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## The Indonesia Human Rights Campaign

TAPOL Bulletin No. 122

April 1994

### Students on trial for 'defaming' President

*Twenty-one students who participated in a demonstration in front of Parliament on 14 December went on trial in Jakarta for insulting the president. The Jakarta district court divided the defendants into three groups. More than 1,000 people attended the first session and in many universities students held rallies in support of their colleagues.*

The 21 students took part in a large demonstration under the banner of *FAMI*, Action Front of Indonesian Students, demanding that the government accept responsibility for violent incidents such as Haur Koneng, Nipah and Santa Cruz which resulted in many deaths. Their banners read: "Drag Suharto before an extraordinary session of the People's Congress", "Where is the President's responsibility?", "Drag corrupt officials to court", etc.

They are being charged under Article 134 of the Criminal Code for insulting the president, for circulating writings or pamphlets defaming the president (Article 137) and insulting the authority of the state (Article 207).

#### Three groups

The defendants have been divided into three groups, according to their alleged degree of involvement. The first group of four persons are the 'most culpable' the so-called masterminds of the demonstration. The second group of six are charged with actively taking part in the demonstration and consciously defaming the president. The other eleven face the same charges, but their involvement is deemed to have been of a lower order. Nineteen of the defendants are being held in Salemba Prison while the two women are detained in Pondok Bambu prison.

The Legal Aid Bureau, *LBH*, is in charge of the defence and has prepared three teams, altogether 54 lawyers headed by Adnan Buyung Nasution. Several well-known lawyers are in the team including Luhut Pangaribuan, Frans Hendra Winarta, Abdul Hakim G.N. and Rita Serena Kalibonso. The team is known as the Defence Team for the Pro-Democracy students. The first of the trials started on 8 March. They are expected to continue for several weeks. Many expert witnesses will appear in support of the students, including Ali Sadikin, Emha Ainun Nadib and Ariel Heryanto.

#### Student opposition

Student protest has grown markedly since last year, not

least because of many attacks by the military against evicted peasants or workers on strike, resulting in bloodshed and deaths. *FAMI*, the Indonesian Student Action Front, became an umbrella organisations dealing with these national issues.

Students from many islands, Java, Bali, Lombok, Sumatra and Sulawesi took part in the 14 December demonstration. The arrest of the 21 gave *FAMI* students new impetus. Action groups came into being in support of the 21: *KAMJM* (Red Jacket Student Action Committee) in Surabaya, *SMURF* (Solidarity with our *FAMI* Colleagues) in Jember, *KPMD* (Student Group in Favour of Democracy), and so on. On the day of the trial thousands of students in Surabaya, Jember, Mataram, Yogya and Jakarta demonstrated in support of the 21.

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## Trial proceedings

The 21 students are: Yeni Damayanti, Masduki, Hendrik Sirait and Adi Kurniawan in the first group; Ferry Haryono Machus, Andi Hartono, Andrianto, Tony Sinaga, Saef Lukman, M. Yunus bin Kuslim, Piryadi, Munasir Huda, M.Farid Rasyad, Teddy Wibisono, and Sunandar in the second group. The third group consists of Suwito, B.M.Sri-mardiana, Gunardi, Antony Ratag, Rifki Kholid and Wandu Tutuorong. They come from Surabaya, Malang, Jombang, Yogyakarta, Jakarta and Bogor.



Yeni Damayanti (right) in the Pondok Bambu prison during visiting hours. *Jakarta Post, 16 March 1994*

Right from the start there was a friction between the judges and the defence. The public gallery was packed and restless and the crowd often responded loudly. When a judge asked the defendants for their professions, the public shouted: *"The enemy, we are the enemy."* After the prosecutor read the indictment, the defendants answered in chorus that they did not comprehend the charges.

In the trial of the 11, Chief Judge Hutagalung decided to allow the defendants to read out their own *eksepsi* (demurrer). Teddy Wibisono, a student from Pakuan University in Bogor delivered a strong speech: *"The prosecution has apparently only looked at what was written on the posters and has drawn the conclusion that the students organised in the Indonesian Action Front (FAMI) defamed the good name of the head of state. But why doesn't the prosecution have the courage to accuse the government or head of state of being responsible for the Nipah case, the Dili case, the Lampung case and many others. Don't think that by punishing us, the struggle will die down. The struggle will continue."* This was greeted with a roar of approval from inside and also from the crowd outside listening to the proceedings through a loud-speaker. The prosecution objected and asked the court not to allow the defendant to continue because the *eksepsi* was a political speech. But the defendant was allowed to continue.

Piryadi bin Kartodihardjo argued that the prosecution was functioning as an extension of the power structure. Why doesn't the person who feels offended, the president, come here to argue his own case? Piryadi doubted whether the president would charge the defendants with insulting him.

In similar style others refuted the charges of insulting the president. Saef Lukman from Cianjur started his demurrer by citing from the Holy Qur'an and argued that the demonstration in front of parliament was merely conveying

people's aspiration to members of parliament. *'What kind of person am I if I keep quiet, watching people's suffering? What kind of person am I if I see the suffering of the people at Nipah and stand idle. What kind of person am I if I see the collusion between officials and businessmen which has inflicted damage of 1.3 trillion rupiahs on the state? Seeing all these injustices is what made me attend the demonstration.'*

## The security approach

In a separate trial against the four 'most culpable', Yeni Damayanti gave a powerful demurrer which touched the emotions of the public. Yeni, a long-time activist who has frequently been jailed for her views, questioned the definition of the word 'defamation'. She argued: *'I don't think that saying "ABRI do not hurt the people is defaming anyone".'* She insisted that the demonstration was not intended to insult the president. What is happening is deliberate political distortion. She attacked the use by the army of the security approach which has been the cause of so much bloodshed. The intervention of the security forces in civilian affairs was also strongly attacked by Yeni.

As in other political trials the defence team will challenge the legitimacy of the *BAP* accounts, the statements made and signed by the accused or witnesses during interrogation. In practically all cases *BAP* statements are made under duress. It is a widely recognised fact that political trials in Indonesia fail to meet international standards of fairness. ☆

*continued from page 12*

Timor. It is also a mark of the lack of academic freedom and the freedom of expression in Indonesia. Readers wishing to oppose moves by his university to oust him can fax the rector on +62-298 81420 or at UKSW, Jl Diponegoro 52-60 Salatiga 50711. George can also be reached at the same fax no. and address. ☆

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## Basic rights on trial

*The law courts are being used increasingly these days to deal with pro-democracy activists. The authorities may think that relying on 'due process' will placate their critics abroad. But the trials are blatantly unfair. The strategy means criminalising political activity and denying freedom of speech. It relies on the Indonesian judiciary which is notorious for its obsequious collusion with the authorities.*

### A mockery of justice

The first to be tried in the latest waves of trials was *Nuku Soleiman*, 29 years. He was charged with insulting the head of state, having allegedly produced and distributed a sticker with the words *Suharto Dalang Segala Bencana*, or 'Suharto is the mastermind of all disasters'. 'Disasters' referred a number of massacres since 1984 for which President Suharto should be held personally responsible. The initials were taken from the name of the state lottery which was halted last November after widespread protest.

Nuku is a university student and chair of the *Pijar* Foundation, an independent human rights organisation [see *TAPOL Bulletin*, No. 121, February 1994]. This is not his first experience of imprisonment. He was held in 1989 for protesting against an increase in the price of electricity.

He was arrested on 25 November last year and formally charged on 14 January. After a mockery of a trial, he was given a four-year sentence.

The court sessions were marked by an atmosphere of intimidation, with armed security officers surrounding the building and exercising control over those wanting to enter the courtroom. Inside, the courtroom was teeming with

police and security officers.

The trial drew large crowds and almost every session was marked by bitter rows between the defendant or his team of lawyers and the judges.

The defence did not base their case on answering the charges in the indictment. Instead they focused on condemning the law used against Nuku and on defending the right to free speech. Article 134 of the Criminal Code which was used against Nuku was inherited from a law enacted by the Dutch colonial administration in the early 1900s and incorporated into Indonesian law after independence in 1949. It carries a maximum sentence of six years. It is widely condemned as a relic of the colonial era.

### A defiant defendant

Nuku who was defiant throughout the trial, frequently express contempt for what he knew would not be a fair trial. His main statement in court came in the form of an *eksepsi* or demurrer, challenging the legal grounds of his indictment. He opened with a poem by Emha Ainun Najib which, he said, would help the court understand the context of his defence.

Isn't it amazing  
How the people in that country  
Have such a strong personality  
That even when their lives have been destroyed  
They keep smiling, accepting their fate.

The angels sigh  
Resigning yourself to your fate  
Is a wondrous thing,  
But quite out of place there

Before he could proceed any further, the prosecutor rose to protest that this showed disrespect for the court and he should not be allowed to continue. When the judges agreed, his defence lawyers challenged the ruling and insisted on his right to speak. After a heated debate, with Nuku insisting that he would not exclude a single word from his statement, he was allowed to continue without interruption.

Nuku said there was no difference between his statement that Suharto masterminded all disasters and Suharto's charge that the Indonesian communist party was the mastermind of the student movement. This is what makes political life dynamic, when there is interplay between political actors. Suharto is a political actor, just like me. The difference is, he governs and I am governed.'

### Intimidation in the courtroom

He then complained of an atmosphere of terror. Most of those in court were not members of the public but security



*Nuku Soleiman in court*

*Jak.Post 25 Febr. 1994*

officers in plain clothes. This show of force proved that the court was not free from control and intervention. 'As the proceedings started, a team of police carrying rattan sticks and truncheons marched in even though there was no hint of any disturbance.' [*Jawa Pos*, 25.1.1994]

In a later hearing, Nuku became involved in another argument with the judge and refused to sit down when ordered. 'I'm not a buffalo to be ordered about,' he said, whereupon the judge ordered his removal from court. Before being led away, he shouted: 'Why don't you just sentence me to death?' [*Jakarta Post*, 8.2.1994]

### Defence witnesses rejected

The most flagrant evidence of the bias of the court was its refusal to allow defence witnesses to appear. They included well-known intellectuals who would have testified about the vocabulary of political discourse and other aspects of freedom of expression. Altogether 17 defence witnesses were due to appear, two fewer than the prosecution's 19 witnesses, but the court announced that all 17 defence witnesses would not be allowed because their evidence was 'not relevant'.

Even while the court was rejecting the witnesses, the first one, Ali Sadikin, former governor of Jakarta and a member of the dissident Petition-of-50 group, had taken his seat in the witness stand. A dispute over his eligibility to testify raged for more than an hour, with the judges claiming he could not be accepted as an expert witness as he was not an academic. One of the judges even had the effrontery to say: 'This court does not need any experts because we know everything that is linked to this case.'

Sadikin reminded the court that he had been allowed to testify for the defence in several trials during the 1980s. Although Sadikin did eventually get a chance to speak, all

the others were prevented from appearing. This led to a walk-out by the defence team. They insisted that the trial should not continue pending a ruling from the Supreme Court.

Ignoring these objections, the next session moved on to next stage, the prosecutor's summing-up, even though the defence had not been allowed to present their case. From this point on, the defence lawyers refused to participate in the proceedings and Nuku refused to say another word. There was no defence statement from either the lawyers or Nuku.

Rebutting charges that they had acted in contempt of court, the lawyers said outside the court after sentence had been passed that they had acted in the best interests of their client. As for Nuku, he was contemptuous of the whole proceedings. 'I knew from the start that I would not get a fair trial. I was robbed of my right, under the law, to call witnesses for the defence.' [*Editor*, 10.3.1994]

### Amnesty calls for Nuku's release

In a statement issued the day after Nuku was sentenced, Amnesty International called for the immediate and unconditional release of Nuku Soleiman. Denouncing the trial as a show-trial which failed to meet international standards of fairness, AI said Nuku was a prisoner of conscience, detained solely for the peaceful exercise of his right to free speech as guaranteed under international law and the Indonesian Constitution.

Asia Watch condemned the Nuku verdict as 'utterly unjustified'. Executive Director Sidney Jones said: "Nuku Soleiman has been locked up for four years for the use of four words that could not have injured anyone. By imposing such a harsh sentence, the Indonesian government not only violates the right to freedom of expression, but it also stifles intellectual liveliness. If the government wishes to be seen as open, it has got to allow political dissent." ☆

## UNHCR's response leaves many questions unanswered

*There is still a difference of opinion between TAPOL and the UN High Commission for Refugees on the condition and status of the West Papuan refugees in the East Awin camp. In answer to TAPOL, the UNHCR still insists that the conditions described in recent TAPOL Bulletins do not accord with reality.*

One misunderstanding has been cleared up. The UNHCR memorandum that reached TAPOL by a rather circuitous route was an internal draft and did not necessarily reflect the views of the UNHCR Head Office.

The UNHCR's letter was in reply to a letter from TAPOL of 1 December 1993, see *TAPOL Bulletin*, December 1993.

The letter fails even to mention what is the most crucial issue, the *status* of the refugees and their right, under the 1951 Convention on Refugees, 'to choose their place of residence and to move freely within the territory'. Although they have been in Papua New Guinea for nearly a decade – since 1984 – they are still in effect 'prisoners'.

The UNHCR simply gives us an assurance, without further elucidation, that 'it will continue to protect and assist the refugees until a durable solution is found'.

Another of the points raised by TAPOL has not been properly addressed: is the UNHCR intending to wind down its operations in East Awin? The agency claims that the majority of the residents in East Awin have attained a measure of self-sufficiency in food. Agriculture production

increased significantly 'enabling the settlement population to sell considerable quantities of excess vegetables in the local markets'. UNHCR says further: 'It is anticipated that the camp population in East Awin will soon become largely self-sufficient and self-supporting'. But our concerns for refugees not working in income-generating projects and the lack of a safety-net for those unable to produce anything due to poor soil, ill-health or general lack of opportunity are not addressed in the UNHCR's letter.

TAPOL based its accounts on information from visitors and from the refugees which is unlike the rosy picture given by UNHCR officials. In our view, an independent mission should go to East Awin to examine conditions and help find a speedy solution to the refugees' right to permissive residence, freedom of movement and third-country asylum.

TAPOL agrees with the UNHCR on the need for 'a constructive working relation' based on mutual trust and understanding. We hope this exchange of views will make this possible, to the benefit of all, especially the refugees.

## First nationwide strike wins support on factory floor

*For the first time since the military seized power in 1965, workers in factories across the country responded to a strike call from an independent trade union federation, the Indonesian Prosperity Trade Union, SBSI. According to the SBSI, 750,000 workers took part in the one-hour stoppage.*

The action went ahead despite the round-up of three SBSI leaders in Central Java on the eve of the strike which had been called for 11 February. More than a dozen union activists in Tangerang, West Java were arrested.

Local strikes have been a daily occurrence in many parts of the country for several years. Whereas it appeared earlier that the strikes broke out more or less spontaneously, the emergence of the SBSI has begun to give some cohesion to the actions of workers. The union was set up two years ago and has avoided open confrontation with the government. But its existence challenges the government's insistence that there is place for only one union, the SPSI which is under the thumb of the authorities and mistrusted by the workers. Its very existence has placed the issue of freedom of association firmly on the political agenda.

The SBSI strike call went out in late January in support of two demands:

\* The immediate repeal of a ministerial decree issued on 17 January 1994 by Manpower Minister Abdul Latief, re-asserting that the government-backed union, the SPSI, has the sole right to represent workers nationally and at the

factory level.

\* The immediate adoption of a minimum wage of Rp 7,000 – about \$3.00 – a day for all workers, which is nearly twice the minimum wage of Rp 3,800 fixed by the government in December.

The ministerial decree of 17 January came two weeks after the same minister issued a decision giving workers the right to set up unions outside the SPSI. The appearance of the two contradictory decisions was inexplicable, said the SBSI chair, Muchtar Pakpahan, unless it was the minister's deliberate intention to sow confusion.

### A test of strength

Muchtar Pakpahan refuted claims that the strike was a failure because it did not result in a halt in economic activity or the stoppage of public transport. Our instructions to the members were simply to down tools at their respective places of work for a period of one hour. 'Indeed, nothing could be seen from the outside. Journalists would not have seen anything either. We at the union know best what happened and we have no intention of entering into a debate with anyone about whether or not it was a success. Workers phoned in to the union after the strike,' said Pakpahan.

He said that a similar action would take place again on 4 April which the union felt sure would have the support of three quarters of a million workers. The February action was only intended as a test of the union's support. 'We wanted to show that the SBSI is legal and that it has supporters.' [Editor, 24.2.1994]

### SBSI leader to go on trial

At least nineteen SBSI organisers were arrested on the eve of the strike. On 9 February, **Muchtar Pakpahan**, the national chair, **Sunarty**, a member of the union's executive council, and **Trisjanto**, chair of the union's Central Java executive council, were arrested in Semarang, Central Java. They were attending a meeting of some 40 activists which the authorities said was illegal.

During the two days prior to the strike, four SBSI organisers in Bekasi, West Java, were summoned by the police for interrogation in connection with the strike, while on 10 February, twelve union officials and members were detained at the union's office in Tangerang and taken to the local military command.

As far as is known, all SBSI officials were released soon after the strike but it has since been announced that Pakpahan is to be charged and tried, apparently for holding an 'illegal meeting' and for 'sowing hatred in the community'.

Having proved unable to halt the growth of the SBSI, the security authorities are trying to terrorise and intimidate workers by means of constant harassment, sackings and the detention – usually short-term – of local union activists. There have been numerous incidents of harassment since



*Muchtar Pakpahan,*

*Editor 24 febr. 1994*

late 1993:

\* When an SBSI branch leader in Jombang, East Java tried to renew his identity card in July and then in October and December last year, he was told that his card would not be renewed unless he resigned from the union. An identity card is critical for everything, from applying for a job to getting married or opening a bank account.

\* In November 1993, a union official in Pematang Siantar, North Sumatra, was warned by military officers to resign from the union.

\* On 27 December, an SBSI commissariat was inaugurated at a factory in Bandar Lampung, South Sumatra where 600 workers have joined. The union announced the existence of the commissariat to the management on 4 January; the same afternoon, eleven union members were sacked.

\* Three soldiers appeared at the union's head office in Jakarta on 6 January as Pakpahan was holding a meeting with representatives of the Asian-American Free Labour Institute and the American Federation of State, County and Municipal Workers. The soldiers kept the meeting under surveillance. [Asia Watch, *Indonesia: New Developments on Labour Rights*, 24 January 1994] ★

## Strikes threaten the cheap-labour economy

*In the past few months, workers in many sectors of industry have gone on strike in support of demands for a decent wage. The pressure on employers has spread from the industrial regions in the vicinity of Jakarta known as Jabotabek, to other cities and provinces. Some foreign banks have been paralysed by strikes. Even hospital nurses, always wary about work stoppages for fear of harming their patients, have felt compelled to use the strike weapon.*

It is not difficult to understand why. The rapid expansion of manufacturing industry since the mid-1980s has been made possible because of cheap labour. Labour costs are lower in Indonesia than in any other country in Asia undergoing an industrialisation explosion. [see table opposite].

Textiles, garments, footwear, toys and dolls, and electronic goods, have become a major source of foreign exchange for the Indonesian economy. Workers have begun to realise that most of what they produce is for export, as the 'Made in Indonesia' label is becoming widely known in many western markets. In 1992, textile exports were worth \$4.2 billion and garments were worth \$3.42 billion. Footwear, much of it for Reebok and Nike, was worth \$1.61 billion, electronic goods \$760 millions and children's toys, \$125 million. [See Hendarji, 'The Minimum Wage and the Month of Strikes' in *Republika*, 12.2.1994]

Meanwhile, the level of exploitation has intensified. Labour productivity in the manufacturing industry sector grew by 6.6 per cent per annum from 1985 to 1990 while wages grew by only 2.6 per cent. In the textile and garments industry where so much cheap labour is employed, labour productivity improved by 9 per cent per annum in the same period, as compared with a 2.5 per cent annual increase in wages. [*Sinar*, 21.2.1994, quoting a study by Anggito Abimanyu]. Of the \$79 paid by the consumer for a pair of Reebok shoes, labour accounts for a mere \$1 (see separate item on page 9).

A number of studies have shown that wages account for at most 9 per cent of the total costs of a manufacturing company. Three times as much is 'spirited' away in what labour activists call '*uang siluman*'. This includes bribes to local officials for licences, smear money to obtain bank credit, compulsory contributions to government-sponsored events and hospitality and 'welcoming ceremonies' for visiting officials. According to SBSI leader Muchtar Pakpahan, *uang siluman* accounts for between 25 and 30 per cent of a company's costs. [*Tempo*, 12.3.1994] Companies are often also required to pay a levy to the local military command for 'services rendered', which usually



12,000 workers in Solo on strike

means intervention to keep the workers in check.

### 'A month of strikes'

In January this year, there were no fewer than 47 strikes, involving 38,120 workers in the Jabotabek (Jakarta-Bogor-Tangerang-Bekasi) region and Bandung alone. On a single day, 11,000 workers took action for higher wages in seven

factories in Tangerang, while 5 strikes broke out in nearby Bekasi on 11 January.

Workers were in many cases responding to the Manpower Minister's announcement raising the minimum daily wage for the industrial regions of West Java from Rp 3,100 to Rp 3,800 (\$1.90) from 1 January. Companies which fail to comply will be fined the princely sum of Rp 100,000, little more than what most workers earn in a month. The higher rate is still far below the basic needs for a working class family. To highlight the discrepancy, the SBSI's strike call in February included a demand for Rp 7,000 (\$3,50) a day which, by any standards, is still very low.

In some cases, the striking workers simply down tools and squat on the company's premises, In others, they unfurl posters and listen to speeches or the recitation of poetry. One of the largest and longest strikes in Tangerang was at *PT Nagasaki Paramashoes Indonesia* which manufactures footwear for Nike. The workforce of 6,700, mostly women, were angry; although the company had agreed to pay the minimum rate of Rp 3,800 a day, payments for transport and food had been withdrawn with the result that take-home pay had not increased. [*Pelita*, 18.1.1994]

In other cases, strikes have turned into a huge public rally. In February, 12,000 workers at *Batik Keris* and *PT Dan Liris*, two batik factories in Solo, Central Java, went on strike to demand three years backpay for overtime. (The President's wife has a controlling interest in one of these companies.) The strike coincided with a visit to the city by Manpower Minister, Abdul Latief so the workers organised a huge march six kilometres long. 'We have been cheated of Rp 15,000 a month unpaid overtime for three years,' said one worker. One banner read: 'Stop using force. Pay us our overtime money. Continue Marsinah's struggle!'

In Cimahi, Bandung, West Java, thousands of workers at a textile factory, *PT Kahatex*, vented their anger with their bosses by throwing bricks at the offices and overturning and burning company cars. [*Tempo*, 12.2.1994]

At *Ria Star Indonesia*, a plastic goods factory in Surabaya, East Java, hundreds of women organised a one-day lock-in to protest at being forced to remove their panties to prove they are menstruating so as to get the two-day paid leave to which they are entitled under Indonesian law. They were also demanding higher wages, a transport allowance and payment of the 1993 *Ramadhan* allowance still owed by the company. On the very same day, there were strikes at five other factories in Surabaya. [*Jawa Pos*, 10.2.1994]

January has been called 'a month of strikes' but as events unfold, it is clear that unrest in the industrial sector is not a one-month wonder. As working-class consciousness deepens, 1994 seems set to become a year of challenge to an economy largely subsidised by low-paid workers who until now have been held in check by the total absence of freedom of association. ★

## Striking worker killed in Medan

A worker who was on strike and taking part in a protest rally died when he plunged into a river on 12 March, during clashes between workers and the security forces in Medan, North Sumatra. Twenty-nine workers were under police arrest. The dead man was named as Rusli, 22 years old.

The Solidarity Action Forum and Command Post for the Restoration of Workers' Rights in Medan has called on the National Commission for Human Rights to investigate the circumstances of Rusli's death.

The clashes between workers and the local police broke out after thousands of workers from a number of factories in Medan took strike action to demand payment of their allowance for the Lebaran Muslim festival; they were pressing too for holiday rights, better social facilities and for the bosses to pay them the minimum wage fixed by the government.

According to one press report, workers in six difference factories in the city have been simultaneously involved in strikes for similar demands. The regional Manpower office is quoted as saying that some 30,000 workers have taken part in demonstrations. [*Republika*, 9.3.1994]

It is not clear from the press reports exactly how Rusli fell into the river. On the same occasion the police rounded up some two thousand people in an effort to stop workers from taking action. [*Jakarta Post*, 18.3.1994]

Following the tragic death of Marsinah last May, this new tragedy will be examined very closely by human rights activists. SBSI chair, Pakpahan, has travelled to Medan to investigate the incident. Some of the union's most active branches are in Medan.

## Comparative Wage Labour Expenditures, 1991

(In US\$ cent per hour)

COUNTRY	WAGES	EXTRAS	TOTAL
INDONESIA	21	7	28
GHINA	25	8	33
PAKISTAN	24	14	38
INDIA	38	17	55
THAILAND	77	10	87
HONGKONG	292	47	339
KOREA	261	99	360
TAIWAN	378	122	500



SUMBER: BANK DUTA

# Military intervention in labour disputes

*Alongside the issue of freedom of association, an end to the right of the security forces to intervene in labour disputes is at the heart of the struggle in Indonesia today to democratise the trade union movement and give workers the space to improve their living standards and working conditions.*

Ministerial Decision 342 of 1986 legitimised armed forces intervention 'to prevent damage to property'. It came into force when Admiral Sudomo, previously commander of the notorious army security command *Kopkamtib*, was Minister of Manpower. Repeal of this Decision was one of the key recommendations of the US Trade Representative Office as a condition for the prolongation of GSP trade privileges for Indonesia.

It was not surprising therefore that just six weeks before the decision on whether to prolong GSP was due, Decision 342 was revoked by a new ministerial decision, 15A of 1994. Some saw this as a move in the right direction, others as nothing more than a ploy to mollify Washington. What most people had overlooked was that in 1990, after *Kopkamtib* was replaced by *Bakorstanas* with much the same powers as its predecessor, the new agency issued a Decree which provided for local security forces – the police and the army – to 'help resolve' strikes. Here then are two conflicting Decisions. With the *Bakorstanas* decree still in force, the ministerial decision has hardly any significance.

As the Legal Aid Institute points out, 'Politically speaking, *Bakorstanas* is far more powerful than the Manpower Minister. Since law is based on politics, the more powerful political force will have the upper hand.' The Institute said that the question of military intervention would not be resolved until all the regulations allowing it to happen had been revoked. [LBH Press Statement, 19.I.1994]

Jakarta's military commander, Major-General Hendropriyono was in no doubt on the matter. Should difficulties arise (in a dispute) and one of the sides needed the help of the armed forces, they would intervene, he said. It was just a matter of procedure. When things get tough, the police will be called in, and the police can always ask the army for help, he said. [*Republika*, 17.I.1994]

The Manpower Ministry itself does not exclude the likelihood of the armed forces getting involved. As one of its most senior officials, Suwanto, Director-General for Labour Standards, put it: 'In a case that is a simply one of technicalities regarding the labour force, it will be left to us to handle it', but should things go beyond that, the armed forces will not be excluded. There is nothing in Ministerial Decision 15A to say that the armed forces are not allowed to intervene.' [*Editor*, 3.2.1994] Even the most hardened cynic could not have thought that one up!

## SBSI members in Lampung feel the pressure

Recent events at a factory in Bandar Lampung, South Sumatra are a good example of what can happen when the workforce decides to join the SBSI. On 27 December last, a branch-level 'commisariat' of the SBSI was formed at CV Bumi Waras plant when 600 workers opted to join the SBSI. One of the first actions of the branch was to demand that the company pay the officially-set minimum wage of Rp 2,450 a day, instead of Rp 2,000. The company responded by saying that the eleven union officials would



be transferred to another of the company's plants, 40 kms away. Before they had time to confer with their families, they were given the sack. When workers at the plant took action in solidarity and decided to demonstrate against the dismissals, taking their demands to the regional assembly, they found their way blocked by the police. The 'trouble-makers' were summoned for interrogation for four days by the police and ordered to sign a statement which they were not allowed to read. Only later did they realise that they had committed themselves to leaving the SBSI.

Workers who find themselves face to face with the security forces can be excused for fearing that they too could suffer the same fate as the hands of the armed forces as Marsinah. The journal which reported this dispute made a point of asking: 'Who can guarantee that another "Marsinah Case" will not befall them?' [*Editor*, 3.2.1994] ★

*continued from page 9*

of association and ending military intervention in labour disputes, to warrant such a generous response from the Clinton administration. Clearly, political considerations have outweighed considerations about the labour rights situation. President Clinton was delighted with President Suharto's decision to attend the Asia-Pacific Economic Cooperation (APEC) summit last October in Seattle and will not want to upset the Indonesian ruler whose guest he will be when the next APEC summit takes place next October in Indonesia. ★

## How Reebok exploits its Indonesian workforce

*The following extract is from an interview of Pharis Harvey, Executive Director of the International Labour Rights Education and Research Fund in Washington, published in 'Multinational Monitor', December 1993. Along with Asia Watch, the ILRERF submitted evidence to the US Trade Representative in 1992, arguing that GSP trade privileges should be withdrawn from Indonesia.*

**MM: Could you describe briefly how shoe production works in Indonesia?**

Harvey: There are about 25,000 workers in the shoe industry in Indonesia. They work for about seven or eight large companies that are about half Korean owned and half Indonesian owned, and make their product on consignment. So the same companies may be producing for both Reebok and Nike. Adidas is there. They're all there. Converse is moving in. Converse has done a lot of production in the US but they're moving out now, to Indonesia or Australia.

**MM: What are the wages and working conditions? What is it like for people who might want to unionise?**

Harvey: Well, if they want to unionise, then the SPSI, the Indonesian government-controlled union, comes in and sets up the union for them. Those who attempt genuine, free union organising get fired, hauled off to jail or 'disappear' and are occasionally killed.

Wages in the shoe industry in Indonesia tend to hover between 2-3,000 rupiahs, about a dollar to a dollar fifty a day. There was recently a stoppage at Reebok.

**MM: Last year Reebok adopted a code of conduct regarding the factories in Indonesia. Has the company done anything concrete about implementing it?**

Harvey: Well, I'm waiting. We did a lot of work with them on the code in August. And they made quite an extensive tour of all their plants to try to get an accurate picture, and Doug Kahn from their human rights foundation came back from his tour recognising that there were some problems in some of the factories. But he frankly said: 'I don't know how far we can go on this and how fast we can go on this.'

**MM: Couldn't Reebok simply say to its contractors: 'Pay a higher wage'?**

Harvey: They could do that.

**MM: If Reebok doubled the wages of its workers in Indonesia, what effect would that have on its overall costs and profits?**

Harvey: Well, if Reebok doubled their wages, it could raise the cost of a shoe from \$79 to \$80 and nobody would ever notice it. There is now about \$1 worth of labour that goes into a shoe.

In 1991, Paul Fireman, the CEO [chief executive officer] of Reebok, was paid at least two times as much as the entire workforce of the Indonesian shoe industry. Reebok has 25,000 workers in Indonesia. If you allow \$1.50 a day, for 300 days a year, you've got an annual wage of \$500 a person. Add a few benefits and bring it up to \$600 maybe. 25,000 times \$600 is \$15 million, and that's the most generous counting. Fireman made \$31,000,000 in 1991.

**MM: What do you think of companies like Reebok, which give human rights awards\*), and make a major point of claiming that they're a company that stands for human rights?**

Harvey: I think it makes them vulnerable to some practices within their own industry. It puts a heavy burden on us and you to look at their records to see if they deserve the accolades they give themselves. ✱

\*) Reebok gave one of its 1992 human rights awards to Fernando Araujo, and East Timorese student who is serving a nine-year sentence in Cipinang Prison.

## GSP: Washington postpones decision

The US Trade Representative, Mickey Kantor, announced on 15 February that the decision on whether to keep or abolish GSP - *Generalised System of Preferences* - privileges for Indonesia is to be postponed for six months, to August 1994. This means, he said, that the review of Indonesian labour rights policies has been 'suspended' though not 'terminated'.

Under US law, GSP privileges which allow duty-free access to the US market for the products of manufacturing industries in developing countries cannot be granted to countries where labour rights are not upheld.

Asia Watch, the New York-based human rights organisation which, along with the International Labour Rights Education and Research Fund, petitioned the US government to examine Indonesia's eligibility to enjoy trade privileges under GSP, described the decision as unsatisfac-

tory. 'On the one hand,' said Asia Watch executive director Sidney Jones, 'it says that Indonesia has not done enough to merit a termination of the review. That's an understatement especially given the arrest of labour activists (on the eve of the SBSI strike). On the other hand it lets Indonesia off the hook by saying that the review has been suspended (which) removes the pressure to carry the reforms any further.'

Asia Watch also criticised the decision as being empty of any specifics. While saying the Trade Representative would assess continuing progress in six months, it does not say what Indonesia is expected to do. 'Unless those details are spelled out and made public, the six-month assessment is meaningless.' [Asia Watch Press Release, 16.2.1994]

As the articles appearing elsewhere in this *Bulletin* show, no progress has been made on the crucial issues of freedom

*continued on page 8*

## Show trials turn into a farce

*The brutal murder last May of the woman trade union activist, Marsinah, led to nationwide and international condemnation. But far from solving the murder, the trials now under way in East Java have been shown to be part of an official cover-up, reinforcing the widely-held suspicion that army officers were responsible for her death.*

There is nothing new about trials in Indonesia serving a political purpose, nor indeed about unashamed collusion between the judiciary and army intelligence in mapping out a scenario and dictating the verdicts in advance. What makes the Marsinah murder trials so sensational is the sheer scale of the conspiracy and the way in which the carefully-laid plans have backfired.

Eight men and a woman have been charged as accomplices in Marsinah's murder. They include the owner of the watch-making factory, PT Catur Putra Surya (PT CPS) where Marsinah worked, the factory manager, the personnel director, two factory-floor supervisors and several security guards. It was clearly the intention of the cover-up to make it appear as if the employers' motive in wanting to eliminate Marsinah was that after thirteen of her co-workers involved in the strike were dismissed, she allegedly threatened the company with exposure for producing forged watch brands. No evidence has been produced that she ever made such a threat.

The murder of Marsinah led to a nationwide campaign of protest. The victim was proclaimed a martyr of the working people's struggle and she was posthumously awarded the 1993 Yap Thiam Hien Human Rights Prize on 10 December last. The case was highlighted by Indonesian NGOs at the UN Human Rights Conference in Vienna in June. Later, a team sent by the Clinton Administration to review labour practices in preparation for a decision on whether to withdraw GSP trade privileges (see separate item) made inquiries about the tragedy.

All this attention convinced the military authorities in East Java that they would have to come up with a plausible account of the murder, supported by convictions in court. The army knew very well that they had a case to answer. The military have been intervening in labour disputes for years. The Sidoarjo military command (*kodim*) was directly implicated in the crushing of the strike at PT CPS. On the day following the strike, thirteen workers accused of leading the strike were dismissed by the company on the orders of the military command. The dismissals took place at *kodim* headquarters where they were given their severance pay. One of Marsinah's last deeds before her tragic death was to protest to *kodim* about its treatment of her colleagues and to discuss with friends her proposal to lay formal charges against the army command in a court of law.

### 19-day abduction by the military

For five months after Marsinah's badly mutilated body was found in a forest on 8 May, the police claimed that investigations were under way but had nothing to show for it. Then on 1 October, nine people were abducted from their homes or from the factory and held incommunicado until 19 October. Relatives were told nothing about their where



*Which scenario?*

*Pikiran Rakyat 10 March 1994*

abouts and were only able to make contact after they were transferred to police custody. Later it transpired that they had been held by *intel*, the intelligence unit of the East Java Brawijaya Military Command in Waru.

A scenario of the murder had been concocted by *intel* and each of the abductees was subjected to terrifying bouts of torture to force them to sign Interrogation Reports (BAP) incriminating themselves and the others as accomplices in Marsinah's murder.

Within days of their transfer to police custody, the press was supplied with the army's version which was reproduced in detail in a number of newspapers and soon after, the trials began. Most of the accused were also named as prosecution witnesses in the other trials. However, the case began to unravel when some of the nine publicly retracted the confessions that had been forced from them and complained bitterly of the torture to which they had been subjected. All have now retracted their written testimonies. Yet, in each of the trials, the judges have shown no sympathy for these victims of army *intel* brutality. Going against the norms of natural justice, the judges have insisted on using the signed testimonies despite pleas from lawyers that testimony obtained under duress cannot be accepted as evidence in a court of law.

Some of the witnesses who testified in the trial of person-

nel manager, Mutiari, later retracted their written statements. When her lawyers sought the court's permission to summon the witnesses again, the judges refused. The lawyers then staged a walk-out, insisting that it was intolerable for the trial record not to be rectified.

### 'Republic of Fear'

The role of army *intel* was most effectively exposed in a statement in court by defence lawyer, Trimoeleya D Soerjadi, defending Judi Susanto, the factory proprietor who faces a charge of premeditated murder and a possible death sentence. His lawyer is chair of the East Java Bar Association, IKADIN.

In his demurrer entitled *The Republic of Fear*, Trimoeleya challenged the basis of the charges against his client. He insisted that the alleged murder plot had been written by the security forces.

*'The intel are far too powerful. One reason is that the Armed Forces are too dominant in this country. Military intelligence should direct its activities towards the outside world but here in Indonesia they direct all their efforts towards domestic forces. This engenders an atmosphere of fear in the community.'*

The fact that the arrest, detention and questioning of all those accused of complicity in Marsinah's murder had been handled by the East Java Military Command *intel*, showed just how immense was the role of the *intel* in all facets of life, said the lawyer. He told the court that he himself had been warned by local army officers that he was being watched by *intel*.

*'It was the overwhelming presence of fear, fear and yet more fear that caused my client and all the other accused to 'confess'. [Jawa Pos and Republika, 22.2.1994]*

### The kinds of torture employed

Each of the accused had gruesome accounts of the torture they suffered. Besides being beaten and kicked, their interrogators apply electricity to their genitals each time they gave an answer not in line with the army's scenario.

One of the accused, factory manager Judi Astono, broke down in court as he tried to describe the indignities he suffered.

*'They forced me to lick the floor of my cell with my tongue. They urinated in the cell and forced me to lie down there. They beat me every time I gave them the wrong answer. They brought my wife and child to see what they were doing...'* At this point, he was overcome by emotion.

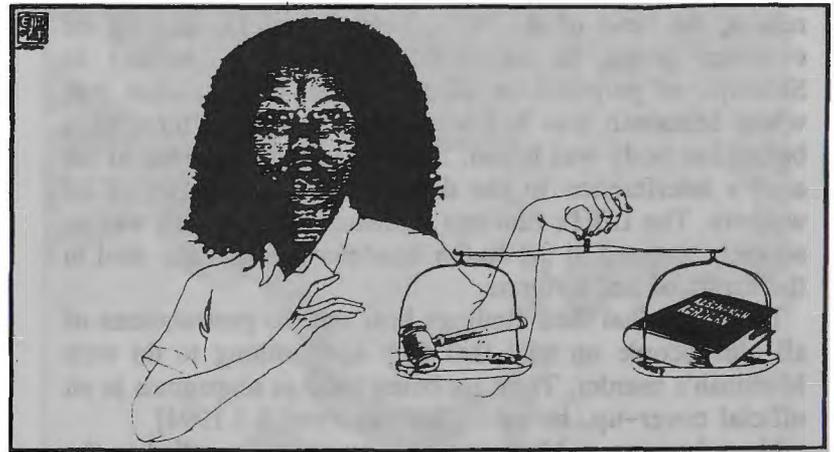
Asked about a meeting of factory staff when the murder of Marsinah was allegedly planned, Judi Astono said, 'There was never any such meeting. But the judge was unimpressed by this evidence, given under oath in court and shrugged off the torture accounts. When he challenged the accused to prove that he had been physically assaulted, Judi Astono pulled back his shirt to reveal a gash five centimetres long at the top of his left arm.'

### Missing witnesses

The *intel* scenario alleged that the factory staff had plotted the murder on the orders of factory owner Yudi Susanto at a meeting which was held the day after the workers went on strike. Two members of staff then allegedly invited

## LABOUR CONFLICTS

Marsinah to join them for a meal and drove her off by motor-bike. She was later bundled into a car and driven to Susanto's home where she was ferociously beaten and left without food. A hard object was thrust into her vagina to make it appear as if she had been raped. Bleeding profusely, she was left to die in the room of a maid-servant who, together with another servant, later allegedly washed away the blood and burnt the blood-stained clothes she was wearing.



*Between justice and the hammer*

*Kompas, 5 March 1994*

Although the courts have made use of the testimony of the two maid-servants, the women have not appeared in person. According to media reports, they are '*dalam pingitan*' or 'in purdah'. Lawyers have asked why the two women are not among the accused. Their alleged complicity as accessories to the crime, for having destroyed evidence would appear to be far more important than the personnel manager, Mutiari, whose only crime was allegedly to have known of the murder plot because she was present – though said nothing – at the meeting when the plot was allegedly hatched.

Mutiari, the first of the nine defendants to go on trial, has been found guilty of being an accessory to the crime and sentenced to seven months. Her lawyer, Richard Wahyudi, said he would be appealing against the sentence. 'We would have lodged an appeal even if they had sentenced her to one day in jail,' he told *The Jakarta Post* [11.3.1994]

She was distraught throughout the ordeal, lost weight and suffered an abortion brought on by the stress of her abduction and mal-treatment.

### Army captain 'helped along' by judge

To satisfy public suspicions of army involvement in Marsinah's death, an army captain named Kusaeri who was commander of the local military command or *koramil* in Porong where the factory is located, has been suspended from duty and placed under military detention. By all accounts, he will be tried by a military court for failing to tell his superiors what he allegedly knew about the murder plot. He allegedly travelled in the vehicle in which Marsinah was taken to Susanto's home and earlier knew of the meeting at which the murder was plotted. Or so he said in the Interrogation Report (BAP) which he signed.

Yet when he appeared as a witness, his answers did not tally with his BAP. Cross-examining him, the presiding-judge went to such lengths to get him to give the 'right' answers that the defence lawyer asked the judge to stop leading the witness on or interjecting answers whenever the

captain shrugged his shoulders and seemed unable to stick to his written testimony. Kusaeri's bumbling performance in court has been seen as one of the most glaring proofs of the baselessness of the official version.

During a later appearance, as a witness in the trial of Judi Susanto, Kusaeri also retracted his BAP.

### LBH accuses the army of the murder

The Indonesian Legal Aid Foundation (YLBHI) launched its own inquiry into the murder case. Announcing the results, the head of the team, Teten Masduki, said all the evidence points to the military command (*kodim*) in Sidardjo as perpetrators of the crime because that was where Marsinah was last seen alive on 5 May, three days before her body was found. She went there to protest at the army's interference in the dispute and the sacking of 13 workers. The LBH's findings indicate that Marsinah was so severely tortured at the *kodim* headquarters that she died in the hands of her torturers.

Teten said that their findings bear out the protestations of all nine people on trial that they had nothing to do with Marsinah's murder. They are being used as scapegoats in an official cover-up, he said. [*Jakarta Post*, 8.3.1994]

Many lawyers and human rights groups have called on the Supreme Court to halt the trials because they are fraught with irregularities. But a member of the court, Justice Adi Andojo Soetjipto has claimed that criticism of the trials

'could affect the impartiality of the judges'. [*Jakarta Post*, 19.3.1994] This remark shows how far removed the Court is from its statutory duty to protect the integrity of the judiciary. ★

### CPS workers on strike again

Six hundred workers at the *Catur Putra Surya* watch-making factory in East Java went on strike to demand payment of the Lebaran Muslim holiday allowance. Faced with the company's refusal to pay the full amount owing, the workers resorted to striking and were out for three days. This is the factory where Marsinah worked before she was killed last May. Thirteen of their colleagues were dismissed.

The workers took their complaint to the local manpower office and were asked to appoint some workers to represent them. This they refused to do.

'We still feel traumatised by what happened (last May). Can the Manpower office safeguard people who become our representatives? Last year, our representatives were not given any protection at all when they were dismissed.'

One of the banners they carried during a demonstration bore the slogan: *We don't want there to be a second Marsinah!*

## Campaign to gag academic on East Timor

A leading Indonesian academic, Dr George Aditjondro, is facing a campaign of intimidation and villification following the publication in the Australian press in March of some of his findings about the devastating consequences of Indonesia's invasion and occupation of East Timor. His findings have convinced him that the people of East Timor are strongly opposed to *integrasi*.

Aditjondro lectures on anthropology at the Satya Wacana Christian University in Salatiga, Central Java and is known for his research on environmental issues and also as a critic of developmental policy. He has written extensively on social developments in West Papua, having worked for years in Jayapura as director of the NGO, the YPMD.

He has written a number of papers recently about East Timor none of which he has been able to have published in Indonesia. Last July, he attended a seminar in Portugal about East Timor, during which he interviewed many East Timorese refugees. After returning home, he went to East Timor to carry out further anthropological research which he drew together in a paper entitled: *From Memo to Tutuala* (shortly to be published in Australia). Other recent papers are *The Prospects of East Timor Development after Xanana's Capture* and *In the Shadow of Mount Ramelau*.

His extensive knowledge about and interest in East Timor date back to 1974 when, as a journalist working for the political weekly *Tempo*, he wrote a number of reports on the situation in the territory, before and after the invasion in December 1975. When the Indonesian Foreign Ministry alleged in a statement, seeking to discredit his findings

published in the Australian paper, *The West Australian*, that he has never been recognised as an expert on East Timor, they were showing the depths of their ignorance about his academic and journalistic achievements. Siti Hardianti Rukmana, Suharto's eldest daughter, now a key figure in Indonesia's East Timor strategy, also questioned his integrity in an attempt to gag him.

### Under threat

When his findings were published in Australia, he was on a visit to Ethiopia. He returned home on 23 March to discover that some sections of the Indonesian press had been villifying him. Back in Salatiga, the rector of the university, Dr John Ihalauw, was under intense pressure from the Central Java military commander to sack him and evict him and his family from the campus. On the first night of his return, unidentified persons threw stones at his house just before 1 am, breaking several windows.

Speaking out about East Timor is always a risky business for Indonesians and until now, no academics have dared do so. Professor Mubyarto of Gajah Mada University, Yogyakarta, discovered how risky it was when he published the findings of a sociological study in East Timor in 1991, which recommended major changes in Indonesian policies because *integrasi* has been such a traumatic and alienating experience.

The campaign to gag George Aditjondro is an attempt to silence critics of Indonesia's illegal occupation of East

*continued on page 2*

## The succession and the ABRI reshuffle

*Suharto's statement that he would step down in 1998 has not created the stir one would expect. Many political analysts have reacted with great scepticism. After 26 years in power, it is difficult to accept the possibility that the aging dictator might actually resign.*

The longer Suharto has remained in power, the more he has got bogged down in a "Catch 22" situation. The business empires of his sons and daughters grow by the day, escalating the fear that any succession could jeopardise the family fortunes. Many political analysts are resigned to the idea that Suharto will follow in the footsteps of dictators like Generalissimo Franco to remain in power for life. Making political forecasts is often akin to crystal-ball gazing. The signs are that Suharto has opted for another scenario. Three times already he has made public his intention to resign in 1998.

### Javanese concept or power concept?

People argue that according to Javanese tradition, the succession is never neatly planned. Palace intrigues, power struggles and coups pepper the history of Javanese kingdoms. Javanese dynasties were short-lived and successions were often bloody and tumultuous. For decades it seemed that Suharto would follow in the tradition of his Javanese predecessors. After reigning for almost 30 years it looks as if the cunning fox has decided to opt for a smoother way to handle the handover of the presidency.

Weeks before Suharto's announcement, the Indonesian press were running major stories about the succession. Early this year, Amien Rais, a well-known Muslim leader launched the issue by stating that the time has come to replace the national leadership because Suharto is old. It would be unthinkable, a few months ago, that somebody would have dared to make a statement like this and get away with it. It had a snowball effect and soon newspapers and magazines were making the succession a hot issue.

In Jakarta people insist that Suharto has chosen the more pragmatic power concept of succession. Hand-pick somebody, preferably a whole junta, that can safeguard the Suharto family fortunes and at the same time guarantee a smooth handover. Behind the scenes he is intending to play the *dalang* (puppeteer) role: "...even though I will be old, I cannot abandon the struggle. I will always set the example from behind" [*The Guardian*, 14.3.1994]. It looks as though Suharto wants to follow the path of Ne Win and Deng Hsiao Ping, keeping control behind the scenes.

### The most likely scenario

Any succession involves risks, not least because Suharto will be 78 in 1998. Disregarding factors like a slip in the bathroom or a coup, it is possible to concoct a scenario which is smooth and acceptable to Suharto.

On 12 March, Suharto told the congress of the corporatist youth umbrella *KNPI* that he would not resign during his present five-year term which began in April 1993. But he also announced he would step down when he completes it.

There are two plausible candidates for the presidency: the Vice-President, Ret'd General Try Sutrisno and Dr.B.J. Habibie, Suharto's closest political advisor. Both are sufficiently loyal to Suharto; indeed they both got where they



are today thanks to Suharto.

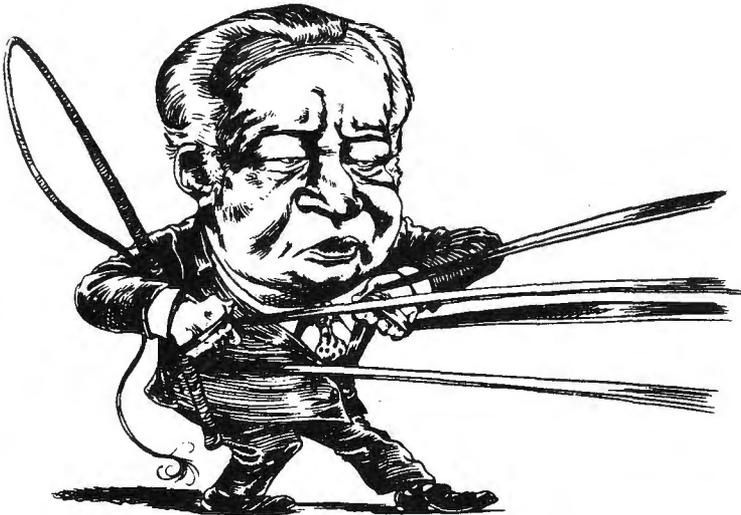
At present Habibie is building his own power base while General Try is taking a back seat. This fits in with Suharto's present power game of giving more leeway to civilians (i.e. the Habibie group) while pushing back the ambitious military. But Suharto cannot afford an open clash between Habibie and Sutrisno, which means a clash between technocrats/bureaucrats/technologists and the army. At a certain point Suharto will have to accommodate the military, which may mean choosing Try Sutrisno as successor.

General Try Sutrisno, now 58, fulfils the necessary criteria. He is acceptable to all wings of *ABRI* and being Javanese and Muslim strengthens his position enormously. He used to be Suharto's adjutant and his loyalty to Suharto is beyond doubt. He is not known to be very bright which gives Suharto a lot of leverage behind the scenes. Ideally Suharto would use both men, with Habibie as Vice-President. A neat scenario which could protect Suharto's empire.

### What about ABRI?

This scenario is neat but sterile. It doesn't take the political ingredients into account. The role of *ABRI* is still para-

mount and the different political groupings might play a more important role in the coming years. While *ABRI* is ideologically still unified, different political wings are emerging. Some *ABRI* representatives, from both the retired and the active generations, have stated openly that the next generation should be *ABRI*, Muslim and Javanese. Suharto can easily accommodate this, but much more is at stake. Political and economic demands will also be part of the package.



Suharto, the master puppeteer

The main military doctrine *dwifungsi*, justifying the role of the military in society, will be upheld by the entire *ABRI* but differences will emerge in the modus of implementation. Suharto has, through Commander-in-Chief General Faisal Tanjung, strongly promoted a 'back seat' position for the military. While the majority of officers, bred in the tradition of following orders, will accept this approach, some will not. Some high-placed military are getting increasingly frustrated with the back seat position or *tut wuri handayani* in ancient Javanese. The back seat position has harmed the army's position in society - fewer ministerial posts, ambassadorial posts and above all enjoying a smaller share of the national economic cake.

Several ambitious officers argue: how can we take a back seat? *ABRI* account for only 0.25% of society. If we take a back seat, how can we fulfil our task of safe-guarding the nation?

For decades the military have been accustomed to occupying the front seat, or *ing ngarso sung tulodo*. It gave *ABRI* all the benefits imaginable. A change in the country's leadership will give ambitious officers the opportunity to try to occupy the vanguard position once again.

### Big overhaul in *ABRI*

Prior to Suharto's announcement about stepping down, a major overhaul took place in *ABRI*. Only now do people realise that this was a step for the Suharto group to curb military influence. Two major *ABRI* pillars underwent changes: military intelligence and its civic wing.

As in many other authoritarian countries, day to day oppression is handled by security and intelligence bodies. It often happens that those bodies become powerful and uncontrollable. This Frankenstein effect can be seen with *BAIS* (*Badan Intelijen Strategis*, the Military Strategic Intelligence Body). *BAIS* was the brainchild of General

Benny Murdani. In the *ABRI* reorganisation of 1983 he fused several intelligence bodies into one body: *BAIS*, directly under his control. The other body, *BAKIN*, was kept alive under Suharto's supervision but became increasingly toothless. *BAIS* was like a government within a government: it could take decisions to send crack troops to East Timor, Aceh or other places and could interfere elsewhere, in social-political and economic affairs. With the removal of Benny Murdani and his closest aides, Suharto felt the need to get rid of the Benny structures so *BAIS* has been dissolved and replaced by *BIA* (*Badan Intelijens ABRI*, the *ABRI* Intelligence Body) which will be under the Armed Forces Chief of General Staff, longer under the C-in-C, making the body less prestigious.

Another blow was struck at the position of the Chief of Staff of Social and Political Affairs, the officer responsible for applying the *Dwifungsi* doctrine. The previous holder Lt. General Haryoto, appointed seven months ago, was ditched and replaced by a more senior officer Lt.-General Hartono. The reason is obvious: Haryoto was playing the front seat game while Hartono represents the back seat approach. Other front seaters like the notorious Major-General Theo Syafei were also removed from office. Syafei, a typical field-soldier will run the Staff College, hardly a place where he can exert any political pressure.

The last bastion to be reformed was the *ABRI* fraction in Parliament. Some of the most vocal officers like Major General Sembiring and Major General Samsudin were replaced.

### Democracy and human rights

In the present situation Suharto can rely on loyal officers in the most strategic positions. Betting on the loyalty of most military, Suharto could afford to make major changes without provoking a backlash. His brother-in-law General Wismoyo is expected to become the *ABRI* Commander-in-Chief. It probably is all too neat.

For those who struggle for democracy and a just society, a front or back seat for *ABRI* makes little difference. Suharto's flirtation with openness and democracy is part of his power game. In the end other factors will determine the fate of Suharto, his successor and *ABRI*. The booming economy is coming unstuck: demands for freedom of association by striking workers and more freedoms by student protests are growing and becoming routine. Workers and students have become more defiant and old intimidation tactics used by the security forces are backfiring. The Suharto succession could have a bumpy ride after all. ★

*continued from page 15*

cated by the *Cornell Paper*, that the G/30/S was an internal army conflict, and the Wertheim version of the 1965 events as a successful army coup, have lately gained ground in Indonesia. [*Tempo*, 19.2.1994]

In deciding to publish the White Book, the government appears to have concluded that the several official versions produced so far have not satisfactorily dealt with *Cornell*, Wertheim and other accounts published abroad.

### Wimanjaya's fate

So, what will happen to Wimanjaya? He has been interrogated by the Attorney-General's Office and the Jakarta Military Command had a long session with him. One would expect him to face charges of insulting the president but those in positions of authority may fear that putting him on trial would give him an excellent platform to accuse Suharto of his ten cardinal sins. ★

## A banned book and the White Book

*A sure way to create public demand for a book is to ban it. When Prima Dosa was banned in January, the price quadrupled. After President Suharto publicly commented on the book, it was on the way to becoming a collector's item.*

The author, Wimanjaya K. Liotohe, a self-styled Pentecostal preacher, says *Prima Dosa* (Cardinal Sin) is a law suit against the Indonesian government or more specifically against the Suharto empire. The title hints at a variety of targets: Indonesia's Primadonna is Suharto and its contents deal with the ten cardinal sins he has committed against society. The three volumes of the book include a number of documents. So far it has only appeared in manuscript, laser-printed or repeatedly photocopied. While he was in Europe last summer, *Prima Dosa* circulated widely among Indonesians abroad. Wimanjaya officially lodged his complaint with the Jakarta District Court on 29 December 1993. A month later, on 25 January, the Attorney General Singgih slapped an official ban on the book.

### The spectre of 1965

Two days earlier, Suharto speaking to naval officers, commented: 'I have received a book called *Prima Dosa*. It assails the present government and accuses me of being the mastermind of G/30/S PKI, because it says that Lt.Colonel Untung used to be under my command. They are distorting the facts.' Although *Prima Dosa* adds nothing new to the still incomplete puzzle about the coup events of October 1965, it clearly annoyed Suharto. Charges about Suharto's role in 1965 and his close connections with G/30/S leaders like Lt.Colonel Untung and Colonel Latief keep springing up, and from unexpected quarters.

In the presence of naval officers, Suharto kept control of his feelings but in the next few days, he launched his damage-control operation. Two close confidants and former assistants, ret'd Generals Alamsyah and Cokropranolo assured the press that Suharto was not involved in the 1965 events. The banning of *Prima Dosa* came next, followed by a government announcement that it would publish a White Book on the 1965 events in May 1994.

### The White Book

For years, publication of the White Book has been promised but it now seems that the government means business. Defence Minister ret'd General Edi Sudradjat said the draft has been ready for some time but had been delay because various people still had to check the contents. Suharto's Chief of Staff Lt.General Murdiono who heads the team that wrote the White Book said it would include the names of all the persons involved in the events. It will consist of facts, mostly taken from the trial records of PKI members allegedly involved in the coup attempt. More than a dozen people contributed to writing the book, said Murdiono without mentioning names.

The White Book will, according to Murdiono, describe the revolt instigated by the Communist Party. 'We will prove from history that the PKI was part of an international communist movement that always infiltrates their people everywhere'. [Forum Keadilan, No. 23, 3.3.1994].



Major-General Suharto in 1965

Head of the Armed Forces History Department, Brig. General Slamet Soegiardjo admitted that one of the objectives of the White Book was to clarify different interpretations of the G/30/S, inside and outside the country. 'In essence, the government wants to end the polemic about G/30/S-PKI', said the general [Tempo, 19.2.1994].

### Previous government versions

There have been several attempts to give the official version of the 1965 events. In 1968 an account was written by ret'd Lt.General Ismael Saleh (army historian and former Justice Minister) and the late army historian Brig. General Nugroho Notosutanto. *The Coup Attempt of the September 30 Movement in Indonesia* appeared in English (the Indonesian version appeared in 1989) and was intended to counter foreign publications in particular the *Cornell Paper* by Ben Anderson and Ruth McVey. The Saleh/Nugroho book, for all its obvious flaws, is still regarded as the official version and used in schools.

A second version written at the same time by another military team, headed by intelligence officer, Lt. General Sutopo Yuwono, was completed but never published. In 1978 another military team under the auspices of *Kopkamtib*, the notorious security agency, published their version, which talks about the involvement of President Sukarno in the events. Yet another version, produced by the Army History Department, came out some time later. Both versions reached a very limited public.

Wimanjaya raises the crucial question of the relations between Suharto and Lt.Colonel Untung and Colonel Latief. The political weekly *Tempo* reported that the view advo-

*continued on page 14*

## Death squads on the rampage again

*'Petrus' practices are again being widely reported in the Indonesian press. Petrus is a familiar acronym, dating back to the mid-eighties. It seems that 'petrus' of the nineties is unlike the eighties. It is no longer a clandestine operation. Security officers in regular uniform are carrying out extrajudicial executions on the streets of Jakarta.*

*Petrus* is the acronym of *penembak misterius* (mysterious killer) used for the death-squads of the mid-1980s that conducted an anti-crime wave. President Suharto frankly admitted in his autobiography that he gave orders "to shoot to kill" as a shock therapy against criminals. The executions often took place in crowded urban areas; the corpses were left on the streets to scare the public. Often, alleged criminals were taken from jails and executed in a market place, the most blatant form of extrajudicial killing. Although it was a public secret that the police and army were the killers, they were not in uniform with insignia so could not be identified. Until Suharto accepted responsibility, the official version was that the government was not to blame.

The present wave of anti-crime operations is different. *Operasi Kilat Jaya* (Operation Mighty-strike) launched by *Polda Metro Jaya*, the Jakarta Metropolitan Police, does not beat about the bush. The executions are carried out in public by police officers in uniform.

### In self-defence?

In charge of the operation is Police Major-General M. Hindarto who admits that his men have shot alleged criminals. He says: "We want society to be peaceful and calm". Hindarto denies that he has issued shoot-to-kill orders and claims that his men act in self-defence.

*'I'm not reviving petrus but I don't want my men to die for nothing (orig: mati konyol). There is nothing mysterious about it. Everything is clear. The police officer in charge takes responsibility. There is no petrus.'* [Forum Keadilan no. 24, 17.3.1994].

According to police statistics for the first two months of 1994, 24 people were shot, of whom 14 were killed on the spot and the rest were treated in hospital. On the night of 22 February alone, six alleged criminals were shot dead and in the first week of March another ten fatally wounded. There is a consistent thread in the police reports; the majority of victims are said to be people with a criminal record and were probably under arrest. The shooting occurs at night-time. The reason: the victim tried to flee or was resisting arrest.

A Legal Aid Institute (LBH) lawyer from Jakarta said:

*'Two days ago, the parents of a victim lodged a complaint with the LBH because their son had been seized by police officers. According to the police the suspect was to be questioned on charges of drugs dealing. A few days later the parents read in the press that their son had been found shot dead. What makes us even more suspicious is that the parents were not allowed to see their son's body at the mortuary. Besides this we note that special armed police units use motor-bikes. We suspect that these units are ready for operations like this.'* [BBC-Indonesia, 1.3.1994].

The US State Department Country Report on Indonesia wrote, concerning the latter part of 1993:

*'...Human rights monitors estimated between 60 and 70 people had been shot by police in the capital by the end of the year, although exact statistics were not available. In the province of North Sumatra, a policy of shooting criminal subjects in the legs, sometimes repeatedly, continued. Press accounts indicate that through early December police in North Sumatra had shot 74 suspects, 8 fatally, who were allegedly resisting arrest. Human rights groups protested that the methods used are unjustifiably harsh and violate due process.'* [US State Department Human Rights Country Reports 1993, published March 1994].



### Presumption of innocence

The excessive use of force by the police has the backing of Armed Forces Commander-in-Chief General Feisal Tanjung who said: 'Bandits have to be exterminated. No way we will foster them.... After giving a warning shot, they don't stop. There is nothing left but to exterminate them.' [Kompas, 3.3.1994]. This kind of talk is welcomed by some sections of society who feel threatened by the growing crime rate. No correlation is made between the rise in urban poverty and the rise in crime.

Human rights campaigners like Abdul Hakim, Frans Hendra Winarta and Djohan Djauhari argue that the government should examine the roots of the high crime rate, poverty. At the same time the presumption of innocence should be upheld. Somebody can be called a criminal only if proven guilty and convicted by a court.

Suharto's shock therapy a decade ago did not eradicate crime. It is not likely that this second wave of *Petrus* will do any better. Eradicating poverty is the only way forward.

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## Solution near for Acehese refugees

*According to reliable sources, a solution is near for the Acehese refugees that have been camping at the UNHCR office in Kuala Lumpur since 22 June 1992. The stumbling block was the refusal of the Malaysian government to recognise the forty-four as asylum seekers.*

It seems the Malaysians have now dropped their opposition and are prepared to issue Malaysian documents to the refugees. The solution offered by the Malaysians is a compromise because the status of asylum seekers is still being denied. After camping for almost two years on UNHCR grounds it is likely they will accept the offer. Hopefully, procedures will start soon. The good intentions of the Malaysian government still have to be proved. There is enormous pressure from Jakarta on the Malaysian government. The bulk of Acehese refugees are being held as detainees in the Malaysian prisons of Perak and Penang.

### Jakarta luring refugees

The Indonesian government intends to send "a persuasive team" to Malaysia to convince the hundreds of Acehese refugees to return home, said Indonesian ambassador to Malaysia Sudarmadi. He told a parliamentary hearing in Jakarta on 15 February, that the team would consist of up to ten religious leaders and several refugees who decided to return to Aceh. He said the two governments have agreed that the issue is a bilateral matter (sic) and would be handled without UN interference.

### Life sentence demanded

Prosecutors at the Pidie District Court demanded life sentences for five alleged members of *GAM* (*Gerakan Aceh Merdeka*, Free Aceh Movement). The defendants were put on trial separately in early March. MH bin M was arrested in May 1993 after being shot by Indonesian security forces. According to the prosecution, MH bin M got nine months training in Libya and was under the instructions of Daud Paneuk, a leader of *GAM*. In another court, I bin Ab (27 years) and Zul bin MD (33) were charged with involvement in acts aimed at spreading disunity and undermining state authority. In yet another courtroom, defendants J bin Y (24) and BI bin Ab (28) faced the same anti-subversion charges with a possible death penalty. [*Kompas*, 4.3.1994 and *Indonesian Observer*, 5.3.1994]

### Pidie, a poverty-stricken area

Although it is the main rice-producing area of Aceh, the economy of Pidie district seems to be in dire straits. District Chief Diah Ibrahim revealed that 608 out of 948 villages are below the poverty line, a quite alarming figure. This was revealed during a working visit of 60 middle-ranking army officers to the area on 16 February. The reason for the visit was obvious: Pidie is one of the most difficult regions for Indonesian security forces. Rural Pidie has been the scene of the fiercest battles between Indonesian crack troops and *GAM* (Free Aceh Movement) units. In retaliation for many casualties, Indonesian troops have wrought havoc in the villages. It is likely that frequent military operations have created serious disturbances for food production.

Diah Ibrahim admitted that some years ago the situation

was grim. He gave the example of civil servants being too scared to use vehicles with red license plates, identifiable as government property. Privately owned cars use black license plates. He claimed that now the security situation is under control. [*Waspada*, 18.2.1994]

This is not easy to believe because reports consistently mention serious human rights violations in the Pidie district. In September and October last year *GAM* units inflicted serious casualties on the Indonesian troops. In retaliation several villagers were killed while more than 20 people were taken to the prisons of Rancong and Lam Meulo. The names of the victims and detainees are given in the report. [Internal report from the *Acheh-Sumatra National Liberation Front*, 1.11.1993]

### Guidance camp

The officers also visited the *lokasi pembinaan GPK* (GPK guidance site) in Lhok Panah, subdistrict of Sakti. In this prison rehabilitation camp, people (alleged *GAM* members or sympathisers) receive guidance and training in agricultural techniques. At present 56 people are held there. Colonel Fachrurrazi, one of the visiting officers, used the opportunity to give the 56 detainees a rousing pep-talk.

### Imprisoned without charge

Two members of the newly installed *Komnas HAM* (National Human Rights Commission) made a quick visit to Aceh. The *Komnas HAM* was installed by presidential decree and still has to prove its credibility. The two, Asmara Nababan and Clementino dos Reis Amaral, found 11 people detained in the Lhok Seumawe prison without proper procedures. According to the criminal procedural code the pre-trial arrest period is 20 days with a maximum extension of 20 days. One of the 11 detainees identified by the initials Yun bin Sah has been in prison since September 1989. Others have been there since 1990, 1991 or 1992. According to Nababan, seven of the eleven were interrogated by the attorney's office which concluded that there was no case against them. They were taken to the Lhok Seumawe prison by the local military command, the notorious *Korem 011/Lilawangsa*. Nababan said that the eleven should be released immediately, rehabilitated and given compensation.

### Aceh briefing at the UN in Geneva

During the UN Human Rights Commission in Geneva, human rights violations in Aceh were raised by many NGOs. For the first time a hearing on Aceh was organised by UNPO (Unrepresented Peoples and Nations Organisation) and endorsed by Pax Christi International and the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities. The briefing took place at the Palais des Nations. A documentary on Aceh was shown and Tengku Hasan di Tiro spoke.

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## A wretched homecoming

*An East Timorese studying in Salatiga, Central Java who returned to East Timor for a short visit last August has written a graphic account of his experiences at the hands of the forces of occupation. The following is a summary of his ten-page report. All the names have been removed to protect the identities of the raconteur, his family and friends.*

### Troops waiting at the quayside

Together with my friend, I arrived by sea at Dili harbour on 15 August 1993 and saw troops lined up, standing guard on the quayside, blockading the exit. They were on the lookout, checking each arrival, especially foreign tourists or East Timorese, and checking all East Timorese students travelling from Java to East Timor. We were both under intense psychological pressure because we had been involved in the protests against the November 1991 massacre. Those of us who have spent time in detention in Jakarta or in East Timor are always the focus of attention of the security forces who monitor our every move when we are in East Timor.

When I was arrested in East Timor, *Kopassus* (crack-troop) officers showed me lists of students who have been black-listed by the two intelligence agencies, BAIS and BAKIN in Jakarta and sent to East Timor. These lists are compiled by spies from several ABRI units and sent to East Timor. The Maubere people are completely caged in by the Indonesian army's strategy.

My friend and I didn't dare disembark because of the presence of combat troops and anti-riot squads dressed in camouflage who watched each passenger as they came down. We waited till the troops had left the quayside and then disembarked with the ship's crew.

### Shaking off the spies

I did not go straight home to my family for fear of being followed. Moreover, my older sister's home is in the vicinity of *Kopassus* HQ. I did not dare go and see my family for a week. They were afraid of me coming home, knowing that if I was arrested, they would also be targeted by security. Although it was very risky, I did what I planned to do which was, to take photos and make contact with the clandestine movement.

At home my parents would not allow me to leave the house after 6 pm; it is impossible for former political prisoners to move around East Timor unmolested. The *intel* use neighbours to spy for them. My brothers and sisters are often warned by the security not to go out in the evening. We live in constant fear of communicating with relatives in the evening. There are territorial (*opster*) troops on the prowl in every residential neighbourhood (*desa*) in Dili, on the lookout for any newcomer. All new arrivals must report to *opster*, to the local army command and to the village chief and explain who they are, where they are from, why they are there and what they intend to do.

In particular East Timorese who are studying in Java, Bali or elsewhere in Indonesia are watched at all times; even when we stand waiting for a bus, there are spies hanging around, standing by our side, waiting for something to happen. What I can say about Dili is that there are more members of the armed forces there than ordinary people,

many of them not in uniform. This often results in people disappearing to the remote corners, without the knowledge of their parents. There are ten to fifteen troops stationed in every single *desa* in Dili, including *opster* and combat troops.

### My trip to Ainaro and Zumalai

I left for Ainaro on 29 August to go and see my family. This is the region where Falintil leader, Mau Hunu was arrested. For a trip like this, you need an identity card or a temporary identity card. I decided not to show anyone my student card. Without an identity card, you can be arrested and accused of being in the resistance. On arrival at my destination, I had to report to the local army and police posts, the district and sub-district army HQ and the local village head. On the way, I was able to observe quite a lot about the army's activities:

- \* there are *opster* encampments every 15 kms, with heavily-armed combat troops;
- \* these encampments are kept in readiness for operations, keeping an eye on the Maubere people;
- \* whenever foreign visitors come to East Timor, they round up young people who are ready to go to Dili from all parts of the country and demonstrate;
- \* the military arm some Maubere people for operations against their own people

When I arrived in Ainaro I did not report to the security authorities. Things were tense because there were plans to demonstrate for a visit to Dili by a US congressional group. On the way to Ainaro, the bus was stopped at every place, Balibar, Remesiu, Aileu Kota, Daisoli, Maubisi, Dare and Ainaro. On the way to Zumalai, we had to stop at Boiliko, Casa, Oebaba and Zumalai.

I arrived safely in Ainaro but I was arrested on 31 August while waiting for a bus to take me to Zumalai. I was taken to *Kodim* for interrogation. They stripped me naked and found my student card which scared me. I was interrogated for five hours, terrorised and threatened, and asked questions about all kinds of things I didn't know anything about. Because I refused to say anything, they were about to take me to their HQ eight kms away but this did not happen because my uncle, a member of the *Kopassus* interrogation team, intervened. The next day, 1 September, I was released.

I left for Zumalai on 12 September. The journey to Zumalai was much worse because many of the troops on guard were former Timorese militia who have been indoctrinated to confront their own compatriots.

### My second arrest in Maliana

I left for Maliana equipped with a camera. My plan was to

take photos of destroyed people's homes, of children made homeless because of the political situation or army pressure, bad social conditions, army camps, army activities and army stores. I wanted to take photos in a number of places in the central and western sector.

The day after we began doing this, on 13 September, my friend and I were arrested as we were slipping across a field. Two soldiers caught us taking photos. They ordered us to lie down, tied our hands up and threatened to execute us there and then. One of them tortured us while the other asked questions. After about half an hour, a platoon of ten soldiers arrived. They frog-marched us to a small hut at the side of the road, stripped us naked and started beating us, hitting at our heads, chests, genitals, kidneys, thighs and knees. Soon our noses, mouths, ears were bleeding.

Although we were both very weak, they forced us to stand up. We were pushed into a vehicle and driven to *kodim* in Maliana. For the first three days that we were held in Maliana, from 13 – 16 September, we were not given any food or drink. We were continually interrogated and asked why we were taking photos. I said this was for study purposes but they accused us of wanting to expose Indonesia to the international community. Our hands were tied up, we were forced to stand facing the wall and they beat us, kicked us with their jackboots and banged our heads against the wall. The handcuffs cut into the flesh on our wrists.

Three teams were involved in the interrogation, an execution team, an interrogation team and a torture team. Things got so nasty that we cried and screamed but they took no notice. After five hours, my friend was put into a cell and I was driven by an execution team to a place of execution. When we arrived, I was pushed out of the car still handcuffed, ordered to kneel down and start praying. This happened three times, after which they pushed me back into the car and took me back to *kodim*. We were held there for three days without food or water and not even allowed to urinate.

Then on 17 September, my father turned up with clean clothes as the clothes I was wearing were covered in blood but he wasn't allowed in. The same thing happened when my sisters and their husbands came. They were warned not to tell the clergy what had happened to me.

While we were being held at *kodim* in Maliana, a young boy from Atabae was brought in. He was accused of supplying food and medicine to the resistance. They suspected him because he sometimes came home from the fields late in the evening. After a few days, they could find no proof so they released him.

We were transferred to Dili on 26 September but my family was not told of the move. The soldiers who escorted me to Dili did not wear uniform so people would not know who they were. In Dili we were taken to SGI (Special Intelligence Taskforce) at *kopassus* HQ. There I was subjected to continual interrogation for five hours by all the SGI officers, one after the other, using various forms of terror in their attempts to get information out of me.

When my father found out that I had been moved – this was only after he brought food for me and was told that I was no longer there – he came to Dili but couldn't find out where I was. Eventually my older sister got a note from the local assembly asking *kopassus* to allow them to visit me. They came on 1 October and were told that I was about to be freed on certain conditions. Our families would have to accept responsibility if we engaged in political activities.

We were taken to the governor and military commander and given guidance, then we were taken to SGI to sign a

statement promising not to repeat our activities. We were required to reported daily to the SGI. We were under the surveillance of the SGI and officers came to my home every day to check up on me and my family. We were warned not to pass on information to any international organisation about the way we had been tortured.

### Possessions confiscated

Several of my belongings were confiscated:

- \* Rp. 25,000
- \* A camera and two rolls of film
- \* A wallet
- \* Two crucifixes and personal documents.

While at SGI, I wrote to the *kodim* in Maliana where my things were being held but they only ever returned my student card. They even threatened me with trouble if I went on asking to have them back.

I was required to report indefinitely so I decided to leave for Java, without informing the SGI.

Here are the names of the three soldiers who tortured me at *Kodim* Maliana:

1st sergeant Fritz Modeon from Sulawesi  
Private Sutrisno from West Java  
1st corporal Maumorin from East Timor.



### Plea to the world

I hope that this chronological report of my arrest and torture will be a useful document and will have serious consequences for all international organisations concerned with human rights, so that it can help to stamp out all forms of violence and oppression practised by one nation against another, which are in gross violation of basic principles and international law, and in particular that it will put an end to the 18-year-long sufferings of the Maubere people under a new form of colonialism which is being practised by Indonesia in East Timor.

Signed  
Late 1993



## UN Human Rights Commission opts for consensus

*The UN Human Rights Commission decided this year to adopt a consensus statement on East Timor rather than push for a resolution. East Timor was a focus of attention throughout the six-week session. However, some European missions were reluctant to support any move that would censure Indonesia.*

Objectively speaking, conditions were favourable for East Timor as the meeting got under way.

\* John Pilger, one of the world's foremost TV documentary film-makers, had just completed a major film on East Timor which includes new information about Indonesian atrocities, [See separate item.] The film was given a special showing during the Commission meeting.

\* Information became available about a second massacre on the day of the Santa Cruz massacre of 12 November 1991. Details of this atrocity were presented by eye-witnesses to the Commission. [See separate item.]

\* Wide-ranging articles about conditions in East Timor were published in the Australian and the British press during the first weeks of the session.

\* Amnesty International presented a well-documented report to the Commission. Entitled: 'Indonesia and East Timor: Fact and Fiction', it made a careful examination of Indonesia's non-compliance with last year's resolution.

As in previous years, many NGOs devoted considerable space in their submissions to the question of East Timor. The starting point for discussion was the Commission's strongly-worded resolution adopted in the 1993 session. The critical point in that resolution, which was adopted by 23 votes to 12, with 15 abstentions, was Point 9, which urged Indonesia 'to invite the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor to facilitate the discharge of their mandates'.

Since then, none of these investigations had taken place. A call for Indonesia to 'further expand' access to East Timor had been largely ignored. A visit to East Timor last September by Swedish MPs resulted in a blistering attack by the MPs on the occupation authorities. In February 1994, the first visit by foreign journalists in nine months was highly unsatisfactory, as the journalists report. [See page 22] Nothing in last year's resolution or in the consensus statement a year earlier, had been implemented.

### European Union's position crucial

Negotiations for an initiative by this year's Commission took place between the European Union and Indonesia. Before the session the UK, Germany, the Netherlands and Denmark, signalled that they would not go along with any criticism of Indonesia. Germany and the UK are too keen on promoting economic ties and arms exports to bother much about Indonesia's non-compliance with UN resolutions on East Timor. Some EU countries even accept Indonesia's intolerable refusal to implement any resolution that it has voted down. Such blackmail should not be allowed in the counsels of the UN.

The negotiations therefore concentrated on reaching a

consensus which is a minimalist approach. With diplomatic positions seemingly set and countries like the UK unwilling even to consider pushing for a resolution should talks to reach consensus break down, it was obvious that little would be achieved. The Portuguese delegation could have played a more positive role in persuading its EU partners to press for more meaningful undertakings from Jakarta. For the first time in years, Portugal was not a member of the Commission but this need not have weakened its role in the lobbying process.

### UN investigations crucial

The consensus statement which was adopted on 9 March has one advantage over previous Commission decisions. The sixth paragraph 'welcomes the undertaking by the Government of Indonesia to invite the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to visit East Timor and to submit his report to its 51st session. In the same spirit, the Commission takes note of the intention of the Government of Indonesia to continue to cooperate with other relevant special rapporteurs and/or working groups and to invite them to visit East Timor when necessary for the fulfilment of their duties'. This means that UN investigations will not be limited to the four thematic mechanisms mentioned in the 1993 resolution but will include all the UN mechanisms. The additional ones, all important for East Timor, are concerned with violence against women, religious discrimination and the independence of the judiciary. However, the last sentence is worded loosely enough to be pulled in several directions.

Nevertheless, it was this paragraph which led the National Council for Maubere Resistance (CNRM) to welcome the statement as 'a major victory for East Timor'. The visit to East Timor of the Special Rapporteur on Extrajudicial Executions which is scheduled for June this year will be the first ever investigation of the 1991 massacre and reports of the second massacre at the military hospital.

The CNRM stressed that it was now 'the responsibility of the UN Secretary-General to see to it that the government of Indonesia will fully comply with the provisions of the CHR consensus decision on East Timor.' On past record, Jakarta can be expected to try to wriggle out of its obligations. The UN secretary-general does indeed have a special role as convener of the talks about East Timor under his auspices. The next round, to take place in Geneva in May this year, will have to concentrate on 'confidence-building measures' which should mean Indonesia implementing this year's Commission consensus.

But there is another mechanism for pressuring Indonesia. The Commission has now appointed José Ayala Lasso, a diplomat from Ecuador, as the first High Commissioner for Human Rights. He says of his new post: 'If the Human Rights Commission passes a resolution, sending monitors to certain countries, I will try to persuade governments of their duty to cooperate. In that sense, I am the new executive of

### Impunity issue raised

A major concern underpinning the Commission's work is impunity, when perpetrators of abuse, including unlawful killings, go unpunished, exacerbating the spiral of violence.

The issue was raised by Liberation. Liem Soei Liong of TAPOL argued that the Indonesian military's *security approach* was closely intertwined with impunity. He listed numerous incidents – the *petrus* killings, the killings in West Java and Madura in 1993, and the Dili massacre in

1991, as instances of perpetrators going unpunished. In the Tanjung Priok massacre of September 1984, 'not only did the perpetrators go unpunished, the authorities never even conducted an inquiry'. Military agencies like *Bakorstanas* and the new intelligence unit *BIA*, enjoy unlimited powers and are mainly responsible for such atrocities.

He called on the Commission to consider appointing a Special Rapporteur on Indonesia. ☆

## UN Commission told about second massacre

*Three East Timorese who have recently left East Timor appeared as witnesses in Geneva to tell the UN Human Rights Commission about the second massacre in Dili on 12 November 1991. The following is the text of their joint statement. They addressed the Commission under Item 12 of the agenda.*

The three of us present here are East Timorese living witnesses to the eighteen years occupation of our country, East Timor.

### José Simoes

I am José Simoes, now 53 years old. I was first arrested by Indonesian security forces in 1978 but released some months later. I was frequently interrogated after my release. On 7 June 1980, I was arrested and released; on 26 July, 1980 I was again arrested. Between 1980 and 1983, I was arrested three times for short-term detention. In 1985, I was transferred to a prison in Java. I spent a total of eight years in Indonesian jails, never once tried under due process of law, many times subjected to torture.

### Joao Antonio Dias

I am Joao Antonio Dias, now 26 years old, a survivor of the worst nightmare of my life. I worked as a paramedic in the military hospital in Dili and was witness to the killing of wounded young East Timorese who survived the first massacre on 12 November 1991, at the Santa Cruz cemetery in Dili.

The hospital was surrounded by large numbers of elements of the 744 Battalion, 433 Kostrad, the Mobile Brigade, Military Police and intelligence, preventing anyone from leaving the hospital ground. Between 50 and 200 wounded people were taken there.

I saw with my own eyes how Indonesian security forces used rocks to crush the skulls of wounded people. I saw army trucks crushing to death many wounded students lying on the ground outside the hospital. I saw with my own eyes how Indonesian security forces used lethal pills to poison the wounded. The Indonesians first wanted to inject the wounded with sulphuric acid. But I heard them argue with each other that this would cause a lot of pain and the victims would scream too much. They then asked the doctors for some pills. The doctors brought a jar of pills which were then given to some of the wounded. The victims started to lose strength, breathing became weaker and (they) died quickly.

Indonesian doctors cooperated in the killing and I name Dr Nyoman Winyata, the director of the hospital, Dr Banban, and several other Indonesian doctors who spent six-month duty in East Timor. Nurses Joao Kota and

Yohanes also took part in the killing.

### Aviano Antonio Faria

I am Aviano Antonio Faria, 23 years old, a survivor of the Santa Cruz massacre and of the second massacre the same day in the military hospital. I was taken to the hospital from the Santa Cruz cemetery. I was among the wounded people taken to the hospital. We were piled up in trucks, dead and wounded. We were then loaded like mere cargo, thrown on the dirt ground and then taken into the mortuary. I was there, next to the bodies piled up on each other. I pretended to be dead, but when the soldiers locked the room and left, I stood up to identify some friends. Many were alive.

I saw so many young girls and boys severely wounded, but many alive. Some 15 to 20 minutes later, two soldiers came carrying a rock which one of them used to crush the skulls of those who were alive. The other used his gun to hit our heads. I pretended I was dead. Then suddenly the one carrying the rock was going to aim at me when I stood up. He was surprised. I told him not to kill me because I was an informer and was taken there by mistake. However, he still used the gun butt to hit my head and fractured it. They then took me inside the hospital where there were already so many women. I was the only man in that particular room. They told me they had all been raped.

After two months in the hospital, I was forced to sign a statement to work as an informer which I did in order to save my life.

Myself and Joao Antonio Dias fled our country because in the last few months, Indonesian security forces have orchestrated another terror campaign of assassination. Using silencers, Indonesian security elements are assassinating young East Timorese in dark alleys.

We appeal to the Commission to send investigation missions to East Timor. This is the least it can do. ☆



# 'Death of a Nation' exposes grand conspiracy

*John Pilger, a leading documentary film-maker, has produced a major film on East Timor which has been shown to wide acclaim on British and Dutch television and in Australian cinemas. It is soon to be shown in many countries around the world.*

Much of the film, *Death of a Nation: The Timor Conspiracy*, was shot in East Timor when John Pilger and his producer, David Munro, visited the country for three weeks in mid-1993. Two other members of the team also gained entry without being detected. One was Max Stahl, the cameraman whose footage of the November 1991 massacre caused an international outcry when Yorkshire TV's film, *In Cold Blood*, was screened in January 1992.

Pilger and Munro entered East Timor posing as travel agents and managed to film extensively without the occupation authorities realising who they were or what they were doing. Stahl, travelling separately, investigate the fate of survivors of the Santa Cruz massacre and collected testimony about the second massacre. His witnesses later left East Timor and spoke at the UN Human Rights Commission in Geneva. [See separate item.] Stahl also interviewed the leader of the armed resistance, Konis Santana in the bush.

*Death of a Nation* gives a history of Indonesia's seizure of East Timor as told by East Timorese and others connected in some way with the tragedy. Among those in a privileged position to know was Richard Woolcott, the Australian ambassador to Indonesia in 1974 and 1975, as his country gave the go-ahead to Suharto. He told Pilger: 'I would agree with you that... the East Timorese were probably seen as expendable by some of the hard-nosed major power-brokers if you like.' No wonder that, as he unashamedly recounted Australia's betrayal, an East Timorese at a showing of the film in the National Film Theatre in London started shouting and cursing.

Another witness of the betrayal interviewed by Pilger is Philip Leighty, the senior CIA officer in Indonesia in 1975: '... what I saw in Indonesia was that my own government was very much involved in what was going on in East Timor and that what was going on was not good. You can be one hundred per cent certain that Suharto was given the green light to do what he did.'

Later, Pilger interviewed Indonesia's ambassador to the UN in New York, Nugroho Wisnumurti who accused Amnesty of lying about torture and executions in East Timor. Again the Timorese in the audience could not contain his anger and screamed: 'Liar! Liar!'

## Hawk aircraft in action

Pilger spoke to several Timorese who saw UK-made Hawk combat aircraft in action in East Timor in the 1980s. Confronted with this evidence, a British armed forces minister claimed that 'we have guarantees from the Indonesians that they would not be used for internal suppression'. But Alan Clark, Britain's defence procurement minister in the early 1990s when the most recent Hawk deal was negotiated, told Pilger: 'A guarantee is worthless from any government as far as I'm concerned. I wouldn't even bother with it.'

Pilger's film is a moving and forceful indictment of

western complicity in Indonesia's evil colonisation of a tiny, peace-loving neighbour, invaluable for campaigners.

Besides the television version which runs for about 70 minutes, a 90-minute version for screening in cinemas is also available, which will be shown widely in Australia and the USA. Make inquiries with TV channels about showing the Pilger film in your country.

Address inquiries about contracts to Central Productions, 46 Charlotte St, London W1P 1LX (fax: +44-71 580-7780) and to John Pilger, 57 Hambalt Road, London SW4 9EQ.

## Recent coverage in the UK about Timor

Many long articles appeared in the British press around the time Pilger's film was shown. To counter the film's impact, the Indonesian government invited foreign journalists in Jakarta to visit East Timor in February. Their reports must have dismayed the government. Here are a few extracts:

### The BBC's Catherine Napier

These extracts are from a report transmitted by the BBC World Service on 21 February:

'I had to feel sorry for the man from the Foreign Ministry who was assigned the unhappy task of accompanying us to Dili.... The first morning in Dili, I got up early and went to find the cemetery where troops shot dead protesters in November 1991. The sun shone off the gravestones... but the tranquillity was disturbed by rapid footsteps from behind. A hand came across my camera lens and I was firmly asked to leave.

'We were often reminded on our travels to tell the truth about East Timor. But then the truth seemed out of reach. On a visit to the prison we were urged not to record or photograph or film or even talk to any prisoners. But as we walked across the prison yard, three men behind a wire fence shouted out, "Long live East Timor", then in English, "We want to talk to you." They were political prisoners from the Dili protest. And for a moment we were pulled in two directions until reminded of the deal we'd all signed up to.'

### Jeremy Wagstaff of Reuter

'Foreign journalists allowed to visit the former Portuguese colony for the first time in nine months witnessed a capital superficially normal but where paradoxes continue. From the plain-clothes security officers posing as waiters in Dili's Turismo Hotel to the well-dressed students accosting journalists in the street outside, not all the city's 132,000 people are what they seem.

'An unconfirmed report - that up to 200 people were killed in the aftermath of an admitted November 1991 army massacre in Dili - has further muddied the waters. Officials

deny the report but some residents say it is true. "We have long known it to be true but so many people simply disappeared after November 12 it is impossible for us to know who died, where, when and how," said one 17-year-old student who said he was present during the first massacre.... Young Timorese claiming to be sympathisers of Fretilin told journalists that at least 200 people died during the second massacre.'

### The London Spectator

From an article, 'The Pol Pot of East Timor' by Edward Theberton in the London weekly, *Spectator*. on 17.2.1994:

'Alighting from the aircraft at Dili, one sense immediately the dead hand of totalitarianism. An eerie stillness reigns.

Ten photographers, one with a video camera, took my picture before I reached the terminal building.... No sooner had I walked out into the streets than a goon on a motor-cycle followed me like a kerb-crawler in search of a prostitute. I stared into his dark glasses and turned to walk in the opposite direction. Disregarding the one-way system, he turned to follow me, making no effort to disguise the fact....

'...a young man said to me out of the corner of his mouth: "You must be very careful. There are many spies. I am a

## EAST TIMOR BRIEFS

### Timorese worker's mysterious death

On 29 January 1994, the body of Petrus Tomae, an East Timorese worker, 32 years of age, who was employed by Indocement Citeureup, Bogor, was discovered in the River Citeureup. There is evidence that Petrus died after being tortured. According to an autopsy (No. P.02/040/I/1994) by a doctor on 3 February, the dead man was found to have haemorrhage in the brain, a fractured skull and a broken bone in the nape of his neck.

The East Timorese Families' Association (IKTT) at the factory wrote to the company and the police asking for his death to be investigated. The Indonesian Legal Aid Foundation (YLBHI) has written to the chief of police about the case but has not yet received a response. The company failed to provide any death allowance as they normally do. Other East Timorese working at the factory feel threatened by the circumstances in which Petrus died.

But on 24 February, as a result of IKTT's complaint, the 33 East Timorese working at the factory were summoned by Lieut.General Supardjo, Personnel Director, who told them to withdraw their complaint within 24 hours and threatened them with dismissal.

Petrus had worked for Indocement since 1991; the company is owned by Sudwikatmono [a step-brother of President Suharto] and Liem Sioe Liong [Indonesia's foremost business tycoon and a close associate of the President]. He was recruited by Yayasan Tiara, a company owned by Siti Hardiyanti [the President's oldest daughter]. Petrus was one of 34 East Timorese recruited at the time.

The day before he was found dead, he had invited two friends to his home, saying that he was expecting someone to come. The dead man was last seen alive by his wife at 3.30am on 28 January when they were about to leave home to go to Bogor. But as Petrus was locking the front door, he suddenly rushed from the house as if he was being chased by someone. [source LBH].

## EAST TIMOR

spy." "Why are you a spy?" I asked. "I am a student and I attended a meeting, The Indonesians caught me. Then they tortured me. They let me go if I am a spy for them. After you leave me, I must tell them all you say to me, why you are here and everything." ☆

### Parliamentarians meet Boutros-Ghali

Four members of *Parliamentarians for East Timor* met UN Secretary-General Dr Boutros Boutros-Ghali in New York on 3 February 1994 to discuss the question of East Timor. They were: Lord Avebury (UK), Senator John Dardis (Ireland), Ingela Martensson (Sweden) and John Langmore (Australia).

The mission handed a Memo to the Secretary-General calling for the withdrawal of Indonesian troops and the holding of a referendum in East Timor. The Memo also proposed that the UN set up a commission to study the events leading to Indonesia's invasion and annexation of the territory.

Dr Boutros-Ghali said he would consider the idea but felt it might be seen as 'confrontational'.

### Jailed for giving Xanana refuge

Agusto Pereira, an East Timorese member of the Indonesian police force, was given 18 months for sheltering the East Timor resistance leader, Xanana Gusmao, in his home in Dili over a period of three years. Xanana was arrested in Pereira's home on 20 November 1992. The sentence, was passed by a military court in Dili. [*Merdeka*, 17.2.1994]

### Giant statue of Christ unpopular

A giant statue of Jesus Christ, to be unveiled later this year atop a rocky cape 6 km east of Dili, has failed to excite the local Catholic community, according to the Jakarta-based *Indonesian Observer*. Standing 17 metres high to reflect East Timor's annexation by Indonesia on 17 July 1976, and placed on a ten-metre high pedestal, it is expected to be visible for many kilometres. The 27-metre height is intended to reflect East Timor's status as Indonesia's '27th province'.

But the \$500,000 statue, paid for by Indonesia's national airline, Garuda and the East Timor government has made little impression on local people, religious sources said. The blessing of its cornerstone in the presence of governor Abilio Soares drew only 200 people. By contrast, 10,000 people turned out for the inauguration a month earlier of a much smaller statue of Christ in the mountain region of Matebian. Bishop Belo who is highly popular among the East Timorese presided over the Matebian ceremony.

The statue of Christ near Dili is intended to symbolise Jakarta's desire to recognise East Timor's Christian character, even as thousands of mainly Muslim Indonesian soldiers remain stationed in the territory. [*Indonesian Observer*, 17.2.1994] ☆

# TAPOL NEEDS YOUR HELP NOW !

## WE ARE NOT GOING BUST BUT WE NEED FUNDS NOW TO CONTINUE OUR MONITORING AND CAMPAIGNING

Recently, Indonesia has been in the press almost daily, following John Pilger's film, *'Death of a Nation - The Timor Conspiracy'* shown on UK Television in February 1994. Immediately after the film was shown British Telecom reported 4000 calls a minute to the number shown at the end of the film. The Foreign Office has been inundated with letters of concern. The international community is being alerted to the complicity of the US, Britain and Australia in the takeover of East Timor because Pilger's film has been sold to, and is due to be broadcast in thirty countries worldwide.

Journalists from the quality press in Britain have published indepth investigations into links between the British and Indonesian military-industrial-complexes. The plight of East Timor as well as the Indonesians governments' system of human rights abuses were covered in articles in many leading daily papers and weekly journals in Britain and elsewhere.

TAPOL, an information resource centre on abuses in East Timor, West Papua, Aceh, and in Indonesia proper, is honoured to have been in the position of helping these journalists with their research in alerting world opinion about the abuses committed by one of the world's most oppressive regimes. Right now TAPOL urgently needs help to continue and intensify our work.

### YES I WANT TO HELP TAPOL TO CONTINUE ITS URGENT WORK

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