothers and sisters with my own eyes. Their faces were so mangled I could hardly



*Brigadier General Johny Wainal in court*

recognise them. I saw their blood mixed with their tears. I also spent time with the families crying for their loved ones murdered by the Police on that horrible day.

'Now Indonesia has added yet another injustice and insult to my people. Over the past few days, we Papuans have heard that Indonesia's so-called justice system has acquitted the two senior Indonesian police officers responsible for the Abepura massacre because the brutal killing of three unarmed Papuans (two while already in police custody) and the cruel beating of at least 99 other innocent Papuan students do not meet the necessary criteria for "gross human rights violations".

'We have seen during 42 years of illegal occupation that Papuan lives mean nothing to Indonesia. We know that Indonesia just wants our land, our trees, our gold and our

oil, but not us human beings [Indonesia: Do you even think of us Papuans as human beings', statement issued 12 September 2005].

A group of Indonesian NGOs, including PBHI, Kontras, Imparsial and Elsam, calling themselves the Coalition of Civil Society for the Abepura Case urged the Attorney General's office to appeal. It also called for a Judicial Commission to investigate the handling of the case, and demanded compensation for the victims. It questioned the length of the trials (Law 26/2000 says they should last no longer than 6 months), the venue, saying it should have been in Papua, and the fact that the suspects remained free and were even promoted during the trials ['Acquittal of senior officers condemned', *Jakarta Post*, 10 September 2005].

### Impunity alive and well

The Catholic Institute for International Relations, CIIR, condemned the rulings as '...further proof that the Indonesian government is neither willing nor able to bring human rights abusers in the Indonesian security forces to book...and that impunity is alive and well' ['Church agency condemns Indonesian human rights decision', *Ekklesia*, UK, 14 September 2005].

Carmel Budiardjo for TAPOL said: 'Even under a political system where democracy and justice are supposed to prevail, the Indonesian legal system still perpetuates impunity. It is shameful that human rights abuses by the...police in West Papua will go unpunished. This shows a lack of political will to change from the bad old days of the Suharto regime and sets a precedent for more verdicts protecting human rights abuses.' [Press release, 16 September 2005].

The case will only intensify the Papuan's bitterness at the Indonesian justice system and fuel support for independence. It also raises wider questions about Indonesia's commitment to protecting human rights and strengthening the rule of law.

The substance of Law 26/2000 and the decision to prosecute under that law in particular deserve critical examination. The law was rushed through to pre-empt possible moves by the international community to establish an international tribunal for East Timor. To date, proceedings brought under the law have resulted in the acquittal of 17 out of 18 defendants charged with crimes against humanity in East Timor, the acquittal of 14 soldiers accused of involvement in the 1984 Tanjung Priok massacre [see separate item] and now the not guilty verdicts in the Abepura case.

One problem is that the law only allows for the prosecution of gross violations of human rights amounting to genocide or crimes against humanity. The burden of proof on the prosecution is accordingly extremely high. This was highlighted before the start of the Abepura trials by Abdul Hakim Nusantara, the head of Komnas HAM. He was concerned that many serious offences would go unpunished because of the need to prove they were part of a 'systematic and widespread' attack on the civilian population, a key element of crimes against humanity.

'I think such an extraordinary standard should be

reviewed as it is too demanding a requirement to meet,' he said. 'Torture and rape and extrajudicial killings are serious offences and should be heard in a human rights court even though they may not be systematic and widespread.' ['General to Face Indonesia's Rights Court', *Sydney Morning Herald/The Age*, 8 May 2004]

This is an issue which should be addressed by the Indonesian justice ministry and parliament as a matter of urgency.

## Iniquitous punishments

The Papuans' despair at the lack of accountability of security forces involved in serious crimes will have been made more acute by the knowledge that Papuans are thrown into jail for peaceful protests and other non-violent political activities.

The iniquitous punishments handed down to Papuans contrast starkly with the treatment of prisoners in other parts of Indonesia. Just three months after two activists, Flep Karma and Yusak Pakage were jailed for 15 and 10 years respectively for organising peaceful celebrations and flying the Papuan flag [see *TAPOL Bulletin*, no 179, p. 20], 20 of those convicted for the October 2002 Bali bombing outrage were granted remissions of their sentences to mark Indonesia's independence day on 17 August.

On 30 August, President Yudhoyono signed a presidential decree providing for the release of all Acehese prisoners involved in the activities of the Free Aceh Movement [see separate item]. TAPOL welcomed this development, but is deeply disturbed that no similar move is being made in relation to Papuan prisoners. Many have been convicted under Indonesia's draconian anti-sedition laws for flag raising or being members of the Free Papua Movement, OPM. They include eight men transferred from prison in Wamena to Makassar in South Sulawesi, thousands of kilometres from home where they have limited or no access to their lawyers and family.

President Yudhoyono has promised a political solution to the problem of West Papua. If he is to make progress he must address as a matter of urgency the need for a fair and equitable system of justice which does not criminalise peaceful political activities and ensures that human rights violators are punished appropriately for their crimes.

## Yusak Pakage: 1 December action "peaceful"

### Statement from Abepura Prison, 27th September.

PAPUANS have been independent since 1st December 1961, but this has been manipulated by the Indonesian, Dutch and United States governments and watched over by the United Nations. The manipulation created a victory for Indonesia. Since 1st May 1963, the government of Indonesia has come to colonize, kill, kidnap, rape and oppress the Papuans.

Right up to this minute, our cries and tears are still continuing to fall onto the Land of West Papua.

Indonesia is a democracy. We raised the Bintang Kejora flag [Morning Star flag] with the aim of encouraging dialogue between the people of West Papua and the government of Indonesia. There is no other more respectable way than through dialogue. We should sit together and have a democratic dialogue to find a solution to end the killings, the oppression and the injustice which have occurred systematically on West Papuan land.

### Continued from page 15

1,000 in 1970 to 20,000 in 2000; transmigrants were more numerous and strong, pushing Papuans into the barren hills. Taking all these points together, Rumbiak said it would lead to depopulation and the extinction of Papuans in the villages unless radical counter-measures are adopted.

The report includes interviews with a number of West Papuans including Simon Morin, member of Parliament, a victim of the Wasior human rights abuses case, Mama Yosepha Alomang, an environmentalist who won the Goldman environmental award in 2000, the Reverend Herman Awom, deputy chair of Evangelical Church in Papua, Lena, an HIV counsellor and Tom Beanal, chair of the *Dewan Adat* and acting chair of the Papua Presidium Council.

A copy of the report is available at <http://www.arts.usyd.edu.au/centres/cpacs/wpp.htm> or from the Centre for Peace and Conflict Studies, University of Sydney, [wpp@arts.usyd.edu.au](mailto:wpp@arts.usyd.edu.au)

## Forum Papua set up

A number of prominent figures in Indonesia have come together to set up a Forum Papua. The Forum's deputy chair, Marzuki Darusman, said its establishment had been inspired by what he called 'a lack of transparency' in the way in which the government dealt with the Aceh problem. Marzuki said: 'People feel they have been excluded by the government from the efforts to settle the Aceh problem. Now that the President has announced the government's intention of addressing the Papua issue, we hope that this forum will be capable of ensuring greater public participation.'

As is known, a number of politicians in Indonesia were not at all happy with the Memorandum of Understanding signed between the Indonesian government and GAM on 15 August. It may be that, lurking behind the decision to set up this Forum is the fear that another deal could be made with Papua.

The initiators are certainly aware that Papua has won considerable international support, particularly in the US Congress, which is in the process of enacting legislation addressing the situation in West Papua [see box on page 15]. promote human rights.

However, what happened? Indonesia has shown its immaturity by not implementing the democracy that it always claims and praises. Democracy in Indonesia is in danger, or perhaps it is more accurate to say that democracy is already dead and has never been alive.

We raised our national flag on 1st December 2004; it was not intended to be a gun-battle with Indonesia. The organizers of the activity had sent a letter to the police informing them that the activity of raising the Bintang Kejora flag would be organized by Papuan students and the Papuan community in the form of a peaceful action, as part of a prayer meeting, and that the activity would take place in Abepura Trikora field.

However, the police arrested the two of us [organizers], myself Yusak Pakage and brother Filep Karma. The Indonesian court judged us and accused us under laws against subversion [rebellion], which in reality contained racial discrimination and apartheid policies of Indonesia towards the West Papuans. I was given a sentence of 10 years imprisonment, whereas Filep Karma was given a 15 year sentence.

*continued on page 23*

# Pastor leads struggle for peace and justice

*"The churches in Papua can no longer remain silent if injustice and human rights abuses continue" Socratez Sofyan Yoman.*

## Big Man speaks out

In Pacific terms, Revd. Sofyan Yoman is a Big Man. An outspoken church leader and formidable critic of Indonesia's military occupation of West Papua, he has trenchant views about how to achieve peace and justice in his homeland. TAPOL invited him to the UK in July to raise awareness of the suffering of his people. He also visited Ireland as a guest of West Papua Action.

Revd. Yoman is the President of the Alliance of Baptist Churches of West Papua. With other religious leaders, including Protestants, Catholics, Muslims, and Hindus, he has worked tirelessly in the struggle for a better future for the Papuan people. For many years the churches in West Papua maintained a relatively low profile, but the situation has deteriorated so badly in recent years that they have felt compelled to speak out.

Revd. Yoman and his fellow religious leaders are prominent supporters of the 'Land of Peace' campaign. This rejects the increasing militarisation of the territory and aims to provide space for political dialogue and create conditions in which human rights of all categories are fully protected. It involves all people living in West Papua and respects the diverse ethnic, racial and religious nature of the society.

In his talks, Revd. Yoman provided graphic accounts of widespread abuses based on eye-witness accounts and information from churchgoers throughout the territory. He detailed incidents of summary executions, torture, arbitrary arrests and detentions, disappearances and the forcible displacement of villagers from their homes and livelihoods.

## Survival threatened

A member of the Lani tribe, Revd. Yoman was born in the village of Yiwenggame, Tiom in the Wamena district of West Papua's central highlands where recent military operations against defenceless villagers have claimed dozens of lives and made thousands homeless.

He argued strongly that the systematic violence and oppression inflicted on the Papuan people amount to genocide. Genocide may be difficult to prove in law and is not a term to be used lightly, but Revd. Yoman's point is that the policies of the Indonesian government and the gross human rights violations perpetrated by its security forces represent a real threat to the survival of the Papuan people.

The government's policy on special autonomy and the division of Papua into three or more provinces is a particular target for Revd. Yoman's criticism. In a paper published in May, he described the law on special autonomy as a cover for policies which perpetuate the misfortune and suffering of the indigenous people (Systematic genocide of

the indigenous people of West Papua under special autonomy, 14 May 2005). He alleges that special autonomy funds have been used to fund military operations [See Dateline, 16 March 2005, SBS TV Australia; transcript available at <http://news.sbs.com.au/dateline> or from TAPOL].

Other issues of concern highlighted during the visit were the massive build-up of troops in West Papua [see <http://tapol.gn.apc.org/reports/r050621wpmil.htm>], the omnipresence of intelligence officers, the demographic, social and economic changes caused by the steady influx of large numbers of migrants from other parts of Indonesia, the plight of political prisoners, and the historical injustice of West Papua's incorporation into Indonesia following the fraudulent Act of Free Choice in 1969.

Revd. Yoman also made clear his opposition to foreign investment projects, especially the new Tangguh liquefied natural gas project operated by BP Indonesia. His view is that the exploitation of Papua's natural resources brings no benefits to local people, it involves the displacement of local communities, in some cases causing terrible suffering, and invariably the majority of those employed are from Java and elsewhere. He argues that such projects should be put on hold until West Papua is in a position to determine its own future.



*Revd. Sofyan Yoman*

## Worldwide appeal

Revd. Yoman's powerful appeal for international support for West Papua was delivered to politicians, government officials, church leaders, NGOs and members of the public. Several events, including a public meeting hosted by the Bishop of Oxford, the Rt. Revd. Richard Harries, were organised by the Free West Papua Campaign, a vibrant and highly effective solidarity group based in Oxford.

An Oxford Declaration calling for peace, justice and freedom was issued by Revd. Yoman and several prominent local supporters of West Papua, including the Bishop of Oxford, the Labour MP and former Cabinet minister, Andrew Smith, Liberal Democrat MP, Evan Harris, and Green MEP, Caroline Lucas.

During his stay, Revd. Yoman attended the launch of a cross-party parliamentary group for West Papua organised by Andrew Smith MP. He also met parliamentarians in Ireland, prompting the hope that an international group of Parliamentarians for West Papua can soon be established.

The visit ended with the Baptist World Centenary Congress in Birmingham. The event was attended by an estimated 12,000 people, many of whom were able to hear about West Papua for the first time. A two-page spread in the Baptist Times, circulated at the Congress gave prominence to Revd. Yoman's call for worldwide help for the Papuan people.

# Tanjung Priok acquittals a travesty

The decision in July by a Jakarta appeals court to acquit 12 soldiers convicted of the 1984 'Tanjung Priok' massacre in which scores of Muslims died is a travesty of justice. It perpetuates the scourge of impunity, the hallmark of the Suharto dictatorship, and represents a bleak comment on the state of the rule of law in post-Suharto Indonesia

All but one of the 12 soldiers were in any case serving exceptionally lenient sentences of two or three years imprisonment for 'intentionally killing' civilians. A senior officer received a jail sentence of 10 years for the gross human rights violation of failing to prevent or halt the systematic killing of civilians.

The defendants were all convicted last year by an ad hoc human rights court set up at the same time as the ad hoc court for East Timor whose proceedings have been widely condemned as a sham. The acquittals in the Tanjung Priok case mean that no-one has been convicted of the worst mass killing in Indonesia during the Suharto era outside of East Timor, Aceh and West Papua.

Those with command responsibility for the crime, including General Benny Murdani and possibly even President Suharto himself, were never brought to trial. The commander of Indonesia's special forces, Kopassus, Maj-Gen Sriyanto Muntrasan, who in 1984 was the North Jakarta military commander, and a senior police officer were controversially acquitted at their original trials last year [see TAPOL Bulletin, No 177, p. 3].

## Army provocation

The massacre took place in the wake of a series of provocative actions by members of the Indonesian army in and around a mosque in Tanjung Priok, Jakarta's heavily-populated port area. At the time, Indonesia's Muslim community was deeply exercised by the Suharto government's decision to impose a Societies' Law which required all organisations to adopt the State ideology known as Pancasila, preventing organisations from proclaiming Islamic or other religious principles.

Preachers in Tanjung Priok had been voicing their discontent with this decision during the early days of September 1984. On 7 September, soldiers entered a local prayer-house and ordered the removal of posters from the walls. They made a subsequent visit to ensure the posters had not been returned. Tempers flared among the congregants while mosque officials attempted to calm things down.

On 12 September, several preachers spoke at an open-air prayer meeting, following which a large crowd of around 1,500 people marched to the local police headquarters to lodge a protest. They found themselves hemmed in on all sides as they approached their destination and gunfire was heard coming from all directions. Within minutes, there were scores of dead bodies while the less seriously injured fled the scene.

According to local witnesses, at around midnight, an hour after the killings had begun, General Benny Murdani, commander-in-chief of the armed forces, came to inspect the scene. Several sources said he had been in the vicinity throughout the massacre, directing the operation.



21<sup>st</sup> anniversary protest of the Tanjung Priok massacre

On the following morning, General Murdani, together with Major-General Tri Sutrisno, the then military commander of Jakarta, visited the area. They claimed that only nine people had died and fifty-three had been injured. They even alleged that local people had been armed with crowbars and chopping knives when they approached the police headquarters.

## 'New Order' holds sway

In a comment published shortly afterwards, based on information from lawyers for those charged in relation to the protest which preceded the massacre, TAPOL stated:

'The impact of the incident on Tanjung Priok was shattering. Virtually every family in the neighbourhood had lost relatives in the massacre. Estimates that hundreds had been killed soon gained currency and were mentioned in several reports (for example, Far Eastern Economic Review, 22 November 1984). Some of those who survived have since put the number of dead at around six hundred but the official cover up made it impossible to investigate the magnitude of the slaughter or check claims about secret mass graves where victims were buried without the knowledge of their families.' (TAPOL Publication: Indonesia: Muslims on Trial, April 1987)

Former President Suharto, whose insistence on ideological conformity to Pancasila created the atmosphere in which the massacre took place has yet to be held to account for his role. On the contrary, in May this year, the Indonesian Government decided that he should be allowed to spend the rest of his life without charge.

The acquittals of soldiers involved in the massacre is a further sign that New Order elements and the New Order mentality still wield tremendous influence in Indonesia, regardless of the democratic election of Susilo Bambang Yudhoyono as President.

*Continued from page 12*

## **A bad start for Ramadan**

The decision to raise the cost of fuel was taken just a few days before the start of Ramadan, the fasting month, a time when prices always go up anyway. The end of Ramadan, Idul Fitri, is traditionally the time when people travel far and wide, to visit and pay their respects to parents. This year, they will find that these excursions will be an even heavier drain on the family purse.

## **Role of the IMF**

Indonesia's economic problems go back to the late 1990s when financial crises swept across South-East Asia, forcing massive cutbacks in state spending in Indonesia. This brought to an end the much-vaunted economic miracle under Suharto and forced the dictator into a humiliating plea to the International Monetary Fund for assistance. A photo widely publicised at the time in the national and international press, shows Suharto signing the contract with IMF chief, Michel Camdessus, towering behind him with his arms crossed.

Although political pressure compelled the post-Suharto government of Habibie to end its contract with the IMF, the policies introduced did not change. Economist Sugeng Bahagijo describes this as a 'home-grown' economic strategy, because the IMF ideology still holds sway among economic policy makers. While these policies were welcomed by international financiers, writes Bahagijo, 'they have exacerbated the plight of the poor who were already suffering from the crisis that had precipitated the IMF's intervention'. [*Inside Indonesia*, October-December 2005]

The IMF contract forced Indonesia to acknowledge the need to step up repayment of its huge foreign debt totalling \$13 billion, more than three times the total public sector wages bill and eight times the education budget. This compelled the government to cut back on social services. As a result of these reversals in policy, at least 110million Indonesians - half the population of 220 million - still live on less than two dollars a day.

## **High child mortality rate**

In a statement issued on 30 September, UNICEF lambasted Indonesia's deteriorating healthcare system for contributing to the deaths of 2,400 children a day. The head of the agency's office in Indonesia Gianfranco Rotigliano, described this as a 'shocking tragedy' caused by low immunisation levels. As a result, nearly one million children are dying every year from preventable diseases such as tuberculosis, measles, pertussis, diphtheria and tetanus.

Other reports point to 1.5 million malnourished children, while the country's infant and maternity mortality rate is the highest in Southeast Asia.

In April, a child in West Java was diagnosed as having poliomyelitis, forcing an emergency vaccination programme. In the past few months, at least 240 children have been crippled by the disease. Indonesia has now been stripped of its ten-year polio-free status.

As SBY approaches the first anniversary of his inauguration as President, he confronts a rapidly deteriorating economy and appalling deficiencies in education and the healthcare system. The fuel price increase and the Bali bombs could hardly have come at a worse time.

*Continued from page 4*

faced the risk of personal injury or even death. Solving this case and bringing the killers and their sponsors to justice is a big test for President Yudhoyono's government and its commitment to the rule of law.' [Human Rights Watch statement. 7 September 2005]

## **Fact-Finding Team's conclusions**

From December 2004 until June 2005, the murder was closely scrutinised by a Fact-Finding Team set up by President Susilo Bambang Yudhoyono, with a broad mandate to question anyone, including officials of state institutions, who were required to participate fully in the investigations. After completing its six-month mandate on 23 June, the Team delivered its report to the President and announced its conclusion that the murder was the result of a conspiracy. Since then, the investigations have been in the hands of the police force.

Heading the Fact-Finding Team was a senior police detective, Brigadier-General Marsudhi Hanafi, who was quoted as saying, when the Team ended its mandate, that the Team regarded Pollycarpus as the person 'who had opened the door'.

But mystery still surrounds the findings of the Fact-Finding Team as its report has not been made public. That is a matter for the President and as yet, he has chosen not to do so.

Speaking to the press, Suciwati said that although she was pessimistic regarding the results of the Pollycarpus trial, she was pinning her hopes on the government. She called on the government to do the following: To publish the results of the investigations conducted by the TPF, to conduct a review of the activities of the police to see what they have accomplished so far, and if it becomes the evident that the police are not able to cope, to set up a new commission to make sure that the mastermind of the murder is revealed. She said that the TPF had mentioned several names in connection with the murder but these persons have not been taken to court.

What motive could Pollycarpus possibly have had (to murder Munir), she asked. After all, he is only a pilot.

## **1997-1998 kidnappings**

It is indeed ironic that, while the Munir murder trial is underway, there is renewed interest in the fate of twelve young activists who disappeared at the end of 1997. Investigations conducted by the National Human Rights Commission, Komnas HAM, have come to conclusion that these activists died at the hands of their kidnappers. A member of the Commission, Ruswiati Suryasaputra, told the press that they have enough evidence to prove that these forced disappearances were carried out with the support of, or using the power of state agencies, and therefore qualify as a gross human rights violation. Komnas HAM says it has collected enough evidence to put the military officers responsible on trial in a human rights court.

Munir was very much preoccupied with these disappearances at the time, and it was this case that inspired him to set up Kontras, the Commission for Disappearances and the Victims of Violence.

# Historic Balibo house restored

*In October 1975, five Australian-based journalists were sent to investigate Indonesian military attacks against East Timor. Malcolm Rennie, a Scot, and Englishman Brian Peters joined Australians Greg Shackleton and Tony Stewart, and New Zealander Gary Cunningham to cover what was then the biggest emerging event in the region - acts of aggression by a military dictatorship against a newly democratising society, the collapse of the decolonisation process in East Timor and the threat of invasion by neighbouring Indonesia.*

In a border village called Balibó, Gary Cunningham filmed Greg Shackleton painting an Australian flag and the word AUSTRALIA with a rag dipped in red paint on the wall of the house in which they were sheltering.

After filming an attack on Balibó (16/10/75) the five unarmed men dressed as civilians were murdered while surrendering to 100 red beret Kopassandha (Special Forces secret warfare) troops led by a Captain Yunus Yosfiah. He was promoted after Balibó and he attended courses at the US Army's Command and General Staff College at Fort Leavenworth (1979) and the Royal College of Defence Studies in Britain (1989).

Eight weeks later, Roger East, another Australian journalist was shot on the wharf in Dili following the invasion (7 Dec.) From this time on it was obvious that though our loss was great, it was as nothing compared to the Timorese: in the first four years of the Indonesian occupation 200,000 people died. Out of a population of 680,000 these figures are apocalyptic. There was nothing I could do for Greg so I began to work to free the East Timorese.

In fear of reprisals, the owner of the Balibó house covered the Australian flag with several layers of paint. No one was ever charged with the murders. Three Australian inquiries were held. The first was exposed as inadequate and the other two left many questions unanswered. A full judicial inquiry has never been held. Successive Australian governments, supported by an influential network of pro-Jakarta lobbyists, worked assiduously to preserve Indonesian sovereignty over East Timor. Successive British government's neglect of their own citizens murdered in cold blood at Balibó mirrored their heartless Australian counterparts.

I have been to the UK many times in support of East Timor. Two interviews stand out in my memory: Tony Benn admitted that he had lied to Maureen Tolfree about the death of her brother, Brian Peters when he was her M.P. 'What my government told me was little more than Indonesian propaganda.' Jeremy Hanley, a former Conservative Foreign Office minister, was a perfect example of weasel words. He did not even seem to realise that two of the murdered men were British!

Greg's mother committed suicide. It was not the murders that destroyed her: it was Australian government official eagerness to blame the Balibo Five for their own murders and the fact that perjury was committed on behalf of the men who had murdered her only son.

After the East Timorese voted for independence, public pressure forced John Howard to assemble a multinational force to guarantee East Timor's independence.

Following 7 months of investigations, UN CivPol investigators in East Timor recommended the prosecution of Yunus Yosfiah and 2 others over the Balibó murders. John



**Shirley and her son Evan in front of the restored sign on the Balibo house**

Howard immediately recalled both Australian police officers conducting the investigation and his decision was enforced despite the fact that both the officers and Sergio Vieira de Mello - then the UN Special Representative for the Secretary General to East Timor - appealed to him for time to complete the enquiries.

In 2003, the Victorian government together with assistance from the Balibó House Trust, World Vision, Multiplex, Channels 7 and 9 and the Australian Peace Keeping forces in East Timor, reconstructed and refurbished the Balibo Flag house to provide a Community Learning Centre with a wide range of programs including a crèche, sewing and cooking classes, computer training, mechanics, carpentry, literacy, sport and music activities. It is a matter of great pride to me personally that everything unavailable in Timor at that time - every nail, every grain of sand, doors, windows, cans of paint was donated by 40 Victorian businesses.

Australian troops stationed at Balibó volunteered to work on the house - after doing the hard yards protecting the border they broke their backs working miracles. One Aussie peacekeeper dedicated to finding the flag that Greg had painted, spent hours of painful scrubbing the wall with steel wool. My first reaction when I saw the photograph was horror - it was a ghost image, a nasty reminder of the past, but I agreed to leave it exposed to allow the other families to decide its fate.

Twelve Australian family members along with three family members from Britain attended the opening by the Premier of Victoria, Steve Bracks, the President of Timor-Leste, Xanana Gusmão and the Senior Minister for Foreign Affairs and Co-operation, Mr. José Ramos-Horta. Most moving was the presence of hundreds of Timorese who had

walked since midnight from outlying districts in order to pay their respects. The ceremony was dedicated to all those who died including Roger East, Timorese civilians and members of the Resistance Army.

My son was eight years old when Greg was murdered. Balibó was the last place on earth he wanted to be. But he faced the ordeal. There were a lot of tears and great outpourings of joy, from Timorese as well as us. For Evan Shackleton, the whole event and the uncovering of the flag was a kind of resurrection - for 28 years he had suffered recurring nightmares. He hasn't had one since.

The Community Learning Centre is thriving. Additional buildings have been built to house the carpentry and mechanical workshops along with separate crèche, sporting and music facilities. For me the flag holds no immediate horror, like the restored house it is a symbol of renewal and of hope for a better future for the Timorese nation. It represents my son's release and promises a kind of resurrection - like an ancient cave painting - it is a precious remnant from the past - a sad and ghostly artefact of a vile and unfinished business.

In 2000 Maureen Tolfree asked the NSW Coroner to hold a formal inquest into the death of Brian Peters, one of the Balibó Five, as he was a resident in NSW. Judge Abernethy has agreed to hold an inquest later this year.

Shirley Shackleton, 19th September 2005

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*Yusak Pakage statement, continued from page 18*

The eyes of the Papuans and the international community have seen and are continuing to witness the racist Indonesian court system. In this case Indonesia has violated its own 1945 constitution and several international conventions.

One point of the 1945 constitution violated by Indonesia, is the preamble which says that: "Indeed, independence is the right of any nation and therefore any colonialization in this world must be eliminated because it is against humanity and justice".

Indonesia has also violated the International Covenant on Civil and Political Rights of 16 December 1966.

The laws that were proposed by the founding fathers of the Unitary State of Indonesia (the 1945 constitution) and the conventions that have been agreed by the global community are always violated every time Indonesia responds to the struggle of West Papuans against its colonialism.

Through their racist courts which "rubber stamp" Indonesia's policies of oppression, we Papuans who really fight to defend our people are always considered guilty and are given heavy penalties. However, those Indonesians who shamefully kill our people and who should be categorized as serious human rights abusers are always set free.

The Indonesian colonial court system is only a ritual and simply a theatre created to accuse those who defend the tortured people. However, it praises those who defend the killers whose bloody hands were used to kill us.

The Papuans must realise that when Indonesia violates its own constitution (the 1945 constitution), it actually gives us political energy. Our strength is in their inconsistency in implementing their 1945 constitution, which is their national foundation. This is the background that I have prepared. Thank you for your willingness to read it and to spread it around the Papuan and international community

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## A Not-So-Distant Horror: Mass Violence in East Timor

By Joseph Nevins

2005, Cornell University Press; 273 pages

The tragedy of East Timor is firmly located in the imperial projects of the world's most powerful countries - notably the US, but also Australia, Japan, the UK, New Zealand and others - according to this compelling account of the tiny country's inspiring struggle for independence.

While those most directly responsible for the violence and suffering inflicted on the East Timorese people throughout the period of Indonesia's brutal occupation from 1975 to 1999 were the Indonesian army, its military and political leaders, and its militia proxies, Joseph Nevins convincingly argues that blame must also lie with those western countries that provided Indonesia with crucial military, economic and diplomatic support.

They were guilty not only of active complicity in the dreadful crimes perpetrated against the Timorese, but also of maintaining the less visible forms of structural or institutionalised violence inherent in a world order which favours the strong (and the friends of the strong such as Indonesia) against the weak.

The latter form of oppression includes maintaining crippling global socioeconomic inequalities. In this sense, suggests Nevins, East Timor's independence has had its 'painful limitations'. The struggle for self-determination and sovereignty over natural resources, therefore, goes on. This is particularly the case in relation to the oil reserves in the Timor Sea, estimated to be worth between \$12 and \$20 billion over the next three decades, which Australia is intent on appropriating.

The strength of Nevins' account and analysis derives from his experiences as a long-time advocate for East Timor and regular visitor to the territory since 1992. He vividly juxtaposes the horror and the normality of the terror. Thus in 1992, just a few months after the horrific Santa Cruz cemetery massacre, people were going about their lives - attending a wedding, playing volleyball, going to the market - as they would almost anywhere in the world, but the level of fear and tension was palpable, he recounts.

This was because 'the brutality in East Timor was of an established sort, one that comes about when a purveyor of violence has sufficiently won the upper hand, when the stronger party can implement its policies through seemingly normal practices... The occupation had become institutionalized. The violence was in the structures built upon the corpses of the dead and the collective trauma of those who had survived.'

Nevins examines the US role at length, but also touches on the part played by the UK, which was one of Indonesia's largest arms suppliers during its occupation of East Timor. The 40th anniversary of the bloody events which led to General Suharto's seizure of power in 1965/66 has just passed and Nevins reminds us that British support for the Indonesian military dates from that dark period in Indonesia's history.

He provides us with a useful insight into the way in which power corrupts moral principles through the career of the late Robin Cook, Labour Foreign Secretary between 1997 and 2001. In 1978, as a young MP, Cook had written a scathing critique of

*continued on back page*

arms sales to repressive regimes being particularly disturbed by the sale that year of the first batch of British Aerospace Hawk aircraft to Jakarta. In 1994, he told parliament that Hawk aircraft had been 'observed on bombing runs in East Timor in most years since 1984'.

As Foreign Secretary under Tony Blair, he changed his tune completely. He denied saying that Hawks were operational in East Timor and controversially allowed the delivery to Jakarta of more Hawk aircraft, armoured vehicles and other military equipment licensed for export by the previous Tory government. A picture of Cook shaking hands with Suharto then bizarrely appeared in the Labour government's first annual human rights report in 1998.

In his published diaries, discussing the contested sale of Hawk spares to Zimbabwe, Cook commented: 'In my time I came to learn that the Chairman of British Aerospace appeared to have the key to the garden door to Number 10 [the Prime Minister's residence]. Certainly I never once knew Number 10 to come up with any decision that would be incommensurate to British Aerospace, even when they came to bitterly regret the public consequences, as they did in overruling me on the supply of Hawk spares to Zimbabwe.' ['The Point of Departure: Diaries from the Front Bench', Robin Cook, 2003]

This exemplifies the immense influence and political power wielded by arms companies within government, but interestingly does not say anything about Cook being overruled on the supply of Hawks to Indonesia (for more on government/arms industry links, see Campaign Against Arms Trade's 'Call the shots' campaign at <http://www.caat.org.uk/campaigns/calltheshots/>).

Nevins does credit the Blair government with raising East Timor's diplomatic profile, pressing Indonesia to respect human rights, and as president of the EU, facilitating the visit of a high-level delegation in June 1998. However, he rightly makes the point that whereas these initiatives were significant, London's continuing military and economic support for Jakarta was likely to have sent the message that it was 'business as usual'.

The book considers in some detail the difficult question of whether western governments could have done more to prevent the violence and scorched-earth devastation of East Timor in 1999 and concludes that had they acted in a manner consistent with their international obligations, it is likely that the TNI would not have gone as far as it did.

The latter chapters deal with the critical issue of accountability: how false representations of the past lay the foundations for injustice; the role of truth and reconciliation commissions; the absence of any notion that countries that aided and abetted Jakarta's crimes should be held accountable; and the lack of international political will and desire to force the issue of justice. This matter seems to have stalled yet again with the UN Security Council and Secretary-General dragging their heels over their response to a Commission of Experts' report completed in May 2005 [see *TAPOL Bulletin*, No 179, p. 11].

Nevins correctly asserts that the impunity enjoyed by the world's powerful for their complicity in the violence perpetrated by the Indonesian military increases the likelihood that such shameful conduct will reoccur (as it has in Iraq and elsewhere). The whitewash of the military's ugly history in East Timor also has profoundly detrimental implications for the populations of restive regions in Indonesia such as West Papua, where the TNI has perpetrated widespread and ongoing atrocities, and insidiously undermines Indonesia's fragile transition to democracy.

Paul Barber

## New Human Rights Watch Report

### Always on Call Abuse and Exploitation of Child Domestic Workers in Indonesia

HRW Index No.: C1707  
June 20, 2005

This 74-page report documents how Indonesian children as young as 12 work 14 to 18 hours a day, seven days a week, without a day off. They are also forbidden from leaving their place of employment or contacting their families.

Human Rights Watch documented how girls are physically, psychologically and sexually abused by their employers. Most earn less than 500 rupiah (or five U.S. cents) an hour. Labour recruiters, neighbors, relatives and others lure girls from rural areas or poor urban areas with false promises of high wages, the chance to attend school in the city, and limited job responsibilities.

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