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The Indonesia Human Rights Campaign

TAPOL Bulletin No. 104

April 1991

de Cuellar: Timor resolutions must be implemented

UN Secretary General, Xavier Perez de Cuellar, told Parliamentarians from around the world that he firmly stands by all the UN Resolutions on East Timor and said that East Timor is just as entitled to exercise its right to self-determination as the people of Namibia and the Western Sahara.

The mission of *Parliamentarians for East Timor*, (PET) which consisted of Garrie Gibson (Australia), Ms Hiromi Okazaki (Japan), Rob van Gijzel (Netherlands), Antonio da Souza Lara and Mrs Teresa Santa-Cruz Gomes (Portugal) and Lord Avebury (UK), met the UN Secretary General in New York on 25 March. After the meeting, the MPs said they were confident that the UN would take a renewed interest in the East Timor issue.

They had stressed during the meeting that, with the Gulf war over and Kuwait now free, it was now time to implement UN resolutions calling on Indonesia to withdraw and upholding East Timor's right to independence.

Anti-subversion trials in Aceh

Eight Acehese have gone on trial in Banda Aceh, following the military crackdown against the *Free Aceh Movement* during which at least a thousand people have been killed. Altogether 24 people are to be tried. Eighteen will be heard in courts in Aceh and six in Medan.

The first four to go on trial on 16 March were **Teuku Muhammad Said**, 44, member of the regional assembly (DPRD), **Hasbi Abdullah**, 44, a university professor, **Mulkan Usman**, 37, self-employed, and **Ridwan Ibas**, 31, employed by a fishing company. In his indictment, the prosecutor said: "The defendants' activities were aimed at separating themselves from the Indonesian government and changing the state ideology, Pancasila." According to Reuter, the trials opened just before the fasting month of Ramadhan, usually a quiet period, "possibly to minimise any violent reaction".

In order to help make the charge of terrorism stick, the indictment alleges that the defendants were seeking funds to make explosives to blow up electrical equipment at the US-controlled Arun liquified natural gas complex. Arun is run by Mobil Corporation. The indictment also said the accused "wanted their activities to be recognised by the UN

Support for Shanana's peace talks initiative

Lord Avebury handed the Secretary General a Memorandum summarising PET's concerns. It reminded the Secretary General that, years ago, the armed resistance leader, Shanana Gusmao, had indicated his willingness to meet the UN chief or his representative, but there had been no response.

The Memorandum drew attention to the two Security Council Resolutions, 384 and 389, of December 1975 and April 1976 which called for the immediate withdrawal of Indonesian troops and upheld the principle of self-determination.

continued on page 6

Aceh: Anti-subversion trials in Aceh	p.1
Student trials: Kafka's trial revisited	p.3
Executions: Muslim prisoner executed	p.6
East Timor:	
New military offensive	p.7
Timor Gap Treaty in World Court	p.9
Torture victims' experiences	p.10
East Timor and the Gulf crisis	p.13
Obituary: Mgr. da Costa Lopes	p.15
Censorship: Calendar scandal!	p.16
Human Rights Briefs	p.17
Land Disputes: Kedung Ombo Dam	p.19
Population control: Norplant	p.21
Red Drive: PKI life sentences restored	p.22
West Papua: Mecky Salosa gets life	p.24

and planned to disrupt the (1992) elections." [Reuter, 16 and 18 March 1991]

A week later, another four went on trial, including a journalist and a Muslim preacher. As is usual in these waves of trials, the defendants are expected to appear as witnesses in each other's trials. At the first hearing in the trial of **Adnan Beuransyah**, he was alleged to have planned to abduct soldiers in order to obtain weapons and release friends from prison. Muslim preacher, **Tengku Effendi** was accused of recruiting followers to help set up an Islamic state. The other two on trial, in separate courtrooms, are **Marwan Yunus**, described as self-employed, and **Amir Syam**, a civil servant.

Although the authorities said at first that the unrest in Aceh was 'purely criminal' and had no political overtones, the trials are officially described as subversion trials. Documents for the trials were prepared by the army's stability agency, **Bakorstanasda**.

A spokesman for the Attorney-General's Office in Jakarta said: "These are clearly subversion trials. They (Aceh Merdeka) plan to create an independent Aceh but **Bakorstanasda** has succeeded in pacifying it and investigations have been completed." [Pelita, 19 February 1991]

Five of the six men who are going on trial in Medan have been named as: **Ibrahim Jalil**, **Abdurahman Toyo**, **Umar bin Hamzah**, **Mohammad Nazar bin Abdullah**, and **Mohammad Thayeb bin Abdullah**.

Aceh massacres discussed at UN Human Rights Commission

The human rights abuses perpetrated in Aceh during the



Ridwan Ibas brought into the court
TEMPO 27 March 1991

past year, when at least a thousand people were slaughtered by security forces trying to quell unrest in the region, were raised at the 47th session of the UN Human Rights Commission in Geneva in February. The UK-based organisation, *Liberation*, made a submission drawing attention to the many reports of arrests and killings during the latter half of 1990. It urged the Commission to:

1. To call upon the Indonesian Government to instruct its security forces in Aceh to end the arrests, torture and killings and publish a list of all persons arrested or detained.
2. To ask the Indonesian Government to investigate reports of summary executions and disappearances and punish those responsible.
3. To call on the Indonesian Government to allow a team of independent observers to visit Aceh; the team should include representatives of respected international human rights organisations.

Indonesian mission deceives the UN

The Indonesian mission, attending the session for the first time as a full member of the Commission, felt obliged to respond to this statement, not once but twice, under Items 10 and 12 of the agenda. It alleged that the occurrences in Aceh "were instigated by bands of armed criminals". They were the consequence of "a certain social and economic dissatisfaction which is still apparent, despite the substantial efforts at development made by the Indonesian Government". Although these activities were confined to only three sub-districts, "they gave the impression that there was widespread social unrest" while some [unidentified] NGOs "tried to exploit these disturbances by attempting to portray them as having political overtones".

Some people had been "temporarily detained... and as a result of a thorough police (sic) investigation, 24 who were directly involved in the disturbances, in violation of the relevant articles of the Indonesian Criminal (sic) Law, will be brought to trial next month."

This statement is a undisguised attempt to mislead the UN. At the very same time, official statements in Jakarta were making it clear that the 24 will be charged under the Anti-subversion Law, not the Criminal Code, and secondly, that the army [**Bakorstanasda**] not the police, carried out the investigations. By proffering subversion charges, the government acknowledges that the disturbances in Aceh are political. To allege that this is the invention of NGOs, trying to exploit the situation, only compounds the deception.

Who is burning down schools?

An issue being used to discredit people involved in unrest in Aceh is a series of report that a number of schools have been burned down, which invariably imply that 'rebels' are responsible. On 26 February, the *Antara* news agency quoted a police official in Banda Aceh as blaming 'rebels' for torching 12 educational institutions, including a university, in the past eight months. According to *Reuter* [27 February] however, this is difficult to believe. It quoted political observers in Banda Aceh as saying it was unlikely the rebels would do anything so unpopular.

"An Islamic school, imagine! They are not so stupid. Everyone here believes it is the other side (the military) doing it to try and discredit the rebels," said one. "Apart from anything else, the worthy soldiers are out there the very next day conspicuously rebuilding the school." He said such tactics were common. "And we will see a lot more of

this as the trials go on."

European Parliament resolution on Aceh

The following resolution was adopted by the European Parliament on 20 February 1991:

The European Parliament,

A. Conscious of the strong cultural roots and historic identity of the people of Aceh, Sumatra,
B. Deeply concerned by the continuing reports of repression, mass arrests, torture and some 5,000 illegal killings by the Indonesian Army during the course of 1990,
C. Appalled by the incitement to kill members of the Aceh Sumatra Liberation Front attributed to the regional military commander, Major-General Djoko Pramono, in the Jakarta weekly 'Tempo' of the 17th November 1990, and the dispatch of battle-hardened troops;

1. Calls upon the Indonesian authorities to take immediate steps to stop all killings and torture and observe internationally accepted human rights standards in all respects in its relations with the people of Aceh;
2. Urges human rights organisations to investigate and monitor the situation in Aceh;
3. Demands that those accused of crimes against individuals or groups of individuals should be brought to trial;
4. Appeals to all member states to ban the supply of arms to Indonesia and to take action through the United Nations to press for an international ban on such supplies;

ACEH

5. Instructs its President to send copies of this Resolution to the Governments of all member states and to the Ministers meeting in Political Co-operation, to the Secretary-General of the United Nations and the Government of Indonesia.

Hasbi to be governor of Aceh?

Colonel Mohammad Hasbi, who has served two terms as district chief of Boyolali, Central Java, where he became the scourge of local peasants in their efforts to obtain adequate compensation for land taken over by the state to make way for the Kedung Ombo dam, is the leading candidate for governor of Aceh. The present governor, Ibrahim Hasan, a civilian, was appointed before the 1987 general elections to swing the Acehnese vote over to the government party, GOLKAR, reversing the majority won by the Muslim PPP in the 1982 elections.

Hasbi is also notorious for the lead he gave to the death-squad campaign conducted in Yogyakarta in 1983/84, when some 4,000 people were shot dead. Hasbi, an Acehnese, was military commander of the 0735 military command during the killings. Known for his tough military approach, his appointment as governor would signal the regime's continuing disquiet over the security situation in Aceh. ★

STUDENT TRIALS

Bonar: Kafka's trial revisited

The subversion trial of Bonar Tigor Naipospos, a student of social and political sciences at Yogyakarta's Gadjah Mada university ended in an eight-and-a-half year sentence. His courageous and brilliant demurrer (eksepsi) was a major political event of 1990, revealing the hollowness of President Suharto's independence day pronouncements on human rights and the travesty of law in Indonesia's courts. This contribution is by Dutch scholar and Indonesia expert Prof. W.F. Wertheim.

A student accused of subversion managed to reverse the roles during the trial against him. In the eyes of the enthusiastic crowd of students, it wasn't Bonar Tigor Naipospos, known to his friends as Coki, but the Indonesian judicial system in the shape of the *Jaksa* (public prosecutor) who was the accused, and Bonar the prosecutor. But Bonar also realised that although he was entirely innocent, he could not escape the verdict.

Bonar's case dates from June 1988, when another Gadjah Mada student was 'caught' outside a cinema, selling books by Pramoedya Ananta Toer, which have been banned by the Suharto regime. The student, Bambang Subono, was handed over by the law-abiding owner of the cinema to the local military authorities and then arrested. Ten days later his friend Bambang Isti Nugroho was arrested and charged with helping distribute books by Pramoedya, which in the eyes of the authorities, is the same as spreading marxist and communist propaganda.

An enemy of the state

Isti Nugroho was not registered as a student; he had a job as a technician at a university laboratory. But at the



STUDENT TRIALS

university he was also known as someone with a great interest in culture, one of the initiators and active participants in a group which discussed a wide range of social and cultural topics. Many university lecturers and foreign visitors were invited to give talks or participate in the discussions. Bambang Subono participated several times.

If there is one thing dictatorships fear, it is discussion groups dealing with contemporary issues. That's why the activities of the two Bambang were blown up out of proportion by the authorities and made to seem a threat to state security. In April 1989 their subversion trials started, on charges that were punishable by death. And all for possessing, lending and selling books by Pramoedya!

During interrogation, both Bambang were tortured in an attempt to force them to sign false confessions and statements incriminating others. Bambang Subono did indeed sign a false confession, stating that he, Isti Nugroho and Bonar had sold books to spread communist ideas. When Bambang Subono testified in the Bonar trial he retracted this statement and publicly apologised to Bonar. But Isti Nugroho, despite the maltreatment, refused to sign any false confession.

The two Bambang were sentenced to seven and eight years. Appeals to the high court were turned down last year and only then did Coki's trial go ahead. Coki had been detained since June 1989 but was not called as a witness in the trials of the two Bambang.

Bonar is the son of a preacher of Batak origin now living in Bogor; he is 28 or 29 years old and studied sociology at Gadjah Mada university. He excels in his studies and has passed all his final exams except one. His treatment under arrest violates the Procedural Code. He was not told the grounds for the charges and was initially refused a defence lawyer. Finally, on 1 June 1990, the date of the summons, it became clear that he was being charged for the same 'crimes' as the two Bambang.

The trial

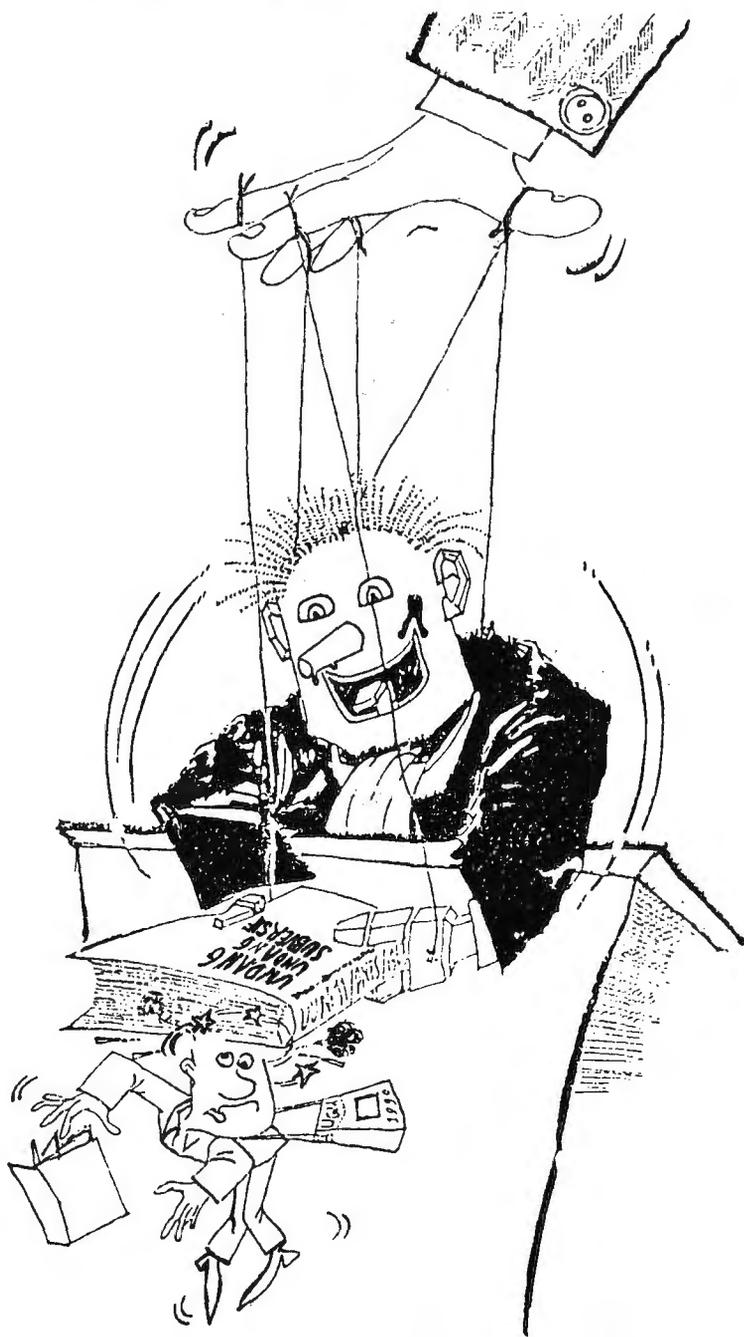
The prosecutor had a difficult time handling a man like Bonar. At the start of the trial, he and his defence team presented demurrers, questioning whether the judge had proper powers to handle the case.

Bonar's demurrer made a deep impression on the students present in the courtroom. Bonar started with a quotation from Kafka's *The Trial*, used before in an article written by an Indonesian journalist. The main figure Josef K. simply can't fathom what the charges against him are. When he demands an explanation from the judicial authorities, he is directed to the chief. But it is unclear who the chief is and what his intentions are. Asking for information is regarded as being disobedient. Everybody says: "I'm just doing my duty". The story ends with the execution of Josef.

Nor could Bonar understand the charges against him. The only explanation was that the *jaksa* had instructions 'from above' to handle the case against Bonar and try him for 'subversion', said Bonar. For the sake of his career, the prosecutor was not seeking the truth but carrying out an order. With rich irony, Bonar said:

"I salute the *jaksa*, my prosecutor, for his creativity and inventiveness as expressed in the charges - although the contents of the indictment is only acceptable to madmen, idiots or strange individuals like the *jaksa*-prosecutor's boss". Hardly a tone to appease the prosecutor or the judges!

The core of Bonar's defence was a plea for scientific discussions in academic circles, such as those in the discussion group in which he participated together with the two Bambang. He cited a statement by Professor Doctor Sukadji Ranuwihardjo, director-general of the Department for Higher Education, quoted by *Kompas* on 15 May 1990: "Academic freedom is implicit to the status of student within the campus as an academic community. To sustain the scientific community, all kinds of freedoms are endowed - discussion, seminars, research and so on."



Bonar also stated that permission for the discussions had been given by the previous Dean of the Gadjah Mada university, Professor Doctor Koesnadi Hardjasoemantri. He denied that the discussions held from 1986 onwards, as stated in the charges, had created unrest among the students or other sectors of society. 'Unrest' only started after the judiciary stepped in - in fact the *jaksa* is the one who should be on trial!

The demurrers were ignored and the trial went ahead in July and August on the basis of the original indictment. The two Bambang were called as witnesses, and explained how they were tortured during the pre-trial interrogations. In September there was another scandal; students detained in several prisons were suddenly deported to the notorious

Nusa Kembangan jail, off the south coast of Java. Besides six students from Bandung, two were from Yogya, the two Bambang! This led to such public outrage that in the same month, the Nusa Kembangan exiles were transported back to Bandung and Yogya while the official who gave the banishment order was apparently reprimanded.

Lack of evidence

The *jaksa's* 'evidence' against Bonar was very feeble. There were hardly any facts not disputed in court. The impression was that the judiciary was deliberately hitting out at Bonar because he was so intelligent; they wanted to depict Bonar as the *dalang* (puppeteer), the source of all the criticism about how things are run in Indonesia, both in the discussion group and in other gatherings. Hence, they had to search for evidence that wasn't available.

It was just like the colonial courts which I experienced in the thirties: the practice of '*tjari keterangan*' (looking for evidence to construct a case) was quite common among public investigators. But to demand a ten year sentence for possessing or selling a banned book and for participating in political discussions would have been unthinkable in the colonial era!

On 6 October, Bonar presented a skilful defence. He not only convincingly rebutted the facts given by the prosecutor, recalling statements which had been neglected by the prosecutor in his indictment; he also made a principled appeal in favour of freedom of speech, in particular concerning scientific work. Besides relying on statements by the education authorities, Bonar could have used the statements of the 'number one in the country' about so-called freedom of speech. In a speech to commemorate Indonesian independence (17 August), Suharto stated: "Some time ago I stressed that we should stop worrying about the reality of different views and opinions in society. Democracy indeed demands a lot of consultation, discussion, exchange of thoughts and dialogue between the authorities and the people, or between different groups. In fact we should see the difference in views as ways to promote dynamism in society. There were times when we had to worry about the existence of many different views and opinions, in particular in the period when our society still possessed many ideologies. That is over now, Pancasila is firmly rooted in our society."

Minister Sudomo also spoke in the same vein. But the Bonar trial was a good test of whether the practice of law followed the new guidelines. The answer is clearly: no!

Bonar stood on principle and did not refer to Suharto's statement. Instead he dwelt at length with the trials of the two Bambang and strongly criticised the legal processes during those trials. Not a shred of evidence had been produced, he said, to support the charges against him. The only books of Pramoedya, confiscated at his home, were *Gadis Pantai* (Beach Girl) and *Hikayat Siti Mariah* (The Story of Siti Mariah). The latter was not even written by Pramoedya, but by somebody called Haji Mukti, and was published at the turn of the century in installments. Pramoedya only edited the reissue as a book of this adventure novel in 1987. Bonar bought the books that year; it was not banned till August 1988! By banning *Hikayat Siti Mariah* because of its hidden marxist-communist ideas, the Suharto regime has made itself even more of a laughing stock than banning Pramoedya's historical novels. And let anyone who has read *Gadis Pantai* raise their hand if they can find a single marxist or communist sentence.

Other 'marxist' books, which, according to the charges,

STUDENT TRIALS

Bonar lent or recommended to fellow students, were unknown to him and had not been found in the house search, whereas the study of marxism was part of the study programme for future sociologists! As for the discussion group at the university, said Bonar, no evidence was produced of his leading role. His defence plea ended with an appeal not only to accept criticism but to see it as a necessary sign of maturity in society. He denied that he was a communist.

Bonar's attitude during the trial was exemplary and drew much sympathy among students and others who attended the trial. From 17 till 22 October, the day of the verdict, many student protestors stayed in a small camp in the vicinity of the courthouse. The verdict was eight-and-a-half years, even heavier than the sentence given to Bambang Isti Nugroho.

Although Bonar is today the victim of a trial as crazy as the trial described by Franz Kafka, his fate is not like that of Josef K. Considering his intelligence and courage, Bonar Tigor Naipospos can be better compared to another Czech writer who experienced years of dissidence and imprisonment which ended with the presidency: Vaclac Havel.

[Translated, and slightly abridged, from 'Indonesia Feiten en Meningen', February 1990.] ★



Subversion cases since 1988

When reporting that there were now only 24 subversion cases (in Aceh and Medan) waiting to be tried throughout Indonesia, the spokesperson of the Attorney-General's Office, Soeprijadi, said that 164 subversion cases had been dealt with since April 1988. The statement which presumably aims at showing how political cases are declining in number, gives a breakdown by region which shows that the highest number of cases were tried in West Papua.

The regional breakdown is as follows: 44 cases in Irian Jaya (West Papua), 29 in West Nusa Tenggara, and 24 cases each in Lampung and Aceh. Jakarta comes next with 22 cases, then West Java with 10. In other regions, the numbers are below 10. Soeprijadi also listed 12 regions where no subversions trials have taken place at all. Last in this group was East Timor. [Kompas, 18 February 1991]

What that tells us about 'political cases' is significant. In a region where political opposition is known to be the greatest of all, the regime has avoided holding any subversion trials in the past few years.★

Muslim political prisoner executed

Azhar bin Muhammad Safar has been executed by firing squad, despite a campaign to save his life by human rights organisations in Indonesia, including the Institute for the Defence of Human Rights (LPHAM) and the Foundation of Legal Aid Institutes (YLBHI).

Safar was sentenced to death in 1983 for his alleged involvement in the hijack of a Garuda plane in 1981. Three others found guilty on charges connected with the hijack were executed several years ago.

The execution took place early on Friday, 8 February, according to H.J.C. Princen, chair of the LPHAM, speaking by phone from Jakarta. There had been strong pressure on the Dutch Government to take action on Safar's behalf. At a meeting of the Foreign Affairs Commission of the Dutch Parliament on Thursday 7 February, convened to discuss a Note on Human Rights in Indonesia which was made public some time ago by Dutch Foreign Minister, Hans van den Broek, the Minister was strongly criticised for his decision not to act on Safar's case. Although van den Broek told the Commission that the Dutch Embassy in Jakarta had confirmed that the execution was imminent, he rejected demands to make formal representations to halt the execution, saying: "If I were to do such a thing, I would be taking action on cases every day." This is tantamount to giving the Indonesian authorities the green light.

Many Dutch human rights activists and representatives of Indonesian and West Papuan groups, were present at the Commission meeting. Also present was Marga Scheepstra, Dutch Amnesty's coordinator for Indonesia. The Dutch Amnesty Section had issued a press statement expressing concern at the likelihood that Safar would be executed.

It is understood that the only minister in the Dutch Cabinet who favoured action on Safar's case was Jan Pronk, Minister for Overseas Development.



Azhar bin Muhammad Safar during his trial in 1983

Safar's execution will certainly renew efforts by the human rights network in Indonesia to press for the abolition of the death penalty. It has also renewed fears for the safety of seven death-sentence prisoners from the 1965 affair. When reports were first received about Safar's impending execution, it was also reported from Cipinang Prison, Jakarta, where six of the 1965 death sentence prisoners are being held, that their documents had been taken to the army's national stability agency, Bakorstanas.

One source in Jakarta believes that some people in authority may argue that Safar's execution, coming at a time when Muslim sensitivities are being strained to the limit by the war in the Middle East, needs to be 'balanced' by taking the lives of left-wing prisoners. ★

continuation from page 1

nation for East Timor. The Secretary General confirmed that these Resolutions were still in force, as were all the General Assembly Resolutions adopted between 1975 and 1982 on East Timor.

The mission discussed at some length with the Secretary General his role in implementing General Assembly Resolution 37/30 of 1982, which directed him to consult "all parties directly concerned" in the search for a comprehensive settlement of the question of East Timor. Although the consultations held sporadically over the past eight years had officially involved only Portugal and Indonesia, Perez de Cuellar told the MPs that he was always open to approaches from representatives of the Timorese people.

For the past four years, the consultations have concentrated exclusively on a proposed visit to East Timor by Portuguese Parliamentarians which has failed to materialise. The Secretary General told the MPs that the UN is closely involved in arrangements for the visit and would seek to ensure that there was a ceasefire between the liberation movement and the Indonesian army, at least for the duration of the visit. He hoped the Portuguese MPs' visit would be conducive to helping Indonesia and Portugal reach agree-

ment on testing the opinion of the Timorese people.

In Jakarta, all efforts were made to discredit the PET mission to the UN. Indonesia's ambassador at the UN said the whole thing was "ridiculous", an attempt to "raise the rather obsolete issue again by making use of the Gulf crisis". [*The Age*, 28 March 1991] Foreign Minister Ali Alatas again denied that Timor was comparable to Kuwait. But he added another argument - that there were more fundamental, long-standing issues for the UN to resolve. There are "dozens of UN resolutions on Palestine that should be settled first. Then there's the issue of South Africa, settle that first. These have been dragging on for some 40 years." [*AFP*, 28 March 1991]

Fretilin calls for international mission

Simultaneously with the MPs' New York visit, Jose Ramos Horta and Abilio Araujo of Fretilin called on the Portuguese Parliament in Lisbon to press for an international Parliamentary visit East Timor, as a way out of the current impasse. They said Indonesia should be given till June this year to approve such a visit; meanwhile preparations should be made to reactivate the East Timor case at the UN General Assembly later this year. ★

The 1990/91 military offensive in East Timor

In November 1990, the Indonesian armed forces (ABRI) launched a major military operation in East Timor. Unlike in previous operations, the aim was not only to crush the armed resistance but to suppress the well organised underground network of Timorese youth. The ferocity of this two-pronged strategy has led to many killings, disappearances and arrests. Despite the wet season the military operations are continuing and most of the troops are still in the region.

It should be noted that ABRI have adopted a new strategy. Formerly, conventional methods – aircraft, helicopters and infantry – were used to clear a region of guerilla activities. In the late 70s and early 80s, ABRI used Timorese civilians as a shield for their ground forces.

Since last year, the army has switched to a territorial counter-insurgency strategy, dispatching small groups in all directions within the area of operation, forcing the Falintil guerillas into constant clashes with army units. In the three months from November 1990, the army deployed larger numbers of troops than usual, so as to saturate each region of operation.

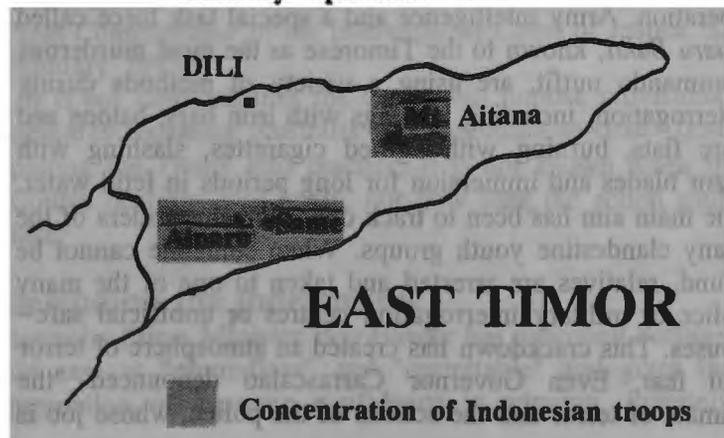
In November, the focus was on the districts of Ainaro and Same, southeast of Dili. Reinforcements, including marines, aircraft, helicopters, para-commandos and regular battalions were thrown in with the single purpose of breaking the back of Falintil forces and capturing its commander, Shanana Gusmao.

Severe difficulties for the resistance

ABRI's counter-insurgency strategy can be defined simply as using guerillas methods to fight the guerillas. As Shanana put it:

Their forces spread throughout a large area; they have a great capacity for mobility, to quickly detect the presence of the guerrillas. This makes it very difficult for the guerrillas to take initiatives. We don't have a permanent, fixed enemy with known volume or quantity, and we don't know what to confront. We feel that the enemy is everywhere; we even say that we carry the enemy in our bags. They have improved their technical knowledge of guerilla tactics; at the sight of the guerillas, they chase them until they provoke an armed clash. [Interview with Robert Domm, 27 September 1990]

Military Operation 90/91



A month after the interview, ABRI launched a new offensive using 12 battalions, concentrating on the centre-south districts of Ainaro and Same, while three battalions were sent to the east to encircle the region around Mt. Aitana. Due to its decentralised nature, it has become more difficult to give a general assessment of the latest offensive but reports from inside East Timor indicate that many fierce clashes took place from November to the end of January. The timing of the Indonesian offensive, coming a few weeks after Shanana's first ever interview with an outsider, suggests a connection between the two events. In October, just before the offensive, Brig. General Nurhadi, the ABRI spokesperson, was caught unawares when a foreign correspondent asked him how an outsider could have sneaked into East Timor to meet the leader of the guerillas.

Since February, major military attacks appear to have ceased but most of the troops remain in the country. A report dated 22 February says that in virtually every village throughout East Timor, a platoon of soldiers has been stationed in addition to the regular, territorial NCO. The aim is to separate the population from the guerillas. This substantial military presence has made it hard to preserve the logistical and communications network between villagers and 'those in the bush'.

Recent reports show that the guerillas have had a difficult period. On 14 November, troops surrounded what they thought was Shanana's base in Surulao, Ainaro, but he had already left. A battle ensued during which Falintil claims to have killed dozens of Indonesian troops, while losing several of its own men. Although Shanana escaped, crucial documents were seized, along with a cassette recorder, photographs, a type-writer and other equipment. It seems that these documents enabled army intelligence to identify links with the clandestine movement in Dili, resulting in a crackdown in Dili, Maliana, Liquisa and elsewhere.

Another report came from Fretilin Central Committee member, Mau Hodu Ran Kadalak who described his miraculous escape:

.... In fact, I faced an extremely difficult situation at Aitana mountain. Now, I'm back with the other two brothers but contact-lines between us and our security and linkage groups are cut. It was with enormous difficulty that we managed to penetrate the enemy's intricate counter-insurgency web set by more than three battalions stretched along all the brooks and rivers; the enemy deployed a chain of ambush-groups every hundred metres – on the slopes, the mountains, the hillocks and in our temporary supply bases – the enemy was everywhere! Nobody would

EAST TIMOR

have bet a cent on my chances of survival and when everyone thought I was among the 'SAUDOSOS' [the deceased], I suddenly re-appeared. They asked me: "How did you manage to escape?" I just answered: "Matebian protects us!" [Matebian is the ancestors' spirit]...

(Fretilin Information Office Newsbrief, March 1991, no.1)

An AAP report filed from Dili in February [*Sydney Morning Herald*, 12 February 1991] said that the Indonesians, in an intensive three-month operation, had inflicted heavy casualties on the guerillas and may have crippled the underground resistance movement. Brig.General Rudy Warouw confirmed to the Australian journalist that on 29 January, five guerillas, including a commander called Venancio, were killed in combat in the Ainaro-Same area. He said the military actions were not only confined to the Ainaro-Same area but were spread all over East Timor.

New military structure

With this latest offensive, ABRI have also introduced a more coordinated and integrated structure. Efforts to 'Timorise' the war started in the late 70s by recruiting or forcing Timorese to become TBOs (bearers) or *Hansips* (para-military) or even conscripting Timorese into the army. This scheme has not been much of a success as often, entire units or platoons have deserted to join the guerillas. In the past few years, the strategy of 'Timorising' the war has assumed a more permanent shape. An all-Timorese battalion was formed and received intensive training in East Java.

In the latest offensive the number of Timorese troops has increased dramatically to 2,000 with a thousand more being sent to Java for further military training. A week before Christmas, a second battalion of Timorese conscripts arrived back in Dili for their first battle experience against Timorese guerillas. The idea of using Timorese to fight Timorese

was standard practice for the old colonial powers to expand their rule.

A structural change also occurred in the military command. Until December 1989 the military structure in East Timor was split in two; the main one, *Koopskam*, was directly under army HQ in Jakarta, while the *Korem* in Dili (resort military command) kept the usual territorial structure under the regional military HQ in Bali. In the new structure, *Kolakskop*, both commands seem to have been fused under a single command in Bali, with regional commander, Major-General Sintong Panjaitan, asserting overall command. The deployment of platoons in the villages in February is a typical example of integrating combat troops with territorial management, in contrast with the earlier structure when combat and territorial units were quite distinct. On Christmas eve, in keeping with tradition, General Try Sutrisno, ABRI Commander-in-Chief spent time with the troops in East Timor to boost their morale and called on the 'rebels' to give up the struggle. "As ABRI commander, I ask individuals and groups who are not yet convinced about the reality of Indonesia's integrity and unity and about the goals of the nation's development programme to repent and come down from the mountains and abandon their empty, unattainable dreams." By early March, still in the middle of a massive campaign, it was clear that the offensive had not obliterated the resistance or captured its leader, Shanana Gusmao.

The offensive in the urban areas

Although operations in the rural areas may have subsided in February, in the urban areas, operations against the extensive Timorese underground network have continued unabated. An AFP report in October, quoted a church source as saying: "Never before has the situation been so terrible or so tense". Brig.Gen. Warouw told the AFP that in the previous two weeks, 32 people were arrested and interrogated and 14 who had "broken the law" remained in custody. Other sources speak of far more arrests and the situation in the towns is clearly very grim.

Although the military operation in the urban area started in November, there had been many arrests in October, after two clashes between defiant young Timorese denouncing Indonesian rule and the Indonesian authorities. In February 1990, Defence Minister General Murdani warned rebellious Timorese youth against further protests, following three days of demonstrations in January, but since then the situation has deteriorated for the Indonesian authorities.

An elaborate network of young Timorese activists has developed, linking the diplomatic front abroad with the resistance leadership on the countryside, whilst organising and recruiting the Timorese masses against the Indonesian colonisers. No fewer than 16 different groups, active in East Timor and among Timorese students in Indonesia, have become the main target for the present Indonesian military operation. Army intelligence and a special task force called *Nusra Bakti*, known to the Timorese as the most murderous commando outfit, are using a variety of methods during interrogation, including beatings with iron bars, batons and bare fists, burning with lighted cigarettes, slashing with razor blades and immersion for long periods in fetid water. The main aim has been to track down the ringleaders of the many clandestine youth groups. When someone cannot be found, relatives are arrested and taken to one of the many police or military interrogation centres or unofficial safe-houses. This crackdown has created an atmosphere of terror and fear. Even Governor Carrascalao denounced "the climate of terror and the actions of the police, whose job is

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to protect the people, not terrorise them". AFP correspondent Alain Boebion reported from Dili on 28 October:

The climate is most noticeable among the people of Dili, who shut themselves in their houses from dusk till dawn. After 9 pm, one only has to walk through the Timorese quarters of the capital to see they are deserted save for the police who patrol the streets armed with handguns or long truncheons.

EAST TIMOR

The many arrests and disappearances are still continuing and the heavy-handed interrogation methods have inflicted serious setbacks on the underground movement. Army intelligence probably know, deep down, that the independence struggle of the East Timorese is so widespread that no strategy can win over the Timorese, who have resisted Indonesian rule for 16 years. ★

Timor Gap Treaty challenged in World Court

The Portuguese Government has filed a case against Australia in the International Court of Justice for concluding the Timor Gap Treaty with Indonesia to exploit oil in the seabed off the south coast of East Timor. Indonesia does not accept the jurisdiction of the Court and is not included in the action.

Portugal's decision to bring a case against Australia followed ratification of the Treaty by the Australian Parliament in May 1990 and by the Indonesian Parliament in December 1990. In February this year, the ministerial council to implement the Treaty held its first meeting in Bali, to "bring the Treaty into force". However, the Japanese government has said it will advise Japanese oil companies not to invest in the area because of the legal difficulties, while US companies are also reported to be unwilling to invest there.

Portugal has charged Australia with "particularly serious legal and moral damage to the people of East Timor and to Portugal, which will become material damage also if the exploitation of the hydrocarbon resources begins". The key argument in Portugal's case is that the Treaty disregards "the rights of the people of East Timor to self-determination, to territorial integrity and unity and to permanent sovereignty over its wealth and natural resources" and disregards "the duties, powers and rights of Portugal as the power administering the territory". It also argues that Australia is contravening UN Security Council resolutions 384 and 389, which it is bound to accept under Article 25 of the UN Charter.

The Court is asked to adjudge that Australia should not proceed with exploration and exploitation of the Timor Gap until the East Timorese have exercised their right to self-determination under conditions laid down by the UN. [See Press Communique of the International Court of Justice, 22 February 1991]

It is not clear whether the Court will impose provisional measures requiring Australia and Indonesia to desist from putting the Treaty into practice. It is not known when the Court's hearings will begin, nor how long the action could take.

Defending the indefensible

Australia Prime Minister Bob Hawke has described Portugal's case as "groundless" and "regrettable" and gives the impression of supreme confidence in winning. Privately

however, things are probably very different. Many jurists have argued that the Treaty is incompatible with the right to self-determination. However clear the position of the UN on this right, reiterated in many resolutions of a general nature as well as in resolutions adopted regarding East Timor, the strength of international law rejecting the acquisition of territory by force is even stronger.

The unanimously adopted 1970 UN General Assembly Resolution on Principles of International Law Concerning Friendly Relations and Co-operation Among States, which Australia itself helped to draft, states the position quite categorically:



EAST TIMOR

The territory of a state shall not be the object of acquisition by another state resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognised as legal.

This Friendly Relations resolution establishes what is known as peremptory law, which States may not derogate from. Yet Australia's Foreign Minister, Senator Gareth Evans (a lawyer before he became a politician) persists in arguing that: "There is no binding obligation not to recognise the acquisition of territory that was acquired by force." Australia tries to soften the immorality and illegality of this convoluted argument by prefacing it always with a reference to the "unhappy circumstances and possible illegality surrounding Indonesia's acquisition of East Timor". Yet even so, says Evans, "we have taken the view since 1979 that Indonesian sovereignty over East Timor should be accepted not only on a *de facto* but on a *de jure* basis".

A victory for pragmatism

In fact, Australia has been eyeing the rich oil reserves near East Timor for longer than that. After huge reserves of oil were discovered off the south coast of East Timor, negotiations between Australia and Portugal to exploit these reserves in 1972 came to nothing, after discord over the sea boundary between Australia and the Portuguese colony. Five months before the Indonesian invasion of East Timor in December 1975, Australia's ambassador in Jakarta reminded the Department of Minerals in Canberra, in a secret cable, to pay attention to the Timor situation:

...this Department might well have an interest in closing the present gap in the agreed sea border and this could be

much more readily negotiated with Indonesia than with Portugal or independent Portuguese Timor. I know I am recommending a pragmatic rather than a principled stand but that is what national interest and foreign policy is all about.

In October 1976, when the armed resistance was holding out against the Indonesian invaders almost everywhere in East Timor, Australia and Indonesia began negotiations to establish the sea-bed boundary. Two years later, Australia gave *de jure* recognition to Indonesia's integration of East Timor as the preliminary to finalising a seabed accord and exploiting the off-shore oil. It took ten years before agreement could be reached, delayed in part because of the strength of opposition among Australians and even in some sections of the media to the brutal incorporation of East Timor.

Now it's full steam ahead for Canberra to exploit East Timor's oil. When Gareth Evans was discussing implementation of the Treaty in Bali in February this year, he took a few moments away from the business of the day to respond to a letter addressed to his government by resistance leader, Xanana Gusmao, asking Australia to prevail upon the Indonesian government to enter into peace talks without pre-conditions and under conditions of a ceasefire. Categorically rejecting such a justifiable demand, Senator Evans' only advice to the armed resistance was for them to surrender.

Indonesian security officer to Darwin

Timorese refugees in Darwin, the city which will host oil companies exploiting Timor's oil, are alarmed by a decision of the Indonesian armed forces to post a security officer in the city to monitor security in the Timor Gap region. It is feared that this officer could spy on refugees in the city, many of whom still have relatives living in East Timor. ✪

Victims talk about their experiences

The following interview and statements are typical of hundreds of abuses which occur in East Timor daily. What is unusual is that the victims speak so publicly about what has happened to them, giving their names and addresses and attaching their photographs. After the recent spate of demonstrations and unrest among school students in Dili and Baucau, many arrests were made. The first interview was conducted with a student whose case became known to the church authorities.

Abilio Mesquita, Dili, Christmas 1990

The Indonesian military started following me on 5 October. I must have come to their attention through my participation in a number of demonstrations, during the Pope's visit (October 1989), the US ambassador's visit (January 1990) and especially during a mass on 4 September 1990, celebrated by the Nuncio of the Vatican Embassy in remembrance of the foundation of the East Timor Diocese, 50 years ago.

Indonesian soldiers had come to my parents' house in a suburb of Dili, questioning them about my whereabouts. My parents denied all knowledge of my whereabouts. I, however, became so alarmed about their visit that I ran away. A visit of this nature in East Timor means only one thing - arrest.

I fled to Motael Church in Dili and asked Father Ricardo

and Father Cunha for protection. They kindly took me in and I found that other students had asked for the same thing. About 20 of us lived in the priest's residence for three weeks, hiding from the military.

On 29 October, I left and went to Audian to see friends. Whilst there, I was detected by the Indonesian military who surrounded the house and arrested me, at around 9 pm. My friends, Rudolfo and Agostinho witnessed the whole thing. The house had already been locked up for the night when about 20 soldiers surrounded it and broke down the door. They pushed me roughly out of the house. Outside, they beat me up, then handcuffed me and finally threw me into a Kijang belonging to the army. They drove me to Farol, to a military interrogation centre, Senopati II. There they took me to a big room, took off my clothes and started to apply electric shocks to my body. They punched and beat

me so hard that blood was running from my face and head. They beat me all over with an iron rod then interrogated me.

They asked about my involvement in the demonstrations and who had put me up to it. They tried to implicate Father Ricardo and the Bishop of Dili, insisting that they had ordered me to organise the demonstration. I said: 'No, I joined the demonstration because I was conscious of what was going on in East Timor, the atrocities and injustices against innocent people. I joined of my own free will and because I wanted to defend independence for East Timor.'

They took the iron rod again and kicked and punched me repeatedly and then took a large stone, smashing it on my hand. Blood was streaming down my face and I fell over. While (I was) lying on the ground, they took a rifle butt and smashed it into my face, breaking my right jaw. In agony, I shouted: 'Oh, Jesus'. They mocked me, saying: 'Go and call your Jesus to come down and help you.' I wanted to cry but no tears came.

In the same room were two more Timorese students being tortured and beaten, Chico and Eustaquio who was bleeding profusely from head wounds and body injuries.

After seeing the massive blood loss, the Indonesians stopped beating us, and took us to the police office. They did not dress our wounds or bring us to hospital for treatment but undressed us and began to torture us again in the same room, using the same methods as at Farol.

This treatment continued for four days. Perhaps the officers thought many of our bones were broken so on 2 November they took Eustaquio and me to the military hospital for treatment. On arrival, we were examined and X-rayed by an Indonesian army doctor who said my jaw was broken. None of Eustaquio's bones were broken, only badly bruised and very swollen. He was sent back while I was allowed to stay in hospital. However I was neither treated for my fracture and many other wounds nor given anything to eat or drink for eight days. Blood was still trickling from my hand and I could swallow the blood inside my mouth only with difficulty.

On 9 November, my mother went to Father Ricardo to ask him to accompany her to the military commander to get permission to visit me in hospital. This was granted but when they arrived at the hospital, they were not allowed in. Only after phoning the *panglima* [military commander] were they finally permitted to enter the hospital. During that visit, I was for the first time treated and given food and medicine. But as soon as my mother and Father Ricardo left the hospital, they started beating me again until I was bleeding. I was also tied to the bed so as not to run away. The same happened to Talfo; another young man who had been tortured with me and who had also been admitted to hospital.

The next thing I remember was Bishop Belo visiting me accompanied by the police commander. He asked who had taken me to hospital. I could not name anyone. He asked me what instruments of torture had been used and I told him: iron rods, boots, fists, rocks, electric shock. The Bishop then asked me when the operation on my jaw would be performed; the doctor standing by the bed said: 'Next Saturday, but it will cost Rp. 500,000 [about £125]. The Bishop immediately volunteered to pay the costs, saying: 'This is my responsibility.'

The operation took place on 24 November, 22 days after the injury. They wired up my teeth and said it would take about a month before the wire could be removed.

When I arrived at the hospital on 24 December, the doctors demanded another Rp 800,000 for removing the

metal which I did not have. I asked my mother where we could get the money: 'First they arrest me like a thief, beat me and break my bones, and after taking Rp 500,000 from us, they are asking for Rp. 800,000 more. Where shall we get the money?' My mother could say nothing. They stopped giving me any more medicine in the hospital because I could not pay for it.

In hospital after 24 December, I was visited by the Red Cross who tried to establish the same facts as the Bishop. After the Red Cross people left, army officers appeared at my bed again, asking me what questions I had been asked and what answers I had given. They asked: 'Who else has visited you and Tafolo? Father Ricardo? Father Locatelli? The Bishop? Your vice-president (an obvious mockery)? 'Maybe, you Timorese are winning, but before that, we will kill all of you.' I said: 'Sir, you can kill us all but even if only one Timorese is left, we will achieve independence.' The officer replied: 'You are very audacious.' I said: 'Yes, I am brave and if you want to kill me, I am ready to die.' They beat me again and said: 'You are against the nation.' I said: 'I am speaking the truth and I am defending the right of the people of East Timor.'

At night they came to my hospital bed and took me out, threatening to kill me, However, since so many people knew of my story, they perhaps did not dare to carry out their threat and took me back to my bed in the end.

Today, I am still confined to the hospital, my jaw is hanging in a strange position and I am still very sick from all the beatings."

[This interview was conducted over Christmas when the hospital allowed the "patient" to leave hospital for a few days to celebrate Christmas with his family. Today he is back in the military hospital, waiting to be tried.]

Ventura Valentin

Ventura Valentin heard that he was a wanted man on 17 October because he had participated in the pro-independence demonstration in Dili on 4 September:

I ran away to my birthplace, Lospalos. On 20 October,



*Police hitting hard at demonstrating Timorese students during US Ambassador's visit to East Timor in 1990
Photo: Jenny Groves*

EAST TIMOR

around midnight, three army units entered the small village of Ira-ara where I was staying with my family, burst into the house and asked for me. My brother said I was in Dili, so they took photos of me and took my sister, **Juliana Valentin da Conceicao** and her husband, **Abilio dos Santos Tilman** to Kodim (military command) 1629 where they were questioned and tortured till 4 am. The next day, they took my brother-in-law to my aunt's house in Bauro village, Lospalos where they searched for me. At 2 am the following day, the soldiers returned to Kodim with the whole family who were questioned and threatened until 5 pm.

"Meanwhile my home in Dili was kept under surveillance so that when I returned home on 4 November, I was arrested and taken to Nusra Bakti where I was tortured. Nusra Bakti is known as the headquarters of the most murderous commando group in East Timor. I was interrogated by Captain Suwito and severely beaten by him and a sergeant named Bayam. The brutality continued without stop till 7 pm and I was detained for 5 days and nights. After they decided that I was innocent, I was released on condition that I collaborate with army intelligence."

Domingos Pereira

Domingos Pereira is 28 and lives in Matadouro. He was arrested on 3 November 1990 at his aunt's house, late at night:

"They smashed the door down, entered the house and beat me inhumanly using iron bars, sticks and batons. They took me to the Senopati I headquarters where I was subjected to the worst kind of treatment. I was beaten continuously in the face and my nose was so badly injured that my face was covered in blood. That night, they threw me onto a vehicle and drove me to the police headquarters. During the journey, they continued to beat me so ferociously in the chest and head that by the time we reached the police station, I had lost consciousness. When I came to, I had no idea where I was.

"I was thrown into a cell. They tied my belt round my neck and dragged me along because I was unable to walk, being half dead and covered in blood.

"On 4 November, at 11 pm, I was taken from the police cell to Senopati II to have my case examined. The interrogation went something like this:

Why have you been arrested?

I don't know what I have done wrong.

How come you don't know. If you have been arrested, you must have done something wrong. Did you take part in any demonstrations?

Yes, five times. In Taci Tolu on 12 October 1989 at the Papal Mass, in Hotel Turismo on 17, 18 and 19 January 1990 and on 4 September 1990 at Lecidere.

Why did you take part in these demonstrations?

Because we want independence, free from Indonesian rule, not under the red-and-white flag.

What would your state be, and your flag?

I want to have an independent state called the state of East Timor, with a red, yellow and black flag with a star in the middle.

How do you know about that flag?

From when I was fighting in the bush, when I was 18 years old. [I was then asked to explain the significance of the colours of the flag.]

After being asked many more questions, I was returned to the police cell. I spent eight days at Senopati II because I was too ill to move. My leg was badly injured and I suffered from chest pains. I was transferred to the police station on 12 November and there, they started giving me a little food and drink. I sometimes had to drink water from the toilet. Whilst in this cell, my state of health deteriorated badly.

"This is all that I can say. I know that it is not complete but this is all I can remember because I am still very ill. That's all and thank you very much."

[The statement is written by hand in Indonesian.]

Bobby Xavier Luis Pereira

Bobby Pereira lives in Vile-Verde.

I was arrested on 27 September 1990, released on 6 October, re-arrested on 8 October and released on 9 December. Although I am now free, I am still being hunted by officers who come asking questions about me at Mata-douro kampung. While I was in detention, I was beaten with iron bars and threatened by intel officers who threw things at me and fired their pistols into the air. Once they even aimed at me, but missed.

I was told that I must give them accurate information. They asked why I had gone into hiding and I said because I was being hunted down.

Why were you being hunted down?

I don't know why.

How many times did you take part in demonstrations?

Five times. [He lists the same demonstrations as Domingos Pereira.]

What was the aim of these demonstrations?

To demand the right to be free, to have our independence.

Who told you to go on those demonstrations?

No-one. I took part of my own free will because I am a child of East Timor and my father died defending East Timor.

What banner did you carry?

I carried a banner saying, "JUSTICE".

After being interrogated, I was taken to the police headquarters and tortured there. They used their pistols to beat me on the head until I lost consciousness. Then they took me to Comarca Prison where I was beaten with bamboo till my skin was lacerated and all my bones ached. I still cannot sleep at night or walk. ★



East Timor and the Gulf Crisis

The Gulf Crisis and Iraq's invasion of Kuwait has served to highlight the glaring contrast between the way the UN has responded under pressure from the US and the UN's ineffective response to Indonesia's invasion of East Timor 15 years ago. Condemnation of human rights violations and support for East Timor's self-determination has come from a variety of sources in the past few months, including the European Community, the Socialist International and the House of Commons.

A Joint Statement on behalf of the twelve members of the European Community at the 47th Session of the Human Rights Commission, spoke more strongly about East Timor than in previous years:

The Twelve are gravely concerned at the human rights situation prevailing in East Timor. Whilst access to certain districts continues to be prohibited, reports have reached us of arrests of short or long duration, mistreatment, torture and executions, whereas non-respect for the right of peaceful assembly and freedom of expression continues to be inflicted on the inhabitants of East Timor by the Indonesian forces.

The Twelve welcome the intention of the special rapporteur on torture to visit East Timor. However, they express the wish that NGOs should be allowed to visit the territory.

The Community and its member States express the hope that an equitable, global and internationally acceptable solution will be found in conformity with the principles of the United Nations Charter, which includes respect for human rights and fundamental freedoms, and takes full account of the legitimate interests of the East Timorese. The Twelve continue to follow closely the evolution of the situation in East Timor.

In reply, the Indonesians made no reference to the EC statement, but made it clear that NGOs such as Amnesty and Asia Watch who have repeatedly complained about conditions in East Timor would not be given access.

The Indonesian Government is willing to seriously consider any requests to visit East Timor by credible human rights organisations if, for their part, they can display by words and deeds that they are truly sincere in their goodwill, and that they will examine objectively the human rights situation of the Indonesian people (sic) of East Timor. It is inconceivable that those who have made derogatory statements even before visiting the territory, should expect the Indonesian Government to believe in their impartiality and allow them access.

Mr Kooijmans, the UN Special Rapporteur on Torture, is planning to visit Indonesia in November this year. He is understood to have told the Indonesians he would only go on condition that he could visit East Timor and Aceh.

Socialist International resolution

At its annual meeting in Sydney, Australia, in March 1991, the Socialist International made the following statement regarding East Timor:

The human rights situation in East Timor continues to cause real concern. Delegates urged the government of Indonesia to fully respect the collective and individual rights of the people of East Timor and to work under the mandate of the UN Secretary General to achieve an internationally acceptable settlement of outstanding issues in accordance with the principles of the UN Charter.

The conference was opened by its President, former West German Chancellor, Willy Brandt. The Socialist International has 90 member parties, 24 of which are in government.

The Gulf Crisis and Timor

Against the political background of the Gulf War, Parliamentarians in both Houses of Parliament have drawn

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attention to the issue of East Timor. In the commons, a group of Labour MPs tabled an Early Day Motion. By the time of the Easter recess, the Motion (No 512) had been signed by 48 MPs from the Labour Party, the Tory Party, the Liberal Democrats, the Social Democratic Party and Plaid Cymru, the Welsh nationalist party. The motion reads:

That this House recalls and endorses the seven resolutions of the United Nations General Assembly on East Timor passed between 1975 and 1982; endorses in particular, Resolution 53/27 of 1980 which re-affirms the inalienable right of the people of East Timor to self-determination and independence and declares that the people of East Timor must be enabled freely to determine their own future within the framework of the United Nations, and calls on the British Government to support a UN-supervised act of free choice by the people of East Timor, following withdrawal of the Indonesian military forces."

An Early Day Motion is not tabled for discussion in the House of Commons but is a way of mobilising support around an issue. It will remain on the Order Papers for the rest of this parliamentary session which ends later in the year. *TAPOL Bulletin* readers are urged to

Labour's Alice Mahon referred Prime Minister John Major to Amnesty International's report on East Timor asked whether he would "make a commitment to a peaceful and just world by banning the sale of weapons to Indonesia, given that country has occupied East Timor for 15 years and has committed the most atrocious acts of violence against its population." Major said he had not read the Amnesty report and promised to do so.

Paul Flynn asked whether the Foreign Secretary would instruct the UK ambassador to the UN to raise the problem of human rights abuses in East Timor in the UN Security Council, to which the spokesman replied that UN Commission on Human Rights was the appropriate forum and referred him to the EC statement on East Timor.

Why some invasions are 'justified'

It was a simple question. Could the Minister for Foreign Affairs and Trade explain the difference between Iraq's invasion of Kuwait on August 2 and Indonesia's invasion of East Timor in December 1975?

It was obviously so simple that (Foreign Minister) Gareth Evans must have wondered why Senator Jo Vallentine [Independent] asked it. We need to know on every occasion why some invasions are "necessary", "justified" and "appropriate" while others are 'naked aggression'. Senator Vallentine asked whether the minister "recognised the irony of a situation where oil is involved in both disputes but, in



*Timorese orphanage in Venilale
Photo: N.Kumar*

write to their MPs inviting them to sign the motion.

Meanwhile, since February at least seven questions on East Timor have been asked in the House of Commons and a discussion took place in the House of Lords. On the arms trade, Labour MP Paul Flynn asked the Secretary of State for Defence whether he recalled that the Indonesian Government had killed a bigger proportion of the population of East Timor than Pol Pot killed of the population of Cambodia and asked why government agencies encouraged British Aerospace to sell Hawk aircraft and other weapons to the butchers of Indonesia. In reply, the minister stated only that "stringent conditions are applied to the sale of armaments and that defence sales provide considerable benefit in terms of domestic employment and overseas earnings."

the Gulf, Australia chose to side with the victim while nearer at home the Government sided with the aggressor".

It was obvious to Senator Evans, who explained, "Perhaps the most relevant distinction is that the East Timor invasion by Indonesia was never accompanied by any United Nations resolution determining upon economic sanctions, let alone any subsequent UN resolution by the Security Council or anybody else effectively enabling the use of force in support of various objectives if they could not be peacefully achieved.

Senator Evans had more reasons why Kuwait's annexation was "naked aggression" and East Timor's was just one of those things. "There are other grounds of distinction which could be drawn. East Timor was not, of course, a sovereign

country in its own right but a colonial dependency, one that had in fact been deserted by its former colonial master and in respect of which there was significant civil conflict raging between three rival groups, two of which, as I recall, favoured integration with Indonesia (sic). So the circumstances were different...."

Senator Vallentine wanted to know, also, when the Australian Government would change its position on East Timor, in line with the growing body of international opinion that is now demanding the right of the people of East Timor to self-determination". She cited the views expressed in the US Congress and the European Community "about recognition of the rights of self-determination for the East Timorese people". She asked: "Will the Government have the courage to admit that its silence in 1975 was a mistake and that this can be rectified by Australia taking a constructive role in settling this dispute which will not go away?"

For Senator Evans, the problem was settled. He told the Senate, in words which Saddam Hussein must wistfully regret were not applied so generously to him, "... there does come a time when the reality of an annexation or absorption of this kind has to be accepted. That time came for this country some years ago."

[Summary of a report in *Canberra Times*, 13 January 1991]

Timor and the Falklands

The British government too has been scrabbling around for arguments to avoid confronting the hypocrisy of the Kuwait-East Timor contrast. Writing to a TAPOL reader, Mr A. Fitch, a Foreign Office official said that the

Government "did not accept the parallel drawn between the Iraqi invasion of Kuwait and Indonesia's annexation of East Timor. Kuwait is a sovereign member of the UN whereas East Timor was abandoned by a former colonial power and was aspiring to independence at the time of the annexation. While not denying the unacceptability of Indonesian methods, there is a need to look to the future rather than to the past, and we hope that the parties concerned (Indonesia, Portugal and the East Timorese) will find a mutually acceptable solution to the problem."

The argument was taken up by Lord Avebury, chair of the Parliamentary Human Rights Groups and leader of Parliamentarians for East Timor who wrote to Foreign Secretary Douglas Hurd on 17 March as follows:

The UN Charter does not make a distinction between territories of varying political status in its prohibition in Article 2 paragraph 4... Our argument for using force to dislodge Argentina from her illegal occupation of the Falklands depended on the Charter. We of all people can hardly say that breaches of Article 2 are less serious if the territory in question is not sovereign, can we?

On the other hand, I was glad to note that you believe the people of East Timor must be separately consulted, as we believe is required by Resolution 37/30.

Douglas Hurd's reply, when it comes, is likely to make interesting reading. ★

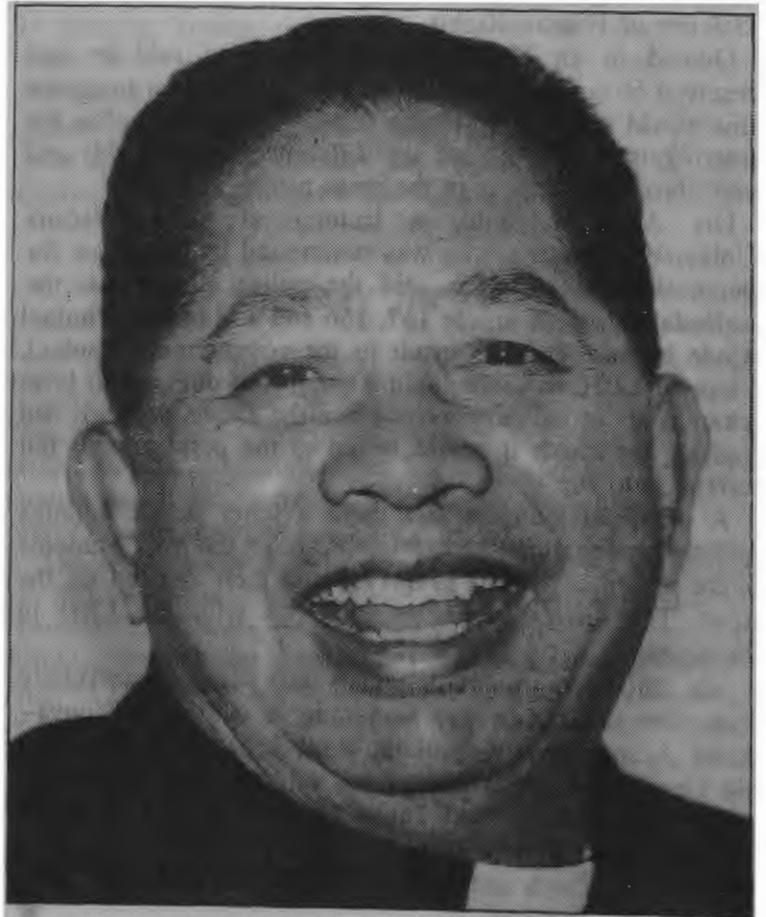
Timorese church leader dies in exile

Dom Martinhu da Costa Lopes, the priest who headed the Catholic Church in East Timor from 1977 to 1983 when he was forced to resign, died in hospital in Lisbon on 27 February, after a long illness. He was 73.

Mgr Costa Lopes waged a spirited defence of the East Timorese from 1981 onwards when the forces of occupation compelled tens of thousands of Timorese men to take part in a massive, nation-wide search for guerrillas fighting in the bush. At a time when communications with East Timor were completely cut off, it was he who started sending messages to church groups in Australia, warning of the abuses that were occurring inside the country. His outspokenness earned him the opprobrium of the Indonesian military whose complaints to the Vatican led to his enforced retirement from his post as apostolic administrator and his departure from his native land, never to return.

In a lengthy interview with TAPOL a few months after his arrival in Europe, Mgr Costa Lopes described the atrocities perpetrated by Indonesian paratroops who were dropped on Dili on the day of the Indonesian invasion, 7 December 1975. "All we could see were soldiers killing, killing, killing... killing everyone they could find." [TAPOL Bulletin, No. 59, September 1983] At the time, he was vicar-general to Bishop Ribeiro, an elderly Portuguese priest, who was so distressed by the atrocities that he left East Timor in 1977. Costa Lopes was appointed to head the diocese. The Vatican resisted pressure from Jakarta to place the diocese under the Indonesian Council of Bishops but did not

continued on page 23



Calendar scandal!

At least two people have been arrested and nine called in for questioning in the government's latest censorship witch-hunt. This time it is not a book, pamphlet, or even a poem that has upset those on high. It is a calendar.

The current and former chair of a Central Java NGO have been arrested for circulating a satirical cartoon calendar. The large "Land for People" poster-calendar, full of caricatures has been on sale since January. Nine wellknown activist NGO's have their names on the calendar, like INFIGHT, LPHAM, LBH Bandung, INSAN, two women's groups and several student groups. It seems none of these groups have become the target of investigation by the military intelligence. Instead, a small active community group in Salatiga called Geni Foundation has become the focus for a witch-hunt. Two key figures of Geni Drs. Bun Tomi, chair, and Matheus, former chair of Geni have been placed under arrest.

Before his arrest, Drs. Tomi had described the calendar as "very amusing". One figure with a bulging stomach is pouring water onto a group of people pleading for help; some shrink away, afraid of being branded ex-PKI (communist party). Another caricature is of a bespectacled woman in a bikini [a remarkable likeness of Mrs Suharto] playing golf. Nearby is a man [clearly, President Suharto] sitting on several wasted bodies embracing a woman also wearing a bikini.

The theme of the calendar is land disputes - Badega, Cimacan, Kedung Ombo and Lampung are all depicted. Below the caricatures are the logos of a number of NGOs such as Infight, LBH-Bandung, and the Institute for the Defence of Human Rights.

Quoted in an *Editor* report, Bun Tomi said he had received 50 copies from LBH-Bandung and never imagined this would result in his being summoned by the police for interrogation. "I can't see the difference between this and caricatures that appear in the mass media," he said.

Drs Ariel Heryanto, a lecturer at Satya Wacana University, Salatiga, who was summoned by the police for purchasing three copies, said the police alleges that the calendar infringed article 137, 156 and 157 of the Criminal Code because it is an insult to the government. Maolani, chair of LBH Bandung, said it would be difficult to level charges about the caricatures since the events depicted had indeed happened; it would be up to the persons who felt offended to sue.

A group of students have sent a letter to the Salatiga police headquarters complaining about the way students were presented with a summons and then arrested on the spot. The matter has been taken up with the LBH in Semarang.

The calendar is circulating widely around university campuses in Salatiga and Semarang as well as in Yogyakarta. According to *Kedaulatan Rakyat*, of the 50 circulated by Geni, only seven have been retrieved by the police. They have a tough job ahead of them - five thousand copies of the calendar have been printed.

[*Editor*, 16 March and *Kedaulatan Rakyat* 13 March 1991 and TAPOL sources] ★



Fragments from poster-size calendar

Human Rights Briefs

Workers protest over factory deaths

About 800 workers at PT Maspion's household appliance factory in Sidoarjo district, Central Java, demonstrated in February following the collapse of a building in which a number of people were killed. According to the *Jakarta Post*, there were twelve dead, but another daily paper put the death toll at 26 with many others injured. Eye-witnesses said that about 200 workers were on the ground floor of the factory when the two-storey building caved in. The second floor was originally designed to be an office but was being used to store almost 100 tons of paint. This weight caused the building to collapse.

Shortly after the incident, hundreds of angry workers and the public threw stones at the factory's windows and at passing cars in the street. Large numbers of security personnel were brought in to control the crowd.

At the following day's protest, the PT Maspion workers demanded a thorough investigation into the collapse. They also used the occasion to criticise the fast-growing company for failing to pay overtime, giving low wages and enforcing extended working hours. Although the official working day is eight hours a day, PT Maspion makes them work from 8am till 7 pm every day.

Factory manager Alim Markus told the workers the company would consider their demands but warned them against taking the law into their own hands. "Violent means will discourage foreign investors. Anyone vandalising the factory will face security officers."

The East Java military commander, Major-General R. Hartono, playing down the accident, said that only three workers were killed in the incident. Two were seriously injured and seven lightly wounded, he said.

Alim Markus promised to give financial assistance to the relatives of those who died in the incident but declined to say whether all workers were insured. [*Jakarta Post*, 27 February 1991, *Pelita* 27 February, 1991] ★

Journalist's death investigated

Director of *Pertiwi* [a women's magazine], Drs Tom DBP Gultom, said he has contacted the metropolitan police in connection with the death of Victor Simanungkalit, 33, a journalist working for the magazine. He wants to get to the bottom of Simanungkalit's death which he described as "mysterious".

He told *Suara Pembaruan* that he had set up a special team of journalists to investigate their colleague's death on 30 November. Nothing he had written in the last six months could be construed as investigative reporting.

Meanwhile, the director of the Jakarta Legal Aid Institute, [LBH] Nursyahbani Kacasungkana called on the police to thoroughly investigate the journalist's death. Victor is said to have died in a traffic accident on Jalan Jatinegara Timur on 30 November, by falling from a Metro Mini, but no autopsy was carried out before his burial. She said the police should make every effort to carry out an autopsy to

explain the death since "news of this case has spread far and wide among the public with different opinions being expressed." She said cases like this occurred so often they had come to be regarded as normal. [*Suara Pembaruan*, 11 & 14 December 1990]

Describing the journalist's death as 'mysterious' suggests that those calling for an inquiry fear that it follows the pattern of the killings by army death squads in 1983-84 which were officially called 'mysterious killers'. ★

Church under fire for silence on abuse

The Indonesian Catholic hierarchy, has been criticised by Catholic lawyer Frans Hendra Winarta, for failing to speak out over human rights abuses. Winarta, who is a staff member of the Indonesian Legal Aid Foundation (YLBHI) said he didn't agree with the Indonesian Catholic Church position:

"Our Church leaders are silent on issues about human rights violations in this country. The Church often takes a safe position by encouraging moral, human values without ever denouncing the real attacks against humanity."

Winarta's comments followed disclosures by a number of East Timorese from Viqueque, Lafaekhasan and Wefayun in East Timor, who said they had been "physically harassed" by security personnel in June.

According to Winarta, the Church is expected not only to teach people about human rights, but should also continually monitor human rights violations in the country and immediately warn violators through public and formal statements. He said cases of injustice far outweigh the number of abortions in the country yet the Church seldom talks about injustice but inveighs against abortion. [UCAN (Catholic news agency, Hongkong) 17 December 1990]★

New strategy for the LBH

The Legal Aid Institutes (LBH) which initiated a new tradition in Indonesia, back in the early 1970s, of providing free legal assistance for people needing to be represented in court, intends to change its modus of operation by concentrating on public interest lobbying rather than offering legal assistance to individuals.

The new strategy was adopted at a Working Conference in February, attended by all the regional LBHs. Under the new style of work, the institutes will aim to anticipate problems and lobby with the appropriate bodies. A transition of at least two years will be needed before it can fully function. According to Nur Ismanto, director of Yogya LBH, "The cases and problems coming to our attention have led us to the conclusion that the position of the community vis-a-vis government is growing weaker." This results in many abuses of people's rights and interests, with sections on the margins of society being completely

overlooked – a fate suffered by industrial workers, the informal sector, peasants and fishermen.

At the decision-making stage, businesses, conglomerates and the bureaucracy have powerful lobbies at their disposal but the marginal sectors have no-one to lobby for them. It will be the LBH's task to lobby for these groups and represent their interests. For instance, the Central Java government plans to develop coastal areas but who will lobby on behalf of those living in these areas? [Editor, 23 February 1991] ★

EC to link aid to human rights

The European Community is to introduce tough new political criteria in its aid programme for Asia. Formal adoption of the EC Commission's proposals, drawn up by EC Commissioners, Abel Matutes and Manuel Marin, is expected to be approved by the 12 EC foreign ministers later this year.

According to the *Far Eastern Economic Review*, a number of Asian nations have reacted angrily to the prospect of EC scrutiny and suspension of aid if human rights violations are identified. Asian diplomats in Brussels have warned any cut-off of EC assistance during times of internal disorder would work against the welfare of the people, and Asian governments would not take kindly to European moralising. But the EC heads of government issued a statement in December 1990 making it clear they believed their actions could not be considered interference in the internal affairs of states. Instead, the new policy will reflect "a legitimate concern under international law essential for the creation of a sound political climate fostering peace, security and cooperation".

This is a radical change for the EC. Traditionally, Brussels adopted a soft approach to its development relations with the Third World. If anything, development specialists at the EC Commission emphasised the political neutrality of EC aid to developing regions and EC aid came with "no political strings attached".

The increasingly influential foreign policy role played by the European Parliament – which has become the EC's effective watchdog – has helped harden EC attitudes towards countries with an evident disregard for basic freedoms [see the Parliament's East Timor resolution, for example].

Once the new proposals come into force, the EC's annual US\$400 million aid programme for Asia will be automatically covered, but more significantly perhaps, once the EC moves towards a common foreign and development policy, such political criteria could apply to all aid disbursed by the EC and its 12 member states – estimated to total some US\$26 billion a year. [Far Eastern Economic Review, 14 March 1991] ★

Gulf war protestors arrested

Several students protesting against the Gulf War were beaten up and arrested by the security forces following demonstrations in Bandung on February 13 and Jakarta on the 14th. In Jakarta, the students, Shanti, Yeni, Tumpak, Rima, Veby, Majid and Iwan as well as two foreign reporters named Claudia and Sarah, were dragged away by army intelligence officers as they were dispersing after the protest had ended. A group of about 60 student protestors, carrying posters and banners, had marched to the US



Anti-Gulf war demo in front of US Embassy in Jakarta

embassy where they called for a halt to the bombing of Iraq and accused the US government of manipulating the UN. They then called at several other embassies including those of the UK and Japan. Far outnumbered by army and police, the orderly demonstration, which was organised by the Anti-War Action Committee, ended with a prayer. The detainees were released the following day; all had been beaten.

The biggest anti-war demonstration among the several that have been organised was on February 4, when over 500 people participated. [AKSI Bulletin Vol 1, No 1, 1991]

The brutal response of the security forces elicited angry reactions both within and outside Indonesia. In Australia, letters and faxes of protest were sent to the Indonesian embassy, and in Indonesia, a Moslem student group marched to the House of Representatives [DPR] to protest over the authorities "harsh action" against the demonstrators. About 40 members of the Bandung-based Islamic Indonesian People's Front forced their way into the DPR building where they met members of the ABRI faction. [Jakarta Post, February 22, 1991] ★

Unionists arrested after protest

"...So the intimidation begins..."

The security forces detained at least 14 members of the Solidarity Free Trade Union (SBMS) on March 1, following its first public demonstration. The day before, 250 workers protested over pay and conditions at the House of Representatives in Jakarta. Four textile workers were taken from their homes at about 1 a.m. and later released, while ten employees of a timber firm in West Java were apprehended on their way to work. "Our research and intelligence division has to keep up with what's going on to prevent any unforeseen unrest," said a police officer, quoted by *Reuter*. The union leaders protested against the arrests in a letter to armed forces commander General Try Sutrisno. As one unionist commented, "So the intimidation begins".

Interior Ministry officials have refused to meet Solidarity delegates, and deny the new union official recognition. They say the existing [government-controlled] SPSI union is enough. But Solidarity persists in reminding the government that the right of workers to organise is guaranteed under Indonesia's constitution. Saying workers should take their complaints to the ineffectual SPSI means that "the ruling group in parliament doesn't have the guts to stand up for the constitution," said H.J.C. Princen, Solidarity's president. [Reuter 28 February and 1 March, 1991] ★

Kedung Ombo

Villagers still in dam as inauguration date approaches

It is now more than two years since the gates of the Kedung Ombo dam were closed, and the rising water began to flood the homes and farmland of thousands of people still living there. The resistance to unjust resettlement earned the Kedung Ombo families worldwide acclaim, and severely embarrassed the project's major funder – the World Bank. The perseverance of the families, in the face of intimidation and financial ruin, eventually forced the Indonesian government to offer some concessions. But the fight is still on: central to the continuing dispute is still the issue of compensation – both how it was decided and how little was offered.

There are around 2,300 people still living on the water's edge around the Kedung Ombo dam. They are living in small makeshift villages, scratching a living from what little land remains unsubmerged and from fishing. Three hundred people from Mlangi, for example, whose village has been swallowed up by the dam, still remain. They moved their homes three or four times, reports *Tempo*, but then gave up and abandoned them to the advancing water, instead building bamboo huts to sleep in. Some of these villagers have already 'accepted' compensation: "We were forced to give thumbprints, then paid and ordered to leave", said one Mlangi villager. [*Tempo* 2 March, 1991]

Villagers have been subject to threats and violence: Darsono, a 40-year-old Kedung Ombo farmer, quoted in a *Reuter* report, said: "We will be fined 10,000 rupiah (about five dollars), stay three months in jail and still lose our land if we refuse the compensation." Another, Subandi, said: "One of us got beaten with cassava sticks by security officers. We were forced to accept the money or they would accuse us of hampering national development." [*Reuter* 13 March, 1991]

In Kedung Pring, Boyolali district, where 54 families are refusing to relocate, the authorities have closed down a makeshift school for 40 local children as it is believed to be a disincentive to resettlement. The group was run by well-known social worker and priest Romo Mangunwijaya and

was funded by private donations. Stressing that his work was not political but humanitarian in nature, Romo Mangun has protested strongly against the closure.

Troops sent in

Such is the resilience of the Kedung Ombo villagers who refuse to leave their homes, that the Boyolali district chief, Lt. Col. Hasbi has resorted to bringing troops into the area once again. On Hasbi's request, two companies of troops from the Surakarta Command Battalion 408 have been sent to Kedung Ombo. Hasbi claims they have been brought in not to intimidate the recalcitrant villagers, but to 'help' those who want to move to transport their goods to the new site – help they could well do without.

As well as the stick of the army, Col. Hasbi is also offering the carrot of free rice at the resettlement site, delivered by the Indonesian Red Cross and the Boy Scouts. Brimming over with paternalism, he said: "They are still my people, my children".

Two classes of resettlement

A discriminatory policy against the protesters has been outlined by Radinal Moochtar, the public works minister, after visiting the dam in February. The 531 families who accepted the offer of resettling from the start will be offered 1,000 square metres of land with a land ownership certificate and house, free of charge. However, those 322 families who have already received compensation for their land, but still remain on the shores of the reservoir or green belt, will each be given 500 square metres of land and a house. They must pay Rp 200/m² for the land and Rp 1.3 million for the house within three years. [*Kompas* 21 February, 1991].

Protest in Jakarta

Determined their case shall not be swept under the carpet, in February the Kedung Ombo villagers were once more protesting at the House of Representatives in Jakarta. They



Fragment from calendar (see page 16)

LAND DISPUTES

voiced their protest over low land prices, the lack of infrastructure in the resettlement sites, the high cost of land titles and of reclaiming the land for farming. The two previous protests brought no solution, so villagers may have been sceptical at the House members' promise to arrange an investigation into the villagers' charges of intimidation in March or April this year.

There were efforts to halt the protesters – a tactic also used by security forces in the Cianjur dispute [see *TAPOL Bulletin* 103]. According to *Kompas* [February 27] half the buses were prevented from leaving for Jakarta.

Villagers appeal after losing case

A lawsuit filed by 54 villagers from Kedung Pring against the Central Java government, was rejected by the Semarang district court in December 1990. The villagers had demanded Rp 2 billion in compensation for land, buildings and crops lost to the dam. [See *TAPOL Bulletin* No 100] The Indonesian Legal Aid Foundation (LBH), representing the Kedung Pring villagers, said they would appeal in the high court.

LBH Chair Abdul Hakim also objected to the imminent inauguration of the dam, saying "The Kedung Ombo issue is not yet solved, so how can a project with an unresolved legal status be inaugurated." The inauguration, planned for April, is likely to be carried out by President Suharto. [*Kyodo* 13 March 1991]

Top World Bank official visit

Moeen Qureshi, Senior Vice-President Operations at the World Bank, paid a visit to Kedung Ombo in January. The Bank's representative in Jakarta, Nicholas Hope, said the visit was arranged in response to negative reports circulated by NGOs abroad. After a brief tour of the dam, Qureshi felt confident enough to claim that life on the resettlement sites seemed to be improving. Since the tour seems to have consisted of little else than a viewing of the dam structure itself – heavy rain prevented his helicopter stopping, as planned, at the resettlement site Kedung Mulyo and a floating net alternative income generating scheme – this is confidence indeed.

Though hardly a learning experience for Qureshi, the visit is at least a public acknowledgement of the gravity of the Kedung Ombo case. The sustained efforts of the Kedung

Ombo villagers, holding out for just compensation and replacement land, has caused more than a headache to the dam's funders – not least the World Bank. Efforts to present a more environmentally and socially responsible image have been undermined by the Kedung Ombo case and other disastrous dam projects around the world. These cases show that drawing up guidelines in Washington have little bearing in what actually happens on individual projects. The Bank has consistently refused to publicly recognise the injustice and suffering its 'development project' has meant for people who made their living from the now submerged lands. Until it does, and acts upon it, no claims of reform can be taken seriously.

Student statement on Kedung Ombo

The Indonesian students' solidarity group for the victims of Kedung Ombo issued a statement on December 20, 1990, just before the 42nd anniversary of the UN's Universal Declaration of Human Rights. Addressed to the House of Representatives and the Central Java Governor, the statement expresses concern at the continuing denial of human rights in Indonesia in general and the people of Kedung Pring, Kedung Ombo, in particular. The students complain of the integration of the political power with the courts and call for the protection of fundamental human rights, for people-centred development. They call for an investigation to settle the Kedung Ombo dispute without force or coercion and demand that students and others be allowed to support the people of Kedung Ombo help resolve the dispute, without prejudice. ★

Dams galore

Despite huge and costly social, environmental and technical problems with existing dams, more dam projects will go ahead and more funding will be poured in by donors of 'development aid' to construct them. The Japanese government aid agency OECF is expected to approve or has already approved loans for dams in Lampung, Sulawesi and Riau. The Koto Panjang dam in Riau will flood at least 4,152 families out of their villages as well as submerging ancient Buddhist remains. The 114 Megawatt dam will be 60% funded by OECF – a fact which has already attracted vociferous opposition within Japan.

EAST TIMOR



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Contraceptive implants invite abuse

The US Food and Drug Administration has now approved the use of an implant contraceptive for use in the US, years after its introduction in Indonesia. Despite the FDA's stringent conditions for use, the contraceptive has already been abused. We look at the implications for Indonesian women.

The long-acting hormonal implant contraceptive, Norplant, has been inserted into the forearms of about half a million Indonesian women since 1981. Introduced at first on an experimental basis, the contraceptive capsules which are effective for five years, were then incorporated into the government-run national family planning programme.

Implants, injectables and IUDs are favoured by Indonesian policy makers over the pill, the condom and other barrier methods, because they are "effective" - ie. the user has little control over the method once in place. IUDs for example, need to be removed by trained staff, whereas anyone can decide to stop taking her pill. Since the onus for removal of these effective methods is on the family planning staff, who are subject to the policy of reducing the birth rate, the system is open to abuse.

The longer the effective life of the contraceptive, the longer the scope for abuse - and of the hormonal contraceptives, Norplant lasts the longest. Less than a month after the FDA approved its use, a California judge ordered a woman convicted of child abuse to use the device for three years as a condition of parole. This clearly contradicts the FDA ruling that women must be entitled to removal on demand and horrified upholders of human rights - and even the inventor of Norplant. But at least ethics can be raised publicly in the US; elsewhere, it cannot. In oppressive regimes, the opportunities to counter abuse are more limited.

Such concern has indeed been expressed by women on the receiving end of Norplant. In a letter to USAID, the Bangladeshi group, Resistance Network Against Abuse of Contraceptives on Women's Bodies, stated:

*We are opposed to the approval of this implant as it is by nature a coercive technology. The FDA has recognized this characteristic of the drug by asking for special instructions to doctors that it will be removed upon demand with no questions asked. What assurances are there that this will be done? Our research in Bangladesh and other studies elsewhere gave numerous examples where removal of the implant was refused. [Letter to USAID January 23, 1991, published in *International Solidarity for Safe Contraception [ISSC] Bulletin* No 3, February 1991.*

Norplant's best customer

Indonesia is Norplant's biggest customer. A 1990 study prepared for the US agency, The Population Council, confirms that: "During the earlier clinical trials, removal on demand was a feature of the program" but "As the method was introduced into the national program, BKKBN [Indonesia's Family Planning Agency] managers emphasized the expectation that the method was for five year use, making the removal on demand less likely to occur." [*Service delivery Systems and Quality of Care in the Implementation*

of Norplant in Indonesia Sheila J. Ward, Ieda Poernomo Sigit Sidi, Ruth Simmons, George B. Simmons, February 1990] Among the physicians interviewed one said women could get early removal in principle "but may have to pay", while another said "people are told it has to last five years, they give their word..and rural people don't go back on their work. If they request removal, they are reminded that they gave their word." Moreover, access to early removal is limited "to some extent, by the scarcity of providers trained in both insertion and removal."

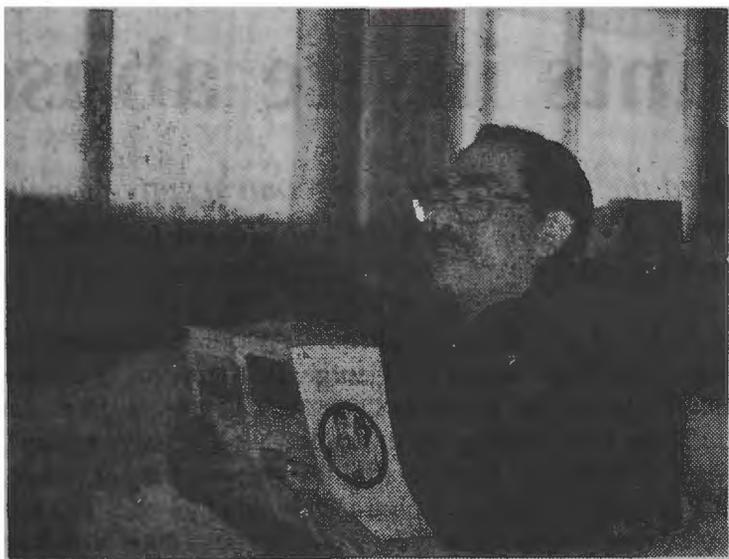
But it is not only early removal that causes problems, according to the report: "Clients interviewed knew that the method was 'for five years'. They did not, however, seem to know much about why it has a five year limit or what has

Suharto reaps the international rewards

Indonesia's national family planning programme is supported financially by international funders including the World Bank, USAID, the UNFPA and the Asian Development Bank. Pled by the world's [mostly US-based] population agencies, President Suharto has taken credit for the programmes success in reducing fertility and birth rates. So endeared were these population agencies to Suharto and so impressed by his "strong support" for Indonesia's family planning programme, that they awarded him the United Nations Population Award in 1989. But, while handing over the US \$12,500, for his achievements (as if it was Suharto himself, not Indonesian women, who had had an IUD inserted or a shot of Depo-Provera in his arm), they chose to ignore the other methods of population control he has used: mass slaughter, for example, when it came to communists or East Timorese.

[For more on population control and the campaign to stop the UN Award, see *TAPOL Bulletin* No 94, August 1989.]

to happen after five years, ie that another surgical intervention at the health centre for Norplant removal is required." Again, staff training for removals is inadequate: in a footnote the authors reveal that among the early removals responding to a BKKBN questionnaire, nearly 40% reported a terrible pain associated with removal. Commenting on the report, Population and Development expert Betsy Hartmann said: "From the perspective of women's health, access to five year removal is absolutely essential, since leaving Norplant in the arm past that point may increase the



BKKBN Chair Haryono Suyono reading one of his Family Planning leaflets.

risk of life-threatening ectopic pregnancy." [ISSC Bulletin 3, February 1991]

'Persuasion'

On the issue of choice, the researchers found that "the field worker uses techniques of 'persuasion' or 'motivation' to assist the client in coming to a decision" and that "these techniques are described as being similar to pressuring or even coercing clients to accept a particular method."

One well-established means of coercing couples to sign up for family planning, is the use of financial incentives and peer pressure. 'Acceptors may be organised into groups eligible for credit schemes, or card holders entitled to reductions on other products, for example. In the Bandung metropolitan area, this has also applied to civil servants working for the local government. Employees using IUDs or implants, or who had had a vasectomy or tubectomy, received their monthly salary on the 4th of each month, while those using other kinds of contraception were not

paid until the 8th. Asked to comment, BKKBN chief Haryono Suyono said this was not coercion, but "improvisation". [Editor January 27, 1991]

A cruder means of 'persuasion' practised in rural West Java was highlighted in the *Jakarta Post* last year, which reported that men from Sinar Galih village in Bogor district, West Java, were hiding in the forest for fear of being sterilised. One villager said family planning workers had visited family homes in the night and had hauled husbands off for vasectomies in Bandung. A Golkar official admitted that residents were reluctant to go to public health centres even when ill, for fear of being forcibly sterilised. [*Jakarta Post* October 15, 1990].

Norplant expansion?

Among the recommendations made by the report is a "slow-down in the expansion of Norplant in new areas," advising that Norplant delivery be concentrated in areas where "facilities and resources and technical competencies already exist". However, by 1989, all Indonesian provinces, East Timor and West Papua had Norplant. Rather than cutting back, a new Norplant "Outer Islands" project is being initiated under the sponsorship of the UNFPA and the Asian Development Bank. [ISSC Bulletin 3, February 1991]

Now that the FDA has approved Norplant in the US, USAID will also be able to fund the expansion of Norplant in Indonesia and other Third World countries, where inadequate training and equipment render its side-effects more harmful, and where its use is motivated by government-run population control policies.

At the end of their letter to USAID, the Resistance Network concludes:

Within a 'population control' context, the 'provider' is often a repressive government, the 'acceptors' are poor and malnourished women... Women throughout the world need safe and effective contraception which they can completely control. Norplant has not been proven safe or effective and it carries a potential for abuse and coercion of women. It is unacceptable. ★

RED DRIVE

Life sentences restored for PKI prisoners

PKI prisoners sentenced to life imprisonment nearly two decades ago, who were notified that their sentences had been commuted, have now learnt that their original life sentences still stand.

Several convicted prisoners serving long sentences for political activities as members of the Indonesian Communist Party (PKI) prior to the events of October 1965, who should have been released at least two years ago, are still in prison. All efforts to secure their release have failed.

The best documented case is that of **Rewang** now 62, who was first secretary of the Central Java provincial committee of the PKI. He was arrested on 21 July 1968 during raids against activists who were trying to revive the PKI in South Blitar, East Java.

Rewang was given a life sentence in December 1971

which was upheld by the High Court in 1975. But he was notified on 17 August 1985 that the sentence had been commuted to a fixed-term sentence of 20 years. With a fixed-term sentence, he became entitled to annual remission and was notified of three-month remissions on 17 August 1986 and 17 August 1987. Since then, he has been told that he was due for release in January 1988 (19 years and six months after his arrest).

But when the expected day of release came and went, Rewang and his family grew anxious. Many efforts were made with the prison authorities; his wife wrote to the

complaints Post Box 5000 and the case was taken up by the Jakarta Legal Aid Institute. But Rewang is still behind bars.

Now the Directorate of Prisons at the Justice Ministry has announced that the life sentence was not commuted after all. He said in a letter dated 16 February 1991, that Rewang's life sentence cannot be commuted. Why? Because the only way commutation can happen is if the convicted person has asked the president for clemency, which Rewang has never done.

It is not difficult to imagine how shocked Rewang and his family were to hear this, faced with the bleak prospect of spending the rest of his life in prison.

Another prisoner facing this predicament is **Josef Rabidi** who has been in prison since 1965 and was tried in 1968,

Disenfranchising 'ex-PKI'

On 20 January, the military commander of East Java announced that 400,000 'former members of the Indonesian Communist Party (PKI)' in East Java had been intensively screened to determine whether they would be allowed to vote in the general elections of May 1992. As a result of these long-drawn-out investigations, 9,000 people in the province will be denied the right to vote in 1992.

A month earlier, the head of Social and Political Affairs in Central Java announced that 300,000 people there had been screened; there too, 9,000 people have been denied the

RED DRIVE

right to vote.

Throughout the country, at least 1.4 million people, usually referred to as 'ex-PKI', were screened during the second half of 1990 in preparation for the 1992 elections. Every time an election is held in Indonesia, hundreds of thousands of people in every province are screened to determine whether they are 'fit to vote'. More than 40,000 people were denied their voting rights in 1987. The figure in 1992 is likely to be just as high. The injustice lies not only in the disenfranchisement of tens of thousands of people, but in the unwarranted and degrading screening of nearly one and a half million people every five years.

The Indonesian government continues to inflict a grave injustice on this huge number of people, the vast majority of whom have never been tried before a court of law. Those who were tried were given anything but a fair trial. To this day, they are denied the right to work in the government sector, to become journalists, teachers, lawyers or puppeteers, to have their books published, to be elected onto the councils of social organisations or occupy positions of leadership in any political organisation, or to join the armed forces. Their identity cards bear the initials 'ET' which stands for 'ex-tapol' (ex-political prisoner), a stigma that denies them numerous rights afforded to other citizens.

EAST TIMOR

continuation from page 15

appoint Costa Lopes as Bishop of Dili. Instead he became apostolic administrator, under the direct supervision of Rome.

Standing up to the army

It was in 1981, when the Indonesian army launched its fence-of-legs operation to capture guerrillas, that Costa Lopes spoke out against what the army was doing. He told TAPOL that in a meeting in Baucau with General Jusuf, armed forces commander-in-chief, General Dading Kalbuadi and General Ali Murtopo,

I made it clear that I absolutely did not agree with this Operasi. I told them that in waging such a huge operation as this, they should have considered the cost in terms of food, medicine, transportation. The operation involved enormous distances and many, many people. I told these generals that people were dying in the streets from lack of food because they were so weak. I protested that even young boys from school had been forced to join the operation.

From then on the priest's relationship with the generals deteriorated. His efforts to rescue people from the hands of the security forces infuriated the army. In 1982, he alerted Australian Catholic Relief of a massacre of hundreds of Timorese during the 1981-82 operation. As news began to filter through to the outside world about what was going on, the position of Costa Lopes became untenable so the Vatican replaced him with a priest who was likely to be more accommodating to Indonesia. A young Timorese priest, Carlos Filipe Ximenes Belo, who had only recently returned to the country after years of study abroad was appointed as his successor. Belo had missed the terrifying experiences of his predecessor during the invasion and the early years of occupation when hundreds of thousands had

died.

Costa Lopes was grieved to leave his people in such a tragic state but went abroad, hoping to help alert world opinion about the sufferings of the East Timorese. He spoke at the UN Decolonisation Committee in New York and went to Washington to brief members of Congress.

When he arrived in Europe he brought with him stunning proof that the armed resistance had entered into peace talks with the Indonesian army commander, leading to a ceasefire. He had a tape-recording of the peace talks, glued to the base of his suitcase, to avoid detection. On his way to exile, he went to Rome for an audience with the Pope and asked him to take a stronger stand against the Indonesians, but was disappointed by the results. His other great disappointment was the attitude of western governments.

These countries have strong trade links, huge investments in Indonesia. They are afraid that if they criticise Indonesia, they will damage these interests.... It is also my impression that the people in power pursue strongly materialist motives which override any idealism or morality about human rights although they speak about these things quite a lot.... Many people in the West are losing their sense of sin. Nothing seems wrong any more to them, everything is allowed. [Interview with TAPOL.]

Jill Jolliffe writes: "He was a simple man who spent his last years alone in a Lisbon apartment, forgotten by the Church. Despite his age and ill-health, he continued his political activities until his death in a Lisbon hospital." [*The Guardian*, 1 March 1991]

TAPOL mourns the loss of a great man whose principled stand against the invader forced him to leave his native land. We extend our condolences to East Timorese refugees in Portugal and Australia who have lost their dearest spiritual leader and friend.

Mecky Salosa gets life

Mecky Salosa, the OPM guerilla fighter who was extradited from PNG to Indonesia last July, was sentenced to life imprisonment in Jayapura district court, on March 18. The prosecution had demanded the death penalty. Salosa was convicted of masterminding the killing of transmigrants at Arso transmigration site in 1988, of murdering a member of the security forces and plotting to set up an independent state of West Papua. The trial opened on January 8, after speculation that he had been killed by the security forces. [For more on the trial see *TAPOL Bulletin*, No 103].

Another seemingly 'extradited' Papuan – although the PNG and Indonesia have no formal extradition agreement – was put on trial in Jayapura in March. *Reuter* reports that the Indonesian state prosecutor Gultom demanded 10 years in jail for an unidentified OPM member. *Antara* news agency quoted Gultom as saying the man on trial was guilty of fighting the central government and trying to set up a West Papuan state. The report states that the defendant had fled across the border into PNG whose government handed him over to Indonesia last May, along with Salosa. [Salosa was in fact handed over in July]. [*Reuter* 21 March, 1991] This is the first reference to a second extradition by PNG. Although West Papua is the region where the highest number of subversion trials have taken place (see Human Rights Briefs page), trials there are rarely mentioned in the press and little is ever revealed of what actually takes place in the courtroom.

PNG villagers protest against troop incursions

PNG villagers living on the border with West Papua have protested against continual incursions into PNG and harassment by the Indonesian military. They also criticised the PNG government's failure to address the problem.

In a petition delivered to Prime Minister Rabbie Namaliu in January, the Boset Village Border Committee urged the PNG government to protest in the strongest terms to the Indonesian government and to take steps to ensure that incursions do not happen again. Among other things, the petition called for more regular patrols by PNG defence forces and more camps in the border area to reassure villagers who live in fear of an Indonesian invasion. [*Times of PNG* 10 January, 1991].

Unfortunately, the villagers demands may be met, but not in the way they meant. Instead of keeping them out, PNG defence forces will invite them in, by carrying out joint border exercises and joint 'civic mission' work in PNG villages. [See *TAPOL Bulletin* 102 and 103]

Jakarta urges Canberra to deport West Papuans

After bullying PNG into deporting Mecky Salosa last year, Indonesia recently turned its attention to Australia, asking the government to consider deporting 10 West Papuan OPM supporters living as refugees in Australia. The Indonesian Embassy in Canberra also said it was concerned about the case of a West Papuan refugee in North Queensland who was sentenced in March for nine months, for trying to smuggle rifles to the OPM. According to the detective in charge of the case, Wanda "is well respected in the Tully community", and the judge recommended his release after

three months on a \$500 good behaviour bond.

Wanda was granted refugee status by Australia in 1986 after arriving in the Torres Strait by canoe.

An embassy spokesman said that although it was a matter for Australia, the Indonesian Government would be happy to discuss the refugees' fate with the Federal Government, "if it wants to deport them". The Department of Immigration declined to comment, but sources in the inter-departmental Determination of Refugees Status committee said that if deported to Indonesia, the Papuans would almost certainly be jailed and probably executed. [*Cairns Post*, March 16, 1991 and *Sydney Morning Herald*] ★

70 West Papuans prisoners moved to Java

In February, no fewer than seventy West Papuan political prisoners were transported from various prisons in West Papua to KaliSosok prison, Surabaya. All the prisoners had been tried; 46 are serving sentences of six years or more including a number with more than ten years. Most of the others have sentences of 3 to 5 years.

This huge transfer of convicted West Papuans serves to highlight again that many trials have taken place in West Papua, with hardly any mention in the press. The severity of the sentences has also come as a surprise.

Locking West Papuans up in East Java is particularly inhumane as it makes it impossible for families to visit or supply food to supplement the meagre prison rations.

The prisoners were taken from their places of detention in West Papua at such a short notice, there was no time to collect their belongings so they took only the clothes they were wearing. They were transferred on a Hercules, which is a cargo plane, handcuffed for the whole journey and not able to sit down.

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