



**VICTORIA UNIVERSITY**  
MELBOURNE AUSTRALIA

*Tapol bulletin no, 171/172, June/July 2003*

This is the Published version of the following publication

UNSPECIFIED (2003) Tapol bulletin no, 171/172, June/July 2003. Tapol bulletin (171). pp. 1-28. ISSN 1356-1154

The publisher's official version can be found at

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The Indonesia Human Rights Campaign

TAPOL Bulletin No. 171/172

June/July 2003

# Peace must be restored in Aceh

*Following the breakdown of talks between the Indonesian government and the Free Aceh Movement, GAM, Jakarta declared martial law in Aceh on 19 May. All-out war has been raging since then, with casualties mounting by the day. Tens of thousands of villagers have fled their homes and hundreds of schools and other public amenities have been burnt down. Aceh is now under strict military control, independent press access has been curbed and the whole province is effectively isolated and sealed off.*

The people of Aceh are today living in what can only be described as a living hell, a daily round of trauma and extreme fear, of sweepings of villages, of the seizure of people at random and, hours later, their bodies left lying by the roadside.

A week after martial law was declared, a foreign journalist reporting from Seunade, in the district of Pidie, described how 'three men were gunned down as they walked home after harvesting rice in the paddy fields. The following day, the soldiers returned and dragged two men out of their houses, shooting them dead in front of their terrified families'. According to villagers, one of the three men was a GAM member but was unarmed while the other two were farmers.

One of the two men killed on the following day had tried to escape through his bedroom window but was stripped and beaten on the dusty track outside his house. Nurbaiti, the widow of one of the men, married her husband two months ago. Her first husband was killed by the TNI, the Indonesian armed forces, two years ago.

The people of Seunade, the journalist continues, 'are petrified after the recent killings. They dare not venture out to work in the fields and the crop of red chillies ripe for harvesting has been left to rot.'

She writes that 'both the military and GAM are feared by the Acehnese. Both are involved in extortion and drug-running and both harass and intimidate civilians. But there is little doubt that the TNI excites greater dread.' [Kathy Marks in *The Independent*, 26 May 2003]

Hundreds of people are known to have been killed in the first month of martial law, but anything approaching an exact figure is difficult to establish. Although the military authorities claim that all those killed are 'GAM suspects', this is clearly a fabrication.

## Accord sabotaged by the military

When the Cessation of Hostilities (COHA) accord was signed on 9 December 2002, the prospects for a peaceful solution in Aceh appeared for the first time to be bright. The

accord allowed for the presence of international monitors, along with monitors from the two sides to check on implementation. The Indonesian side undertook to halt offensive actions and pull back their troops to defensive positions while GAM agreed to place their weapons in storage, beyond use. The tripartite monitors were organised in Joint Security Committees (JSC) which set up local offices. COHA also provided for the creation of 'peace zones' and for a couple of months, several such zones were identified.

However, although the accord had its advocates within the Megawati government, the military in Aceh and top ranking officers in the Indonesian armed forces, the TNI, were clearly unhappy and soon began to sabotage the agree-

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ment. By early March this year, JSC local offices were being attacked by mobs organised by the military; some of their premises were heavily damaged and several officials were wounded. This forced the Henry Dunant Centre, the Geneva-based conflict resolution organisation which had brokered the accord, to order the closure of the offices and the withdrawal of monitoring personnel to Banda Aceh, which was a serious setback for peace.

On 10 April, Minister-Coordinator for Political and



*A combined force of Army, Navy, Airforce and Police arrived in Aceh by mid May*

Security Affairs, Susilo Bambang Yudhoyono, who had initially favoured the accord, announced that Indonesia was ready to launch military operations in Aceh and was preparing to use 50,000 troops. Lt-General Bibit Waluyo, commander of the army's strategic command, KOSTRAD, said he would be sending hundreds of reinforcements to Aceh 'to crush GAM', while Major-General Sriyanto, commander of the special forces, Kopassus, said that two Kopassus battalions, about 1,600 men, had just been dispatched to Aceh.

At the end of the month, Yudhoyono again took the stage, announcing that Indonesia was issuing a two-week ultimatum to GAM to accept special autonomy and to agree that Aceh would 'remain within the fold of the Unitary State of the Republic of Indonesia'. Although COHA was still acknowledged as being the framework, these demands went far beyond the terms of the accord which did not deal with seeking a political solution and referred to special autonomy only as 'the starting point' for the talks.

As a further sign of bad faith on the Indonesian side, five members of the GAM negotiation team were arrested in Aceh Besar in early May as they were leaving their hotel. They were later released. However, when they were due to leave for Tokyo to attend a meeting of the Joint Security Council, they were held again by the Indonesian police and prevented from leaving to attend the talks. The Indonesian authorities announced that they would face charges of treason, in total disregard of their legitimate status as negotiators.

## **International community's duplicitous position**

While western powers have promoted the talks, they also take the position that Indonesia's territorial integrity is paramount, a position that justifies Indonesia's policy of taking whatever action it considers necessary, including waging war, to prevent the break-up of the Republic. It is a position that Indonesia's military leaders have used to their advantage.

Throughout the talks process, western governments and agencies, including the US, Japan, the European Union and the World Bank, held several meetings in Tokyo to press for a peaceful solution and met several times in Tokyo. They had announced their decision to fund a programme of reconstruction to Aceh, amounting to \$40 million.

But with nationalist sentiment so deep-rooted among Indonesia's political leaders, there was shock and horror at the internationalisation of the Aceh conflict. Far from acknowledging the positive role of the Henry Dunant Centre in trying to resolve the conflict peacefully, there were expressions of dismay that a foreign agency regarded as a useless NGO had intervened and calls for it to be excluded from further involvement in Aceh.

As violations of the accord on both sides mounted, it was apparent that the body set up under COHA to act as final arbiter regarding serious disagreements, the Joint Security Council, would have to convene. After disagreements over the date and location, the Council eventually met in Tokyo on 17 - 18 May, under pressure from the Tokyo Group.

Weeks before these talks, the Indonesian armed forces had announced the immediate dispatch of heavy military equipment and thousands of reinforcements to Aceh, in anticipation of intensified military operations, hardly a good omen for the talks. Included among the equipment being prepared for Aceh were four British-made Hawk ground attack aircraft and Scorpion tanks, also from the UK.

Far from seeking to pave the way to an agreement, the Indonesian delegation, after lengthy consultations with Jakarta, presented a series of demands that they knew would be unacceptable to GAM. They demanded that GAM should accept special autonomy as the final solution, that it should abandon its demand for independence and that it should disband its armed forces. As a spokesman for HDC at the talks said later, 'The government put forward additional conditions (which) made any discussion or dialogue impossible.' [*Jakarta Post*, 28 May 2003] Yudhoyono also said that a military operation would commence if GAM refused to accept the conditions. Predictably, the talks broke down. On the following day, 19 May, martial law was declared in Aceh and renewed military operations began.

With a few rare exceptions, Indonesian politicians have not spoken out against the imposition of martial law. The only prominent public figure to express concern has been Ahmad Syafii Maarif, the chairman of Muhammadiyah, a Java-based organisation with millions of members. Unlike the other mass Muslim organisation, Nahdlatul Ulama, the Muhammadiyah also has a sizeable following outside Java. Fearing the damage that operations could inflict on the population, he urged the military to halt its operations. 'We have seen that even with a military operation, the GAM separatist movement cannot be beaten easily.' He warned that as casualties mounted, 'the people of Aceh will become more anti-government, although they may not be supporters of GAM.' [*Jakarta Post*, 31 May 2003]

## **Strict control of the press under martial law**

Already weeks before martial law was proclaimed in Aceh, the military authorities issued a number of warnings to

Indonesian journalists regarding their reporting of the situation in Aceh. Several dozen Indonesian journalists who were accredited to report on the war in Aceh were required to undergo a four-day course of strenuous military training and were told that they would be required to wear military clothing which, as GAM later warned, would put them in the line of fire. Accredited journalists would be embedded with the troops and would be required to check their reports with the military authorities.

Further restrictions on the press were announced on 21 May by Major-General Endang Suwarya, commander of the regional military command in Aceh and now also the officer in charge of implementing martial law in Aceh. Citing legislation governing states of emergency, Suwarya banned journalists from quoting GAM spokespersons for the duration of the state of emergency. The general said Indonesia's interests must be paramount in all press coverage. 'I demand that all news reports support the nationalist spirit. The interests of the unitary state must come first. No credibility may be accorded to the GAM's statements, which constantly twist the facts,' Suwarya said.

Protesting against the restrictions, AJI, the Alliance of Independent Journalists, said: 'The media's credibility and journalists' safety in conflict areas can only be guaranteed if there is fair and impartial coverage, not one-sided propaganda.'

Within days of martial law, several news organisations encountered problems. Soldiers threatened reporters from the privately-owned television station Metro TV with expulsion from the province because they filmed a group of persons with GAM logos on their clothes. The people concerned were helping to put out a fire at one of the many schools that have been torched since the start of the army's offensive. The local daily newspaper *Serambi Indonesia* also received a strong reprimand for alleged bias in favour of the separatists in its coverage of the military operations.

One of Indonesia's leading dailies, *Koran Tempo*, which has made every effort to report developments in Aceh, will face legal proceedings by the army for publishing 'incorrect reports' about the killing of ten civilians during a raid in the first week of martial law. The article was based on a report by AFP which, the military warns, could also face legal action.

The report that triggered the army's fury was headed: 'Civilians have started to become victims'. The article reported a raid that led to the deaths of ten civilians including a thirteen-year old boy in the village of Matam Mamplang, in the district of Bireuen. According to the report, an 87-strong unit led by Captain Mahfud Supriadi shot the civilians during a search for GAM guerrillas. The ten victims were guarding a shrimp farm at the time of the raid and were told to stand in a row, then shot, one by one. [Jakarta Post, 28 May 2003]

During the first week of martial law, a number of foreign journalists went to Aceh and were able to file reports giving extensive coverage in British, Dutch and Australian newspapers. However, Kathy Marks of *The Independent* in London, said in one of her articles that she had been subjected to lengthy questioning by the military while she was gathering her information.

But as we went to press, the position of foreign journalists in relation to Aceh was unclear. Although no ban had yet been announced regarding foreign journalists and foreigners in general, the martial law commander turned

down applications from 10 foreign-based journalists to report from the province, stating that there was 'no need for foreign observers' in Aceh.

### UN Secretary-General expresses concern

On 28 May, Kofi Annan, Secretary-General of the United Nations, issued a statement saying that he was 'deeply concerned' over the impact on the civilian population of renewed hostilities in Aceh. He said he was disturbed by reports of extra-judicial killings and the widespread burning of schools. He urged all parties to the conflict to uphold their obligations to protect civilians in armed conflict, and called on the Indonesian government to 'ensure the necessary security conditions to allow international aid organisations safe and unhindered access to affected populations.'



*Summary executions*

During the first week of martial law, hundreds of school buildings were burnt down. Both sides deny that they were responsible for these acts of destruction while it is clear that the troops did nothing to prevent these acts of arson.

A number of international aid and humanitarian agencies have been working in Aceh for several years. They include UNICEF, Oxfam and Peace Brigades International. The PBI provides protection for human rights activists. They too have been placed under severe restrictions.

Yusuf Kalla, the minister for social affairs, announced that international aid agencies operating in Aceh would be required to conduct their activities in collaboration with the government which, under martial law, means in effect with the military. Here too, as with the press, the martial law authorities have indicated that foreign aid agencies will be prohibited from operation in Aceh, but as yet, they have not been forced to leave. However, with security conditions along the highways so hazardous, aid workers are in effect only able to operate in Banda Aceh.

Casting doubt on the motives of the aid agencies whose purpose in Aceh has always been humanitarian, foreign minister Hassan Wirayuda said that the government should be 'extra cautious' about the activities of international agencies in Aceh as 'there are questions about the sincerity of these organisations in helping the Acehnese, especially non-governmental organisations (NGOs), which could have other motives or might support GAM.'

Wirayuda said the government did not want to be bothered by the unnecessary presence of foreigners in the province,

which might disrupt the military operation in Aceh. Yet he knows only too well that the true purpose of the martial law authority is to close Aceh off to outside observation.

### Diplomatic spat with Sweden

Meanwhile, the Indonesian government has been engaged in a fruitless attempt to persuade the Swedish government to take legal action against GAM leaders who have been living as refugees in Sweden for many years. The govern-



ment has sent several missions to Stockholm but have been told that no action can be taken against the Acehnese refugees who were now living in Sweden as Swedish citizens and have committed no crimes under Swedish law. They include Hasan di Tiro, head of the Aceh-Sumatra National Liberation Front, Dr Zaini Abdullah, Bachtiar Abdullah and other top-ranking ASNLF members whom Jakarta would dearly like to get their hands on.

In the current atmosphere in Indonesia, Swedes have become targets and for a few days, the Swedish embassy in Jakarta was closed.

### Komnas HAM visits Aceh

The National Human Rights Commission, Komnas HAM, quickly made known its intention to visit Aceh for the purposes of conducting an investigation. In early June, a team of five members, headed by MM Billah, spent four days in the region. On its return to Jakarta, they announced that they had been able to gather information from a large number of witnesses.

Clearly infuriated by military moves to gag the team, Billah arrived at the press conference in Jakarta with his face covered by a black cloth. The team said their purpose had been to carry out a preliminary investigation only and a fact-finding mission would be dispatched to Aceh very soon. They had found evidence of six types of violations: the burning of school buildings, the summary killing of civilians, arbitrary arrests, torture of unarmed civilians, sexual harassment and abuse, and forced displacement.

Billah also told the BBC that they had heard credible evidence of the existence of mass graves containing dozens of bodies in the district of Bireuen. Billah said that the team had heard many reports about the recruitment and training of militias by the army. This statement in particular incurred the wrath of the armed forces commander in chief, General Endriartono Sutarto. The training of militias is in the tradition of army practices in East Timor in the months before and after the

referendum there in August 1999. These were the gangs who caused such havoc and destruction there.

Army chief of staff, General Ryamizard Ryacudu, challenge the team to return to Aceh 'when we will knock their heads off'. He accused the Commission of falsification and said that they should produce their witnesses and have them repeat their testimonies in the presence of the authorities. He has also threatened the Commission that the army will take out legal proceedings against it if it fails to provide convincing proof of its 'allegations'.

Meanwhile, the Indonesian Red Cross announced that they had found no fewer than 151 corpses in various parts of Aceh and taken them to hospitals and morgues. The organisation was not in a position to identify the bodies or to say how they had died but said that they had all been dressed in civilian clothing.

According to a report from contacts inside Aceh, volunteers of the Red Cross had seen about fifty bodies 'littering the road' in the sub-district of Sawang, North Aceh and a similar number of bodies on the road near Krueng Tuan, also in North Aceh, but their efforts to move the bodies had been hampered by the security forces.

### Human rights activists rounded up

Although there have been a number of bitter armed clashes between the Indonesian army and GAM units, it is civil society that has borne the brunt of the clampdown in Aceh. Shortly after the imposition of martial law, 14 students were arrested in Banda Aceh. Although most were later released, they are all required to report regularly to the authorities. It is difficult to keep track of the arrests and to know the actual number of people currently being held.

Early on, a well-known woman activist, Cut Nur Asikin, who recently set up a new women's organisation, *Srikandi Aceh*, was arrested and as far as is known is still being held. Three weeks later, on 7 June, a number of activists were arrested in East Aceh. They include Mohammad Yusuf Puteh, chairperson of a human rights organisation, FP-HAM in East Aceh, Nursyamsyah a staff member of FP-HAM who is also director of PHIA, Acehnese Women's Empowerment Movement, Nadariah who is also on the staff of FP-HAM, and Marnus, a volunteer working for the Indonesian Red Cross. Two days earlier, Kerun, a volunteer for the Red Cross, was abducted and later found to be being held by the police. On 8 June, Fitri, an activist from Forum Rakyat Aceh, was summoned to appear at police headquarters where he was questioned, then promptly placed under



arrest.

The Attorney General's office in Jakarta has announced that 18 Acehnese will be prosecuted in court, including the GAM negotiators who will be charged with treason and terrorism under articles in the Criminal Code in which the maximum penalty is death. The police in Aceh have said that the others who come to trial are likely to be charged with subversion, for which death is the maximum penalty. The martial law authority has also announced that preparations are underway for the establishment of an island prison on Pulau Nasi, south-east of Sabang, off the northern tip of



Aceh, for the incarceration of the hundreds of detainees. This follows the tradition of island prisons well established during the days of the Suharto New Order. In the 1960s and 1970s there was Nusakembangan prison off the coast of Central Java and then the notorious Buru Island concentration camp where tens of thousands of alleged communists were held for up to fourteen years without trial. Hundreds of East Timorese were held on the island of Arauro, north of Dili, in the 1980s.

Acehnese communities outside Aceh are also being targeted and are being placed under constant surveillance. The governor of Jakarta, Sutiyoso announced in May that eighteen Acehnese communities in Jakarta are being monitored for signs of support for GAM. These communities consist of tens of thousands of families. All in all, being an Acehnese in Indonesia means being the target of what can only be described as 'racial discrimination'.

### Massive population displacement

A key element in the army's strategy in its war against the people of Aceh is the organised re-location of huge numbers of villagers. When the presidential decision on martial law was announced, it was also stated that between 100,000 and 200,000 Acehnese would be 're-settled' in camps for internally-displaced people. The declared intention is to separate the people from GAM, in an attempt to undermine local support for the movement.

Over the years, many thousands of Acehnese have been fleeing their villages as their villages were subjected to sweepings by the military or in order to avoid being caught up in the fighting. But as a general rule, the IDPs were later able to return to their villages. But if the army's strategy is

put into effect, this re-location will become permanent. At present there are thought to be about 25,000 IDPs in various parts of Aceh.

It has also been announced that all civil servants in Aceh, said to total more than 67,000 people, will be screened to determine whether they are supporters of GAM. In early June, 78 village heads announced that they had resigned their posts because they could not cope with the difficulties they now face. It seems that they, along with many other village heads, will be replaced in most if not all cases by army officers, further intensifying the extent and depth of militarisation in Aceh.

### Human rights NGO attacked in Jakarta

The office in Jakarta of Kontras, the Commission for the Disappeared and Victims of Violence was attacked on 28 May by a group of about one hundred men, clad in military fatigues. Kontras is one of a small number of Indonesian NGOs in Jakarta that has been outspoken in its condemnation of the declaration of martial law and the war now underway in Aceh.

General Endriartono commented later that the organisation only had itself to blame because of its advocacy on behalf of victims of abuse. He said: 'This (the attack) is a negative excess, perhaps by people who just got tired of Kontras, who always have negative perceptions about the government's actions,' he said. 'While it may be true that attacking the organisation is against the law, maybe they (Kontras) should look at themselves in the mirror.' [*Jakarta Post*, 29 May 2003]

The attack was organised by *Pemuda Panca Marga*, a nationalistic group whose members are the children of veteran soldiers. Outside the Kontras office, they said they were looking for Munir, founder of Kontras and now executive director of *Imparsial*, a human rights watchdog group. The attackers turned violent and vandalised office equipment, as well as physically assaulting members of staff, none of whom sustained serious injury. Ori Rachman who heads the Kontras presidium, complained that no police arrived on the scene, even though they had been informed of the attack. Police arrived later, saying they had been in a meeting at the time.

The attack was strongly condemned by MM Billah of the National Human Rights Commission who described it as a 'serious crime' against an organisation with a legal mandate to help ensure better rights protection for all people.

In an editorial on 29 May, *The Jakarta Post* said that those who launched the attack maintain that 'no one should speak up against the war in Aceh, or should do so at the peril of being called a traitor of the "patriotic" and "nationalistic" cause.'

The attack was also condemned by the Friends of Islam Civil Society, whose coordinator, Rizaldin Kurniawan described it as a serious threat to law enforcement and to people's criticism of state violence. This organisation consists of several organisations under the aegis of the main Muslim organisations, *Nahdlatul Ulama* and *Muhammadiyah*. [*Jakarta Post*, 31 May 2003] \*

# International humanitarian intervention

*The Declaration of Martial Law in Aceh (Keppres No 23/2003) which took effect on 19 May 2003 is based on Law No 23/1959 regarding States of Emergency. It stipulates that all power in the territory shall be in the hands of the Regional Martial Law Authority ('Penguasa Darurat Militer Daerah'). These powers are vested in the Commander of the Iskandar Muda Regional Military Command, Major-General Endang Suwarya.*

On 25 May, the following document was sent by TAPOL to Kofi Annan, Secretary-General of the United Nations, and to the Greek government holding the presidency of the European Union:

The military's powers under Martial Law are:

1. Control of all means of communication, including radio and telephone.
2. Shut down public and private facilities.
3. Prohibit the distribution of goods within the territory of Martial Law.
4. Carry out surveillance by land, sea and air.
5. Prohibit all forms of information, including publications, public announcements and visual material.
6. Intercept and destroy private letters, as well as prohibit the transfer of money into the territory where Martial Law is in force.
7. Control and ban all media publications.
8. Remove, detain or prohibit inhabitants from leaving the territory.
9. Promulgate regulations as required.
10. Order civilian inhabitants to assist in military operations.
11. Detain persons for up to twenty days without charge, whereas arrests shall be reported after 14 days. The period of detention may be extended to fifty days, if necessary.

In support of military operations in Aceh, the security forces have announced that they will bring their strength up to 50,000 men. When Martial Law was proclaimed, it stood at 28,000 military and 10,000 police, but additional troops are being flown in every day.

There has been a daily increase in the level of violence since Martial Law took effect. While armed skirmishes between the TNI and GAM forces are being reported daily with casualties on both sides, far more casualties have been inflicted on civil society. All the available evidence suggests that GAM forces are not the main target and can in any case easily melt into the forests. The violence has been directed primarily against the civilian population. The military have stated that one of their counter-insurgency tactics will be to 'separate the civilian population from the rebels'. This appears to be being done with a vengeance. However, with all activities throughout the territory now under tight military control, it is no longer possible to conduct investigations into reported cases of violence.

In many places, identity cards have been confiscated. The Martial Law Authority is now planning to replace the current identity card with a new one as a way of seeking to identify alleged GAM sympathisers.

## NGOs and CSOs targeted

A number of non-governmental organisations and civil society organisations - NGOs and CSOs - have been pronounced unlawful [see editors' note at end] by the Martial Law Authority and their activists threatened with arrest. They include Kontras-Aceh (an Aceh-based human rights monitoring organisation), SMUR, a students' organisation, SIRA, a mass organisation that campaigns for a referendum in Aceh, FPDRA, an inter-sectoral organisation, Forum Rakyat or People's Forum, an inter-sectoral organisation, Perempuan Merdeka, the Independent Women's Organisation, ORPAD, the Acehnese Democratic Women's Organisation, and others. Major-General Endang said he has received a number of names from military intelligence which he will use as the basis for making arrests. Monitoring activities have come to a halt because human rights defenders, including the many activists and volunteers spread across Aceh who are working for Kontras, have gone into hiding.

Major-General Endang said on 20 May that he had received a list of names from military intelligence which he will use as the basis for making arrests. This list is understood to include six hundred names of persons who have been placed on the 'wanted' list, on suspicion of having connections with, or being sympathetic with GAM. The number of activists already arrested is not known. The first person known to be detained was Cut Nur Asikin, a well-known woman activist of the women's organisation, Srikandi Aceh. Johnson Panjaitan, a lawyer from Jakarta, went to Banda Aceh to see her but was refused access.

Late on Saturday night, 24 May, fourteen students were arrested during a raid on their student hostel in Banda Aceh. An unknown number of activists have gone into hiding while their chances of leaving Aceh are remote. This poses problems about their personal upkeep as well as their security. Indonesia's minister-coordinator for social affairs, Yusuf Kalla, has said that foreign NGOs will be prohibited from operating any longer in Aceh.

## Territory closed

The whole territory of Aceh is now closed to contact with the outside. Public transport is barely functioning and a number of activists need to be evacuated as quickly as possible for their own safety but exit facilities are not available. All roads out of Aceh across the border with North Sumatra are patrolled by the security forces. Airports are also under tight military control. Hence the chances of anyone leaving is very remote. All means of traffic or movement out of Aceh are under military control, and movement into other parts of Sumatra is being watched; this

includes South Sumatra, Lampung as well as North Sumatra. It also includes Riau, Jakarta and West Kalimantan. Security operations underway in other parts of Indonesia are aimed at ensuring that no Acehnese will be able to leave the territory and find sanctuary anywhere else in Indonesia.

The operation is code-named, Tegak Rencong or 'Enforcing Rencong' (a traditional Aceh weapon). The military blockade imposed between Aceh and North Sumatra is having grave economic consequences as the supply of basic foodstuffs has been severely affected. The people of Aceh now face a serious food crisis, further exacerbated because villagers are too fearful to leave their homes in order to till their land or gather food. There is also a crisis in the supply of medicine and fuels. We have noted that the UN has expressed concern about the looming humanitarian crisis in Aceh.

### **Acehnese communities under surveillance**

A close watch is now being imposed throughout Indonesia, especially where Acehnese communities are located. On 24 May, the governor of Jakarta, Sutiyoso, announced that the security forces and police were carrying out surveillance on eighteen locations in the capital where Acehnese communities are living. Tens of thousands of Acehnese families now fear that they may be accused of being sympathetic to GAM but the system of surveillance will also make it impossible for Acehnese who manage to flee their towns and villages to take refuge elsewhere in Indonesia. This is being replicated in other cities and towns in Indonesia where Acehnese communities reside.

Acehnese now fear that as a distinct ethnic group, they are being discriminated against, with severe consequences for their survival.

In the first three days of Martial Law an estimated 300 schools were destroyed by fire. None of the perpetrators has been identified while GAM and the security forces have blamed each other for these acts of arson. Reports that have been received from contacts suggest that both sides are involved but apportioning the blame will not be easy. The destruction of schools has added to the sense of fear, intimidation and powerlessness among the inhabitants; some foreign media reports have hinted that local villagers know who the perpetrators are but are too scared to say.

Door-to-door sweepings are underway in many parts of the province with a large number of troops being used in these operations. Villagers have been traumatised by intrusions into their villages by security forces equipped with heavy military equipment, including armoured personnel carriers or tanks. The effect on the population has been terrifying and thousands of families have fled their villages to seek refuge in 'internally displaced persons' centres. According to *Serambi Indonesia* on 24 May, 23,000 IDPs have taken refuge in schools and mosques. The Indonesian authorities have made no secret of the fact that they expect tens of thousands of Acehnese to need 're-location' as IDPs; the ministry of social affairs has been allocated a special budget to handle 100,000 to 200,000 Acehnese who will need to be 're-located'.

There have been many reports of executions by the security forces, who claim that the victims are members of GAM, but none of these executions can be independently verified or the circumstances of the executions checked. Villagers who have seen executions are too afraid to speak to anyone about the killings. In cases where a journalist may report evidence from villagers, the security forces would

then force a confrontation with the witnesses who cannot be expected to repeat their testimony in the presence of the security forces.

The Martial Law authorities have imposed a tight control over the Indonesian media. On May 20, Major General Endang Suwarya warned journalists that they should neither publicise statements issued by GAM leaders nor carry news that supports the separatist cause. 'There should be no reports from GAM and no reports that praise GAM', Suwarya said, according to Agence France-Presse. The major general also ordered journalists to adjust their coverage. 'I want all news published to contain the spirit of nationalism. Put the interests of the unitary state of Indonesia first,' he said, according to *The Jakarta Post*. He announced that he will soon issue rules governing press coverage, adding that all journalists will have to be accredited by the military command in Aceh. Foreign print media and radio journalists have made a number of reports from Aceh since the imposition of Martial Law but it remains to be seen whether the rules governing press coverage will seek to restrain further foreign reporting.

GAM statements are available on the Internet along with reports of executions, arrests and other atrocities from GAM sources. However, none of this can be independently verified.

### **Humanitarian intervention needed**

A number of western governments, including a group of donors (Japan, the US, the EU and the World Bank), have agreed to provide development aid for Aceh. These governments and international agencies, along with the United Nations, should now persuade the two sides to return to the peace process. They should together spearhead a move by the international community to :

1. Call for the immediate lifting of Martial Law and call on the two sides to return to the negotiating table.
2. Call for an end to hostilities and an end to attacks on public property by both sides. Both sides should be urged to commit themselves to protecting public property.
3. Call for full protection for all non-combatants, especially human rights defenders and all other activists associated with human rights NGOs and other civil society organisations and call for an end to the targeting of civil society organisations.
4. Call on the Indonesian authorities to end the re-location of Acehnese into IDP camps and to lift all restrictions on the movement of Acehnese into and out of Aceh.
5. Call on the Indonesian authorities to lift all restrictions on the media and end the policy of obligating Indonesian journalists to conform with the aims of military strategy.
6. Undertake joint action through the EU and the UN for immediate humanitarian assistance to Aceh, to prevent a looming humanitarian catastrophe.
7. Press the Indonesian government to permit international monitors, including UN Special Rapporteurs, to enter Aceh.
8. Agree to the immediate suspension of the delivery of all military equipment to Indonesia and the imposition of a worldwide arms embargo on Indonesia. Above all, the need for international humanitarian intervention in Aceh is essential in order to deal with the looming economic crisis.

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Editors' note: We now know that while no decree banning CSOs has been issued, the clampdown has made it impossible for them to function.

# Why the Acehnese want independence

*Raihan Diani was sentenced to six months last year for leading a demonstration in Banda Aceh to protest against the government's policy of militarisation and the promotion of violence. She came to Europe to attend the UN Human Rights Commission.*

*The following is an interview by TAPOL conducted just before the imposition of martial law in Aceh:*

**Tapol:** What was your personal experience during the DOM (Military Operations Zone -1989-1998) period?

**Raihan:** I didn't personally suffer because my family was living in an urban area that wasn't badly hit. Many people had no idea what was going on but later when people started talking about the terrible things that had happened, it affected me greatly. At the time, people were afraid to speak out. Many aspects of life in Aceh were destroyed. Many people were hit hard physically, and the infrastructure was destroyed. This was while Suharto was still in power.

On 7 August 1998, after Suharto was forced to stand down, General Wiranto announced the lifting of DOM and the situation became a bit easier. This was when people felt bold enough to speak out. We were hoping things would improve and people demanded that human rights violators should be brought to justice, but nothing happened.

**Tapol:** When did you first become an activist?

**RD:** It was in 1999 when I became active in *Solidaritas Pelajar untuk Rakyat Aceh* (Pupils in Solidarity with the Acehnese People). It had branches all over Aceh.

**Tapol:** Was this an unusual thing for yourself, as a woman, to do? What's the attitude in Aceh towards women getting involved?

**RD:** It didn't stand on the way of our becoming active and taking on leadership positions. There are a lot of naïve people who think that women shouldn't get involved. This kind of dogma was strongly promoted during the New Order, but there are many people who think it's against our culture. People need to think more positively about women.

**Tapol:** When you first set up ORPAD, was there a lot of interest among women to join?

**RD:** Yes, especially in conflict areas. The women were not willing to talk much about the situation, but after they joined ORPAD, they had the courage to speak out, to criticise the situation. Their input became much greater. In areas of conflict, women are very vulnerable, always the ones to be hit by what is happening.

After ORPAD was set up, I travelled a lot, especially to conflict areas. I have been able to combine this with continuing my law studies at the faculty. I travel during the weekends when I don't have to attend lectures. I'm sure I will be able to keep this up.

All this travelling helped me to become familiar with conditions in the areas of conflict. This is mainly in North

Aceh, in Bireuen, also in East Aceh and Pidie. I have often visited these places and I've also visited South Aceh.

**Tapol:** As I understand it, Acehnese were very enthusiastic when Indonesian independence was first proclaimed in 1945 and collected valuables to purchase planes for the Republic.

**RD:** Yes, that's true but things didn't get better for the Acehnese and its resources were exploited by Jakarta. Then there was a rebellion led by Daud Bereueh in the 1950s and Jakarta granted special rights in culture, religion and education. But only one per cent of the proceeds of the exploitation of our natural resources came back to the Acehnese. Yes, our people were enthusiastic at the time of Indonesian independence, but history has moved on since then.



*Raihan Diani during a public rally in Banda Aceh celebrating the International Women's Day, 8 March 2003*

When GAM emerged in 1976, Jakarta started to use military means against GAM. But this will never succeed and it has only increased people's desire for revenge and strengthened GAM.

## Acehnese have suffered greatly

**Tapol:** How do Acehnese in general see Indonesia?

**RD:** Because of the terrible things that happened during DOM, there are strong feelings of revenge. Many people feel there's no point being part of Indonesia because it has caused so much oppression. Many men and women were violated, many women lost their husbands or their children.

**Tapol:** Who do people see as being responsible for this state of affairs?

**RD:** Certainly the military, the long arm of Jakarta. To this day, Aceh is handled in a very militaristic way. Not long after DOM was lifted, more special operations were

launched by the military.

The militaristic approach will never solve anything. The main problem is justice, dealing with all the violations. As well as that, the government should allow people to express their opinions. They must do something to restore people's confidence. They shouldn't keep on sending more troops to Aceh. This only proves that they want all Acehnese to die. This is what experience has taught us.

**Tapol:** Can you describe the women's movement in Aceh?

**RD:** There are a number of women's organisation. There's Flower which works of empower women in the countryside. Another one is *Relawan Perempuan untuk kemanusiaan* (Women Volunteers for Humanitarian Action). Another is my own organisation, *ORPAD, Organisasi Perempuan Aceh Demokratik* (Democratic Acehnese Women's Organisation). We work together on many things, hoping to inspire other democratic organisations. We don't see men as the problem but we are trying to involve women in the movement.

**Tapol:** But would you say women are more likely to join an organisation just composed of women?

**RD:** Yes, that's true, which is why we have our own organisations to involve women in the movement. In organisations controlled by men, women often feel that inferior or are reluctant to play an active part. It's often the case, in areas of conflict, that when we organise a forum for the whole community, women are reluctant to speak up. But in a women's organisation, they are better motivated to express their opinions. So we need to educate women to have the courage to speak out. But we also need to organise women together with men as we did in SPUR.

**Tapol:** What led to your arrest last year?

**RD:** ORPAD held a demonstration to protest against the Megawati government for not siding with the Acehnese people. They had created a Kodam (military command) in Aceh, and were waging military operations. Our demonstration was not very big but when we came out onto the street in Banda Aceh, the police were there and some of us were arrested. They were looking for the ones who were responsible and grabbed eight of us.

We were taken to police headquarters in Aceh Besar. The police were very angry. During the demo, some policemen approached me as I was holding the microphone and started hitting my hand with their rifle butts. They grabbed the mike and struck my hand. They were so angry with me, with the mike in my hand. My friends were frightened and I did what I could to calm them down. But the police were very unfriendly.

**Tapol:** How did the police treat you?

**RD:** I was questioned till late at night while my friends were put in a cell. I realised that the police were inserting things in the interrogation report that I hadn't said. For instance, they quoted me as saying that ORPAD has links with GAM. They had asked me about our links with GAM but I said there weren't any. When I saw this, I refused to sign the report.. They said I was *inong balee* (the women's wing of GAM). When I read that, I protested as I had never said that. It would have a terrible impact on me and the organisation. I refused to sign anything until they had deleted these things.

It was quite difficult for me because by this time, it was very late, two in the morning. Although I was very tired, I

had to read their report over and over again and tell them to delete things that weren't true.

**Tapol:** What happened to your friends and what did they charge you with?

**RD:** My friends were released the next day and told they would be called as witnesses in my trial.

I was charged under Articles 134 and 137 of the Criminal Code, for blackening the name of the government. It was several months before the trial began. I made contact with Syarifah Murlina from LBH Banda Aceh and a lawyer from LBH Apik which focuses mainly on women. Nursyahbani from LBH Apik in Jakarta was also one of my lawyers.

At police headquarters, it was very difficult because for much of the time I was the only woman there and all the police were men. Sometimes they would threaten me. Or, in the middle of the night, they would make a lot of noise so that I couldn't sleep, or start shouting at me.

Later in prison, they treated the men like dirt. They would go to their cells at night and start beating or torturing them. If the men refused to confess, that was their right. They also sexually abused the men. For instance, they would tell them to strip naked and the police would watch them. I didn't see these things, but I knew what was going on. It was so horrible. Sometimes they would go into their cells very late at night. I remember one occasion, on 17 August (Indonesia's national day). The police woke everyone up in the middle of the night and ordered them to sing the national anthem. If they refused, they would be thrown into water. They did this to a group of men who were all GAM members and forced them to sing the national anthem.

## Transfer to prison

After being with the police, I was transferred to prison, not a special prison for women but there were several cells for women. The other women weren't political prisoners. Things were now a bit better as I was allowed to have visits from friends and family, which wasn't permitted by the police. There were lots of intel (intelligence agents) at the police station who would always be asking me questions. I felt safer in prison. But I was interrogated a few times by police officers, because the document submitted by the police to the attorney, in preparation for my trial was not acceptable - not enough evidence and that kind of thing - and the police had to repeat some of the questioning. But I was also questioned by some civilian officials.

But when I first arrived in the prison, some women warders gave me a thorough body search and I had to take off all my clothes. All we got to eat was a plate of rice and a piece of tempe or tahu. We never got any meat or fish.

A couple of months after I was transferred to prison, I was joined by Lesley McCulloch. There was another woman who was an *inong balee*. She was put on trial but she didn't get a long sentence because she paid them a lot of money.

My trial lasted for twelve sessions. I never confessed to anything. My lawyers submitted statements and I also wrote a defence plea in prison. Although I was given permission to do this, the officials kept watching me and got angry when they saw me writing. They seemed to think that only the lawyers should speak in court.

When I was moved to the prison, the warders warned me not to try to influence the other prisoners. They kept threat-



*International Womens Day in Aceh, 8 March 2003*

ening me. And when they saw me reading anything, they always wanted to know what I was reading.

**Independence is the solution**

**Tapol:** What do Acehnese people think about GAM?

**RD:** They have a much higher regard for GAM now than in 1976. Many men want to join GAM because their wives have been killed or raped, or their parents have been maltreated. They want justice but that never happens. So they want to join GAM.

Many Acehnese want independence from Indonesia. Our people suffered so many thousands of casualties during DOM but nothing has been done to rehabilitate people or to deal with the perpetrators, so people feel that the Indonesian government is not capable of making things better. That's why they think that independence is the best solution. In areas of conflict among the middle or lower classes, these feelings are very widespread which is quite understandable. It's the government's fault because it has does absolutely nothing to restore people's confidence in Indonesia. That's why so many people look to GAM and want independence.

**Tapol:** So do you think they see GAM as the way out?

**RD:** No, they don't see GAM as the way out, they see independence as the way out. Some people join GAM, but not all that many and they are mostly men. It's not GAM that's seen as the solution, but independence.

**The problem is the military**

**Tapol:** So how do you think independence can be won?

**RD:** Not by using violence because this only causes more casualties. The best thing is for the people to unite in calling for what they want. This could be done by a referendum which is the democratic way. We need to have freedom of expression and we need to get rid of the military. As long as the military remain in Aceh, it's difficult for people to say what they think or want. The ten years of DOM traumatised the people. Seeing weapons in the hands of the military for so long has caused a lot of trauma.

They remember the many massacres after DOM was lifted. As long as the military remain, people will be too

afraid to think. The problem is the military. If Indonesia wants to win back the confidence of the Acehnese, they wont do that by sending yet more military to Aceh. During DOM, many hundreds of women, more than six hundred, were raped. This is only the reported cases; there are certainly many more rapes than this.

When DOM was lifted, our people demanded that the military should be withdrawn but that never happened. But what did happen was yet more operations like *Operasi Wibawa*. \*

*continued from p 12*

members of the public. The TNI's vicious little war against the people of Aceh is daily reaching new heights and the chances of monitoring the situation are being strangled by censorship and the gradual exclusion of foreign observers.

**Atrocities in Wamena**

In Papua, an incident in Wamena on 4 April when an army ammunition dump was raided by alleged members of the OPM has been used as the pretext to recall the army's elite corps, Kopassus, just recently ordered to leave the province. Since then, units of Kopassus and Kostrad, the army's foremost combat forces, are conducting continual operations ostensibly to find the missing weapons. Dozens of people have been arrested, one of whom died under torture while in police custody. Sweepings of villages in the vicinity of Wamena have so terrified the inhabitants that thousands have fled into the forests, abandoning their gardens and living without proper shelter. Already there are reports of deaths due to lack of food and exposure to the cold night air. The military has meanwhile blocked attempts to conduct an investigation into an incident last August in the vicinity of the Freeport copper-and-gold mine when three teachers, one Indonesian and two Americans, were shot dead. Initial investigations by ELSHAM, Papua's leading human rights organisation, and the local police reached the conclusion that Kopassus members were probably responsible for the murders. Their purpose was to send a clear message to the mining company to continue to use their services to 'protect' the mine, for which the company pays handsomely.

Both these incidents have given the authorities the potential to point the finger of accusation at the OPM and, more importantly, to provide justification for the TNI to bolster their presence in Papua on the grounds of fighting separatism.

'Fighting separatism' has the unstinting support of Indonesia's political elite, from the president down, who are giving the armed forces carte blanche to conduct operations as they see fit. The policy poses a grave threat not only to the people of Aceh and Papua but also the Indonesian people as a whole who may one day wake up to find themselves in the grip of a new kind of military power, just as menacing as the military power under which they suffered for more than three decades during Suharto's New Order. \*

# Indonesia's territorial integrity and TNI's role in crushing separatism

*As the war in Aceh enters its second month and military operations in the Central Highlands in Papua intensify, it is timely to put these developments into a broader context and take a look at the well-documented plans of the Indonesian armed forces, the TNI, to reassert their role in political and security affairs, a move frequently referred to as their 'military comeback'.*

Since Megawati Sukarnoputri took over as President in July 2001, replacing Abdurrahman Wahid who had tried to push for reform of the military - ultimately, the cause of his downfall - the Indonesian armed forces have succeeded in building a common front with the country's political elite, the president herself and the parties represented in parliament, the DPR. This common front centres around the determination to preserve Indonesia's territorial integrity, the so-called *Negara Kesatuan Republik Indonesia* or NKRI (Unitary State of the Republic of Indonesia). Not surprisingly, there is a deep sense of humiliation at the 'loss' of East Timor, felt particularly keenly by the TNI, and a determination not to 'lose' any more territory.



**The military doctrine: TNI from the people and for the people**

The top echelon in the armed forces, the TNI commander-in-chief General Endriartono Sutarto, and the army's chief-of staff, General Ryacudu Ryamizard, have frequently insisted that the NKRI project can only be secured by giving the military a greater, and indeed the decisive, role in fighting separatism, the 'scourge' which threatens the Indonesian state in the two resource-rich provinces, Aceh and Papua. By virtue of two decrees and two laws adopted in 2000, their role has been seriously undermined. These provide for the separation of the police force, Polri, from the TNI, and establishes the role of the police in the preservation of security and order, restricting the TNI to being

responsible for the defence of the realm against foreign foes.

The first important sign of a determination to reverse the reform process came with a meeting of hundreds of active and retired top-ranking military officers convened by Ryacudu Ryamizard in February this year. Following the meeting Ryacudu said that 'the military's security role should be reinstated due to the threats of separatism and other security disturbances'. Fine-tuning the army's professionalism might be enough for the armed forces of a country like the US, he said, but for Indonesia whose process of nation-building had not been completed, this was not enough. 'The army,' he said, 'was very concerned with the country's territorial integrity.' [*The Jakarta Post*, 21 March 2003]

## The White Paper

This was soon followed by the publication of a Defence White Paper, by the minister of defence, Matori Abdul Djilil, a civilian who is quite comfortable with being the mouthpiece of the country's most heavily militarised department of state. This White Paper argues that while Indonesia does not face any immediate threat of a foreign invasion, the so-called 'traditional' threat facing a purely defence force, it faces numerous 'non-traditional' threats ranging from terrorism, communal conflicts, illegal logging and trafficking in people to separatism. It argues further that as long as such threats remain at a 'low-intensity level', they can be handled by the police but the more serious they become, the more incumbent it is on the TNI to handle them.

The White Paper argues throughout that it is the task of the TNI to 'safeguard the nation', which requires that it prepare not only for 'war military operations' but also 'non-war military operations' called '*operasi military selain perang*', a serious encroachment on the role of the police. The Jakarta Post described this as 'tantamount to a vote of no-confidence in our police and probably even amounts to an insult'. [15 April 2003]

The White Paper also argues for a reversal of a much-mooted major reform project for the TNI, the dismantling of the territorial command system. Instead of dismantling the system, it will be retained. Indeed, in the recent past, two new territorial command structures have been established, in Maluku and Aceh, while others are likely to be established when Papua is split up into three provinces, a project close to the heart of the TNI.

## Army from and for the people

Using the argument that underpinned the role of the armed forces during the Suharto New Order era, that the army is

'the army of the people and must remain close to the people', the White Paper says that any attempt to distance the army from the people is an 'abuse of the very essence' (*kodrat*) of the army.

Being 'part of the people' can only be achieved by the retention of its 'territorial command function', or to use a term now so popular, the 'embedding' of the army among the people. The territorial command structure ensures the army a presence at every administrative level of society, from provincial down to district, sub-district and village levels. As some commentators have pointed out, this will ensure that the army remains the most powerful and best-organised political institution in the country, whatever the outcome of the general elections due to be held in 2004.

## Aceh and West Papua

The Defence White Paper also emphasises the role of the TNI in facing 'the threat of armed separatism in Aceh and Papua'. It laments the fact that these armed struggles have intensified during the past decade and have 'even won sympathy and support for their causes in other countries'. In the case of Aceh, while welcoming the 'cessation of hostilities accord' (COHA) signed in December 2002, it states unequivocally that the Indonesian government will pursue that accord by 'persuading GAM to return to the fold of the motherland and accepting the framework of NKRI'. This was one of the demands that led to the final breakdown of talks between Indonesia and GAM in Tokyo in the weekend of 17-18 May, leading to the declaration of Martial Law in Aceh on 19 May.

With regard to Papua, the White Paper states that the separatist OPM group is still active, and is using 'propaganda, incitements, terror, robberies and pressurising the population', resulting in widespread unrest and fear. The OPM and their supporters 'have set up networks abroad to seek international support'. It goes on to say that 'as things stand at present, NKRI has the strong support of the international community which regards Papua as an internal matter for Indonesia'. While stating that it is the task of the TNI to 'overwhelm' the OPM separatists so as to preserve NKRI, this will be pursued in the first place 'by persuading the separatists to re-unite with their brothers in NKRI'. But should the response to this approach not be positive, 'the government will consider using more effective methods'.

## Combating separatism

Combating separatism is clearly at the top of the TNI's agenda as it rolls back the process of reform.

While commentators were still absorbing the contents of the Defence White Paper and working out their responses, along came yet another move, the publication of a draft bill on the TNI. Without waiting for any discussion in parliament, the chairmen of the two national legislative chambers, Akbar Tanjung (recently sentenced to three years imprisonment in a fraud case) who is still functioning as chairman of Parliament, the DPR, and Amien Rais, chairman of the People's Congress, the MPR, announced their endorsement of the bill.

The draft has provoked a storm of protest focused in particular on Article 19 which grants the power to the TNI commander to mobilise his forces in a situation which he perceives to be an emergency, without consulting the head of state. Some commentators describe this as the loophole for a 'legal coup'. A carefully considered evaluation has come from the Coalition for Democracy which regards this

as 'a systematic endeavour to reject political authority by strengthening the authority of the army commander, and removing civilian control over the armed forces'. Some of the country's foremost experts on the military, including Munir, Todung Mulya Lubis, Kustanto Anggoro, Ikrar Nusa Bakti and Syamsuddin Haris have joined in voicing these concerns. [*Sinar Harapan*, 4 March 2003].

By granting to the TNI commander the authority to establish defence policy and deploy national resources in promotion of that policy, the authority of the minister of defence has been overridden and the principle of civilian control over the armed forces has been removed.



*TNI propaganda through the press*

According to Syamsuddin Haris, the draft bill grants unlimited powers to the TNI commander to make his own 'subjective definition that the sovereignty of the state, the country's territorial integrity and the security of the national are under threat'. Moreover, Article 19 speaks about the need to act to 'prevent greater damage being inflicted on the state'. The elucidation that accompanies the Bill defines this as meaning 'mass unrest and other things'. The vague, open-ended definition can, as Syamsuddin warns, be easily used by the army to pursue its own political agenda.

It remains to be seen how the draft will be handled by the DPR, but the omens are not good, as the parties represented in parliament are falling over themselves to affirm their loyalty to and support for the armed forces. This may be even truer following the start of the war in Aceh. No party in parliament has voiced concern about, let alone opposition to, the president's decision to declare martial law or to the brutal activities of the armed forces in pursuit of their war aims.

The Indonesian armed forces are now engaged in two major military operations, in Aceh and Papua. In Aceh, civil society which includes a whole range of non-governmental organisations dealing with human rights, the monitoring of atrocities and the humanitarian needs of the many thousands of internally displaced people, are being forced to curb their activities and activists are fleeing the province in fear of their lives. The international aid agencies are unable to go anywhere outside Banda Aceh, while Indonesian journalists are under strict orders to clear all their reports about the war with the military authorities before publication. Allegations in the Indonesian press that all the people killed so far are GAM members or sympathisers have been challenged by activists who we have been able to contact inside the province. They say that, as in every previous phase of military brutality in Aceh, the majority of victims are ordinary

*continued on p 10*

# A soft coup by the military

*Martial law and the massive military operation in Aceh launched in May is confirmation that the military is determining the political agenda in Jakarta. For a short period following the fall of Suharto in 1998, it seemed that the military were willing to accept civilian supremacy but recent developments prove that this was an illusion.*

The declaration of martial law in Aceh and the massive military operation involving about 50,000 troops - only to be compared with the invasion of East Timor in December 1975 - also signals the symbolic death of *reformasi*, the name of the reform movement that emerged after the fall of Suharto in 1998. Yet again it is the TNI, the Indonesian armed forces, and in particular the army, who are deciding the political agenda and halting the process of civilian supremacy over the military or still worse, has reversed the process.

Political events in the first months of 2003 brought the role of the military to the fore again. On 21 February, 250 active and retired army generals came together to show their determination to play an active role again in politics and to voice their grievances about the feeble policies of the Megawati government. The publication of a White Paper by the Defence Ministry, run by retired generals, is further proof of their dogged determination to keep control of political events. The weak, ineffective government and a weak-kneed parliament, incapable of resolving serious economic and political problems, has shifted public opinion in favour of the TNI as the only solid, centralised body capable of holding the country together. (1)

All this has focussed on the threat of 'separatism' and the determination of the TNI to hold the country together. 'Fighting separatism' has become the main rationale for the TNI to step back onto the political arena.

Discussions in the DPR, the Indonesian parliament, on draft bills on the TNI and on state intelligence, and the enactment of the anti-terrorist regulation into law have provoked controversy, particularly among Indonesian NGOs and military watchers. The main focus was on Article 19 of the TNI bill which was nicknamed the 'coup d'etat article', because it would grant extraordinary powers to the TNI to declare a state of emergency without consulting the president. General Endriartono Sutarto, commander-in-chief of the TNI argued that, when the country is in turmoil and the president is unavailable or maybe kidnapped by rebels, do we have to wait till a new president is installed? (2)

People these days tend to talk about the 'good old days' of the Suharto era, when the economy was running well and regions of conflict like Aceh, West Papua and Maluku were under the grip of the Suharto regime.

## Key issues regarding the military

Serious Indonesia watchers have always closely scrutinised the role of the military. It remains the main parameter for analysing Indonesian politics. While the New Order period was characterised by General Suharto's strong grip over the TNI, the three presidents since 1998 must be judged by their relationship with the TNI top and in particular with the army top.



*Parade of Kopassus troops, the army elite unit with the worst track record on human rights violations. In the middle Chief of Staff General Ryamizard Ryacudu, a notorious hardliner*

The excessive role performed by the military during the New Order period from 1965 till 1998 fits the description of an authoritarian regime par excellence. The complexities of Indonesia, the largest archipelago in the world, a diverse mix of ethnic groups and religions, were steam-rolled into a republic of fear under a formidable network of military intelligence and a territorial army with a presence from the capital down to the villages. In addition, General Suharto held power by bribing vast swathes of society into allegiance or acquiescence through the proceeds from gas, oil and other mineral revenues. The military ideology became synonymous with an obsession with national unity.

In the eighties, Suharto tried to create one unifying ideology, steam rolling and homogenising the huge variety of cultures and ethnicities. Totalitarian systems always create their own antithesis and the homogenised doctrine called Pancasila totally collapsed. The antithesis was also predictable: the fall of Suharto was followed by an outburst of regional demands for more freedom, justice and autonomy. All this ended in more deepening ethnic, religious and cultural divides.

From the first days of the Indonesian republic, regional

rebellions were a constant threat to unity. During the New Order, rebellions were handled according to a single recipe: brutal repression through military operations. This could only happen under the rigid control of a military security body, initially set up in 1965 to combat communism but used subsequently to keep a stranglehold over civil society. This security approach remains the main feature of the Indonesian military strategy.

Another feature of authoritarian regimes is engaging

masi era forced the military to leave formal politics. For more than 30 years TNI was used to being centre stage in running state affairs. A comeback by TNI was bound to happen, especially in a period of a dysfunctional government and feeble political institutions in present day Indonesia.

## A soft coup by the military

The crucial question is whether the military will take over state affairs; this can be answered in the negative. In the aftermath of the collapse of the Suharto regime the military organised a number of internal meetings to assess the new situation. Their public image was a shambles. Up to its topmost levels, the TNI was responsible for massacres and for the killing and kidnapping of activists; the destruction of East Timor in September was the last straw. TNI became an international pariah. Moreover, the thriving reformasi movement at its peak demanded that the TNI should retreat from the political arena and also demanded the dismantling of the territorial structure of the army.

The army top was very disunited in assessing the new situation and the several factions were almost fighting

it out in the streets. But the majority of officers agreed on certain major issues. The military should not be involved in politics as in the New Order period. In its extreme form in the seventies and eighties, most of the important jobs in the civilian structure were occupied by military, either retired or still on active service. The other structure called *sospol* (*sosial politik*), was a typical structure of the New Order period in which the military were entitled to control the political activities of civilians. As many officers said, the TNI was in need of its own '*reformasi intern*'. The conclusion of the army top was to withdraw from too much involvement in politics. Some points were obvious: the army would not be involved in day-to-day politics and would gradually withdraw from the legislative bodies and would no longer be linked to any political grouping or party. (3)

The other common understanding reached in the *reformasi intern* discussion was the way Suharto and his cronies (which included many TNI officers) had led the country in the wrong direction. Corruption and nepotism became the hallmark which resulted in a weak and flabby TNI. (4)

By itself, this was an important conclusion as it meant distancing itself from a clique of super-rich generals who were part of the Suharto inner circle. A period of rethinking and consolidation was needed. The army was willing to take a few steps back from the political arena and reassess its new role in society.

## The Turkish model

Conditions in the post-Suharto period are profoundly different from October 1965 when Suharto and the army conducted a successful coup. Many people didn't realise that a coup was being implemented as Suharto removed his predecessor Sukarno step by step. (5)

In that period, the TNI faced a formidable force, the Indonesian Communist Party, PKI, at the height of the cold



*The fear of a military coup d'état (kudeta in Bahasa) Sinar Harapan, 4 March 2003*

itself in military adventures. In 1975 Suharto and some key generals decided to grab East Timor. Running an occupied country turned out to be very different from oppressing its own population. As recent global history tells us, a military victory is only a small part of the story, winning the hearts and minds of the East Timorese was a much more difficult hurdle to jump. In the end, the TNI and its proxies, the militia units went on the rampage when the East Timorese voted for independence.

Military might by US troops in Afghanistan and Iraq are the latest examples of the easier part of achieving a relatively smooth military victory while facing the more difficult task of building the nation from scratch.

The withdrawal of TNI from East Timor in September 1999 was a humiliation for the military top as UN Peacekeeping Forces stepped in. Hardliners within the TNI still cling to the belief that Indonesia is the rightful owner of East Timor. The East Timor drama has only strengthened the belief of TNI that it was an international conspiracy that led to the defeat in East Timor and as a result, TNI officers in general deeply distrust foreign powers and foreign intervention.

The military operation in Aceh launched in May 2003 is another blatant example of a military adventure where the military top from the outset rejected the peace process and saw negotiations as an act of humiliation for Indonesia vis-à-vis separatist rebels. On top of this, the involvement of the Geneva-based NGO, the Humanitarian Dialogue Centre (HDC), originally called the Henry Dunant Centre, that facilitated the talks between Jakarta and GAM was seen by the military as being foreign intervention in domestic affairs.

Last but not least, the post-Suharto period is regarded as a very painful period for most high-ranking officers. The TNI have had to forego much of its political clout and the refor-

war in Southeast Asia. Suharto and the army enjoyed all the favours and support imaginable from the west.

The conditions in 1998 were very different. Suharto was an outdated dictator and of no further use to the west in the post-cold war world. The brutalities perpetrated by the TNI in East Timor, Aceh and other places were at the centre of the international human rights agenda, ruining Suharto's and the TNI's image. Equally, there was a deep sense of loathing domestically for Suharto and the TNI. Five years on, even with a strutting, self-confident army leadership and a dysfunctional civilian government, a military-run government still remains a remote possibility. (6)

The only feasible option left is to find a side door to enter politics again. The TNI has begun to recreate its image as a people's army and guardian of state unity. The TNI only step in when they think it is necessary, i.e. whenever government policies are seen as threatening national unity. This model has become a tradition in Turkey for the last 40 years; the term 'Turkish model' is used by political analysts for an active watchdog role for the military. The military in Turkey carried out four coups in four decades and in



*Military operation in Aceh is a domestic affair*

between, implemented several soft coups. A soft coup is defined as intervention in the political process without overthrowing the government. The last soft coup in Turkey happened in 1997 when the duly elected Prime Minister Erbakan was forced to resign when he was seen as a threat to secular order in Turkey.

The announcement of martial law by the Indonesian government on 19 May fits the category of soft coups as the Indonesian government was actually pursuing a different line through negotiations with GAM, the Free Aceh Movement. The reversal was definitely as a result of the actions of the military. This soft coup by the TNI is almost imperceptible and has been hardly noticeable to the general public, being backed by the majority of members of parliament and members of the cabinet, including President Megawati.

It could be argued that the impeachment of President

Wahid (Gus Dur) in July 2001 was the first soft coup by the TNI in post-Suharto Indonesia. Gus Dur's presidency was characterised by a never-ending conflict with the military; for a number of reasons he became increasingly isolated politically while the military consolidated their position. In an act of desperation Gus Dur tried to impose martial law by means of a presidential decree but the TNI and the Police refused to cooperate, defiantly refusing to disband parliament. A few days later Gus Dur was impeached by the MPR, the People's Congress. The departure of Gus Dur also meant the departure of the few liberal generals who had accepted the paradigm of civilian supremacy but who had never been more than a tiny minority in the TNI rank and file.

### Fostering and grooming conflicts

The TNI image was heavily bruised by the reformasi movement in 1998, but it was able to make a relatively swift comeback, not least because of the continuous malfunctioning of the newly-created democratic institutions like political parties and the executive, legislative and judiciary bodies. Several global issues, not the least the 11 September tragedy, helped the TNI to speed up its consolidation. The global war against terrorism, Washington's response to 11 September, enhanced the role of the military or more precisely the role of military intelligence. (7)

But even more important are a series of domestic events, used or groomed by sections of the army to show their indispensability in keeping the country together. A sustained campaign of destabilisation was organised by hardliners in the army, not least by sections of Kopassus, the notorious elite squad of the army. (8)

This '*strategy of tension*' (the term widely used in Italy in the sixties and seventies when many terrorist activities took place) was applied in its most successful form in places like Maluku and Poso (Central Sulawesi) where extreme wings of Christian militia were pitched against extremists from the Muslim camp. The military intelligence scenario succeeded in fanning the conflict; civil society in both areas collapsed and the religious conflict grew unchecked. The conflicts in Maluku and Poso were groomed and fostered by key military hardliners. The violence died down when the TNI top stepped in and dislodged the most extreme militia groups from the region. Things calmed down and the military emerged as the saviour, while rewarding itself with a new territorial command in North Maluku.

Growing demands for independence in West Papua and Aceh have also been utilised by the military to justify their presence and military operations there. Every time peaceful means or negotiations materialise, conflicts flare up and military operations become the rationale.

### TNI on the offensive

In a packed meeting of 250 active and retired generals on 20 February, the army chief-of-staff General Ryamizard Ryacudu made a solemn pledge: 'The Indonesian army will never tolerate efforts to separate Papua and Aceh from NKRI [the Unitary State of Indonesia], whether they come from at home or abroad'. The same general who cannot open his mouth without spewing out tough language, said on another occasion that GAM and OPM (Free Papua Movement) are rebels and enemies of the state and should be eradicated.

The aim of all those remarks was clearly directed at achieving the goal of being solely responsible for handling

domestic security. In 1999, Polri, the police force, was separated from the military and was given the task of dealing with law and order but the TNI never accepted this.

A new batch of officers has emerged, brimming with self-confidence and surveying contemptuously the woeful performance of civilian politicians. A new, mutual symbiosis is emerging. On the one hand the military have gained confidence and become entrenched in the old military doctrines. The basics of the military doctrine are quite simple. They are the ones who fought and achieved independence while civilian politicians were engaged in feeble diplomatic work. The other main doctrine holds that the military originate from the common people and it is more than justifiable for the TNI to involve itself in politics, that only the military can safeguard the nation from separatism, turmoil, rising criminality and so on.

On the other hand, civilians who run the government and sit in parliament yearn for military guidance as the only option. It creates weird situations where provincial legislators and political parties back retired officers as sole candidates for the post of governor in all the provinces. The military are back in the front seat but this time with the full support of the political community.

## The White Paper

The Defence White Paper is another example of the new arrogance by the military. Formally published by the Defence Department, headed by a civilian minister, it was written by retired officers, including Lt-General Sudradjat, the influential secretary-general of the department. The White Paper was presented as the key document for explaining how the military are facing the challenges in the 21st century. The result is shoddy, an example of a dead end in Indonesian military thinking.

Poorly written with no new ideas emerging, the White Paper's principal aim is to justify the TNI's territorial function and its role in dealing with separatism, terrorism, piracy, illegal logging and trafficking of people.

The most worrying part of the book is the blatant admission that in the foreseeable future, Indonesia need not worry about external enemies. The main threats are domestic and although in the post-Suharto structure most of these tasks are the responsibility of the police, the military has denounced this. The White Paper explicitly argues that Polri aren't capable of handling domestic security issues.

## The civilian-military relationship

The Megawati government is entering its third year, quite an achievement if one considers that her predecessors, Habibie and Wahid, lasted less than two years. One of the major features of her reign is one of accommodation with the military. Wahid's presidency ended in impeachment not least because of his troubled relationship with the top of the military. Megawati's relationship with the top of the military is based more on *realpolitik* and a common approach than Wahid's.

The appointment of General Endriartono Sutarto, a mainstream reform officer, as TNI commander-in-chief calmed the turbulent atmosphere of the Wahid period. She only appointed four retired army generals in the cabinet, but each of them has been given a heavyweight position.

Susilo Bambang Yudhoyono is the Coordinating Minister for Security and Political Affairs, known usually as SBY. He functions more or less as Indonesia's prime minister and has been crucial in the negotiations on Aceh under the auspices of

the Henry Dunant Centre in Geneva. Indonesia's presidential system makes Megawati's powers similar to those of the US president but her inexperience and seeming lack of interest in political matters makes the position of SBY even more pivotal. Hari Sabarno, another retired general, is the home affairs minister, a position of exceptional importance also due to the territorial structure of the military that shadows the administrative structure from provincial capitals to the villages.

The two other generals in the cabinet belong to



**STOP THE WAR**

Megawati's inner core and have a strong influence on Megawati's policy-making. Retired Lt-General Hendropriyono who is the chief of the intelligence agency BIN is also a member of the cabinet. BIN is the revamped intelligence body and in future will function along the lines of the National Security Council in the White House.

As intelligence supremo, Hendropriyono carries a lot of political weight, combined with his background as a long-serving Kopassus intelligence officer. His past record as a ruthless commander has left many bloody trails in different parts of the republic, not least in Lampung where he led a raid in 1989 that resulted in a bloodbath of innocent villagers. The present minister of communications, retired Lt-General Agum Gumelar has a similar background. He also served as Kopassus officer and at the height of his military career became director of BAIS, the influential military intelligence body. Both ministers have been instrumental in the decision to launch the military operation in Aceh. The preparation of this operation and its aims carry all the hallmarks of an intelligence and counter insurgency operation.

Ever since the birth of the Indonesian Republic in 1945, the military have always played a major role in politics. Only for a brief period in the first half of the fifties were the military subordinate to the civilian government. In the New Order era of Suharto which lasted more than three decades, the country was run along the lines of a totalitarian military regime.

The fall of General Suharto in May 1998 eroded the dominant role of TNI and in the brief periods of the Habibie and Wahid presidential terms, there were some achievements in democratic control of the military. Parliament nowadays

can exert more control on the TNI and demand more transparency. The Defence Department has been reorganised and is nominally run by civilians. The Defence Law and the Law on the Police provides enough judicial control.

But the reality is different. Martial law in Aceh has proven that democratic control over the military is feeble and ineffective. The military top simply consulted with the heads of the fractions in parliament and the green light was given. It is still the military who determine the political agenda in Indonesia.

Political analysts consistently describe the Indonesian military as 'a state within the state' or 'a closed corporate group'. Some analysts go further and consider the position of the military at present to be much stronger than in the closing years of the Suharto era. (9)

When push comes to shove, political will is needed to curb the powers of the military. It means strengthening the political institutions and ensuring that civilians assert control over the military. This applies also to the military. Without the willingness of military officers to accept democratic reforms, the road to democracy will stagnate, as is now the case. Or still worse, choosing the militaristic road, the future of Indonesia looks utterly bleak and paradoxically,

the break up of Indonesia becomes more likely.  
\*

#### Notes

(1) See also *TAPOL Bulletin* No. 171, June 2003, TNI's Role in Crushing Separatism

(2) See *NRC-Handelsblad*, 26 April 2003, Dirk Vlasblom: De Terugkeer van de Generaals

(3) See also *TAPOL Bulletin* No. 152, May 1999, p 13, 14 Growing conflicts within ABRI

(4) See *Südostasien Informationen* 4/02, Ingo Wandelt: Die Hüter des Waffen- und Gewaltmonopols

(5) See *Media Indonesia* 10 March 2003, Aris Santoso: Akankah Ada Kudeta dari TNI?

(6) See also *TAPOL Bulletin* No. 166/167, April/May 2002, The Military and the Arrogance of Power.

(7) See also *TAPOL Bulletin* No. 169/170, January/February 2003, The Bali Blast and Beyond

(8) Ken Conboy: *Kopassus, Inside Indonesia's Special Forces*, Equinox Publishing, 2003

(9) See *Jakarta Post*, 3 May 2003, William Liddle: Indonesia's army remains a closed corporate group

#### *continued from p 28*

nies. [*Jakarta Post*, 20 May 2003] That is clearly going to take months, if not years, to achieve.

### **Labour law provokes controversy**

A new labour law adopted in February this year has aroused protest among many, though not all, trade unions. During the Suharto era, the workers were tightly controlled, with only one state-sponsored union being allowed. Towards the end of the New Order, several other unions announced their existence.

In 2000, when the spirit of *reformasi* was still strong, a ministerial regulation was introduced which swung decisively in the workers' favour, and according to some commentators, had the effect of stifling investment and prompting new companies to hire temporary workers to circumvent the requirements of companies to grant rights to their employees.

The 2003 law which replaces the 2000 regulation has been dubbed a 'law to woo investment'. It has been widely welcomed by employers' organisations, and also by some unions that are a continuation of unions that existed during the New Order. Employers' organisations want implementation to commence without delay, saying that 'many investors have pulled out of Indonesia, while others have declined to invest because of what they describe as an unfavourable business climate'.

One of the most contentious issues is the formation of labour courts to arbitrate on industrial strikes, which will be placed under the jurisdiction of district courts. One highly contentious issue, according to Mochtar Pakpahan of the SBSI, is the provision that both lawyers and judges representing the workers should be university graduates. The union wants the courts to be recruited from labour activists.

The law deals with the contentious issue of out-sourcing jobs which is widely used by companies to avoid being bound by working conditions and pay laid down in agreements with unions representing their employees. The new law bans out-sourcing of services that are part of the permanent production process or core business. This would appear to open the way

for loose interpretation. The law also states that temporary workers cannot be hired for jobs that are an integrated part of the production process, although temporary jobs are allowed under certain circumstances for a maximum period of three years.

Strikes must be notified to the employers and the relevant authorities, otherwise they will be illegal and striking workers could be barred from entering their company's premises. The law also establishes the principle of 'no-work-no-pay' which union leaders have described as intolerable considering that workers are striking to demand higher pay or better working conditions and should not be penalised for going on strike.

The majority of trade union federations have come out strongly against the law. Soon after its enactment, a coalition of 22 unions announced plans to oppose the law and call for its repeal. The SBSI, one of the first independent unions to be set up during the Suharto era, is not in favour of the law and has criticised parliament, the DPR, for failing to conduct proper consultations with the unions.

Dita Indah Sari, chair of the FNPBI, condemned the law for reducing workers' rights and for allowing the employment of children in contravention of regulations banning children from working. Compensation for workers who resign voluntarily or who are dismissed for misdemeanours were far lower than under the previous law.

### **Severance pay not paid by companies that fold**

In the recent period when a number of foreign firms have withdrawn from Indonesia, workers who have lost their jobs at such companies have been badly hit by companies closing their factories and fleeing the country before paying their workers salaries and severance pay.

In 2002, workers at eight garment factories lost their jobs when the companies closed their factories and shifted their production activities abroad. They had not been paid wages or given severance pay to which they were entitled.

*continued on p 23*

## Military operations in the Central Highlands

*Following an attack on the ammunition dump of the Wamena military command during which 29 M-16s and a large quantity of ammunition were seized, there has been a sustained crackdown in the surrounding area. Thousands of people have fled their homes and are without food and proper shelter. Eighteen people have died since the crackdown began, most of them shot or tortured.*

The raid on the arsenal of the military command in Wamena occurred early on 4 April. Two soldiers and a local person, allegedly one of the perpetrators of the raid, were killed. A number of soldiers of the Wamena command have been arrested for alleged negligence in the performance of their guarding duties,

Although the Indonesian armed forces, TNI, accused separatists of the attack, it is strongly suspected that the TNI themselves were behind it to create an incident that would justify a crackdown. The military immediately launched an operation to recover the stolen weapons, casting their net across a swathe of villages in the subdistrict of Kuyawage and Iliem, in the Baliem Valley.

### Kopassus troops re-engaged

The immediate response was to recall Kopassus troops to the area to conduct military reprisals against the population. A few weeks earlier, all Kopassus troops had been withdrawn from Papua. Whether intentionally or not, the Wamena incident paved the way for the army's most notorious force to re-engage in operations against the 'scourge' of separatism.

Immediately following the attack, the military arbitrarily arrested and detained up to thirty Papuans. Many were beaten and tortured. One of the detainees, Yapenas Murib, was killed whilst in the hands of Kopassus troops. He was dragged out of his cell, already in a weak physical state because of maltreatment, and taken out to the street. A metal noose was tied round his neck and attached to the back of a truck. When he was ordered to walk, the truck pulled him in the opposite direction causing him to fall. He was then dragged along the ground. During this prolonged act of torture, he covered a distance of 3 kms. He died later that day, after choking on his food.

Within days of the attack 186 army personnel, from Kopassus and from the army's strategic command, Kostrad, were deployed to the region. They began a mass sweeping operation through highland villages, arbitrarily attacking and killing civilians and destroying homes and crops. Soldiers arbitrarily shot people on sight. Many homes were burnt, as well as three schools and a health clinic. Plantations and crops were confiscated along with farming equipment. Many people were arbitrarily beaten and questioned in relation to the attack on the military command in Wamena.

During these operations, the army used pro-Jakarta militia known as Satgas Merah Putih consisting of local people recruited and trained in the past year by the military. As a result of these operations, thousands of people, mostly from Kuyawage, were forced to flee their homes and are now hiding in the forests.

A graphic account of sweepings by the military while

searching for the missing weapons is contained in a report issued on 6 May by an investigation team set up by the NGO Coalition for the Protection and Enforcement of Human Rights in Papua. The report is based on the testimonies of dozens of witnesses.

The sweepings took place in villages where the armed wing of the OPM, known as the TPN/OPM, are known to have local posts, the aim being to incriminate them while at the same time striking fear and trauma among the population. A number of homes or honai were burnt down in Napua village, district of Hubi Kossi, including the home of Yapenas Murib, who was later tortured to death. The operation was conducted by a substantial number of troops, though the precise number could not be ascertained. The inhabitants fled to other homes for sanctuary.

One witness, Emius Gwijangge told the team: 'The troops came at night, they gathered the inhabitants together and asked them to indicate the whereabouts of Yapenas, but we said we knew nothing. The soldiers used their jackboots to kick me in both ears. After that they search our homes then set them on fire.'

Army operations in Wouma kampung, Wamena, were directed against Soleman Heregam, who has been a member of the local TPN/OPM group for several years. Soleman Heregam who was arrested and tortured by soldiers and militias, later told members of the team: 'We knew absolutely nothing about the weapons which were stolen. We were hunted down only because of our struggle (for an independent Papua).' The team also established that TPN/OPM posts are to be found throughout the Baliem Valley. They do not possess weapons but say that their aim is to popularise their struggle.

While Soleman was being arrested, his wife, Paulina Lantipo was molested by militias and her string bag (noken) was pulled from her neck. When she ran to recover her bag, she was held by the neck until she could hardly breath. In the scuffle, her blouse was torn off and she was left naked to the waist; her tormentors threatened to kill her for protecting her husband. When her bag was later returned, all the contents had been removed including important documents and money.

### Current situation

Many of the villages remain under military control and occupation. The villagers are still in the forests, too scared to return to their homes. They have no access to food, are exposed to extreme conditions and are experiencing widespread starvation. They are unable to return to their crops, as those that are not destroyed are guarded by military officers who shoot people on sight.

In a statement to the press, Kontras-Papua, the Commission for the Disappeared and the Victims of

Violence, issued on 6 June, said that at least sixteen people have died as a result of these operations. Most died after being shot, tortured or beaten by the troops, while two died from lack of food. Kontras said that there was strong evidence that the military committed crimes against humanity. According to Kontras, more than 5,000 villagers, mostly residents of Kuyawage and Ilehe, have taken refuge in the forest.

The military has closed off the area and are refusing access to church groups, humanitarian aid and human rights workers.

In a statement at the end of May, the Student Communication Forum of the Central Highlands called attention to the shooting dead of Kabelek Hiluka. It strongly refuted the allegation by the army that he was shot while trying to escape. The victim was not even a member of the TPN/OPM but had returned to his home village, Jiwika in Kuurulu district, to settle a debt. The Forum called for the immediate withdrawal of army and police forces from the Wamena area where they are wreaking such havoc among the civilian population. A humanitarian team should be dispatched to the area to provide food and medicines to the villagers now taking refuge in the forest. It also called on the National Human Rights Commission to set up a special investigation team, a KPP-HAM, to investigate the Wamena incident with a mandate to examine the background and motive of the event and identify the perpetrators.

### **ELSHAM leaders to be charged by army**

The Trikora military command in Jayapura has announced their intention to file a lawsuit against Papua's leading human rights organisation, ELSHAM, for defamation. The military allege that ELSHAM besmirched the good name of the army when it announced the findings of its investigation into the killing on 31 August last year of one Indonesian and two US citizens who were employees of the Freeport copper-and-gold mine who were on an outing with their families. The organisation suggested that members of Kopassus were the likely culprits. A similar conclusion was also reached by a police investigation.

Initially the charge was laid against ELSHAM's director, Yohanis Bonay but it was subsequently broadened to include John Rumbiak, ELSHAM's supervisor who is now living abroad. Four others are also being charged, the Indonesian daily, Koran Tempo, the editor of Koran Tempo, Suara Karya, another Indonesian daily, as well as its editor. The lawsuit demands huge 'material' and 'immaterial' damages from ELSHAM, in a clear bid to force the organisation into liquidation.

Yohanis Bonay responded to the army's announcement by saying that he was ready to defend the organisation in court and was confident of success. ELSHAM will be assisted by a powerful defence team of fifteen lawyers from Papua and Indonesia.

This killing of Freeport employees is now under investigation by the FBI. There is strong pressure in Washington for this incident to be thoroughly investigated and is likely to have an impact on decisions about future US aid to the Indonesian military. Survivors of the killing and relatives of the victims have lobbied members of Congress for a full investigation and for a moratorium on military assistance to Indonesia.

### **Kopassus soldiers tried for Theys murder**

Seven members of Kopassus were tried before a military

tribunal in Surabaya earlier this year for their involvement in the murder of Theys Eluay, the leader of the Papuan Presidium Council who was abducted and killed on 10 November 2001. They were the men who accompanied the Papuan leader on his way home from a reception at the local Kopassus base. They were charged and found guilty not of murder but of maltreatment resulting in the victim's death, when they stifled him, allegedly during an argument about his support for Papuan independence. Although this charge allows a sentence of up to seven years, the men were given sentences of between three and three-and-a-half years.

The court proceedings were also a travesty in that no attempt was made to unearth the background to this high profile political assassination.

Members of the Theys family were left with a sense of outrage at the injustice of the verdicts and they condemned the sentences as an insult. But General Ryamizard Ryacudu, chef-of-staff of the army, never a man to mince his bellicose language, later called the men 'heroes' who had carried out a legitimate act in defence of the unitary state of Indonesia.

## **Infant mortality in Papua: the worst in the world**

A UNICEF official in Jakarta has expressed deep concern that the infant mortality rate in Papua has now reached 117 per 1,000 under-five children, which is the worst in the world.

Kiyoshi Nakamitsu said: 'This means 117 out of every 1,000 infants die every year before they reach the age of one year old. This infant mortality rate is very high, and much higher than the national rate of 50 per 1,000 infants.' He added that UNICEF was obliged and had a responsibility to cope with the serious health problems among women and their children in the province.

Kiyoshi said the high infant mortality rate had a lot to do with rampant malnutrition among women and their children, and the lack of health services, especially in remote areas.

'Many infants are doomed to die because besides being malnourished, most children and women do not have access to better health services because of poverty and the fact that they live in remote areas,' he said.

He said further that this had been worsened by the high percentage of people with HIV/AIDS in the province over the last decade. Out of a total of 1,263 people with HIV in the province, 539 have developed AIDS. If compared to the province's population of 2.3 million, this figure is the highest in the country.

'The infant mortality rate is expected to remain high over the next ten years in line with the high percentage of people with HIV/AIDS. Prenatal babies are quite prone to contracting HIV/AIDS from their mothers.'

If this trend continues, said Carmel Budiardjo of TAPOL, along with the influx of Indonesians into the province, Papuans who currently account for about 60 per cent of the population are on course to becoming a minority in their own country. \*

# The impact of BP's Tangguh project on Papua

*BP's proposed giant liquified natural gas (LNG) project in Bintuni Bay, West Papua - the Tangguh project - continues to cause concern for human rights and environmental organisations. BP's failure to make public their in-house report on the project's human rights impact has been condemned by NGOs. Any potential benefit to the people of Papua looks set to be undermined by the threat the project brings of increasing HIV/AIDS, inward migration, and militarisation - and thereby an increased risk of human rights violations. There is also the prospect of a controversial new World Bank loan.*

Tangguh is BP's proposed \$2 billion LNG project, planned for the remote Bintuni Bay in the Birds Head region of West Papua. The project involves offshore gas platforms, pipelines and an onshore LNG processing plant. Gas will be shipped to export markets. Although there have been some delays in construction due to problems securing adequate gas contracts, a base camp has been built and work on a port and airstrip is underway. The project area is 3,416 hectares, with 4,200 local people inhabiting the 'directly affected villages'. Indonesia has secured gas contracts with Japan and China, and is in negotiations over contracts with Taiwan, the Philippines, and Korea.

## Failure to publish Human Rights report

In its communications with NGOs, BP has made much of its intentions to assess the potential impacts of the Tangguh project. To this end, and for the first time, the company commissioned a Human Rights Impact Assessment (HRIA) report on the project. The report was written by two former US State Department officials. Much to the frustration of human rights organisations, BP never published the 70-page report - citing 'legal reasons' as the obstacle. No offer was made to publish or circulate a version with legally sensitive references removed. Instead, the company placed a five-page 'Summary of recommendations' in the public domain, along with its own response to it.

In February 2003, BP's refusal to disseminate the report led to Indonesia-focused human rights organisations - including TAPOL - boycotting the company's London meeting on Tangguh. An assessment of BP's response document, which quotes selectively from the report, reveals some points of concern, but raises as many questions as answers.

BP agrees with the human rights report that the 'balance' between human rights and security represents 'one of the most difficult challenges for the Tangguh Project'. [BP Response to HRIA Report, February 2003, p.17] Whilst the company clearly acknowledges the risk security provision represents for human rights, its approach to 'balance' human rights against other factors is highly questionable. Human rights should be upheld for all people, regardless of circumstance - not balanced against other, commercially driven objectives. BP also concedes the genuine risk of human rights abuses. The company expresses its 'hope' that the proposals for 'Community-Based Security'... 'will reduce the risks of human rights incidents from taking place'. [Ibid. p.15]

Under a section on 'Freedom of Opinion and Expression', the BP response notes that 'the report specifically discusses ELS-HAM, the Papua human rights NGO' - but fails to indi-

cate why the report refers to ELS-HAM, or to engage with any issues that organisation may have raised as concerns. [Ibid. p.15]

Also in relation to the security issue, the BP response notes that 'at present, as the [HRIA] report implies, there is considerable animosity among some of the various stakeholders' [ibid. p.19] - yet there is no further elaboration.

These examples indicate that the HRIA report identified some serious human rights concerns - but that keeping the report out of the public domain makes it virtually impossible for specific concerns to be assessed impartially. A company's expression of 'hope' that its own solutions will work is far from adequate - especially when assessing a commercial project's risk to human lives.

## A catalyst for militarisation

As part of its Community-Based Security policy, the company has recruited 65 Papuans who are being trained internally for unarmed security work - and says it will not pay the military to guard the project. However, regardless of its intentions, the company's professed policy will not be able to stop the military and mobile police (Brimob) making use of Tangguh for their own ends. Interestingly, BP has stated that the project would not automatically be cancelled if the community approach to security failed to work. [Down To Earth (DTE), Update on BP's Tangguh LNG project, June 2003]

BP has set up an independent panel to assess the 'non-commercial' aspects of the project. The BP-funded Tangguh Independent Advisory Panel (TIAP) is made up of Senator George Mitchell, Lord David Hannay, Ambassador Sabam P. Siagian and Reverend Herman Saud. The panel's first report on the project described security as 'the most difficult and sensitive issue for BP'. [TIAP report, October 2002, p. 20] The TIAP report specifically raises doubts over the viability of the Community-Based policy: "many believe this concept is unrealistic and that the TNI will insist on protecting this vital national asset at close range". [Ibid, p. 21, our emphasis]

BP's plan to provide security from local, unarmed civilians already risks being undermined by the reality of the situation in Papua. Indeed, the company is well aware of this situation, when it readily acknowledges not only that 'the provision of security is ultimately the exclusive prerogative of the State' but also that 'the Indonesian security forces must be constructively involved - along with Tangguh's many other stakeholders'. [Ibid, p15, p17]

The size of this mega-project, its status as a 'provit' - a proyek vital or national (Indonesian) asset - and the fact that

the military are already heavily deployed in West Papua means that the security forces will clearly see themselves, like BP sees them, as stakeholders. But it is fanciful to think that they will not bring significant pressure to bear. This may manifest as demands for income or as military action to demonstrate to Jakarta the need for significant military deployment in the area - an objective likely to lead to the orchestration of 'security incidents'.

Given the self-serving military, political and financial objectives of the Indonesian security forces [see related articles in this TAPOL Bulletin], the military remain in no mood to defend 'national vital assets' like Tangguh 'sensitively'. Indeed a major Indonesian 'national asset' in Papua would, from the military's point of view, require significant military protection - and therefore an increase in military resources.

The concern that Tangguh represents a catalyst for the militarisation of Papua has now been voiced internationally. The northern 2003 International Solidarity Meeting on West Papua (ISMWP), held in Brussels in June, gave the following assessment in its statement: 'We are concerned that large-scale resource extraction by multinational corporations acts as a catalyst for militarisation and an increased risk of human rights violations.' The statement specifically mentioned BP. [Statement of the Fourth ISMWP(north), June 2003]

### The threat of HIV/AIDS

The northern 2003 ISMWP also expressed its extreme concern that 'HIV/AIDS has reached crisis levels in West Papua' and is calling for greater action from development organisations'. [Ibid]

When Tangguh begins its construction phase, up to 5,000 workers will be employed in the Bintuni Bay area. Many will be migrant workers attracted to the area as a result of the project. The TIAP report draws attention to the likelihood that migrants will bring HIV/AIDS into the area, as well as other contagious diseases and alcohol and drug use.

As TIAP acknowledged, to deal with what could become a major health crisis, health care provision in these communities will become vital. [TIAP report, 2002, p25-6, p20] A major problem is that the greatest HIV/AIDS and health risk will be during the project's construction period - long before any revenue will flow to Papua from the project. If the project proceeds without significant advanced investment in appropriate healthcare the results could be disastrous.

### New debt for Papua?

The question of the timeline for revenue flows to Papua raises other concerns. Revenues for Papua have been

estimated at between US\$100m by 2016 up to a possible US\$225m at the project's peak. However, TIAP points out that it may be 10 years before any potential revenues reach Papua. It proposes the development of a mechanism to even out revenue flows to Papua - bringing them forward to before the project enters its commercial production phase. BP's response to the proposal has been to suggest a World Bank loan - something which would place new debt burden on Papua, and would mean that Papua was effectively underwriting financial risk and investment in the project. This scenario risks Papua becoming 'locked in' to the project and a relationship with BP, and left to service a debt burden even if the project ran into difficulties. [DTE, Update on BP's Tangguh LNG project, June 2003; TIAP report, 2002, p.18; BP written response to TIAP report, 2002, and information at TIAP meeting, March 2003]

### Investing in the violation of the right to self-determination

As the international campaign for a UN Review of the so-called 'Act of Free Choice' makes clear [see *TAPOL Bulletin* 166-7], the people of West Papua have been systematically denied their human right to self-determination. As well as the longstanding denial of this basic human right, Papuans continue to suffer ongoing human rights abuses [see separate article] by the Indonesian military.

BP's project needs to be seen in this context. By developing an Indonesian national asset in West Papua - and all that this implies in terms of human rights and increased militarisation - are BP simply doing business as usual, or are they complicit in these violations? \*



Tangguh. Photo: Katie Wilson.

## Where's the justice?

*There can no longer be any doubt that the proceedings in Indonesia's ad hoc human rights court for East Timor are a sham following the extraordinary decision by the prosecution to request the acquittal of the highest-ranking defendant Major General Adam Damiri. The fate of Damiri is in sharp contrast to that of civilians killed in Aceh in atrocities reminiscent of East Timor and of anti-government protestors thrown into jail in Jakarta for the 'offence' of insulting the President.*

### **Little prospect of military accountability**

The series of trials in Jakarta of 18 defendants accused of crimes against humanity in East Timor before, during and after the independence ballot in August 1999 are likely to end soon with the acquittal of the former regional military commander, Adam Damiri.

The prosecution asked for the charges against Damiri to be dismissed because of the alleged lack of evidence against him. The formal verdict is due to be announced on 1 July.

While an affront to justice, this development is perhaps not surprising given the abject performance of the prosecutors to date. They have ignored vital evidence, presented a false account of the events as a conflict between two violent East Timorese factions, and given the impression that they would prefer all the accused to escape punishment.

Damiri has demonstrated his own contempt for the proceedings by taking time off from his trial to help prepare the armed forces for their war on Aceh. His arrogance and lack of concern for justice is a disturbing sign that the military is enjoying a resurgence which has put it beyond the law.

In recent months, the ad hoc court has convicted former East Timor commander, Brigadier-General Noer Muis of crimes against humanity and sentenced him to five years imprisonment, half the legal minimum, and acquitted another former East Timor commander, Brigadier-General Tono Suratman.

In the 17 concluded cases, the court has acquitted 12 defendants and convicted only five. All five have been given lenient sentences and remain free pending appeal.

The lack of political will to challenge the power of the military and to push through meaningful legal reforms has meant that these outcomes were sadly inevitable.

### **UN expert castigates legal system**

The extent of the crisis in the Indonesian justice system was made clear in a report, published in January, by the UN special rapporteur on the independence of judges and lawyers, Dato' Param Cumaraswamy, following his visit to Indonesia in July 2002.

Mr Cumaraswamy expressed concern about the 'lack of a culture of judicial independence' and 'widespread judicial corruption' which, he said, is not limited to the judiciary, but 'spreads as cancer in the entire system, the judiciary, police, prosecutors and Office of the Attorney-General. He concluded that 'the slow pace with which the Government and DPR [parliament] are addressing the issues has called into question the political will of these institutions to deal with the situation on an urgent and priority basis'.

He further suggested that restrictions on the jurisdiction

of the ad hoc court for East Timor amount to a 'violation of the principle that prosecutions are to be undertaken in good faith and with due diligence'. The several acquittals are not surprising given the 'insufficient investigations and the failure to produce material evidence,' he said. He expressed concern about 'the wholly unsatisfactory implementation of the witness protection measures'.

Mr Cumaraswamy called for 'drastic, urgent and far-reaching action' to tackle judicial corruption and for 'a holistic approach to reforms of the judiciary, the entire prosecutorial system and the police force. He recommended that the Government should develop a plan, with the assistance of the international community, to ensure that future prosecutions of gross human rights violations reflect international standards and practice'.

### **UN Rights Commission betrays victims**

Serious flaws in the ad hoc trial process were also identified by the UN High Commissioner for Human Rights, Sergio de Mello, in his report to the 59th session of the UN Commission on Human Rights in March.

Mr de Mello - formerly the head of UNTAET in East Timor - referred to the 'insufficient investigations undertaken by the Office of the Attorney-General' and the weakness of the indictments. He rightly made the point that none of the defendants, except one, was accused of personally committing or commanding the commission of crimes against humanity. He stated that the failure to put before the court evidence that portrays the killings and other human rights violations as part of a widespread or systematic pattern of violence 'seriously undermines the strength of the prosecution's case and jeopardizes the integrity and credibility of the trial process'.

In the light of this, it is hard to understand why the Commission did nothing to ensure that the perpetrators of gross violations in East Timor are brought to justice. In an agreed Chairperson's Statement, the Commission merely expressed disappointment at the way in which the trials were being carried out. Its underlying message was that if improvements were made, the process would be acceptable. It ignored the many flaws in the process, the limited jurisdiction of the court and the failure of the Indonesian authorities to investigate more than a handful of the hundreds of serious crimes committed in East Timor.

At a special session in September 1999 the Commission had condemned the 'widespread, systematic and gross violations of human rights and international humanitarian law' in East Timor, and called for those responsible to be brought to justice. Although there is currently no meaningful prospect of accountability, the Commission perversely

dropped the issue from its agenda for future sessions.

Next year, the Commission will consider only the question of technical cooperation with East Timor in the field of human rights. This will likely preclude any further consideration of Indonesia's responsibility for the atrocities.

## Serious Crimes Unit delivers verdict on Jakarta justice

On 24 February, the Serious Crimes Unit (SCU) in East Timor - set up by the UN under UNTAET - delivered its own verdict on the Jakarta process and the authorities' failure to investigate the highest-ranking suspects, by filing indictments against former armed forces commander, General Wiranto, six other senior military officials and former civilian Governor of East Timor, Abilio Soares (one of the few convicted by the Jakarta court).

This was a major development in the search for justice for East Timor, but predictably Indonesia stated that it would refuse to transfer the accused to East Timor.

The response of the East Timorese leadership was also less than helpful. President Xanana Gusmao issued a statement saying that the process was not in East Timor's national interest and Foreign Minister José Ramos Horta, on a visit to Jakarta at the beginning of March, indicated that relations with Jakarta were more important than justice.

Concerned about the lack of political support for the serious crimes process, the International Federation for East Timor (IFET), of which TAPOL is a member, wrote to the President on 1 April, expressing support for his desire to promote reconciliation and good relations with Indonesia, but pointing out that those objectives were not incompatible with the pursuit of justice and should not be given priority over justice.

IFET argued that Indonesia would be 'strengthened as a nation if it confronts the issue of impunity and in particular the responsibility of its armed forces for gross violations in [East Timor]'.

It also expressed the fear that the President's response to the indictments could encourage the Indonesian authorities to ignore numerous other gross violations perpetrated in Indonesia. 'The people of Indonesia will not be well served by the continued protection of TNI impunity,' it said.

IFET agreed with the President that East Timor is not able to provide justice on its own. It pledged to press the international community and the UN to support the serious crimes process, both politically and with the necessary resources, now and after the expiration of the current UN mission, UNMISSET, in May 2004. It said it would also urge the international community to find other ways of bringing the perpetrators to justice including the establishment of an international criminal tribunal and prosecutions in third countries under universal jurisdiction provisions.

On 20 May 2003 - the first anniversary of East Timor's independence - IFET wrote to members of the UN Security Council calling upon the Council to establish an international tribunal. It also asked the Council to extend the mandate of the SCU and the associated special court, saying that the 'work of the SCU would serve as a solid basis for an ad hoc international tribunal.

[The texts of IFET's letters are available at [www.etan.org/ifet](http://www.etan.org/ifet)]

East Timor's prime minister, Mari Alkatiri, has been more forceful in pressing for international justice. In May,

in an interview with the Asia Times he said: 'Crimes against humanity must be judged ... and the international community has primary responsibility... We cannot just ignore crimes against humanity, which are the gravest of crimes, yet take petty thieves to court. It would be a travesty of justice' [*Asia Times*, 15 May 2003].

He subsequently criticised the Jakarta trials ('They are like a piece of theater') and called for an international tribunal in a neutral country [*AP*, 30 May 2003; *UNMISSET*, local media monitoring, 30 May].

This issue is not just about the views of the East Timorese government or any other government, however. It is also about the East Timorese people, the victims and their families and about the Indonesian victims of military violence. And it is about the need to uphold human rights and the supremacy of international law. The international community, not the East Timorese government, is therefore ultimately responsible for ensuring that justice is done.

## Beyond impunity?

There is growing concern in Indonesia that impunity - exemplified by the Jakarta trials - is now so entrenched that increased militarisation of the country is inevitable.

This was a major concern of the international solidarity movement for West Papua (North) meeting in Brussels from 6-8 June. The movement has written an open letter to members of the international community expressing grave concern about the impact of the Jakarta trials on the unaccountable power of the military.

The letter expressed the movement's fear that 'increased militarisation and violence in areas such as West Papua and Aceh will result from the legal system's failure to challenge the power of the military'. It argues that 'sustainable peace will not be achieved as long as the authorities persist in pursuing the military solution to political problems and do nothing to bring the perpetrators of human rights violations to justice'.

With many innocent civilians now being killed in military operations in Aceh and West Papua, the need for justice to triumph over impunity is more urgent than ever. \*

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*continued from p 17*

Six of the companies were Korean, operating without Indonesian partners. One of the other two was Japanese which was a joint venture with an Indonesian company while the other was from China.

In a recent case, 300 workers employed by a garment factory in East Jakarta, were sacked before their salaries and severance pay had been paid. In this case, the company's machinery and assets were handed over for auction by the state industrial park where the factory is located before any settlement was reached with the workers. Speaking on behalf of the workers, Agustinus Santoso of the People's Legal Aid Bureau said they would be pressing the customs and excise department to issue a decree forcing the the company to pay outstanding expences, including salaries, before the auction took place.

Santoso said that labour activists and experts had come together in a coalition to press for a regulation that would prevent foreign investors from fleeing the country and closing their factories before paying salaries and severance pay. [*Jakarta Post*, 26 March 2003] \*

## Hawk jets used in Aceh war

*On 19 May, British-made Hawk jets helped launch Indonesia's war in Aceh in clear breach of 'assurances' that British equipment would not be used for offensive purposes. A British minister dispatched to Jakarta to protest was snubbed by military chiefs who insisted they had paid for the jets and if necessary would use them to 'complete the job' in Aceh.*

On the first day of the military offensive, four Hawk-200 fighter jets were used to escort transport planes carrying troops to Aceh and to scare and intimidate people on the ground.

Subsequent reports indicated that the aircraft were being used to attack and bomb villages although it is increasingly difficult to verify these reports due to the tight control exercised by the Indonesian military over the media and civil society in Aceh.

Military spokesmen have, however, confirmed that the jets are being used as part of 'shock therapy' tactics to send 'sonic booms' across the province.

Thirteen Scorpion tanks made by the British arms manufacturer Alvis are also among the equipment deployed to Aceh as is equipment from the US, France, Germany, Russia, and South Korea.

Strong protests by TAPOL and the London-based Campaign Against Arms Trade (CAAT) prompted a clearly-embarrassed British Government - no doubt anxious to preserve military relations with Indonesia - to arrange a hasty visit to Jakarta by Foreign Office minister, Mike O'Brien. He warned the Indonesian government that military ties might be affected if British equipment is used in Aceh, but military chiefs insisted they have the right to use the Hawks in combat operations if required.

A commitment by the British Government to monitor the use of British equipment and to follow up allegations of misuse conveniently misses the point that the very deployment of the equipment to Aceh is unacceptable and in breach of 'assurances' given by Indonesia that the equipment will not be used offensively, for counter-insurgency purposes, or to suppress human rights.

### 'Assurances' worthless

TAPOL has long campaigned against arms sales to Indonesia and has insisted that Indonesia's 'assurances' are worthless given its record of repeatedly using imported weaponry in East Timor, Aceh and West Papua and against its own citizens.

Indonesian officials are now asserting that the 'assurances' are no more than non-binding gentlemen's agreements. Former Defence minister, Juwono Sudarsono - likely to be named soon as Indonesia's new ambassador to Britain - said: 'As I see it, once the weapons have been sold, Indonesia should not be expected to abide by restrictive conditions on their use...Conditions should not be made binding, except as part of a gentleman's

agreement'.

Successive British governments have hidden behind these worthless assurances because ultimately the perceived commercial value of arms sales overrides official concerns about human rights and the lives of ordinary people in affected areas. We hope that this disgraceful charade has been exposed by the unrepentant use of British equipment in the Aceh war.

Despite announcing an 'ethical dimension' to its foreign policy and introducing new arms export licencing guidelines after it came to power in May 1997, Tony Blair's Labour government resisted strong pressure to revoke export licences granted by the previous Conservative administration for the equipment now being used in Aceh. The delivery of 16 Hawk-200 aircraft worth £160 million and 50 Scorpion tanks worth £80 million was allowed to go ahead despite evidence that similar equipment had previously been used for internal repression and against East Timorese civilians [see 'No end to British arms sales', *TAPOL Bulletin*, No 143, p. 7].

On 23 May, around 25-30 people, including Acehnese in the UK, demonstrated outside the Foreign Office against the war in Aceh. A dramatic mock-up of a Hawk aircraft, and numerous banners and placards underlined the protesters' call for an end to the war and their condemnation of Tony Blair's government for allowing British arms to be used to suppress human rights and to destroy the peace process in the province. The event was organised jointly by TAPOL and CAAT. \*



## Call for military embargo

*Campaigners around the world are outraged that equipment sold by their governments is being used in a bloody campaign in Aceh which will inevitably lead to widespread civilian loss of life. They fear similar consequences for West Papua and are calling for a military embargo on Indonesia. More than 90 organisations have signed up to the following statement:*

We are organisations and groups concerned about human rights in Indonesia and about the adverse impact on human rights of Indonesia's military relations with other countries. This statement arises out of our alarm at the complete deterioration of conflict resolution and military reform efforts in Indonesia and the concurrent rise in the Indonesian military's lawlessness and brutality. Recent developments include:

- \* the massive military offensive in Aceh following the Indonesian Government's declaration of martial law on 19 May 2003;

- \* an ongoing military campaign currently underway in the Central Highlands of Papua;

- \* the Indonesian military's failure to cooperate with independent investigations into its suspected involvement in the 31 August 2002 killing of one Indonesian and two American schoolteachers inside the Freeport copper & gold mining project area in Papua;

- \* the military's well-documented assassination of respected and non-violent community leaders and its perpetration of numerous massacres in Papua, East Timor and Aceh and its failure to engage constructively in peace initiatives such as the establishment of Papua as a Land of Peace;

- \* military training and funding of violent militias in Aceh and Papua;

- \* military noncooperation with Indonesia's ad hoc human rights court on East Timor;

- \* draft legislation prepared by the Indonesian military (TNI) that grants it authority to carry out operations without prior presidential order; and

- \* the TNI's continuing resistance to budgetary transparency and proper civilian oversight of its finances.

The TNI, which has not needed to defend Indonesia against an external attack for 40 years, has regularly used weaponry and combat skills obtained in part through foreign training and military assistance programs against civilians, including Indonesians, East Timorese, West Papuans, Acehnese and others.

The military offensive in Aceh, which is Indonesia's largest military operation since the invasion of East Timor in 1975, is now proceeding at a level that is causing widespread civilian loss of life and the destruction of Aceh's public infrastructure. Human rights groups fear massive violations of human rights and are especially concerned about the safety of human rights defenders and civil society activists. Numerous reports of extra-judicial killings and torture are emerging from Aceh, including of students and boys as young as 12. Several NGOs have been forced underground because of dire warnings from the Martial Law Authority. Their activists have been threatened with

arrest and as a result many have gone into hiding. Acehnese communities are being targeted in Jakarta and other cities outside Aceh. In an attempt to isolate Aceh and suppress the truth about the war, the Government has banned foreign aid workers and international NGOs from entering Aceh and rendered the position of those already there extremely tenuous. It has imposed severe restrictions on press freedom. Tens of thousands of people have been internally displaced and villagers are afraid to tend their land. The military says it plans to forcibly relocate up to 200,000 civilians. The UN has expressed concern about a looming humanitarian crisis as food supplies run dangerously low.

In Papua, the military continues to provoke situations designed to strengthen its power there and to undermine peace and stability in the territory. Indonesian special forces (Kopassus) personnel, presumably carrying out orders from the military leadership, assassinated popular Papuan community leader Theys H. Eluay in November 2001. In April of this year, Kopassus and other military units launched a widespread operation in Papua's Central Highlands, causing more than one thousand villagers to flee their homes. The military have detained pastors, human rights defenders and others, one 35-year-old detainee has died whilst in custody, and additional deaths among internally displaced civilians suffering from lack of food and shelter have been reported.

Although there have been strenuous efforts by the US administration to restore full military ties with Indonesia in furtherance of the "war against terror", and President Bush has thanked President Megawati for her co-operation, the U.S. Senate Foreign Relations Committee agreed on 21 May 2003 to reinstate a ban on military training for FY 2004 unless the administration certifies that the Indonesian Government is co-operating fully with the FBI investigation into the killings in the Freeport project area in August 2002. Indonesian police and NGO investigations have implicated the TNI in the attack.

The TNI is infamous for its brutality and lack of accountability in areas of conflict. The Indonesian Police, especially the special forces known as Brimob, also has an appalling human rights record.

In September 1999, the US imposed restrictions on arms exports and military relations with Indonesia following the TNI's campaign of murder and mayhem in East Timor. The EU introduced similar restrictions at the same time, but they were lifted after four months.

There has been no meaningful progress towards reform of the military or the ending of impunity in the intervening period. On the contrary, the TNI is seeking to enhance its political role. The proceedings at Indonesia's ad hoc human

rights court on East Timor have helped to entrench impunity rather than end it. Recently, the most senior officer charged with crimes against humanity, Major-General Adam Damiri missed several days of his trial in order to help prepare the TNI for its assault on Aceh.

Military equipment supplied by other countries - especially the US, the UK, Germany, France, and the Netherlands - is now being used by the TNI in Aceh and has been used extensively in Papua and East Timor in the past. We hold those countries complicit in any attacks with such equipment on civilians and regard those countries as accessories to consequent breaches of human rights and international humanitarian law.

Although there is currently a ban on the transfer of US weapons to Indonesia, the TNI is using weapons supplied before the ban. OV-10 Bronco counter-insurgency planes are rocketing villages in Aceh while C-130 Hercules transport aircraft have dropped hundreds of paratroopers over the region. Indonesia is preparing other US equipment for use, including F-16 fighter jets, S-58 Twinpack helicopters and numerous small arms.

British-supplied Hawk aircraft and Scorpion tanks have been deployed to the area. The Hawks are reportedly being used to attack and bomb villages. Government ministers and TNI spokesmen have said that they have no intention of complying with assurances given to Britain that the equipment would not be used for counter-insurgency purposes, for offensive operations or to suppress human rights.

Warships from the former East Germany, sold by Germany, have also been deployed to Aceh and may be used in a naval blockade of ports there in violation of contractual restrictions stating that they would not be used in any domestic conflict. There is evidence that French AMX-VC1 and Russian PT-76s, BTR-50s, and BMP-2s armoured vehicles are also being used. Russia recently signed a deal to supply four Sukhoi jet fighters and two MI-35 helicopters to Indonesia.

Other countries with significant military ties with Indonesia include Australia, which is pushing to resume relations with Kopassus, Poland which is planning extensive co-operation in the field of military relations and arms sales, the Netherlands, Belgium and Sweden. Some governments are seeking to restore and expand training for members of the TNI and to collaborate with the TNI in seminars and conferences as well as joint exercises.

We are convinced that the TNI represents a grave threat to the stability and security of Indonesia and we believe that the policy of western countries to strengthen their military ties with Jakarta as part of the "war against terror" is wholly misguided and dangerous. Given the backdrop of mounting casualties, wanton killings and human rights abuses attributable to the TNI in Aceh and Papua, we believe it is intolerable for governments to engage with the TNI on a business-as-usual basis.

We therefore call upon all governments to:

1. Impose an embargo on the supply of military, security and police equipment to Indonesia, to include contracts agreed before the entry into force of the embargo;
2. Insist on the withdrawal from Aceh of all military equipment they have previously supplied to Indonesia;
3. Suspend all forms of co-operation with the Indonesian military and police special forces to include training, participation in seminars and conferences, joint exercises and

senior level military exchanges;

4. Press the Indonesian Government to end the military operations in Aceh and to resolve the conflict by means of peaceful dialogue, and to halt military operations in Papua and withdraw the special forces troops now operating in the Central Highlands.

June 2003

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## HIV sufferers demand government help

The question of HIV/AIDS is not one that is publicly discussed in Indonesia, but things may be changing.

Hundreds of people took part in a demonstration in Jakarta in May demanding that the government disburse Rp 4.8 billion (\$539,325) as promised to help people with HIV/AIDS who need to buy antiretroviral (ARV) drugs. The protest was backed by the Pelita Ilmu Foundation, a support group for people living with HIV/AIDS.

A co-founder of the foundation, the immunologist Samsuridjal Djauzi, said that the Minister of Health, Achmad Suyudi had promised in March to subsidise all people with the condition to the tune of Rp 200,000 a month to help purchase the drug, which is essential to minimise the likelihood of infection which could cause opportunistic diseases to spread.

ARV drugs are produced in the US, but at a prohibitive price. India is now able to replicate the drugs without the need for extensive research making them much cheaper.

Samsuridjal said that 'financial aid is crucial as many people have been fired from their workplaces, once it has been discovered that they are living with HIV/AIDS.' Many companies are now refusing to except such people.

One person who took part in the demonstration said that she had been laid off work in February 2002 and had no source of income since then. There is no social security at all in Indonesia for the unemployed. Yanti said that the monthly cost of drugs, counselling, tests and painkillers was Rp 650,000. She now lives at a treatment centre run by the Pelita Ilmu Foundation.

It is estimated that 120,000 to 190,000 Indonesians are living with HIV/AIDS, most of whom acquired the conditions due to sharing unsterilised needles for intravenous drug use. This figure clearly understates the problem as an unknown number of people have failed to report their condition for fear of being stigmatised at work.

As reported elsewhere in this Bulletin, the highest incidence of HIV/AIDS is in Papua which, with a population of 2.4 million, accounts for 34 per cent of the national total [*Jakarta Post*, 19 May 2003].

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# Problems bedevil Indonesian workers

*With the Indonesian economy still in the doldrums following the financial crisis in the late 1990s, Indonesian workers confront a host of problems. Millions, mostly women, seek jobs abroad but suffer indignities from their employers while the Indonesian government does little to give them the support they need. A new labour law has been strongly criticised by many unions for siding with employees and investors. Discrimination in the workplace is widespread and safety in the workplace is the worst in Southeast Asia.*

Unemployment and under-employment in Indonesia currently amounts to close on forty million people and 2.5 million enter the labour market each year. Millions of jobless Indonesian workers have been seeking jobs abroad, and their earnings sent back home are a major source of foreign exchange for the country.

Hundreds of thousands have obtained work in Malaysia, large numbers of whom are undocumented and regarded as 'illegal'. Even larger numbers, mostly women, have obtained jobs in the Middle East. It is estimated that there are some two million Indonesians working in the Middle East of whom seventy per cent are housemaids. [*The Jakarta Post*, 26 July, 2002]

A major crisis erupted in July 2002 when the Malaysian government announced a clampdown on undocumented Indonesian labourers and their employers. Those who failed to leave the country within the appointed time would be caned, heavily fined or given prison sentences, while those harbouring them would also be severely punished. According to Indonesian official figures in mid-2002, the number of workers living illegally in Malaysia was 180,000 but others say the figure is more than double that, even, according to some, amounting to 480,000. [*The Jakarta Post*, 31 July, 2002]

As the deadline set by Kuala Lumpur approached, tens of thousands of workers arrived in various places in North Sumatra as well as in East Kalimantan, across the border from Borneo. As an indication of the lack of preparedness of the Indonesian authorities, many were hastily transported back to Indonesia in warships.

Then came the ugly spectacle of workers stranded in hastily constructed camps in Indonesia with local administrations being told - and in many cases refusing - to fund their upkeep and pay for transportation to their home villages. Tens of thousands of workers who were stranded for several weeks in Nunukan, East Kalimantan, close to the East Malaysian border, faced a humanitarian crisis because of the lack of basic facilities and medical care.

## Domestic workers overseas protest

The plight of Indonesian women workers overseas came to light when thousands protested against a decision by the Hong Kong government in February this year to impose a tax on migrant domestic workers. Over 70,000 of Hong Kong's migrant domestic workers are from Indonesia, with the number increasing by 20 per cent each year. By the very nature of their work, these women are hidden from public view and scrutiny and vulnerable to physical, psychological and sexual abuse.

A meeting in Hong Kong attended by representatives of trade unions, NGOs, workers' associations and migrant domestic workers discussed the abuses they suffer and what

can be done to protect their rights. Their problems are compounded by the treatment they suffer at the hands of unscrupulous agencies which recruit the women at home. While awaiting their placement overseas, the women are required to live in camps run by the agencies where conditions are harsh; they are locked in, underfed and are required to work for extremely low pay. In many cases, they remain in these camps for up to a year.

The migrant workers are charged HK\$21,000 (US\$2,700) for a placement, leaving them heavily in debt when they start earning a wage. According to the Indonesian Migrant Workers' Union and Asian Migrant Centre, nearly half the Indonesian domestic workers in Hong Kong are paid between HK\$1,500-2,000 a month which is half the legal minimum wage. Because of the requirement to repay the money they owe to the agency, they earn virtually nothing for the first seven months in a job. Having to pay a monthly tax of HK\$400 will make matters even worse. [*Anti-Slavery International*, April 2003]

Women domestics working in the Middle East are denied any rights as workers as they are considered to be part of their employer's extended family. This has led to conflict within the Megawati government between the Minister for Women's Empowerment, Sri Redjeki Sumaryoto, and the Minister for Labour, Jacob Nuwa Wea. Sri Redjeki was so concerned about the lack of rights for migrant workers that she called on the labour minister to suspend the sending of female workers to the Middle East until proper arrangements were made for their protection. 'They should have lawyers to provide legal aid for troubled workers, including suing employers who mistreat or harass them,' she said in a letter to Jacob Nuwa Wea.

Over the past five years, Indonesian women employed in the Middle East have been caned or sentenced to death for alleged sex scandals with their employers. Thousands have left their jobs because of ill-treatment, often ending up as prostitutes. [*The Jakarta Post*, 2 July 2002]

Only recently, it has come to light that 5,000 Indonesian women migrant workers in Malaysia have been trapped by a trafficking syndicate into working as prostitutes. The Indonesian consul-general in Tawao, Sabah, admitted recently while on a trip to Indonesia that this has been going on now for almost a year. [*The Jakarta Post*, 15 February 2003]

They bear yet a further burden because, according to a ministerial decree of 2002, workers who complete a contract and wish to enter into a new contract in the country where they are working are required to return home and remain in Indonesia for at least thirty days before signing a new contract. This means going through the whole procedure of a new placement and paying the agency fee again,

putting them into debt yet again for seven months. Migrant workers from other Asian countries are not required by their governments to do any such thing. [*The Jakarta Post*, 19 April, 2003]

In April this year, a group of migrant workers filed a lawsuit against President Megawati Sukarnoputri and her government for their failure to provide support to the hundreds of thousands of workers who were expelled from Malaysia last year. Instead of demanding compensation, the plaintiffs have asked the court to enact a law on migrant protection and to ratify UN conventions on migrant workers. [*Jakarta Post*, 1 April 2003]

## Safety conditions the worst in SE Asia

In a report published earlier this year, the International Labour Organisation said that safety conditions for Indonesian workers were the worst in Southeast Asia. It said that during the first six months of 2002, there were no fewer than 57,000 accidents in companies across the country, which is the equivalent of 300 accidents a day. The figures were based on a report by the Indonesian Occupational Safety and Health Council, but the report did not include figures for the number of fatalities.

According to Soekotjo Joedatmodjo, chair of the Indonesian National Health and Safety Council, the main reason for very poor safety standards was the leniency and lack of enforcement of safety measures, which put the lives of millions of workers at risk, particularly those working in hazard-prone workplaces. 'By the end of 2002, only 80 companies out of a total of 170,000 in the country have been granted zero accident certification.' The number of companies applying minimum standards for a safe working environment is clearly a disgrace.

The minimum standard for obtaining certification includes an environment that is free from piercing noise, ultraviolet radiation and electromagnetic energy that could be hazardous to workers' health. But, we would add, proper protection against injury by machinery operated by workers also presents a serious risk to workers. One official at the Manpower Ministry blames companies for their lack of compliance with safety standards. 'The high number of mishaps in the workplace is due to the lack of implementation of the already toothless regulation,' said Slamet Ichsan, the ministry official. Moreover, punishment for companies who violate the regulations is lenient in the extreme. Companies are only required to pay a fine of Rp1 million (\$900), serve a one-month prison sentence, or both. [*Jakarta Post*, 10 January 2003]

The ILO has called for joint efforts to improve workers' safety. 'A strong safety and health culture in all enterprises is a key to preventing both occupational death and disease,' it said.

The workers' social insurance company PT Jamsostek reported earlier that the number of accidents during the whole of 2001 was 104,000, with more than one thousand fatalities; hundreds of workers suffered permanent injuries as a result of accidents. [*Jakarta Post*, 28 April 2003]

## Discrimination in the workplace

The ILO has also published figures about discrimination in the workplace which reveal a grim picture, especially for women who represent such a high proportion of the Indonesian workforce. Discrimination against women workers was very great and was on the rise, according to the ILO. Figures from the Central Bureau of Statistics show

that average female income was only 68 per cent of male salaries. Among white collar workers, female university graduates were earning 25 per cent less than their male counterparts, while the number of women in senior management positions was far below men.

Alongside gender discrimination, there is also age discrimination: those between 15 and 29 years worked 46 hours a week for an average salary of Rp 386,000 (\$43) a month while those in the age group 40 to 54, worked 42 hours a week for Rp 682,000 a month.

There was also discrimination against different ethnic groups, against people living with HIV/AIDS, the disabled as well as people of different religions.

Responding to the ILO report, Dita Indah Sari, chair of the FNPBI (National Front for Indonesian Workers' Struggle), said this discrimination was the result of the poor implementation of labour regulations and the weakness of the trade union movement.

'Women are still the main victims of discrimination at work, which is not only about salary but also (about) treatment.' Another problem to which she drew attention was the wide gap between the lowest-paid and the highest-paid employees. In Indonesia, the salary gap now stands at 1:150, while in Malaysia it is 1:28 and in Japan, it is 1:9. [*Jakarta Post*, 19 May, 2003]

In an attempt to rectify the situation, Manpower Minister Jacob Nuwa Wea said the government would have to increase the number of supervisors at companies from one to 1,000 companies as at present to one per 50 compa-

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