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The Indonesia Human Rights Campaign

TAPOL Bulletin No. 158

June 2000

## Crisis in Maluku deepens

*After a short lull, renewed violence has erupted in Ambon and North Halmahera. At least 38 people were killed in a week of violence in Ambon City and scores were killed in Christian villages in North Halmahera, with hundreds more seriously wounded. Maluku's military commander, Brig. General Tamaela issued a shoot-on-sight order on 19 May in Ambon, signalling yet again that the army can think of nothing but a military solution.*

In a series of well-planned raids, gangs of men attacked three Christian villages in North Halmahera. The first was on 25 May when there was a fierce attack on Mamuya village in the Galela district of Halmahera. According to church sources, no fewer than 25 villagers were killed and 52 injured, while eight of the attackers also died. The attackers stormed the village from the sea and from the surrounding hills. The attackers who were killed were armed with standard military weapons. Brig. General Max Tamaela acknowledged that the small number of troops in Halmahera were powerless to stop the slaughter.

Four days later, there was a similar attack on the villages of Makete and Duma, also in Galela district, when at least fifty people were killed. The deputy chief of the Galela-based Synode Masehi Injil Halmahera Church, Rev. Bisio said that more than one hundred were injured and taken to a Christian hospital, 40 kilometres away. 'Most of the victims were injured due to bomb shrapnel and gunshot wounds. Houses also were burned and many died in their sleep,' Bisio said.

### Suharto clique behind the unrest

Many commentators have spoken about 'dark forces' being behind the unrest in Maluku and other parts of Indonesia without being able to identify who exactly they mean. But now Defence Minister Juwono Sudarsono has pointed the finger directly at former dictator, Suharto.

He told the press that supporters of Suharto were stirring up violence to try to shake the government of President Abdurrahman Wahid. Asked whether he thought followers of Suharto were behind the attacks, Sudarsono said: 'Yes...and based on the information which I have received from the police and the military intelligence sources, these people are in Jakarta.' The minister said he had information that followers of Suharto had been helping fund the jihad fighters. [Reuters, 1 June 2000]

Few doubt that the latest attacks on North Halmahera were the work of a new group calling itself *Laskar Jihad Ahlus Sunnah*, (Muslim para-militaries) which is dedicated to waging a holy war in Maluku.

### Jakarta dithers while Maluku burns

Shortly before the new outbreak of violence in Ambon and Halmahera, Brig. General Tamaela was in Jakarta for consultations, including with President Wahid. On his return, he was unable to drive by road to Ambon City from Pattimura airport because security conditions in the residential district on the way were so bad, and had to go by speedboat. The next day, armed forces chief Admiral Widodo arrived for a tour of inspection but he didn't dare land or travel anywhere by road. He confined his visit to an inspection from the air by helicopter and spent the night at a naval base. As for Vice President Megawati Sukarnoputri, who was assigned by the president to resolve the Maluku crisis, she skipped Ambon altogether on a trip that was supposed to have taken her to several parts of eastern Indonesia.

While government and army leaders speak mostly in

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terms of a military solution, it is obvious that the security forces are not in control in many parts of Ambon. The number of firearms in the hands of the warring parties has increased dramatically. This has only added to the sense of hopelessness in restoring anything approaching calm in Ambon and throughout Maluku. Recently, Brig. General Tamaela warned that snipers were hiding in the wreckage of tall buildings. 'If they refuse to surrender, the troops have been ordered to fire (from) their armoured vehicles.'

The aim of Tamaela's mission to Jakarta was to report that government authority had collapsed throughout Maluku and to plea for more troops. But troop reinforcements from other parts of Indonesia have only created new controversies as the two sides accuse the troops of taking sides with the reds (Christians) or the whites (Muslims). There is a high turnover of troops as those coming from outside never remain for more than three months because of 'war fatigue' which quickly sets in a region as volatile as Maluku.

The war (a term increasingly used these days) in Maluku has steadily worsened since the outbreak of the conflict in January 1999. As the death toll mounts on both sides, the chances of healing the wounds become ever more remote. Religious leaders on both sides have lost control of their communities; nowadays, vigilante groups on both sides are playing the dominant role. While analysts agree that the origin of the conflict is neither religious nor ethnic but rather social and economic, the fact is that both communities now perceive the conflict in religious terms. [See also *TAPOL Bulletin* No. 156, January/February 2000].

## **Laskar Jihad arrive in Ambon**

The arrival early in May in Ambon of an estimated 2,000 members of *Laskar Jihad Ahlus Sunnah* from Java immediately added to the tensions between the two communities. The *Laskar Jihad* is a relatively new organisation which sprang up after the escalation of violence in Maluku last August. The first time a call for 'holy war' in Maluku was made was during a mass rally of Muslims in Jakarta last January which was addressed by senior Muslim politicians, including Amien Rais, who chairs the highest legislative body, the MPR.

The Indonesian press, which now enjoys far greater freedom, has been responsible for highly partisan reporting about the fighting in Maluku. Some tabloid papers carry front-page reports daily about the 'extreme brutality of Christian Malukans' and their alleged aim to obliterate the Muslims. Public gatherings in many places where speakers address the crowds in highly emotive language have led to the mobilisation of youngsters ready to sacrifice their lives to defend Islam in Maluku.

In April, it emerged that *Laskar Jihad* members were undergoing para-military training at a camp near Bogor, West Java. Local inhabitants started protesting because activities inside the camps were creating tensions in the neighbourhood. It also emerged that grisly scenes were shown being shown on television to the trainees. *Laskar Jihad* soon earned a reputation as a brutal vigilante group.

No other conflict in Indonesia in the past few years has created such emotional responses. As with most socially engineered schemes in Indonesia, it can only be assumed that dark forces are providing huge sums of money for the upkeep, training and equipping of this dangerous group of men. People associated with the group made it clear that their intention was to go to Maluku to wage a 'holy war', and warned that if they were prevented from going, they would carry out their actions in Java.

When the police moved in and closed down the training camp, in response to local protests, they faced little resistance. Thereafter, home affairs minister, retired Lt. General Surjadi Sudirdja, pleaded with their leaders to abandon plans to go to Ambon, saying that they would undermine the fragile peace that had lasted for a few weeks. In the event, nothing was done to prevent them from going, further proof, if such was needed, that even at the highest level, the government lacks the authority or the political will to halt the spiral of violence. Incredible as it may seem, these high-spirited 'warriors' were greeted on their arrival in Ambon by the two top officials, Governor Saleh Latuconsina and military commander, Brig. General Max Tamaela. They brought with them nine containers of goods. Suspicions that they contained weapons proved wrong as they were full of food and relief goods for the suffering community. However, there is no shortage of weapons, many of which had arrived by other means. *Laskar Jihad* is clearly well organised and carefully planned every aspect of its infiltration of Maluku.

Once the news spread among Christians that the Muslim mob had arrived, only a spark was needed to ignite a prairie fire, which is precisely what happened. The spate of killings in Ambon City was the immediate result.

## **Total apartheid**

In the course of 1999 many parts of Maluku have become completely segregated. The beautiful mosaic of the past, Muslim and Christian living in harmony next to each other, has now become a nightmare. If one travels from one island to another, the voyage needs careful planning. Muslims must take care to travel from one Muslim enclave to another and may have to take circuitous routes by sea or land to avoid passing through Christian areas. And the same goes for the Christian traveller.

To gather information about the death toll and other casualties, Christian and Muslim hospitals have to be investigated. Any objective account of the day's events means obtaining statements from the Protestant Church and from the local MUI chapter, the Muslim council.

At the top of the administration things appear to be very even-handed. The governor is a moderate Muslim, the army chief is a Christian and the chief of police, Brig. General Dewa Astika is from Bali with a Hindu background. But below this, the social fabric has been torn apart. While informal leaders, Christian and Muslim, have lost control of



*Malukans demonstrate at UN office in Jakarta*

their respective communities, communities take their cue from firebrands in their early twenties who are militaristic in their behaviour, while many well-armed youth gangs from both sides have emerged. Anyone who mentions the idea of dialogue or understanding towards the 'enemy' is seen as a traitor. A year ago, traditional weapons were being used, but now, there has been an influx of firearms on both sides, changing the very nature of the fighting. Standard military weapons are everywhere, including semi-automatic rifles and even rocket missiles on both sides. Firearms are no longer the monopoly of the security forces.

### Situation in North Maluku worsens

While in most islands in Central Maluku such as Ambon and Saparua, the religious communities are roughly equal, the situation in North Maluku has changed for the worse. The demographic make-up of the islands of Ternate and Tidore has changed, becoming almost entirely Muslim; Christians have either been driven out or killed. The northern part of Halmahera has become entirely Christian. Large areas in North Maluku have been depopulated because people are afraid to return to their villages. Crops, livestock and homes have been destroyed and many are living in squalid conditions in temporary camps.

It is estimated that 4,000 people have been killed in the past nine months in North Maluku alone, which has led to a total upheaval. Economic activities are at a standstill, all the shops have been destroyed; peasants have deserted their fields and fishermen have stopped fishing. The attack on the three villages in North Halmahera was bound to happen with Muslim groups being determined to take over Christian-controlled areas throughout the region.

The danger that the Muslim-Christian conflict might spread to other parts of Indonesia is ever-present. This happened last January with devastating consequences in the nearby island of Lombok in the Nusatenggara string of islands when several days of violence forced the small Christian - mostly Chinese - community to flee. [See *TAPOL Bulletin*, No 156, January-February 2000] Although Lombok has remained calm recently, the thousands of refugees still in Bali say they are too afraid to return to their homes.

Clashes between the two religious communities flared up in Poso, Central Sulawesi several weeks ago. Then, after a period of calm, they erupted again in late May when thousands clashed in Sayo and Poso Pasisir, on the outskirts of Poso, with petrol bombs thrown and arrows fired from both camps. At the last count, five people had been killed. The violence has driven most of the population of Poso away and the town is largely deserted.

### Foreign social workers decide to leave

Following the latest eruption of violence in Ambon, the last remaining foreign social workers told Governor Saleh Latuconsina they could no longer remain. The fifteen social workers are attached to the UNDP, Medicine sans Frontieres and other organisations. ACS, a French NGO, told the governor: 'Our jobs have been disturbed. The clashes are nonsense and have been too brutal. We feel pressured.' The social work being carried out by these relief workers, assisted by 500 local volunteers, was one of the few bright spots for almost 90,000 internally displaced persons from

both sides still remaining in Maluku. The departure of the foreign social workers will have a dire effect on the fate of the tens of thousands of IDPs. Altogether there are 200,000 IDPs who have been uprooted by the spiral of violence, many of whom have fled to other parts of Indonesia.

### Light at the end of the tunnel?

It is more than true to state that the 32-year Suharto dictatorship is to blame for the collapse of civil society in Maluku, but the task of seeking a solution is urgently needed. Yet, quick solutions are not easy as the wounds are very deep and an intricate process of reconciliation at the grassroots will be needed. The economic meltdown in the urban areas of Maluku helped to accelerate the violence. Besides the 200,000 people who have fled the region, at least 100,000 people are unemployed. The violence has severely disrupted the market economy, many markets have been razed and small traders and food producers have been forced to evacuate to other islands. The army of unemployed is helping to boost the numbers joining the vigilante groups on both sides.

Thamrin Tomagola, a Muslim academic from North Maluku, has been urging the government in Jakarta to act swiftly but so far the authorities have done hardly anything constructive. He identifies three groups, each with their own political agenda and each playing a destructive role. The first group consists of military groups and residual networks from the old regime. These are often referred to as the 'dark forces' or 'dirty hands'. The second group is the *Poros Tengah* (the Centre Axis, a loose coalition of Muslim parties and groups, some of which are in the government). Their agenda is to keep the situation in Maluku on the boil as part of their campaign to undermine the position of both President Wahid and Vice-President Megawati. The third group consists of the emerging vigilante gangs from both sides who benefit from the continuing crisis. Violence is their hallmark, their *raison d'être*. Politically they are emerging as leaders of the communities, taking over from traditional informal leaders; financially they are kept going by the injection of a large amount of 'relief' money.

Despite this bleak reality, efforts to promote peace and dialogue among the warring parties are gradually beginning. Several initiatives at grassroots level have emerged with varying degrees of success. The demand by Christian leaders for a UN peace-keeping force in Maluku is understandable but pre-conditions are necessary, with both communities agreeing on some kind of international intervention and also agreeing that peace and reconciliation is the only way forward. Unless people can shake hands at the grassroots again, solutions imposed from the top are bound to fail.



## Show trial in Aceh a setback for justice

*As widely predicted, the first of a series of trials about grave human rights violations in Aceh, turned out to be a show trial which was staged to divert attention from the systematic campaign of violence pursued by the Indonesian armed forces for more than eighteen months. Twenty-four low-ranking soldiers and a civilian were charged with murder even though it was clear that the victims, a Muslim cleric and scores of his pupils, were killed in an operation planned by senior-ranking officers.*

The trial was held in connection with the massacre on 23 July 1999 of a Muslim cleric, Teungku Bantaqiah, and 56 men who were attending his religious school in Beutong Ateuh, West Aceh. Thirty-four of the victims, including Tgk Bantaqiah, were shot dead in cold blood when troops opened fire on the defenceless men; the other twenty-three who were wounded during the attack were driven away in army trucks, shot dead one by one and thrown down a ravine some distance from the school.

The *Bantaqiah Massacre* is one of five atrocities chosen for special attention by a team set up while B.J. Habibie was still president to investigate acts of violence in Aceh. Announcing its findings last October, the team said that it had gathered information regarding no fewer than seven thousand cases of serious human rights abuses in Aceh during and after the period when Aceh was a so-called *Military Operations Zone* or DOM, dating back to the beginning of the 1990s. The other four atrocities investigated by the team were the raping of an Acehnese woman by a soldier in August 1996, systematic torture at an interrogation centre known as *Rumah Gedong* which was run for years by *Kopassus*, the army's elite commando corps, a massacre in the village of Idi Cut on 2 February 1999, and a massacre at the KKA junction on 3 May 1999.

Although the armed forces were forced to lift DOM in August 1998 in response to the wave of anger against years of terror and repression that followed the downfall of General Suharto in May 1998, the campaign of terror has continued unabated to the present day.

### No end to impunity

The decision to try the men who took part in the Bantaqiah massacre in a joint military-civilian court, a so-called *koneksitas* court, in spite of criticism from civil society in Aceh and human rights groups in Indonesia, was a clear sign that the new Indonesian government is not committed to ending the cycle of impunity that was the hallmark of the Suharto regime. The set-up gave the military every opportunity to tamper with the judicial procedure from start to finish. Perhaps the most glaring abuse of

procedures was the disappearance of Lieutenant-Colonel Sudjono, intelligence assistant of the East Aceh Lilawangsa district military command who was known to be a key figure in the lethal operation. His immediate superior, the commander of Lilawangsa, was the officer who issued the order for the operation against the Bantaqiah school.

Even though Sudjono was under investigation and was slated to be the most senior-ranking officer to face charges for the killings, he disappeared early on in the investigations, having apparently been given permission to go on leave last November. Ever since the army acknowledged in March that Sudjono had gone missing, it has failed to respond to repeated requests from the attorney-general, Marzuki Darusman, for an explanation about his whereabouts.

On 22 April, members of *Kontras*, which campaigns on behalf of the disappeared and the victims of violence, spotted Sudjono at Jakarta's international airport in the company of army officers and saw him being driven away in a vehicle bearing a military number-plate. When this was reported to the attorney-general, he said he could only conclude that efforts were being made to prevent Sudjono from attending the Bantaqiah trial. It was quite understandable, he added, for people in Aceh to be deeply sceptical about the fairness and objectivity of the Bantaqiah trial, 'especially in view of Sudjono's disappearance'. [*Suara Pembaruan*, 29 April 2000] Such is the lack of faith of the head of Indonesia's prosecution service in the *koneksitas* trial held in Aceh.

### A deeply flawed trial

Fourteen of the 24 soldiers who went on trial were from the regional territorial forces; the other ten were members of *Kostrad*, the army's strategic command, several of whose units have been on special operations in Aceh. The highest-ranking soldier in the dock was a captain and two others were second lieutenants; all the rest were sergeants or privates.

The indictment states that the order to mount the operation was issued by Lieutenant-Colonel Syafriel Armen,

commander of the Lilawangsa district military command, who sent cables to five local army units on 15 July, stating that an operation be conducted 'to search for, find, approach and arrest leaders and sympathisers of the GPK (a term used by officialdom for the Free Aceh Movement) *dead or alive*'.

According to the indictment, a joint forces command was set up under a *Kostrad* officer, Lieutenant-Colonel Heronimus Guru. As became evident during the trial, Heronimus Guru and the absent Sudjono were fully in charge at the time of the killings. Another middle-ranking officer, Major Endi, headed a so-called back-up team taking part in the operation.

While immediate responsibility for the operation was clearly in the hands of these more senior officers, none of them was charged, even though they were called as witnesses. The irony of such a situation surpasses belief.

During the trial itself, the only persons to testify apart from these officers were the defendants. All of them with one exception presented an obviously well-rehearsed account of what happened, alleging that they were

tion report (BAP). The report quoted him as saying that several of Tgk. Bantaqiah's pupils armed with knives had chased the *Kostrad* soldiers and that the sound of gunfire was heard. In court, he said this was untrue, blowing a mighty hole in the official version. Sergeant Subur also told the court that the wounded men who were loaded onto trucks were told that they were being taken away 'for schooling'. 'What on earth did that mean?', asked one of the judges. 'That's what we say in the army,' said Subur, 'when we mean that we are going to murder someone, or finish them off.' [*Serambi Indonesia*, 1 May 2000]

All the men claimed that the order to open fire came from Sudjono. They also gave grisly accounts of how they were ordered to load the 24 wounded men onto three army trucks, to be taken away for 'schooling'; however, on the way, the trucks stopped several times to off-load the injured men and shoot them dead. These killings too, they all told the court, were carried out on the orders of Sudjono. No wonder he did a bunk!

One can only conclude that the official version



*Demonstrators in Jakarta call for an end to the killings in Aceh*

confronted by the threat of an armed assault and therefore opened fire in 'self-defence'. The one exception was second-sergeant Subur who infuriated the judges by contradicting the testimony contained in his verbatim interroga-

constructed by the army placed the entire blame for the murders on Sudjono (who as intelligence officer at Lilawangsa was also responsible for the intelligence report that the Bantaqiah school has stashed firearms away,

making it a 'legitimate' target of attack in the war against the Free Aceh Movement). His 'disappearance' was clearly designed not only to save his own skin, but also to limit the charges to a group of low-ranking officers and prevent the massacre from being considered as part of a systematic, army-controlled operation to strike fear among the people of Aceh.

### Heavy sentences just part of the farce

The court found all the accused guilty of murder and passed down sentences of between eight and a half and ten years. The prosecution had asked the court to charge the men on two counts of murder. In the event, the more serious count of conspiracy to commit murder, which carries a possible death sentence, was thrown out by the judges. Here surely is the biggest irony of all; the fact that the operation was planned one week in advance was clearly acknowledged in the indictment. But because the men in the dock were not the ones who planned the operation, they were convicted as 'ordinary' murderers.

Following their convictions, the 24 soldiers were taken to an air force base and flown to Jakarta, raising doubts in Aceh as to whether they will spend any time in prison. Moreover, strange as it may seem, one of the convicted men was arrested by air force officers as he was about to board the plane for Jakarta, after being found to be in possession of two kilos of marijuana. No one has explained how someone just convicted and apparently already in custody could be 'arrested'. His possession of marijuana also draws attention to strong suspicions that the real reason for the attack on Tgk. Bantaqiah and his followers had more to do with gaining control of marijuana crops (which are widely cultivated in Aceh primarily for traditional culinary purposes) than cracking down on armed separatists.

### Testimony that was never heard

The most scandalous thing of all about the court proceedings was that no non-military witnesses were called and no one from the family of the murdered Tgk. Bantaqiah was heard, although his two wives and a daughter witnessed the operation, as did others at the school who survived. While the trial was in progress, one of the wives, Manfarisyah, denied press reports that she had refused to attend the trial as a witness. 'I am the one living witness who can give a precise chronology of everything that happened,' she told *Serambi Indonesia* [1 May 2000], 'yet I have never been summoned to appear.'

The second wife with her daughter Fatimah adopted a different approach. They have repeatedly told the press that

they were not prepared to testify for two reasons: they were not given firm safeguards for their personal security after the trial and they would only testify if the ones being tried were the officers who gave orders for the operation. [*Serambi Indonesia*, 1 May 2000] Several weeks before the trial, these relatives travelled to Jakarta to complain that their homes were being watched constantly by soldiers patrolling nearby access roads.

When a senior member of the team of prosecutors was asked why relatives of the murdered religious teacher had not been summoned as witnesses, she said they had been unable to do so because 'the judges wanted the trial to end as quickly as possible'. She acknowledged that relatives of the deceased would have given the court a very different account of what had actually happened. [*Serambi Indonesia*, 21 May 2000] The failure of the prosecution team to insist on testimony from civilian witnesses being heard suggests a high level of collusion between the prosecution and the judges.

### Fact-finding team's conclusions ignored

The absence of such testimony was even more inexplicable, considering that six months before the trial, a fact-finding commission set up by the provincial assembly (DPRD) published their findings after visiting the site of the massacre. They had found no evidence that the soldiers who approached the Bantaqiah complex encountered any resistance to justify their decision to open fire. According to their findings, the teacher and his students were conducting Quranic readings (*pengajian*) when the troops opened fire. In fact, it being Friday and just approaching the hour for Friday afternoon prayers, the number of people in attendance was far greater than on other days when they would have been out at work or tilling the fields. The team was also told that the troops looted goods from a nearby stall after shooting the stall-keeper dead.

There was no evidence of firearms having been stored on the premises or of any para-military training having taken place. Local residents all denied these claims. They did however find evidence that the authorities 'conducted a false intelligence operation' to incriminate Bantaqiah and his students. Moreover, team spokesman Azhari Basyar said that following the bloody events of 23 July, some people visited the site to destroy evidence and construct their own version of the massacre. 'They forced all the village heads in the district to issue letters saying that they welcomed the death of Bantaqiah and his followers,' Azhari said. One village head told the team he had been forced to sign such a letter at gunpoint.

In the opinion of the fact-finding team, it would be pointless to accuse ordinary soldiers of the crime. 'The ones who must bear responsibility for the Beutong Ateuh massacre are the commander of the Lilawangsa military command, the Bukit Barisan regional military commander (which covers the whole of North Sumatra) and the former commander in chief of the armed forces, General Wiranto,' said Azhari Basyar. [*Serambi Indonesia*, 31 October 1999, and *Jakarta Post*, 1 November 1999]

### Why was such a trial mounted?

There has been widespread criticism of the Bantaqiah trial in Aceh as well as among human rights NGOs in Indonesia. A spokesman for *Kontras* went so far as to say that, far from breaking the cycle of impunity, the *koneksitas* court would actually perpetuate impunity. Pointing out that those responsible for the massacre had escaped justice, Ori Rahman of *Kontras* said: 'The only reason the trial was held was to dilute the demands and anger of the Acehnese people.' [*Suara Pembaruan*, 20 May, 2000]

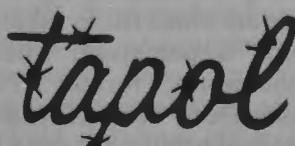
The Coalition of Acehnese Human Rights NGOs said in a statement issued on 22 May 2000 that the trial failed to comply with the standards set by numerous UN documents. 'Trying the Bantaqiah case by means of a *koneksitas* court totally lacks legal credibility and is far removed from the sense of justice.' A group of low-ranking soldiers have been sacrificed to save the skins of superior officers, it said and called for a thorough investigation into the evidence which emerged in court regarding the actions of higher-ranking officers who must be held responsible for the operations of troops in their region of command. [See Press Release of *Koalisi NGO HAM Aceh*, 22 May 2000]

One thing is clear: the Bantaqiah trial had nothing to do with the kind of justice for which the people of Aceh have been calling. The trial was primarily a political stunt to dissipate the growing pressure in Aceh for a referendum on the province's future status. Giving the accused very heavy sentences was simply part of the show. It was also hoped that western governments would be persuaded to believe that Jakarta is determined to pursue human rights violators; and indeed, in London and Washington, the Bantaqiah trial has been seen as a 'breakthrough' albeit somewhat flawed.

The aim could be to make the *koneksitas* court acceptable to the outside world as a way of dealing with human rights violators. Until now, the few cases when soldiers have been put on trial for such violations have all been heard by military courts. A *koneksitas* court with joint military and civilian responsibility might appear to be a suitable compromise, which avoids confrontation with the armed forces

which now appear to be flexing their muscles for a possible comeback. Meanwhile, moves to set up human rights courts in Indonesia are proceeding at a snail's pace and could well come unstuck in parliament (see separate item). This helps to strengthen the argument which is being put forward by foreign governments that, in the absence of human rights courts which might take months or even years to set up, any trial is better than no trial. At the UN Human Rights Commission in Geneva this year, when the Indonesian mission strongly resisted the words 'in compliance with international standards' being attached to its pledge to set up human rights courts while a Chairman's Statement was being thrashed out, they started spreading the word that *koneksitas* courts could be the best way forward.

But governments around the world who are pressing for properly constituted trials of crimes against humanity that were committed on such a massive scale in East Timor should take careful note of what has just happened in Aceh. Dozens of senior acting or retired army officers are currently under investigation for a range of gross human rights crimes during Suharto's New Order era. It is more than logical that schemes are now afoot to ensure that, if any trials are mounted, the cream of Indonesia's military establishment past and present will not be called to account and the pattern established in Banda Aceh will become the tradition.



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# Three-month peace accord in Aceh

*An agreement to end violence in Aceh for an initial period of three months has been reached between the Indonesian government and GAM, the Free Aceh Movement. The accord, known as the Joint Understanding on a Humanitarian Pause, could, if successful, usher in a period of calm in the war-torn province where more than four hundred people have been killed since the beginning of the year. But the TNI may develop devise a new strategy to continue to destabilise the situation in Aceh.*

The agreement was signed in Davos, Switzerland, after a series of meetings between Indonesian government representatives and representatives of GAM, the Aceh-Sumatra National Liberation Front, whose leader, Hasan di Tiro, has been living in exile in Sweden for many years. Both sides insist that they have not abandoned their positions on the future of Aceh, with GAM maintaining its demand for independence and Indonesia sticking to its position that Aceh must remain a part of the Republic of Indonesia. However, the accord represents a significant move on both sides which could lead to improvements for the long-suffering people of Aceh.

The accord was brokered by the Swiss-based Henry Dunant Centre for Humanitarian Dialogue. East Timor apart, this is the first time ever that the Indonesian authorities have accepted the role of an international agency to seek a solution to a regional rebellion. This could pave the way to international intervention in other conflict areas.

Jakarta has been at pains to insist that the agreement does not signal recognition of GAM even though government representatives will sit as equals with GAM representatives on the two joint committees to be set up. When foreign minister Alwi Shihab was on his way to Geneva to attend the signing ceremony, he was instructed not to proceed as his presence might be construed as recognition. Nor should this be regarded as a 'cease-fire' according to Jakarta, for the same reason. Clearly there are concerns in Jakarta about the way the accord is perceived, while some commentators, including former President Habibie's top advisor Dewi Fortuna Anwar (who played such a key role in bringing about a UN role in East Timor) and members of parliament in Indonesia have criticised the deal for conceding a role to an international agency.

## Details of the accord

Under the terms of the accord which was signed on 12 May, two joint committees and a monitoring team will be set up in Aceh, a Joint Committee on Humanitarian Action to handle the delivery of humanitarian relief, and a Joint Committee on Security Modalities which will focus on efforts to reduce the level of violence. The two committees will be composed of ten members, five from each side, while the monitoring team will have five members. In addition, a Joint Forum will be set up in Switzerland to oversee developments on the ground.

The accord acknowledges that the security committee will have to deal with acts of violence

from 'third parties' as well as from the two signatories. Indeed, much of the violence that has taken place in Aceh has been perpetrated by 'unidentified persons' making it difficult for the true culprits to be exposed and dealt with. The accord makes no provision for sanctions when violations occur but simply provides for the two sides to 'exercise self-restraint'. In cases where no agreement is reached about a particular incident, the matter will go to the joint forum in Switzerland. Nor does it provide for a reduction in troops in Aceh.

The accord was due to come into force on 2 June in order to allow time for the agreed structures to be set up. A representative of the Henry Dunant Centre travelled to Aceh to make the necessary preparations for this. Although it might have been expected that both sides would order their men to refrain from acts of violence before 2 June, there has been a rash of serious operations by Indonesian security forces, several of which have been 'justified' on the grounds that AGAM (GAM armed forces) bases had been discovered. In the two weeks following the accord, at least 28 people were killed. Several of the operations have been undertaken by an army unit called *Rajawali*, which appears to be the spearhead for combat operations.

The worst incident occurred less than a week after the



*"kill the separatists"*

accord was signed, when eight men were shot dead in Hagu Barat Laut village, Lhokseumawe, North Aceh by security forces, who alleged that they were members of GAM. The killings occurred shortly after midnight on 18 May when troops surrounded a house in the village. While most neighbours slept, the security forces opened fire, killing eight men. The police who carried out the action allege that weapons were found in the house and that those inside had opened fire. But neighbours dispute this and insist that the men were ordinary labourers, including several fishermen. 'It is quite wrong to call them armed civilians,' said one neighbour who refused to give his name. One of the slain villagers named Usman eked out a living climbing coconut trees to pick the nuts. [Serambi Indonesia, 18 May 2000] There have since been calls for a thorough investigation into the incident.

### What chances of success?

For many months, human rights and students' NGOs in Aceh have been calling on the two sides involved in the armed conflict to end the violence and make it possible for them to properly monitor atrocities and carry out humanitarian work on behalf of the victims and the thousands of displaced persons who have fled their villages in search of sanctuary from sweeping operations conducted by units of the Indonesian armed forces. A 'humanitarian pause' is precisely what they have been calling for.

The key test will be whether the level of violence falls. While armed forces commander Admiral Widodo and the army's chief of staff, General Tyasno Sudarso, both declared their support for the accord, it remains to be seen how this works out in practice. Experience in other parts of Indonesia show that the security forces in the regions do not necessarily act in line with what Jakarta commands. The accord makes no provision for a reduction in the number of troops and, as a visitor who knows East Timor well told TAPOL recently, Indonesian soldiers on patrol and at check-points along the roads are very thick on the ground.

While the army has so far failed to create militia groups in Aceh to act as their proxies - as happened with such devastating effect in East Timor - it is more than likely that the 'unidentified' perpetrators of many recent acts of violence are part of an army strategy to create confusion and instability. One well-placed people's organisation, *Cordova*, warned that once the humanitarian pause officially starts, members of the security forces will 're-group into small units, cast their uniforms aside, remove their insignia and conduct assaults, robberies, kidnappings, acts of arson against public facilities'. [Statement by Otto Syamsuddin Ishak, 28 May 2000]

Moreover, by concluding an accord with GAM, the Indonesian government has failed to recognise that GAM is only one part of the resistance to Indonesian rule and that its writ does not run throughout Acehnese society. There are fears that the accord will marginalise the many organisations working within civil society which were able to bring hundreds of thousands of people out onto the streets last November in a huge display of support for a referendum. The intensification of localised violence in all parts of the province has made it virtually impossible for these organisations to function beyond the confines of the provincial capital, Banda Aceh. Such an enforced restriction to their

activities, along with the inevitable pre-occupation with the deteriorating human rights situation has made it increasingly difficult to devote attention to their more political demands. These factors have created the impression that the movement for a referendum has run out of steam.

According to *Cordova*, the many human rights monitoring groups in Aceh should continue to play a very assertive role in monitoring acts of violence during the humanitarian pause and not rely on the official bodies. The international framework within which they can now operate should be used to the full.

### West hopes accord will bolster RI unity

The Clinton Administration was quick to welcome the signing of the Davos Accord, using this as an opportunity to re-state Washington's rejection of any moves for Aceh's separation from Indonesia. While praising both Jakarta and GAM 'for their willingness to embark on the path of peace', Secretary of State Madeleine Albright said, in a joint press conference with Indonesia's foreign minister: 'The United States supports dialogue aimed at achieving justice and peace in Aceh within the context of a united, democratic Indonesia.' [Jakarta Post, 17 May 2000]

She also said the accord deserves support from the international community, which is taken as meaning that the US, for one, will contribute financially. It is likely that the three-month 'humanitarian pause' will see a sizeable influx of cash into Aceh, ostensibly to fund the re-building of burnt schools and government offices. Washington is known to have contributed financially to at least one recent conference in Aceh, on condition that the meeting refrain from adopting a pro-referendum resolution. On the occasion of President Wahid's first visit to Washington last November, the administration made it clear that it was ready to support Indonesia's territorial integrity, in many ways, including financial. One vital reason for such a stand is the determination to protect the major US investment in Aceh. Mobil Oil. Cynics might well argue that Mobil is more keenly interested than most in ending the armed conflict considering the vulnerability of its installations which have come under attack in the past few months. In late May, two employees of the company were kidnapped and held for two days by 'unidentified' assailants who demand a ransom of Rp4 billion. The men were released without payment of any ransom but the kidnappers warned that they would still be pressing for money from the company.

On 17 May, the European Union also issued a statement welcoming the Davos accord, reiterating its support for a 'strong, democratic, united and prosperous Indonesia'.



## The need for international justice

*Recent events suggest that demands in Indonesia and East Timor for accountability, justice and an end to impunity will not be met for some considerable time. A draft bill on human rights courts now before parliament is deeply flawed and the judiciary needs a thorough overhaul. For the reasons set out below, we believe that an international tribunal is the only viable option for the trial of those in Indonesia responsible for last year's killings and violence in East Timor.*

### International standards must be met

In the weeks before the publication on 31 January of the international commission of inquiry report into human rights abuses in East Timor, Indonesia lobbied hard at the UN to ensure that alleged perpetrators would be tried in Indonesia and not before an international tribunal. At the time, foreign minister Alwi Shihab acknowledged that the Indonesian process would have to meet 'international standards' to satisfy demands for justice. The UN agreed to await the outcome of the Indonesian investigations.

In April, the UN Commission on Human Rights in Geneva adopted a Chairman's Statement on East Timor. An initial draft required Indonesia to set up a 'Special Human Rights Court that meets international standards of justice and fairness'. However, Indonesia fought hard to remove the reference to 'international standards', resulting in a weakened statement which merely refers to Indonesia's efforts to investigate and bring to justice the alleged perpetrators 'in the context of respecting international standards of justice and fairness'. These diplomatic efforts raise serious doubts about Indonesia's commitment to ensuring the credibility of its domestic process.

A credible domestic process is essential for justice in Indonesia as well as East Timor. The Bantaqiah trial in Aceh was a serious setback [see separate item], and investigations into the 1984 killings of hundreds of Muslim protesters in Tanjung Priok and the July 27, 1996 attack on the PDI party headquarters have been criticised by human rights NGOs.

The draft bill on human rights courts to deal with these cases is now before the House of Representatives (DPR). No date has been set for its discussion, but the chair of the DPR's legislation board has indicated it will not get top priority. Once started, the deliberations could be lengthy; the military faction is likely to delay enactment into law, to protect armed forces personnel so many of whom face possible indictment.

There are already major problems with the procedures and substantive offences proposed by the draft bill and the quality of legal personnel available for the investigations, prosecutions and trials, issues that will take time to resolve. Given that Indonesia will not establish human rights courts which meet international standards for some time, the UN must set up an international tribunal for East Timor without further delay to satisfy expectations of timely justice.

### Special human rights courts

The draft bill establishes a permanent human rights court and allows the president, on the recommendation of the DPR, to establish *ad hoc* courts to try cases involving past crimes. The following comments are based on an unofficial translation of the final draft, not on the Indonesian-

language draft

The decision to provide for *ad hoc* courts was made after much public debate about how to deal with past violations, including those committed in East Timor. The difficulty arose from the fundamental right of an accused person not to be charged with an offence on account of an act that was not an offence at the time it was committed, the rule against *retroactivity*. Although some crimes listed, such as genocide, were crimes under international law at the relevant times, they were not crimes under Indonesian law.

Eventually, the drafting committee decided that *ad hoc* courts should be set up for specific cases of gross violations. Insofar as *ad hoc* courts deal with crimes which were internationally recognised when they were committed, this breach of the rule against retroactivity is morally defensible and consistent with international standards. However, *ad hoc* courts should not have jurisdiction over crimes which were not previously crimes under international law or Indonesian law. A note should be added to the bill explaining the justification for the *ad hoc* courts so that the new law does not create a precedent for future administrations to introduce oppressive, retroactive laws, as happened during the New Order.

The fact that the *ad hoc* courts will be set up by the president on the recommendation of the DPR is a matter of concern. This should be a judicial process and decisions on whether to pursue past violators should not be taken by politicians. Amnesty International has suggested that responsibility for establishing *ad hoc* courts might more appropriately lie with a reformed Supreme Court.

### Criminal offences

The draft bill empowers the permanent and *ad hoc* courts to try cases involving 'gross violations of human rights' (Articles 1, 4 and 5). These include the crime of genocide, but do not include war crimes and crimes against humanity. Other than genocide, the crimes listed as 'gross violations' bear some resemblance to crimes against humanity. However, the bill differs fundamentally from international law on crimes against humanity in that, torture apart, it does not require the involvement of the state or a state-like organisation. Linking the conduct charged as a crime against humanity with an exercise of state power or state-like power asserted by a political organisation, has been a central feature of international law on crimes against humanity as developed by decisions of the Nuremberg, former Yugoslavia and Rwanda tribunals. It is included in the definition of crimes against humanity in the 1998 Statute of the International Criminal Court.

This defect goes to the heart of the issue of accountability. Crimes could be passed off as ordinary human rights abuses and not crimes against humanity orchestrated by the

state/military. Junior officers could be targeted to protect senior officers and political leaders from accountability as in the Aceh trial and in many other past cases.

This is happening already. Concern that the East Timor investigation does not meet international standards because of 'its tendency to handle investigations into the violence in the territory as "ordinary crimes"' and not as 'political crimes and crimes against humanity' have been expressed by the Indonesian Legal Aid Foundation (YLBHI), the Commission for Missing Persons and Victims of Violence (Kontras), the Indonesian Legal Aid and Human Rights Association (PBHI) and the Institute for Policy Research and Advocacy (ELSAM). Leading human rights lawyer Munir said he feared the methods being used by the investigation would incriminate only soldiers and low-ranking officers, while senior officers who were not 'directly on the ground' would not be implicated and would remain free of prosecution [*Jakarta Post*, 6 May].

Munir has also said the investigation into the Tanjung Priok massacre is not leading to disclosure of the alleged state crime against humanity. The investigation should be designed to question state policies that have caused violence in society, 'Otherwise, it would lead to the conclusion that it was a common human rights abuse and not a state crime against humanity' [*Indonesian Observer*, 5 May].

Apart from this, the definitions of some of the crimes listed as 'gross violations' are inconsistent with international legal norms or lack clarity. In some cases, they are so broadly defined that they would appear to cover acts not normally considered criminal, let alone gross violations of human rights.

## Command responsibility

Article 35 of the draft bill provides that a superior official who is aware of, or should be aware of, a subordinate's attempt to perpetrate gross violations and failed to take preventive measures is liable as if he or she had committed the violation. This is very welcome, but the Article should also make it an offence for an official to fail to report a violation already committed by a subordinate. The bill should also stipulate that a person cannot avoid criminal responsibility because he or she was obeying an order of a superior officer.

## Inquiry

Criminal proceedings in Indonesia start with an initial inquiry (*penyelidikan*) and then an investigation (*penyidikan*) to determine whether there is sufficient evidence for prosecution. Article 8 of the draft bill provides for the inquiry stage to be carried out by Indonesia's National Commission on Human Rights (*Komnas HAM*). *Komnas HAM* comprises 35 members who are appointed by the President on the advice of the DPR and *Komnas HAM* itself. Members are selected from experienced judges and lawyers. The fact that members are appointed and dismissed by the executive and legislature, rather than by a judicial body may be a cause for concern and lead to political interference in decisions on whether a particular criminal investigation should be instigated or proceed.

Inquiries will normally be carried out by an ad hoc team appointed by the chair of *Komnas HAM*. Much depends on the persons appointed to the team. *Komnas HAM's* past record is mixed. The commission it set up to investigate

violations in East Timor (*KPP-HAM*) was greeted by much initial scepticism, but carried out vital work in exposing the role of leading Indonesian generals. By contrast, there is much dissatisfaction with the team investigating the Tanjung Priok killings, particularly over its failure to examine mass graves and question high-ranking generals implicated in the killings. Protesters have picketed the offices of *Komnas HAM* and demanded the replacement of certain members of the team [*Kompas*, 3 May].

## Investigation and prosecution

The investigation and prosecution stages will be undertaken by an *ad hoc* investigator and public prosecutor appointed by the attorney general (Article 10). Again, the fact that appointments will be the responsibility of a government minister, not a judicial body, is a matter of concern. To be eligible, a person has to be an Indonesian citizen, at least 40 years of age, a law graduate, of sound mind, authoritative standing, honest, fair and of good character, faithful to Pancasila and the Constitution, and have knowledge of and concern for human rights (Article 10 (4)).

The penultimate requirement, relating to Pancasila and the Constitution causes most concern. Pancasila is the official state ideology, comprising five principles, which appear unexceptional, but are so broad that they have been interpreted and used by past presidents to curb dissent, enforce social and political control, silence political opponents and justify detention without trial and torture. The principle requiring a belief in the One God is in itself a violation of the right to freedom of religion. It has been cited recently by opponents of the president's call for the lifting of the ban against communism.

The Indonesian Constitution adopted in 1945 has underpinned authoritarian rule for much of the last 55 years. In the words of the International Commission of Jurists (ICJ), '...the Indonesian nation has possessed as its Constitution a document almost infinite in its capacity for manipulation in the hands of later, autocratic rulers. This constitutional deficit has had profound implications for the rule of law and human rights...It has not and cannot act as the foundation of a State based on the rule of law...' [*Ruler's Law*, ICJ, Oct. 1999].

In other words, Pancasila and the 1945 Constitution are antithetical to human rights and it is hardly appropriate for judicial personnel, including Judges, involved in the investigation, prosecution and trial of human rights violators to be required to be faithful to them. This problem could be solved in part by early reform of the Constitution.

The calibre and background of the personnel involved in investigation and prosecution will be crucial. Attorney General Marzuki Darusman has privately indicated that only one or two prosecutors are trustworthy. His office admitted that five state prosecutors were suspected of taking a Rp 12 billion bribe to conceal evidence [*Jakarta Post*, 11 May].

Considerable doubt has been cast on the independence of the investigation team appointed to follow-up the *KPP-HAM* report on East Timor because of the inclusion of military and police personnel. The team comprises 38 prosecutors, 6 police officers, 10 military police officers, 10 officials from the home ministry. An additional 15-member team of experts has been set up to advise and monitor the investigation. Leading human rights lawyer, Luhut, said:

*I believe the team will not be able to act independently. Will those members be able to act independently of the organs to which they are attached. It must be abundantly clear that the investigation team should conduct its work in accord with universal judicial principles and conform with international standards [Suara Pembaruan, 20 April].*

The danger is that this investigation will not be impartial if it is undermined by the involvement of individuals who are not independent or seen to be so. The appointment of investigators and prosecutors independent of the administration and its various organs is vitally important.

## The courts

Cases will be heard by five judges including at least three *ad hoc* judges and two judges from the related district court. *Ad hoc* judges will be appointed for five years and dismissed by the president in consultation with the Supreme Court. The eligibility criteria are the same as for investigators and prosecutors (including loyalty to Pancasila and the Constitution) except that an *ad hoc* judge must be at least 50 years of age. This would bar many people who have spent years working on human rights.

Notwithstanding the requirement for consultation with the Supreme Court, the independence of the judges is undermined in that responsibility for appointing and dismissing them is in the hands of the president. The ICJ makes the point in relation to the judiciary generally that consultation may be formal at best since in the past all three senior judicial posts in the Supreme Court were held by retired or existing military officers. The ICJ's solution is that candidates for judicial office should be appointed by the president on the recommendation of a Judicial Commission of members of the judiciary and organisations representing the private legal profession. Judges' should face dismissal only if no longer worthy of judicial office [Ruler's Law, ICJ, Oct. 1999].

The draft law is silent on the conditions of service and remuneration of *ad hoc* judges. The Basic Principles on the Independence of the Judiciary states that these matters should be adequately secured by law. If they are the responsibility of the minister of justice, as they are with ordinary judges, the minister could reward judges whose decisions he or she approves. It is widely acknowledged that very few current judges can be regarded as independent and untainted by ingrained judicial corruption. It is encouraging that the bill does not require *ad hoc* judges to be appointed from the ranks of the judiciary. Hopefully, a significant number of appointments will be made from private lawyers, academics and others suitably qualified.

## Rights of the accused

The draft bill includes no provisions to safeguard the accused's right to a fair trial. The Indonesian Code of Criminal Procedure (*KUHAP*) includes certain safeguards, such as the presumption of innocence and the right to legal assistance, but as the ICJ has pointed out, *KUHAP* was a creation and instrument of the New Order under Suharto and has proven inadequate in protecting human rights. The bill should, therefore, include standard trial rights relating to the presumption of innocence and various other rights such as the right to a public hearing and rights which ensure that the accused is able to conduct a proper defence.

Article 26 of the draft law, which allows a court to hear and rule on a case in the absence of the accused, is unjust and incompatible with the right to a fair trial. This is especially the case in Indonesia, which has a record of scapegoating junior officers and of 'disappearing' suspects who might implicate their superiors. Amnesty International suggests that the only exception to the general rule that an accused has the right to be tried in his or her presence should be if the accused has deliberately absented himself or herself after the proceedings have begun or has been so disruptive that they have to be removed temporarily.

The penal provisions (Articles 30 to 34), which allow the courts to impose sentences ranging from three years to life imprisonment, appear reasonable. The decision to exclude the death penalty is welcome. However, statements by President Wahid that he will pardon leading generals if they are convicted is 36 and amounts to unacceptable political interference in the judicial process. Justice will not be done and seen to be done unless appropriate punishments are handed down.

## Trials in East Timor

There have been important developments in East Timor concerning the trial of pro-Indonesian militias. An embryonic legal system is being set up, but progress is inevitably slow. Resources are limited and inexperienced prosecutors, defenders and judges have to be trained. A UNTAET regulation on the organisation of the courts assigns the district court in Dili with exclusive jurisdiction over genocide, war crimes and crimes against humanity. The criminal code defining those crimes and the criminal procedure code have not yet been finalised. There are growing concerns about overcrowded jails, with some suspects having been in custody for more than seven months.

*A more detailed analysis of the human rights courts bill is available from TAPOL on request.*

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### Continued from page 15

From all the discussions, it was clear that the participants were very clear in their minds on how to implement the new tasks and the conference provided the important impetus for this new strategy.

It is widely acknowledged that issues like an international tribunal for East Timor or resolving the refugee problem in West Timor require huge efforts at a time when international attention towards East Timor is fading. 'Old style' campaigning and lobbying are still needed while many solidarity groups have joined with the East Timorese in the reconstruction and development of their devastated country. The conference drew attention to the two major tasks facing the East Timorese people: the process of reconciliation to guarantee peace with the vigilantes and Indonesia and the process of building a strong civil society and democratic institutions in East Timor.

Solidarity with East Timor now goes far beyond the formal East Timor solidarity groups. It is the task of the initiators of the Utrecht meeting to define a new and larger construction for international solidarity with East Timor, which will result in a much larger gathering in Baucau in the near future.

## East Timorese refugees still stuck

*In May at least 124 people died in terrible floods in West Timor, half of whom were East Timorese refugees staying in camps near the border. As UNHCR strategies to speed the repatriation of refugees stagnate, this natural disaster may impel many to return. In the meantime humanitarian agencies in West Timor predict a malaria epidemic when the late rains finally subside.\**

Organised and spontaneous returns to East Timor now stand at 161,850, while at least 130,000 refugees remain in West Timor spread out over 220 known sites. The failure of the international community to press the Indonesian government on this issue has resulted in Jakarta allowing the problem to fester on.

At first glance, the poor living conditions, low standard of health care and the hostile local environment would seem enough to encourage returns. However, below the surface is a complex, yet systematic, strategy to keep refugees in West Timor. Although a recent Indonesian census concluded that the vast majority of refugees wished to stay in Indonesia, local NGOs working in the camps say that at least 60 per cent would return home under the right circumstances.

### Militias are the chief barrier

The presence of armed militias in the camps is the most crucial barrier to refugee return. Although human rights abuses have dropped within the last few months, the militia presence is a constant reminder to refugees of the terrible destruction in East Timor last September. It is this fear of retribution, intimidation and physical violence that keeps the East Timorese virtual prisoners in West Timor.

The refugees are organised into cells based along territorial and bloodlines. These 'house societies' make it harder for refugees to make individual decisions. The militias have exploited this system to manipulate large groups of people. Just as refugees were initially forced across the border in societal groups, so they remain, and so they must now return.

The militias also control humanitarian aid inside the camps. This means that international NGOs have no control over distribution once food has been delivered. Militias are known to demand food from families. Such racketeering not only ensures that militia members and their families are kept healthy but it also perpetuates their power and authority within the camps.

Disinformation serves to impress upon the refugees the militias' continuing power. Rumours are constantly circulated about bad conditions in East Timor but more persuasive are reports in the local press. All five local newspapers publish propaganda articles by the militias and full page

advertises advocating their cause. The airwaves are used to disseminate propaganda; Eurico Gutteres' recently released album, 'UNAMET, The Tragedy of East Timor' can be heard all over West Timor.

UNHCR attempts to counter this propaganda have been fairly ineffective. Mistrustful of the UN, the refugees ignore the UNHCR boards with information on conditions inside East Timor. The mistrust stems from UNAMET's decision to leave East Timor after the referendum, leaving the Timorese at the mercy of the militia and the TNI.

Many of the refugees are ex police, army and civil servants who continue to receive salaries and rations from the Indonesian Government. Were they to return, their wages would cease as would their pension rights, so there is a financial incentive not to return.

### UNHCR is powerless and ineffective

The UNHCR is seen as being powerless against the militias. Their staff only enter camps with TNI escorts and have abandoned repatriation operations after intimidation by militias. The UNHCR use TNI for their own protection which only serves to heighten the alienation of the UN from the refugees; in this way, the UN agency is in effect legitimising the TNI, a body feared by so many East Timorese.

Local NGOs working with the refugees know the situation inside the camps much better than the UNHCR whose claims to have full access are false as that they never enter without TNI escorts. Refugees are unlikely to talk openly with UN staff in the presence of armed Indonesian soldiers. The JRS (Jesuit Refugee Service) works closely with local NGOs and can therefore deal effectively with the crisis. They operate

a postal service of hand delivered letters enabling refugees to receive first hand knowledge of the situation in East Timor from friends who have returned. This relies on close co-operation with local NGOs.

As long as the UNHCR continues to have what Craig Saunders, its chief of mission, calls a 'non-existent relationship' with local NGOs, they will never have a clear picture of what is going on in West Timor and their strategies will continue to be ineffective.



*East Timorese refugees in West Timor*

## Role of the TNI

The other factor perpetuating militia control is the continuing involvement of the TNI who train militias in army barracks in TNI uniforms. While Colonel Jurefar, the district commander vehemently denies any army involvement and denies the presence of militia inside the camps, all the evidence points to the contrary. Local NGOs report militias still receiving salaries and supplies from the TNI and the recent border incursions into East Timor were extremely professional. The UN Peace Keeping Force found militias involved in border raids to be dressed in TNI uniforms and bearing new weapons.

The number of TNI troops in West Timor has increased significantly since the arrival of the refugees last September. TNI argue that they are there to protect the border in co-operation with the Peace Keeping forces. The presence of so many TNI has a psychological impact on refugees who cannot make spontaneous returns with so many Indonesian troops around.

What is unclear is the extent of active TNI involvement. It seems now to be fairly low key, probably a small group of disaffected officers who refuse to accept the outcome of a free and independent East Timor. The role of the Battalions 744 and 745 seems to have decreased. 745 has been dispersed to other parts of Indonesia while 744 remains in Kupang.

So, why do the militia continue to control the camps and why do certain elements of the TNI continue to support them? There is a certain amount of denial involved; the loss of power and status in East Timor has proved too much for many and so they have continued their war of intimidation and violence in West Timor. The leader of *Besi Merah Putih* is quoted as saying they have plans to infiltrate East Timor with modern weapons. Cancio Lopes de Carvalho, head of *Mahidi* militia, claims that he still commands 11,158 troops in West Timor. Fears of an extended guerrilla war have been backed by the continuation of training, involvement of TNI and border crossings. Rumours also continue about militias returning to strategic parts of East Timor to prepare for future offensives. This is hard to prove either way, as there are no security checks of refugees returning to East Timor through Batugade or Dili; during the border incursions in March, five armed militia smuggled themselves across the border disguised as refugees.

## Dangerous deadline

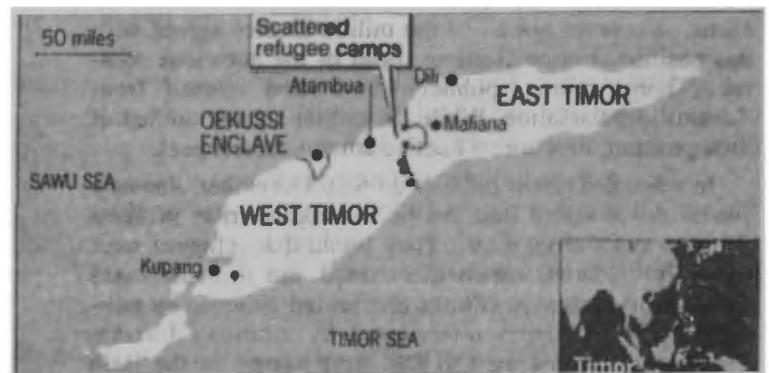
Although Indonesia has stated that refugees have two years to decide whether or not to return home, the government has announced that by end of June it will stop sending relief, leaving it to the international agencies. This could affect repatriation. The end of June could mark the start of a more aggressive policy of resettlement and transmigration. One NGO in Kupang says that the resettlement sites in West Timor are already full and expensive to run and refugees are likely to be transmigrated to other parts of Indonesia. This makes it increasingly vital for a comprehensive census to be carried out in West Timor to determine the exact numbers of refugees outside of East Timor, especially if transmigration plans are carried out. A census in East Timor would also help trace missing people and work out estimates of those expected to return.

With such a deadline looming it is expected that the

militias will step up their campaign. The original 31 March deadline for an end to Indonesian aid prompted an increase in border incursions and trouble inside the camps during March. The militias may well see this June deadline as an encouragement for refugee return and spend June destabilising the border region once more.

## How will it end?

It is now nine months since over half of East Timor's population was forced across the border to West Timor. The 130,000 refugees who remain do not represent the 20 per cent who voted for integration. They represent a population living in fear and confusion, the majority of whom would return home under the right circumstances.



The recent floods are just another blow to their psychological wellbeing. Health conditions have improved and the death rate has decreased but this is still not a stable situation. Malnutrition is high, as are chronic eye and skin conditions.

There is the danger of those in West Timor developing 'chronic refugee syndrome', whereby the population becomes dependent on refugee aid. This would have disastrous consequences not only for the refugees but also for the local West Timorese population. In some areas the refugees outnumber the local population; in the Hakisak region there are 30,000 refugees compared to 7,000 local inhabitants. At the moment there is an uneasy truce between the two populations but this is unlikely to last. West Timor is one of the poorest regions in Indonesia and refugees occupy valuable rice land. At the end of May, there was a bitter clash in Tuapukan between refugees and local people which left four people seriously wounded.

The window of welcome for them in East Timor is gradually closing. With not much justification, East Timorese in East Timor are becoming suspicious of those who remain in Indonesia and the refugees are also missing out on the vital first stages of development, rehabilitation and employment that are occurring on the other side of the border.

UNHCR currently has plans to be in West Timor until December 2001. Such a long-term strategy may have disastrous consequences for the mental, physical and economic well being of all Timorese. It is vital that militia are separated from the camps in order for all refugees to be able to freely make the decision to return or remain. The international community must continue to lobby the Indonesian Government to ensure the repatriation of all East Timorese who want to go home.

*\* This article is a report of a TAPOL volunteer recently returned from a visit to East and West Timor.*

# International meeting on East Timor

*From 12 to 14 May, 30 representatives of East Timor solidarity groups from 11 countries gathered in Utrecht to discuss and reassess their solidarity work with East Timor. It was the first international gathering by solidarity groups after last year's referendum.*

There was a consensus about the new problems East Timor is facing. It was not difficult to spot the main problem, the deepening division between the population and the UNTAET bureaucracy, the aid agencies and foreign agencies. The problem of resolving this and promoting greater participation for the East Timorese was the main topic of the three-day conference.

Solidarity groups from around the world had been invited but because of financial constraints and the short notice, most of those present were from Europe. Also present were ETAN-US and the two Indonesian solidarity organisations, Fortilos and Solidamor. The next international gathering will be in Baucau, East Timor before the end of this year. Unfortunately, the three CNRT representatives to the European Community were still in East Timor while Jose Ramos Horta was unable to attend at the last minute as he could not to make a stopover before heading for Washington.

The conference was hosted by the youngest group in the solidarity movement: the Free East Timor Foundation in Utrecht.

## A working meeting

The conference was opened by the Portuguese ambassador Santa Clara Gomes, an old friend of the East Timorese, who spoke about the new problems East Timor is facing.

Liem Soei Liong from TAPOL gave a short history of the changing character of the solidarity movement since 1975. From a severely isolated position in 1975, the solidarity movement gradually grew, especially after the Santa Cruz massacre in 1991 and the explosion of public attention in 1999. In each of these periods, new solidarity groups emerged. In each period, the solidarity groups were a manifestation of the *zeitgeist* of the period. The first solidarity groups in 1975 expressed solidarity with Fretilin and campaigned for an independent East Timor. The groups that emerged after 1991 placed the emphasis on human rights violations and the right of self-determination, while the groups that emerged in 1999 have shown a strong commitment to assisting the East Timorese to rebuild their country and avoid the mistakes made in Cambodia and Rwanda.

While these differences were clear, there was for many years continuity in one vital respect, having to deal with the West's undying support for the Suharto regime, selling it arms and so on.

The conference then split into four workshops as the participants were eager to give new substance to their new-style solidarity work with East Timor. The first workshop, 'development actions', dealt with a variety of topics: strengthening civil society, grassroots support, trauma, land reform, community organisations and co-operatives.

The second workshop, 'monitoring the rebuilding process', dealt with topics like: observing rebuilding, the utilisation of natural resources, sustainable agriculture and the follow-up of the Tokyo donor conference.

The third workshop, 'justice and reconciliation', dealt with: ending impunity, an international tribunal, the refugee problem, seeking the truth about the violence in 1999 and human rights violations back to 1975. The fourth workshop, 'capacity building/assistance for reconstruction', dealt with scholarships for East Timorese, networking between East Timor and the international community, how to support the new university and how to assist East Timorese diplomacy.

For a summary or a full report of the proceedings, please email the organisers of the conference: [vrijosttimor@yahoo.com](mailto:vrijosttimor@yahoo.com).

## Fortilos and Solidamor

Presentations by the two representatives from Indonesia gave invaluable insights into the solidarity work in Indonesia among the political elite and at grassroots level. Coki Naipospos from Solidamor described Solidamor's work in the last few years, including sending a large monitoring team to East Timor before the referendum on 30 August. Solidamor activists are well aware of the fact that the East Timor issue helped to precipitate the downfall of Suharto. It was one of the issues that made the regime increasingly vulnerable. He also spoke of the gradual switch from an organisation focusing primarily on self-determination to one focusing on strengthening democracy, human rights and inter-nation peace in the Southeast Asian region, including East Timor. Promoting democracy, human rights and anti-militarism in Burma is now an important part of Solidamor's work. In the last few months Solidamor has also been the liaison office for CNRT, dealing with issues that go well beyond traditional solidarity work.

Fortilos grew from an organisation in Jakarta set up to help East Timorese who were facing trial after the Santa Cruz massacre. Its work expanded to include assisting the dozens of East Timorese prisoners, sentenced and held in various prisons in Java. Fortilos was set up in March 1998 to campaign for self-determination for the East Timorese and to find a peaceful solution to the conflict. It developed close relations with some of the main human rights NGOs in East Timor including Yayasan Hak. Through these contacts, it helped to establish three *casa de povos* (community centres). The *casa de povo* is a place where people can meet and try to resolve their problems. It is an integrated approach at grassroots level and can also generate grassroots expertise from outside for such purposes as training local people to set up co-operatives, trauma counselling and many other useful activities. The presence of Lefi Malau from Fortilos inspired many of those present in Utrecht.

## New impetus

The primary aim of the conference was to facilitate discussion among the solidarity groups about new ways and opportunities to express their solidarity.

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## Solidamor office comes under attack

*The office of Solidamor, the leading Indonesian solidarity organisation for East Timor, was recently attacked and virtually destroyed by a gang of mostly East Timorese thugs. The attack on the office which took place in broad daylight in a busy Jakarta street and lasted less than half an hour was clearly intended as a warning to the organisation that has done more than any other in Indonesia to popularise the cause of the people of East Timor.*

At around 4pm pm on Wednesday, 24 May, fifty people, mostly, pro-integration East Timorese, drove up to the Solidamor office on a truck. After breaking down the door and manhandling a member of staff, the gang, which, according to an eye-witness, was accompanied by a group of Indonesian soldiers who watched the attack from a distance, pushed their way in and immediately set about destroying all the office equipment and smashing the windows. The four people in the office at the time were physically assaulted and injured. Coki Naipospos, chair of the organisation, was injured in the left shoulder and arm and badly bruised in the stomach.

Solidamor has for years played a critical role in disseminating information about East Timor in Indonesia and has been in the forefront of efforts to build solidarity in Indonesia for the people of East Timor. It sent its own monitoring team to East Timor to keep an eye on events there before and during the UN ballot in August last year. It was recently appointed as the liaison office in Indonesia of the CNRT, the National Council of Timorese Resistance. It has also become a centre for solidarity with people's movements in other countries of South East Asia and has recently launched actions in support of human rights activists in Malaysia and Burma.

In what eye-witnesses described as a very professional operation, the attackers, who wore red-and-white headbands (the colours of the Indonesian flag), had within minutes destroyed virtually every piece of office equipment, including two computers, a scanner, a fax-machine, a television set and a video machine. They then fled from the scene, taking a cash-box containing Rp18 million (US\$2,200), two telephones, a number of documents and the personal belongings of several activists and members of staff. A wallet containing Rp1.8 million belonging to Sapolo, a member of staff, was also stolen.

The attack left the organisation without any office equipment and with no funds to repair the office or replace the lost equipment. As solidarity messages poured in from many parts of the world, a special international appeal was launched to help Solidamor get back to work as quickly as possible.

The attack occurred ten days after a larger group of East Timorese claiming to represent refugees now in West Timor occupied the offices of the National Human Rights Commission for three days. The people involved called on the Commission to end their investigations into human rights violations in East Timor and accused the Commission of being subservient to UN human rights bodies, betraying national interests and 'selling out' the country. [*Detik*, web site, 1 May 2000] It is likely that the same people were involved in the attack on Solidamor.

### Solidamor activists in road accident

Three days later, two Solidamor activists, Yeni Rosa Damayanti and Sapolo, were seriously injured in a traffic accident unrelated to the attack. They were both rushed to hospital where Yeni needed treated for several fractures in one arm, a fractured rib cage, cuts on the face and a disjointed left leg. Sapolo, who was driving the motorbike on which they were travelling was badly hit on the head and suffered from concussion. Yeni had been planning to travel to the US to attend a UN women's conference in New York.

### Militia-style operation

Members of Solidamor who experienced the attack said it was reminiscent of the type of operations conducted by army-backed militias in East Timor following the ballot there on 30 August when nearly 80 per cent of the population voted for independence. The pro-integration mob acted with deliberate intention to inflict as much physical damage in the shortest possible time on a group which sided with the East Timorese cause. They looted as much as they could carry off and stole a large number of Solidamor documents including print-out files and all the organisation's disks.

The attack was clearly related to recent developments where dozens of army officers and pro-Indonesian East Timorese officials are facing investigations and possible indictment for crimes against humanity in East Timor. As more information becomes available in Indonesia about the orgy of destruction carried out by militias and the army in revenge for the results of the ballot, sympathy and understanding for East Timor has been growing. This is a development which certain forces within the armed forces want to reverse and they hope to achieve this among other things by attacking Solidamor.

### Police slow to act

The perpetrators of the attack fled the area before any police arrived on the scene. Later, however, when Coki Naipospos visited a hospital to get a medical report about the injuries he had sustained, he suddenly recognised some of the mobsters who were there receiving treatment. He immediately rang Yeni who was making representations at the district police command to ask her to report this. It was some time before the police decided to send a squad to the hospital. Coki immediately identified the men but the police were reluctant to make any arrests even though the men were boasting out loud that they had carried out the attack because they were 'pro-integration, lovers of the Indonesian state,' and because Solidamor 'was a CNRT puppet'. It was only after Yeni had appealed for more than an hour to the police to arrest the men that four men were arrested and taken to the police headquarters for investigation.

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# West Papuans vote for independence

*At the end of May, the people of West Papua flocked in their thousands to an historic West Papuan People's Congress in Port Numbay (Jayapura) and proclaimed their right to independence from Indonesia. The government in Jakarta, having failed to understand the strength of feeling in West Papua, changed direction as the meeting got underway and tried to discredit the Congress, warning of dire consequences if the people's aspirations are turned into positive action.*

Press reports on 29 May from Jayapura described the city which West Papuans prefer to call by its former name Port Numbay as being bathed in the West Papuan 'Morning Star' flag, hanging from all buildings and draped on cars and fences. The Second West Papuan Congress was attended by three thousand delegates from all parts of the country including leading figures in the OPM and people from the diaspora. Tens of thousands more gathered in the streets, having flocked to the city from villages and towns, wishing to be present at the historic event.

## Re-writing history

The Congress was held in implementation of a decision taken by a 500-strong meeting held in February this year which took a firm stand on the illegality of the so-called Act of Free Choice held in 1969. It was decided then that the main item on the agenda of the Congress would be to revise the history of West Papua, meaning in essence that the Act which resulted in West Papua's formal absorption into the Republic of Indonesia would be declared null and void.

The February meeting set up a West Papuan Presidium Council which was charged with the task of convening the Second Papuan Congress and which appointed two leading tribal figures as co-chairmen. They are Theys Uluay who heads the officially sanctioned Irian Jaya Tribal Council, and Tom Beanal, leader of the Amungme people, who is renowned for his long battle to win recognition for his people's rights from the giant copper-and-gold company run by the US-based Freeport and the London-based Rio Tinto.

The May/June Congress was held as a sequel to the First West Papuan People's Congress which was held in 1961 when the territory was still under Dutch rule. That Congress declared West Papua's independence and adopted a national flag and national anthem. Re-writing history also means acknowledging the 1961 Congress as the moment when West Papuan independence was declared. Everything that has happened since then, the New York Agreement signed in 1962 which arranged for the transfer of West Papua from Dutch to Indonesian hands, without the presence of any West Papuan representatives, the Indonesian occupation which came into effect on 1 January 1963, and the 1969 Act, are all in violation of the 1961 declaration.

The OPM which has waged an armed struggle for independence since its establishment in 1965 was also represented. It is understood that three regional commanders, Bernardus Mawen, Mathias Wenda and Kelly Kwalik were all present, while keeping a low profile. However, Bernardus Mawen who is commander of the Merauke sector, led a delegation to Jakarta to meet the Indonesian president and present the demand for independence. As always on such occasions, the president made it clear that he would never support this demand.

## Quitting the Republic

On the third day of the Congress, a resolution adopted unanimously at the previous day's working group declaring that West Papua would leave the Republic of Indonesia and set up its own state was presented to the plenary session. The resolution had been endorsed by delegations representing the fourteen districts of West Papua and was presented to a plenary session by Dicky Iwanggin who headed the delegation from Biak Numfor.

Affirming that the New York Agreement, the Indonesian occupation and the Act of Free Choice were all unlawful, the resolution declared that the decision to hand over West Papua to Indonesia was the result of a conspiracy between the Netherlands, the US and the United Nations in support of integration with Indonesia. Zakarias Soungmen, head of the delegation from Merauke said that the West Papuan Presidium Council should be instructed to negotiate with Jakarta for a Memorandum of Understanding on the transfer of power. This resolution is expected to form the core of the final decision of the Congress which ends on 3 June.

The Constitution for a future State of West Papua was also discussed at the Congress

These decisions fly in the face of Jakarta's intentions and are likely to lead to tensions if Jakarta adopts a confrontative stance. This now seems likely, given the statements that were made by Indonesian government ministers while the Congress was in progress.

On the third day of the Congress, West Papuan security personnel checking people as they entered the hall discovered two bombs, 14 pistols and a sharp implement. The people carrying the weapons admitted that they were acting at the behest of an Indonesian soldier. It transpired that the 14 pistols had been supplied by the 'Red-and-White Task Force' set up in Fakfak to oppose West Papuan security forces. Security around the Congress was very tight, with every individual being searched at all the entrances. [*Tempo Interaktif*, 31 May 2000]

## Jakarta's failure to understand

Since Abdurrahman Wahid took over as president in October, Jakarta has shown an startling lack of understanding about the strength of feeling in West Papua for independence. Gus Dur, as the president is popularly known, apparently thinks that by making symbolic concessions such as agreeing to rename Irian Jaya as Papua and allowing the people to 'express their aspirations' and 'fly their flags', and offering them wide-ranging autonomy, he would win the people over to remaining within the Republic. He has repeatedly stated that he would never ever allow West Papua to separate. This is also the firmly held opinion of Vice President Megawati Sukarnoputri, whose father, President Sukarno, was responsible for waging a campaign in the

fifties and sixties to integrate West Papua into Indonesia, who oversaw an unsuccessful military campaign to seize the territory in the early 1960s and ordered the occupation of the territory in accordance with the terms of the 1962 New York Agreement.

At the request of the Presidium Council, Gus Dur agreed to attend the Congress on the opening day and deliver the opening address. However, he changed his mind at the last minute, on the advice of Megawati, and decided that to attend would be seen as endorsement of the pro-independence position it would adopt. However, he had already approved a donation of Rp1 billion (about \$115,000) to help cover the costs of the gathering.

After adopting a conciliatory attitude, the government's tone changed as the Congress got underway, and it began to hurl increasingly shrill accusations against the event. The day after it opened, Indonesia's foreign minister, Alwi Shihab accused Australian NGOs of inciting violence in West Papua. He was quoted in the *Indonesian Observer* as saying: 'Indonesia's foreign policy places Australia as an external factor that endangers its national integrity, especially in Papua,' and alleged that this was being done through the intermediary of Australian NGOs. John Rumbiak who heads ELS-HAM, the leading human rights organisation in West Papua, said these remarks indicated that Jakarta wants to destabilise the independence congress. 'It is possible that (the foreign minister) wants to provoke the society here.' [*Sydney Morning Herald*, 31 May 2000]

Australia has become the Indonesian government's favourite bogeyman, ever since its armed forces intervened in East Timor last September to halt the orgy of violence there.

The following day, the Jakarta government alleged that the Congress organisers had deliberately prevented anti-independence figures from attending. 'They have even received threats of violence,' cabinet secretary Marsilam Simanjuntak alleged. He said that the Congress could not therefore claim to represent the Papuan people. He also said the Indonesian government lamented the presence of foreigners. 'There is the impression that outside parties are meddling in the domestic affairs of Indonesia.' (This was an apparent reference to the presence of delegates from Papua New Guinea where grassroots support for the independence movement in West Papua is known to be strong, and where hundreds of West Papuans are still living as exiles and refugees.) [*AFP*, 31 May 2000]

A day later, the Indonesian government threatened to 'take measures' against the Congress if it leads to efforts the separate from the Republic. Foreign minister Alwi Shihab told a press conference in Jakarta that the president would repudiate the permission granted for the Congress to be held if the discussions 'go too far'. He said that it would be up to the political and security section of the government to decide what action to take if 'things went too far'. [*Antara*, 1 June 2000]

However, it should not have come as a surprise to the government that the Papuan People's Congress would adopt a robust pro-independence stance and that it would focus primarily on how to proceed towards achieving that objective. The decisions of the preparatory congress held in February made that crystal clear. [See *TAPOL Bulletin* No 157, April 2000]

The foreign press reported that the Congress had, during the first two days, been dominated by tensions between a small number of delegates who favour immediate movement towards secession and the majority who want to pursue the creation of an independence country through dialogue and international mediation. The working group resolution to aim for a Memorandum of Understanding with Jakarta makes it clear that the second option was the unanimous position finally adopted. Moreover, both co-chairmen have made it clear on many occasions that they would pursue the path of peace in the struggle for independence.

The Second Papuan People's Congress which was still in progress as we went to press is certain to result in an intensification of tensions in West Papua. The inspiration that has given to the thousands who attended, as delegates or as supporters outside the hall, is bound to be reflected in heightened demands for Jakarta and the world community to heed their demands. Those in the leadership of the movement, having decided to pursue the path of negotiation, will need to exercise all their skills and influence to keep the movement in check.

As for Jakarta, until now it seems to have believed that by letting the West Papuans blow off steam - raising flags without hindrance, expressing aspirations - everything would settle down into a new, cosy relationship, with the injustices of the past forgotten.

The events that took place in Port Numbay from 29 May until 3 June mean that the people of West Papua will need the support of a much more powerful campaign of international solidarity in the months to come, to help them achieve their just demands and to campaign against human rights violations that can be expected to intensify in the coming weeks and months.

## STOP PRESS

In a unanimous decision adopted on 4 June, the Second Papuan People's Congress decided that the state of Papua would return to its status on 1 December 1961 when the independent state of Papua was formally declared. The idea that Papua was 'leaving the Republic of Indonesia' was rejected because in the view of the Congress, it had never been a part of that country. The 1962 New York Agreement and the 1969 'Act of Free Choice' were declared invalid and pressure would be exerted on the UN to revoke the General Assembly resolution of 1969 which had sealed the country's fate as a part of Indonesia. As from 4 June, the Papuan flag, the Morning Star, would be held aloft at all times.

The Congress called for the withdrawal of all Indonesian security forces. All development activities by the Indonesian government should cease forthwith and all companies, including foreign investment, should pay taxes to the Papuan people. A 10,000 strong defence force called Satgas Papua will be formed.

The operations of the Freeport copper-and-gold company must obtain the consent of the local tribal council. Papuan churches should withdraw from the Indonesian Community of Churches (PGI).

The president and other senior politicians made it clear that they were implacably opposed to these decisions.

## Wahid's first six months

*It is now six months since Abdurrahman Wahid rather unexpectedly became Indonesia's fourth president. His biographer Greg Barton said recently: 'If you asked me even in October whether Gus Dur would become president, I would have said it was possible, but not likely'. Many say it is sheer luck for Indonesia to have this man as its president. It is worth looking at the man and the problems he is facing.*

Only days before the presidential election, Gus Dur, as Abdurrahman Wahid is popularly known, wasn't even a candidate. The general elections had given the PDI-P, the secular-nationalist party and its leader, Megawati Sukarnoputri, the largest vote, making her the natural choice. But the indirect presidential election system giving the MPR, the People's Congress, the power to choose, catapulted Gus Dur to the presidency. The *Poros Tengah* (Central Axis), a loose coalition of Muslim parties and sections of Golkar, the former ruling party, threw its weight behind Gus Dur.

The motives were less than honourable: Gus Dur was a Muslim leader and Megawati was a woman. Gus Dur's own party, the PKB, had won only 9 per cent of the votes but the loose coalition gave him the majority in the MPR. Gus Dur has been a public figure for years but the general public still have to get used to seeing him function as president. In the Suharto period, he was the leader of Nahdlatul Ulama (NU), probably the largest Muslim organisation in the world with 30 million members, but he was also leader of *Forum Demokrasi* (Fodem), a secular organisation with social-democratic leanings and had been active for many years in the NGO movement.

### A secular Muslim leader

The combination of religiosity and secular realism has given Indonesia a highly unusual leader, who has won a lot of credit at home and abroad, but his style is far removed from the stereotype of a politician - he has shown himself to be somebody who steers and manipulates the power game in often idiosyncratic ways. Gus Dur has become famed (some would say notorious) for his wit and character, his ability to handle complicated and delicate matters in a light-hearted fashion. His skills of communication are second to none but ironically he often puzzles people with his statements.

Gus Dur is for ever making controversial statements, damaging his image as a statesman but showing himself to be an idealist with high moral principles. While he is determined to deal with Indonesia's horrific past (see separate item), his fixation with maintaining Indonesia's territorial integrity is setting him on course for major conflicts in Aceh and West Papua. Calling him an idealist is only part of the story. In the old days of the New Order, he was very much involved as an opposition figure in the day-to-day murky politics of the time.

He has shown himself to be a skilful political operator but, being president in the wake of an authoritarian dictatorship, he has been forced onto a fast learning curve. The economy is in tatters and all the institutions have been destroyed. Failure to deal with these problems could be the undoing of the country.

It is too early to say how Gus Dur sees his role as president. Is it as trouble-shooter, trying to straighten out the country's intractable problems or dealing with the nitty-gritty slog of reforming the institutions, dealing with the unfathomable web of corruption and cleaning up the mess that goes under the name of the bureaucracy?

Many of the changes he must introduce will stir things up by undermining the political and economic interests of people who benefited from the old regime. Many of the reforms he attempts will be very unpopular in certain circles. Usually, leaders in transitional periods dealing with the ungratifying job of cleaning up such a mess, end up in the dustbin of history. Gus Dur's tasks are immense and even if he runs for second term, this will not give him time to finish the job. The honeymoon period is over and obstruction and criticism are now his daily fare.

The road of reform is clear. Gus Dur has to deal with the military, to restore confidence in the economy and to push for a total overhaul in the judiciary so as to restore the rule of law. He must also find an acceptable solution for the people of Aceh and West Papua and find a way to stop the unspeakable violence in Ambon. He also has to deal with an incompetent and corrupt bureaucracy.

### Dealing with the military

The main stumbling block on the road to democracy is the military. For more than thirty years, the military enjoyed virtual impunity and, especially in the first ten years of Suharto's rule, they wielded huge economic and political power. The Indonesian military have been correctly described not only as the guardian of security and order but also as the best organised political force. In order to exercise this power, the military made itself an important economic player in both the formal and increasingly in the informal sector of the economy.

Much to everyone's surprise, Gus Dur was resolute in using his powers to handle this TNI power-house. Within a few months, several paradigms of the TNI were smashed. General Wiranto, the powerful co-ordinating minister for security and politics, was sent packing, together with nearly two hundred senior officers [see *TAPOL Bulletin* No. 157, April 2000]. There have been radical changes at the top and many key positions have been given to navy and airforce officers, a radical departure from the Suharto period. The TNI commander-in-chief, the head of military intelligence and the official spokesperson are all non-army people.

The whole world watched as Gus Dur dealt with General Wiranto, the highest and most influential officer from the Suharto period. Gus Dur gave the general time to send in his resignation and when Wiranto refused, he was unceremoniously sacked. The sacking of Wiranto and others has changed the political climate in Indonesia. People now see

that high officers are not supermen and can be removed with a simple letter of dismissal.

The reduction of the TNI to nothing more than a defence force is now much closer. The territorial structure of the armed forces, a virtual shadow government from top to bottom, is being partly dismantled. Officers are no longer allowed to hold positions in the civil administration and must retire from the forces if they do. Many officers are still licking their wounds and the battle is far from over. The TNI enjoyed unlimited powers for over three decades and still have many cards up their sleeves to re-emerge as a political entity. Gus Dur believes that 90 per cent of the TNI are behind him, but this is probably wishful thinking on his part, to convey a message of confidence. The widely-held belief that most senior officers are Wahid loyalists still has to be tested. The new batch of officers are indeed pro-reform but probably do not account for more than 10 per cent of the force. An equal amount are actively anti-reform.

Events in West Timor and Aceh would suggest that lower down, commanding officers have their own agenda. The well-organised acts of violence in Aceh, Maluku and elsewhere are likely to be the work of such officers. Most TNI offices are adopting a wait-and-see attitude and will make their position clear once the TNI's programme of reform begins to take effect.

There have been sinister noises coming from within the military establishment of the possibility of a Pakistan-style solution if civilian politicians prove incapable of successfully running the country. Although, as we show below, the problems confronting the state are frightening complex, the irony is that much of the unrest plaguing the country is being stage-managed by forces within the military.

## Reforming the judiciary

Everyone agrees that the judiciary is rotten to the core. It is a public secret that the majority of judges and prosecutors are up for grabs. Surveys by NGOs have concluded that the entire Supreme Court should be replaced, that twenty of the twenty-three higher court judges should be removed and that practically everyone in the attorney general's office should be sacked. This creates structural problems for a wide range of reform measures.

Foreign investors feel insecure with such an unpredictable legal system. In the old days, business connections with the Suharto family was the guarantee for fruitful business deals. The chances of putting higher TNI officers on trial for their crimes against humanity remains remote. The draft law on a human rights court is stuck in parliament (see separate item). It is also unclear whether perpetrators of economic crimes like corruption and embezzlement will end up in court. The public at large remains cynical of the system and the sense that justice is being done is lacking.

The Gus Dur government can do its utmost to accelerate the process of reform in the judiciary, the parliament can adopt new, appropriate laws but it will take time to clean up the stable, years will be needed before a competent generation of judges and prosecutors emerge to take over.

## And what about the economy?

The economy is in a shambles and Gus Dur, cannot claim to have any expertise in this area. The banking system collapsed during the Asian crisis in 1997. Three years on, the situation has barely changed. On paper all the conglom-

erates are bankrupt and only one has re-emerged under foreign ownership. The two problems are intertwined, the banking system is in dire straits because of unpaid debts by defaulting tycoons aka cronies. So far none of the major Suharto cronies have been taken court though one, Bob Hasan, is now under investigation and feeling the rigours of life in a prison cell.

On the surface, things are not too bad. There has been a revival in consumer demand, the fiscal position seems to be under control and the trade surplus in the first three months



of 2000 was US\$7.57 billion. As with other Asian economies, moderate economic growth has set in. But the economic fundamentals remain feeble and financial and economic restructuring is sluggish, to say the least. The IMF is responding to the continuing Indonesian crisis in the same way as it is handling Russia; it knows that things are desperate but the international community is determined not to let the Indonesian economy go under. It was in this spirit that a new Letter of Intent was signed in May between the IMF and the government.

The Gus Dur government is bending over backwards to woo foreign investors, but to little effect. Such a policy also brings his government into direct conflict with local communities whose land and other rights have been violated egregiously for more than three decades (see separate item). Regional administrations are also trying to assert their control over foreign investors for tax evasion and other crimes, putting them on a collision course with the centre. It remains to be seen how this will be develop when the regional autonomy law comes into effect.

Gus Dur has made strenuous efforts to entice Indonesian Chinese capital to return home. After the May 1998 riots which seriously hit the Indonesian Chinese, many decided to park their money abroad in Singapore, Hong Kong and elsewhere. The fact that there have been no moves as yet to investigate the 1998 riots does not help. Indonesia badly needs fresh capital to give a new impetus to the economy and provide jobs for the 36 million or so people now out of

work and absorb the millions of youngsters entering the labour market every year.

Investors are also wary about the explosive political situation in many parts of Indonesia. Continual feuding between Christians and Muslims in Maluku which is now spreading to Central Sulawesi, and a bomb explosion at a church in Medan has hardly increased this confidence. Since Gus Dur took office, the rupiah has fallen in value by 11 per cent, and the Jakarta composite index of leading shares has seen 15 per cent shaved off its value.

The problems are complex and it is difficult to expect any government to end this economic nightmare in a short time.

### Gus Dur and the political elite

Having inherited a corrupt and disabled state, it was clear from the start that the cabinet ministers Gus Dur appointed with little regard for competence and experience would not be able to implement the drastic reforms needed. They were also confronted by a bureaucracy that balked at any talk of reform. This has been particularly so in the departments dealing with the economy and justice, the two critically important sectors that are crying out for reform.

One of the main features of Suharto's New Order was loyalty to superiors which created a system where patron-client relationships reign supreme and where performance is less important than being loyal to the boss. Moreover, the Indonesian bureaucracy is huge because it is burdened by a glittering array of corrupt officials in hundreds of state companies ranging from Pertamina, the state oil company, to small plantations in remote parts of the provinces. Gus Dur has made moves to replace many of these corrupt officials but the pace is painfully slow because of resistance within these state bodies.

Scandals abound and only help to lower confidence in the ability of the government to govern. The latest scandal has exploded in Bulog and is hitting right at the heart of the government. Bulog holds a state monopoly on the purchase and distribution of rice and other essential food products. It has been one of the most lucrative sources of kickbacks and was always held tightly under the control of the Suharto

family and trusted cronies. Efforts to replace top officials have been met with strong resistance.

But now a Bulog-gate scandal has exploded right in Gus Dur's face, involving his masseur and his trusted state secretary, Bondan Gunawan who was forced to resign because, as he said, to continue in office would only exacerbate the problems being faced by the president.

A few weeks earlier Gus Dur sacked two ministers from the economic team. One of them was Laksamana Sukardi, the minister in charge of state companies, who had the thankless task of overhauling the state enterprise sector. His attempts to introduce changes were sabotaged at many levels. Although Gus Dur gave corruption as the reason for sacking Sukardi, no one believes this. The more likely reason is that Sukardi had too many enemies, even within his own party, the PDI-P, which lifted not a finger to support him against this groundless allegation. There is growing suspicion that Megawati's husband stands behind this disgraceful example of scapegoating.

Higher officials in the bureaucracy, the new middle class which came to life in the Suharto period, enjoyed many privileges and served as the backbone of the old regime. Many feel threatened by the wave of reforms. They stand in the way of reform now dangerously stuck in a mire of political mud-slinging which could even threaten the president's hold on office.

Gus Dur has come under attack from the very politicians who catapulted him to power, perhaps in a show of their ability to put him back into the box from which he sprung so unexpectedly last October.

In August this year, the MPR will hold a plenary session and could, if it wishes, call the president to account, or even impeach him. The session will be a political event that could have major consequences for Indonesia's future.

Dark forces who have the capacity to instigate unrest anywhere in the country can be expected to use the next three months to spread chaos and undermine the government. Don't be surprised, therefore, if the troubles in places like Maluku and Aceh continue to flare up and even intensify as August approaches.

## Wahid wants 1966 decree to be revoked

*President Abdurrahman Wahid has taken on virtually the whole political elite by demanding that a decree adopted in July 1966 by the supreme legislative assembly banning the Indonesian Communist Party and the dissemination of Marxist teachings should be revoked. Even though all but one of the parties represented in the assembly reject the idea, he has stuck to his guns on the issue.*

TAP XXV/1966 as it is known was adopted four months after General Suharto wrested state powers from President Sukarno and used these powers to ban the Communist Party (PKI) on 13 March 1966, along with dozens of mass organisations alleged to be affiliated to the PKI. Hundreds of thousands of people had already been slaughtered in massacres and hundreds of thousands were being held in jails and military detention centres up and down the country. The MPRS (the S signifies that it was a provisional body) had been purged of more than a hundred members who had been replaced by Suharto appointees. Suharto

needed this decree to 'legitimise' his obliteration of the PKI and endorse his claim that the PKI had masterminded the events on 1 October 1965, the so-called G30S/PKI coup attempt, which he crushed and in so doing, took control of the armed forces and set up a special command for the 'restoration of security and order'.

That was 35 years ago. In many respects, the decree is largely ignored in today's Indonesia. A visitor to any of the major bookshops in Indonesia will be struck by the number of books about Marxism piled high on the shelves, being eagerly thumbed by shoppers. *Oom Jenggot*, the 'bearded

uncle', is probably more popular amongst the younger generation in Indonesia than in most countries of the world. And Marxist philosophy and economics are on the syllabus in many universities. Be that as it may, the retention of this unlawful decree represents a serious attack on freedom of expression and the right to organise.

## An issue of principle

The downfall of Suharto and the beginnings of a reform era in Indonesia has not cured most of the country's older generation of politicians of their deep-seated anti-communism. They responded with horror at the thought that this cold war relic could be revoked and have even threatened to impeach Gus Dur, as the president is known, if he presses ahead with the proposal.

While commentators lambaste Gus Dur for frequently contradicting himself, saying one thing one day and something quite different the next day, he has been consistent on this one, returning to the issue time and time again, even though he knows that it is losing him support from those who shoe-horned him into the presidency. The loudest howls have come from the parties within the *poros tengah*, or 'central axis', a coalition composed largely of smaller Muslim parties under the leadership of Amien Rais, which came into being last October to prevent Megawati from becoming president.

The president clearly sees this as a moral issue, a way of achieving national reconciliation, a matter of principle. It is the logical follow-up of his forthright statement in March calling for an investigation into the 1965 killings and apologising to the victims for the part played in the slaughter by members of his own organisation, *Nahdlatul Ulama*. [See *TAPOL Bulletin*, No 157, April 2000]

Returning for the umpteenth time to the theme on a popular TV talk show, he went over the heads of the political elite and turned to the public for support. He expressed the conviction that the majority of people 'did not care (about), let alone oppose' his proposal and that the opposition had so far only come from a handful of the country's elite. He warned this elite that ignoring 'the silent majority' could cost them votes in the next elections.

He said he was pushing ahead with his proposal to meet his constitutional duties to uphold human rights, respect for freedom of expression and restore the rule of law in Indonesia. Insisting that the MPRS Decree is not a 'sacred document', he said: 'You cannot ban a teaching. You, or society, can oppose it but the state does not have the authority to outlaw a teaching. Once you empower the state to ban a teaching, there's no stopping it.' [*Jakarta Post*, 21 May 2000]

Indeed, there was no stopping Suharto's New Order. Having banned communism and outlawed the PKI, the regime went on to force political parties to merge into two parties in order to pave the way for *GOLKAR* to sweep the board in elections, then forced all parties and organisations to accept *Pancasila* as their 'sole ideology'.

## NGO support but Komnas HAM holds back

Many human rights NGOs have called for the decree to be revoked. Twelve of the leading human rights NGOs made representations to the National Human Rights Commission, *Komnas HAM*, to urge it to support the

demand. Speaking for the group, Coki Naipospos of *Solidamor*, said that the commission's secretary, Albert Hasibun, had told them they had not yet adopted a position. [*Indonesian Observer*, 25 April 2000] Ironically, some months ago, when *Komnas HAM* was asked by the Institute for the Study of the 1965/66 Massacres, the YPKP, and *Solidaritas Nusa Bangsa* to set up a special investigation commission into the 1965/66 massacres, they were told that this would not be possible because TAP XXV/1965 was still in force. [See Press Statement by the SNB, 1 March 2000]

Hendardi, director of the PBHI, told the press that the decree had given the New Order the powers to commit massive human rights violations and to purge their political opponent by accusing them of being communist. Many people were victimised because having been so accused, they could not defend themselves in court. [*Indonesian Observer*, 26 April 2000]

## MPR will reject the proposal

As the president himself knows, the final decision on the decree rests with the MPR, the People's Congress. In preparing for the forthcoming plenary session in August, the working committee of the MPR which consists of all the party factions decided unanimously to refuse to revoke the 1966 decree. The only party which went against the stream was the PKB, the party which was set up by *Nahdlatul Ulama*, and which initially supported the president's position. It tried to persuade others in the Working committee to agree at least to amend the decree with a clause making it unlawful for the government to discriminate against descendants of members of the PKI but this was rejected. Chozin Chumaidy, representing the Muslim PPP, claimed that such an amendment would give the impression that the PKI 'was being given special favours'. 'We were all suffering from discrimination in those days. That was part of the political climate,' he said, ignoring the fact that it was the decree that had set the tone for this situation. [*Kompas*, 30 May 2000]

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### Continued from page 16

In a message to the international solidarity network, *Solidamor* stressed that it was important to exert pressure on the police to investigate the incident thoroughly and punish the perpetrators. 'This will be a test case for the Indonesian authorities of the seriousness with which they will pursue not only our case but the far greater crimes committed by Indonesian forces in East Timor.'

They asked people everywhere to press the Indonesian authorities to pursue the investigations vigorously by faxing a letter to:

General Rudihardjo, national chief of police:

62-21 721-8000

Major-General Nurfaizi, Jakarta chief of police

62-21 23 4237

Colonel Timur Pradoko, Central Jakarta chief of police:

62-21 390-9922 or 390-9623.

Indonesian embassies in your own country.

Send messages of support to: [solidmor@centrin.net.id](mailto:solidmor@centrin.net.id)

## Communities challenge foreign investors

*As a consequence of Indonesia's transition to democracy, local communities are beginning to resist the exploitation of their land and resources by foreign companies. The way in which the government and companies respond to the communities' demands for the redistribution of wealth, the re-negotiation of contracts and environmental protection will be a crucial test of their commitment to democratic reform and the rights of local people.*

Since the downfall of Suharto in May 1998, foreign investors, particularly mining companies, have been forced to re-assess their responsibilities to local communities. Under Suharto, many companies were granted privileged contracts tainted by corruption and by the exclusion of local people from the decision-making process. Royalties and taxes flowed to the central government and local people had no control over the social and environmental impact of commercial activities. Protests against the companies were ruthlessly suppressed. Now local authorities want more money from the companies and more control over their operations.

Leading companies, such as Britain's Rio Tinto, have responded by stressing the sanctity of legal contracts and resisting attempts to re-negotiate their terms. The government of President Wahid, keen to attract new investment and fearful of undermining investor confidence, has reaffirmed the supremacy of existing contracts. However, issues such as the equitable distribution of wealth, social responsibility and protection of the environment are now firmly on the agenda. The companies are being forced to decide whether their responsibilities go beyond the letter of legal contracts. They are being made to consider whether it is good business practice to provoke greater resistance to their activities by refusing to make concessions to local people.

New challenges are also being thrown up by moves towards greater political and economic decentralisation. These moves are partly a response to separatist demands fuelled by long-standing economic injustices. A new law on regional autonomy and financial sharing was passed by the Habibie government in 1999. President Wahid recently signed a regulation to implement the new law as from January 2001. The law provides for the provinces to receive a much larger proportion of royalties currently paid to central government. It remains to be seen whether this will lead to more local democracy or simply a transfer of power from central elites to local elites.

The minister for regional autonomy has stated that the contracts of Freeport and Newmont (see below) and others will remain under central government control [DTE, 45, May 2000].

### The Freeport contract

The Freeport/Rio Tinto contract has come under particular scrutiny in recent months. The copper-and-gold mining operation in West Papua, considered to be the cornerstone of western investment in Indonesia, has been intensely controversial for its links to the family and cronies of Suharto, its exploitation of indigenous land rights, degradation of the environment, violation of human rights and its failure to benefit local communities since

work began at the beginning of the 1970s. Some of the problems at the mine were tragically illustrated at the beginning of May when a landslide of waste dump collapsed into Wanagon Lake and triggered flooding which swept four workers to their deaths.

Questions have been raised as to whether the original Freeport contract signed in 1967 was valid since at the time West Papua was not internationally recognised as part of Indonesia, and whether the current contract signed in 1991 should be amended. Government ministers seem to be divided on the issue between those who have attacked the company's environmental record and those concerned about damaging investor confidence. A parliamentary mission to the mine last December recommended that the government review Freeport's contract as it has led to social and economic injustice, rampant human rights abuse and political tension. A new investigation into human rights abuses in West Papua dating back to 1963 - including those relating to the Freeport operation - was announced recently by the minister for human rights, Hasballah Saad [*Straits Times*, 27 May].

Freeport has done its reputation no good by employing bullying tactics to protect its existing contract. In February, former US Secretary of State and Freeport board member, Henry Kissinger, informed the government in no uncertain terms that it had to honour the contract 'in the interests of Indonesia'. Bizarrely, President Wahid responded by appointing Kissinger as a special political adviser.

US ambassador Robert Gelbard weighed in by calling on USAID to cut its funding to WALHI, the Indonesian environmental organisation, which accused Kissinger of intimidation, and to turn down a request for funding from JATAM, a Jakarta-based mining advocacy group. In 1999, citing human rights abuses and environmental destruction caused by mining, JATAM had called for a moratorium on all mining activities and for the suspension of all mining licences. It is understood that as a result of this intervention, JATAM will not get the funding it needs.

The interventions by Kissinger and Gelbard caused outrage in the US where over 3,500 people, including private investors wrote protest letters to Secretary of State Madeleine Albright. Friends of the Earth said: 'We strongly urge the US State Department to support Indonesia's fragile democracy rather than protect sweetheart deals for American corporations' [*IPS*, 15 May]

### Rio Tinto's Kelian mine blockaded

Rio Tinto's Kelian gold mine in East Kalimantan has been blockaded since early May by thousands of local Dayak people dissatisfied by the breakdown of negotiations over compensation for land, crops and property, over human rights violations and the damage done to the livelihoods of

small-scale miners evicted from the concession, and over pollution, and mine closure plans.

Kelian is the largest primary gold mine in Indonesia. The open-pit operation produces over 400,000 ounces of gold equivalent a year. The mine operator, PT Kelian Equatorial Mining (PT KEM) is 90 per cent owned by London-based Rio Tinto. The mine is due to close in 2003/4.

There was deadlock in the negotiations with the local community after the company involved the local government in discussions over land compensation. The protesters have forced the closure of the mine and prevented production for several weeks. At least 20,000 ounces of production have been lost to date.

## Court overrules Newmont closure

The threat to existing mining contracts posed by moves towards regional autonomy was illustrated by the fate of the Newmont gold mine in Sulawesi. The mine, which is owned by the Newmont Mining Corp. of the US, was a particular target of JATAM's attack on the environmental record of the mining industry.

Last year, the local authority in the Minahasa regency sued Newmont in a local court for about \$8 million in unpaid taxes and damages owed on waste rock and soil removed from the mining site. In April, the court ordered Newmont to shut the mine pending resolution of the dispute. But the Supreme Court overruled the closure order. The local authority dropped its claims and Newmont agreed to pay between \$400,000 and \$500,000 in taxes on overburden. In court, Newmont, backed by the central government, had argued that it was exempt from paying taxes on 'overburden' materials in the mining contract it signed with Jakarta.

Despite the settlement, the intervention of central government and the Supreme Court ruling are worrying setbacks for local democracy and a reminder that the law is essentially conservative in its dealings with contractual obligations and property rights. Local people attempting to overturn unfair contracts must rely more on the power of protest than the sympathy of the courts to realise their right to a fairer share of the wealth generated by local resources.

## Widespread opposition

Complaints about the activities of foreign-owned or foreign-financed companies are many and various. Other operations affected include PT Inti Indorayon's paper, pulp and rayon fibre plant in North Sumatra, forced to close in 1998 following local anger over pollution, PT TEL paper pulp factory in South Sumatra, PT Inco Indonesia, a subsidiary of Canada-based Inco Ltd, which has come under fire over its nickel mining operations in Sulawesi, PT Indo Muro Kencana, 90 per cent owned by Australia's Aurora Gold, where 11 villagers including three children were arrested by heavily armed police in March for occupying the mining site and Mobil Exxon, the US multinational badly affected by the deteriorating security situation in Aceh. [For more details of the issues surrounding these and other operations, see recent issues of *Down to Earth*, the newsletter of the International Campaign for Ecological Justice in Indonesia, [dte@gn.apc.org](mailto:dte@gn.apc.org)]

## Resorting to the security approach?

In a worrying sign that old habits die hard, some ministers appear to regard the increasing demands on foreign companies as essentially a security problem. The newly-appointed minister of industry and trade, Lieutenant-General Luhut Pandjaitan, who was chosen by the president to take over the portfolio after being impressed with his approach towards foreign investors while he was Indonesian ambassador in Singapore, announced that his ministry and the military have agreed to work together 'to create a conducive and safe environment for businesses operating in the country'. He said: 'The TNI commander has agreed and will launch measures at his disposal, together with the Indonesian police, to help ensure security to boost our exports.' [*Jakarta Post*, 9 May]. Such an approach does not augur well for the activities of local communities and NGOs in their efforts to right past wrongs.



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