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Human Rights Watch World Report 1998

INDONESIA AND EAST TIMOR

In Indonesia, the year was marked by serious communal clashes, the most violent election campaign in the history of President Soeharto's thirty-one-year-old government, harsh treatment of political dissidents, ongoing labor rights problems, and harassment and intimidation of non-governmental organizations. In East Timor, the human rights situation deteriorated dramatically during the year as the armed conflict heated up. And the forest fires in Kalimantan and Sumatra that by September had the makings of an international environmental disaster were attributed by many to the absence of checks on the executive branch of government that restrictions on freedom of association and expression have perpetuated.

Internationally, while Indonesia took the lead in getting an ASEAN delegation to try to mediate the Cambodian crisis, it also took a leading role in ASEAN in pressing for admission of Burma (see Burma chapter). Indonesia's enthusiasm for Burma's membership was not unrelated to the Soeharto family's extensive investments in Burma. Indonesia sent an observer to Oslo but did not sign the new treaty banning anti-personnel mines, and it joined a number of other countries with poor human rights records to take steps that could weaken the U.N. Human Rights Commission.

Human Rights Developments

To no one's surprise, the ruling party Golkar won the May 29 parliamentary elections by over 74 percent, an even bigger than usual margin in the exercise that takes place every five years. The government allows only two opposition parties to field candidates in what it calls the "festival of democracy:" the Indonesian Democratic Party, known by its Indonesian initials PDI, and the United Development Party, PPP. As a result of the government ouster in June 1996 of the popular Megawati Soekarnoputri as head of PDI and a ruling on January 20 blocking both Megawati and her supporters from running as candidates, popular support for that party evaporated. The strongest critics of the government then either advocated a boycott of the vote or joined forces with the strongly Muslim PPP.

Restrictions on freedom of expression and association increased as the election approached. On January 14, Aberson Marle Sihalo, a fifty-eight-year-old member of parliament from the PDI and a close adviser to deposed PDI leader Megawati Soekarnoputri, went on trial in Central Jakarta District Court on charges of insulting Indonesian authorities in public. The charges stemmed from a speech he had made in July 1996, a tape of which was presented as evidence, in which he accused President Soeharto of recolonizing the Indonesian people, using the public's money to buy military weapons that were used against the people themselves, and turning the Indonesian parliament into a body representing big conglomerates. He was also accused of indirectly implying that he wished Soeharto's death by saying, "If you want to change Soeharto, that's easy. There is no need to pray or to burn incense, God will turn Soeharto into soil later." On July 21, he was sentenced to nine months in prison.

On January 18, five Indonesian students in Purwokerto, Central Java were arrested and accused of incitement after they distributed stickers advocating a boycott. All faced up to four years in jail.

On January 27, the attorney general issued an order to South Jakarta police to investigate Megawati herself as a suspect in what the authorities claimed was the holding of an illegal political meeting at her house on January 10 related to the twenty-fourth anniversary of PDI. After refusing several summonses, she finally agreed to appear for questioning on February 20; no further legal action against her was taken.

On March 5, an outspoken former parliamentarian named Sri Bintang Pamungkas was arrested and charged with subversion, a capital offense, for urging a boycott of the elections in a card he sent around to Indonesia's political elite to mark the end of the Muslim fasting month, Ramadan. At the time, he was free pending the outcome of an appeal to the Supreme Court after having been sentenced to thirty-four months in prison for insulting the president, in a lecture he had given in Berlin, Germany in April 1995. The subversion charge was also related to Sri Bintang's establishment of a political party called the United Indonesian Democratic Party (Partai Uni Demokrasi Indonesia, PUDI), in violation of a law restricting the number of parties to the two mentioned above, PPP and PDI, in addition to Golkar. In September, press reports suggested that PUDI, along with a number of other organizations, was going to be formally banned by the Ministry of Home Affairs. As of this writing, Sri Bintang was still awaiting trial. On April 7, Andi Syahputra, printer of an underground magazine called Suara Independen (Voice of Independence), was sentenced to two years and six months in prison for defaming President Soeharto and distributing material hostile to the head of state. He had been arrested in October 1996. The offending issue of the magazine contained an interview comparing Soeharto to the king in the fairy tale "The Emperor's New Clothes." On the same day, a two-day training workshop in election monitoring organized by the Committee for Independent Election Monitoring (KIPP) in the South Sulawesi capital of Ujung Pandang, was broken up by security forces halfway through the first day, despite the fact that all necessary permits had been secured and the meeting was fully in accordance with Indonesian law.

On April 28, Jakarta courts issued the harshest sentences handed down for peaceful political dissent in more than a decade against a group of students active in a left-wing political organization, the People's Democratic Party (PRD), and arrested following a riot in Jakarta in July 1996. Budiman Soedjatmiko, head of the PRD, was sentenced to thirteen years in prison, and Garda Sembiring, head of the group's student affiliate, to twelve. Seven others were sentenced to prison terms ranging from eighteen months to eight years. In Surabaya, East Java, three other students associated with the same organization-Dita Indah Sari, Coen Husein Ponto, and Mohamed Soleh- were also sentenced to heavy terms. Dita's sentence of six years was reduced on appeal to five; the four-year terms of the two others were reduced to three and half years. The government accused the PRD of being the latest manifestation of the banned Communist Party of Indonesia. It also accused the students, correctly, of organizing worker rallies, calling for a referendum on East Timor, and campaigning for a more open political system. The PRD was formally banned on September 30.

A demonstration outside the courts on the opening day of the PRD trials led to the arrests of two more students, Anom Winanto and Aris, of an organization called the

National Committee for Democratic Struggle (Komite Nasional Perjuangan Demokrasi). As of September, they remained in detention, and it was unclear when their trials would begin. They were accused of "spreading hatred" toward the Indonesian government by holding up a pro-Megawati banner.

On May 26, the PPP complained to the National Human Rights Commission that over one hundred of its supporters in the central Javanese town of Jepara had been arbitrarily arrested from their homes.

Among the many outbreaks of election-related violence, two were particularly noteworthy. On May 24, PPP supporters in Banjarmasin, Kalimantan, led an attack on the local Golkar office after Golkar supporters tried to ride by a mosque during Friday prayers. The attack turned into a riot marked by burning, looting, and destruction of homes, shops, and vehicles belonging to ethnic Chinese. Several churches and a temple were also burned. The death toll from a fire in one large shopping mall alone was 123; two other people were stabbed to death. Rumors that some of the victims had been shot could not be verified because the dead, many of whom were said to be burned beyond recognition, were buried before an adequate forensic investigation or attempt at identification was undertaken. A brief investigation by the National Human Rights Investigation was insufficient to shed much light on what happened. As of June, families reported 197 people still missing. Over one hundred people were brought to trial on relatively minor charges such as looting; only one person was tried for incitement, a man named Tohar who had appeared on a silent police videotape. The only witnesses against him were police who said he had been urging a holy war against Golkar.

On May 29, a crowd in Sampang, Madura rioted after alleging that election officials had tampered with ballots to ensure a Golkar victory in what was traditionally a PPP stronghold. At least three people died in unexplained circumstances. The family of one victim, Wafir, who disappeared during the violence and whose body was found in a rice field a week later, believed he was killed by security forces.

At least five editors were demoted or suspended for election-related coverage in cases of direct or indirect government pressure. In early March, Kafil Yamin, political editor of the English-language newspaper, *Indonesian Observer*, was dismissed from work for one month after his paper published a photograph of Megawati and one of Indonesia's most important Muslim leaders, Abdurrahman Wahid. The photograph was construed as supportive of Megawati. Four editors were dismissed or demoted following a meeting of top army commanders on June 3 where media coverage of the elections was deemed injurious to national stability. The Jakarta-based Alliance of Independent Journalists said twenty journalists were beaten, harassed and/or had their films seized while covering the election campaign.

On July 29 began the long-awaited trial of the man suspected in the August 1996 murder of Fuad Muhammad Syafruddin, known as Udin, a journalist for the Yogyakarta, central Java newspaper, *Bernas*. Udin was widely believed to have been killed for his investigations into corruption by the district head of Bantul, outside Yogyakarta. The prosecution claimed that Dwi Sumaji, the accused, had killed Udin in a fit of jealous rage; Dwi Sumaji claimed he had been framed by police. Police investigators filed the case five times before it was accepted for prosecution by the Bantul district court. It was rejected the first four times for lack of evidence.

Indonesia was struck during the year by many instances of communal violence, not so clearly linked to the elections, which were spawned by or resulted in human rights violations, although there was no evidence that the government was directly involved in the initial outbreak. On December 26, 1996, violence broke out in the West Java town of Tasikmalaya following police detention and torture of Muslim teachers who had disciplined the police chief's son. The son had been accused of petty theft. Reports of the torture led to a mob attacking and setting fire first to police stations and guardposts across the city, then to shops and homes of ethnic Chinese. Four churches, three Protestant and one Catholic, were also badly damaged. At least four people died in the violence, including a sixty-two-year-old Chinese woman and a fourteen-year-old year old student. Over 160 people were arrested and interrogated at the district military command, including many who said they were only bystanders. A veteran rights activist named Agustiana, aged thirty-two, was taken into custody on January 8, held in two different hotels by police and military intelligence without ever being informed of the charges against him, and was finally given a formal detention order and moved to a normal pre-trial detention facility on January 29. When he refused to countersign the order, saying he wanted to know first what he was being accused of, he was put in solitary confinement for three days. Eventually charged with subversion for being the "intellectual mastermind" behind the violence, he went on trial in August. The prosecution's charges focused heavily on his contacts with other activist organizations and appeared to be based primarily on tapped telephone conversations. As of this writing, the trial is still ongoing.

On January 30, in Rengasdengklok, a village in Krawang district, West Java, a riot broke out after an ethnic Chinese woman complained about the recording coming from a nearby mosque that was intended to wake up Muslims for their pre-sunrise meal during the fasting month. Her husband, Tjio Kim Tjon, allegedly threw a stone at the mosque. In the anti-Chinese riots that ensued, three churches and several vehicles belonging to Chinese were burned. The government filed charges against twenty-one of the rioters who were later sentenced to terms ranging from two to four months. Tjio Kim Tjon, who was arrested and charged with blasphemy, received a sentence of three years and six months. The relative harshness of his sentence compared to those of the rioters, indeed the fact that Tjio Kim Tjon was arrested at all, appeared to be evidence of anti-Chinese discrimination. Another major anti-Chinese riot erupted on September 15, this time in Ujung Pandang, Sulawesi, after a disturbed man of Chinese origin stabbed a nine-year-old Muslim girl to death. Some 500 Chinese shops were burned in the violence that followed. President Soeharto's close association with Chinese financiers, combined with a policy of official discrimination that restricts the number of Chinese in state universities, bans the use of Chinese characters, and with few exceptions bans Chinese from the civil service and military, makes the Chinese population a convenient target for expressions of political and economic discontent.

Communal violence also broke out in Banti, Irian Jaya between the Amungme and Dani people in late January, not far from Timika where the mining operations of the U.S. corporation Freeport McMoRan are based, and again between Amungme and Dani in Timika itself in March. It was the fourth major outbreak of communal violence in the area since March 1996. In late August, four more people were killed near Timika, two teenagers in an incident apparently involving a Freeport vehicle, and two men after the military opened fire on a group of tribes people, some of whom were allegedly armed with bows and arrows. A National Human Rights Commission delegation, after visiting the site, blamed the troubles on inefficient local government, but local activists said the commission's investigation was wholly inadequate.

In West Kalimantan (Indonesian Borneo) from late December 1996 through late February, an outburst of violence by indigenous Dayaks against immigrant Madurese resulted in a death toll of over 500; the army admitted to 300 dead. The Indonesian government did not instigate the initial clash, but its efforts to ban news coverage and discourage any investigation served to fuel rumors that exacerbated the conflict. Moreover, hundreds of people were later arbitrarily arrested under an anachronistic law banning possession of sharp weapons in a part of the country where virtually every family owns them.

In terms of labor rights, the government of Indonesia continues to allow only one officially recognized trade union federation. A ministerial regulation issued in early 1994 did allow workers to organize plant-level unions for collective bargaining; if they sought to federate with other workers beyond the plant, however, they could only do so through the official union. The government claimed that over 1,400 plant-level agreements had been reached; as of this writing, no one, from nongovernmental organizations (NGOs) to Jakarta-based diplomats, has been able to obtain a list of the 1,400 plants. Of the few such agreements known to have been concluded, many appear to have been effectively designed and drafted by management without real worker representation.

Muchtar Pakpahan, the founder of Serikat Buruh Sejahtera Indonesia (Indonesian Prosperous Workers Union, SBSI), the only independent trade union to constitute a challenge to the government federation and a man who for many has come to symbolize the struggle for worker rights, remained on trial in Jakarta on subversion charges at the end of the year. He was arrested shortly after the July 27, 1996 riots. In its formal charge-sheet, the prosecution cited a book Pakpahan had written in August 1995 that noted increasing social injustice and feelings of hatred toward the family of President Soeharto. The book also called for a referendum on independence to be held in East Timor. The prosecution also cited Pakpahan's signing of a statement in June 1996, together with representatives of thirty human rights, development, and pro-democracy organizations, that rejected the government's efforts to oust Megawati and called for democracy and for Soeharto to be put on trial. For most of the year, Pakpahan was hospitalized with what was reported to be a tumor in his lung, and the trial was put on hold; it resumed in September.

While the SBSI itself was not formally banned, its meetings were regularly broken up by security forces. On July 29, a joint military team closed down an SBSI training seminar in the town of Pringsewu, Lampung province and confiscated all documents and a computer. All twenty-six participants were arrested without warrant and interrogated for three days. The questioning initially focused on the lack of a permit for the meeting, then shifted to the content of the seminar, implying that it served to "spread hatred" and discredit the government.

On September 19, SBSI tried to hold its second congress at the SBSI headquarters in Tebet, South Jakarta, only to have police and military arrest eight SBSI members and four foreign observers after a verbal confrontation. All were released after questioning.

A major new draft labor law submitted to the Indonesian parliament during the year drew heavy criticism from local NGOs and international labor groups for not meeting international standards in terms of freedom of association and the right to strike.

In East Timor, the human rights situation worsened. Tensions escalated as the army continued efforts to "Timorize" the security forces, with a heavy reliance on unemployed young people as informers, and as socioeconomic problems (a high unemployment rate; development policies seen as favoring non-Timorese; and an increasing number of Indonesian migrants) fueled resentment of the Indonesian presence. A series of guerrilla attacks around the time of the Indonesian elections in May killed dozens of soldiers and police and brought a predictable response from the army: widespread arbitrary detention, with torture used to force detainees to produce names of possible perpetrators. The May attacks were preceded by a series of violent outbreaks, each of which led to mass arrests and accompanying human rights violations. They included the demonstration in Dili on December 24, 1996 when Bishop Carlos Ximenes Belo returned to Dili from Norway after receiving the Nobel Peace Prize. Hundreds of thousands lined up along the road to welcome him from the airport, but in several places, people suspected of being intelligence agents were set upon by East Timorese youth who believed they were planning to assassinate the bishop. An army corporal was killed, and the police commander of Dili and several others were beaten. A massive manhunt took place in the aftermath of the violence; sixteen people were eventually arrested, tried, and received light sentences in July. One reason for the leniency, according to their lawyer, may have been the evidence of torture produced at their trials.

Between February 6 and 10, more than thirty people were arrested in Viqueque after armed members of the youth militia, Gardapaksi, together with the counter-insurgency forces, mounted an operation in Uai-Tame and Nae-Dala, two villages suspected of being logistical supply bases for the guerrillas. Villagers were terrified by the operation, saying it was as bad as anything they had seen since 1975, the date of the Indonesian invasion. The leader of the Gardapaksi unit that led the operation, Eugenio da Costa Soares, was later killed in an ambush by guerrilla forces in April.

On February 21, a riot erupted in Oecusse, Ambeno district, involving more than 600 youths started after a parish priest, attending the first-ever celebration there of the end of the Muslim fasting month at the district military command on February 19, was served a meal that had been tampered with beforehand, making it look like he was getting leftovers. Despite apologies from the military commander, word of the incident leaked out and led to a riot in which one man was killed and several kiosks were destroyed. Dozens were arrested by armed troops from the mobile police brigade (Brimob). Seven were later charged with a variety of criminal offenses.

On March 23, a group of young protestors held a demonstration at the Mahkota Hotel in Dili where U.N. Special Envoy Jamsheed Marker was staying. The demonstration was forcibly broken up and led to the arrests of thirty-three people, several of whom were tortured in custody. Nineteen had been convicted by September and sentenced to one-year prison terms on charges of "spreading hatred"; fourteen remained to be tried, apparently on assault charges.

Several of the guerrilla attacks in May involved clear violations of international humanitarian law. On May 27, a group of unidentified youths attacked a number of election officials in the village of Nunira, subdistrict Laga, Baucau, killing two sergeants. The next evening in West Dili, guerrillas attacked the headquarters of a mobile police brigade company, wounding five police. The same day in a village outside Los Palos, in Lautem district, guerrillas shot an elementary school teacher named Castelo whom they suspected of being an informer, together with three of his children and a group of other teachers. In a separate attack the same day in Baucau, guerrillas shot and killed Miguel Baptismo da Silva, aged fifty-four, and his wife. On May 31, several men wearing Indonesian army uniforms threw a grenade into a truck carrying twenty-six policemen and two soldiers in Quelicai, Baucau. An oil drum of gasoline in the back of the truck exploded, and in the resulting inferno, thirteen of the people in the truck were burned to death and four were shot as they tried to escape. The dead included sixteen policemen and one soldier. It was unclear if there were any casualties among the attackers.

A massive manhunt was launched in retaliation, leading to hundreds of arrests across the territory. A guerrilla commander named David Alex was shot in an army ambush on June 25 near the town of Baucau. He was taken into custody and, after an inexplicable delay, was flown to the Indonesian military hospital in Dili, where he died. The military later announced that his family had attended his burial, which was not true.

The Right to Monitor

The Indonesian government generally did not prevent the formation of human rights organizations, but constant surveillance, telephone taps, dispersal of meetings, and other forms of intimidation made it very difficult for some of them to function. In late September, the Indonesian press reported that the Ministry of Home Affairs was about to ban several politically active groups, including SBSI (which the government has always considered an NGO, not a trade union); PUDI, the party of Sri Bintang Pamungkas; and PRD, the party to which the students sentenced in April belonged.

On March 22, police and military broke up the national meeting of Indonesia's largest human rights organization, the Indonesian Legal Aid Foundation (Yayasan Lembaga Bantuan Hukum Indonesia or YLBHI) at the Graha Asri Hotel in Bandung, West Java, on the grounds that YLBHI had not applied for an official permit to hold the meeting. Two local organizers, Wirawan and Hemasari, as well as the hotel manager, were taken to the local police station in Cidadak (Kapolsek) around 11:00 a.m. and were later transferred to the regional police office (Kapolwiltabes) in Bandung, where they were interrogated that evening.

On April 11, security forces in Brastagi, North Sumatra broke up an advocacy training seminar on agrarian issues carried out by the Study and Research Group on Community Development (Kelompok Studi, Penelitian dan Pengembangan Masyarakat or KSPPM). The security forces confiscated identity cards and bags of all of the participants, then interrogated them for fifteen hours at the local police headquarters before releasing them without charge.

On June 19, the annual meeting of a Medan-based organization, the People's Information Network (Wahana Informasi Masyarakat or WIM), in the North Sumatran village of Haranggaol was broken up by the police also on the grounds that the organizers did not have a permit. The meeting had been scheduled for the beginning of April, but WIM had been urged by local security officials to delay it until after the elections.

The official Indonesian National Human Rights Commission in general continued to do a creditable job of pressing the government for answers when human rights violations occurred, but it had neither the resources nor, in some cases, the inclination to pursue investigations beyond brief one- or two-day visits where commission delegations were almost always accompanied by senior officials from the local government. With respect to the communal violence in West Kalimantan, the head of commission rejected suggestions that his organization should probe the violence more deeply, saying in effect that the violence was over and trying to find out more would only stir things up.

The East Timor office of the commission was widely recognized to be a failure. On the other hand, the Justice and Peace Commission of the Catholic church in East Timor improved its documentation capacity during the year and became an important source of information on human rights abuses. No international human rights organizations had access to East Timor.

The Role of the International Community

The international community kept its attention during the year primarily on East Timor, arms sales to Indonesia, the rigged May election, and the ongoing labor rights problems.

Response on East Timor

The awarding of the Nobel Peace Prize to Jos Ramos Horta and Bishop Carlos Ximenes Belo of East Timor in late 1996 gave both men greater access to world leaders and raised the profile of the East Timor issue. In February, U.N. Secretary-General Kofi Annan appointed former Pakistani diplomat Jamsheed Marker as his special representative on East Timor, a sign of greater U.N. interest in moving ahead with long-stalled talks between Indonesia and Portugal. Beginning in July, an initiative by South African President Nelson Mandela to help resolve the conflict was welcomed by all parties, although the prospect of any breakthrough in the political stalemate seemed slim.

Human rights violations in East Timor led to an international effort to stop arms sales to Indonesia. The U.S. Senate included in the fiscal year 1998 foreign aid bill a provision stating that in any "sale, transfer, or licensing of any lethal equipment or helicopters" to Indonesia the agreement should state that these items would not be used in East Timor. A debate in the U.S. Congress over the proposed sale of F-16 fighter planes led President Soeharto to send a letter to President Clinton on May 26, saying that, given the "unjustified criticism" from Congress about Indonesia's human rights record, he had decided to forego both the F-16s and U.S. training of Indonesian officers under the International Military and Education Training (IMET) program. In the U.K., Foreign Secretary Robin Cook decided to let arms contracts signed by the previous U.K. government proceed, but in September he canceled two contracts with British firms to supply armored personnel carriers and sniper rifles to Indonesia. In doing so, he cited his party's May 1 manifesto not to sell arms to governments that might use them for internal repression. In the U.S. initiatives were underway in the Massachusetts legislature to ban the state from purchasing the goods and services of any corporation that did business with Indonesia because of human rights violations in East Timor.

In April, the U.N. Human Rights Commission in Geneva passed a resolution calling on the Indonesian government, among other things, to ensure the early release of East Timorese detained for their political views; to invite the commission's special rapporteur on torture to East Timor; to facilitate the stationing of a program officer from the office of the High Commissioner for Human Rights in Jakarta and allow him or her unhindered access to East Timor; to encourage the secretary-general of the U.N. to continue to use his good offices to achieve a just and internationally acceptable solution in East Timor; and to provide access to East Timor for human rights organizations.

European Union and the United States

Both E.U. countries and the U.S. were critical of the electoral process in Indonesia. On May 15, the European Parliament adopted a resolution condemning the harsh sentences given to the student dissidents and requesting independent monitors observe the Indonesian elections. Just prior to the elections, nine members of the U.S. House of Representatives wrote to President Clinton expressing concern about the pre-election violence and urging the administration to assess the conditions in the lead-up to the elections with a view to providing observers. On May 30, the U.S. State Department issued a sharply worded statement, citing reports from independent local monitors that the elections had been marked by intimidation, multiple voting, and numerous procedural irregularities. Shortly after the elections were held, the European Parliament passed a resolution deeming them undemocratic. It also urged the Indonesian government to throw out legislation restricting popular political participation.

Much attention around the world focused on the detention of independent labor leader Muchtar Pakpahan and the situation of labor rights more generally. Pakpahan received regular visits from U.S. and European embassy officials; the U.S. tried unsuccessfully to secure his exit abroad for medical treatment. In February, the U.S. trade representative (USTR) sent an official to meet with the government, labor rights organizations, and others to assess progress on the benchmarks agreed to in 1994 by then-USTR Mickey Kantor and Indonesian Foreign Minister Abdul Latief. The agreement resulted from U.S. pressure on Indonesia to improve its labor rights practices or lose tariff benefits for Indonesian exports under the Generalized System of Preferences (GSP) program. As of October, a petition filed with the USTR in 1995 by Human Rights Watch urging a formal resumption of the worker rights review remained pending.

World Bank

The annual meeting of Indonesia's major donors, called the Consultative Group on Indonesia, took place in Tokyo in July. The donors together pledged \$5.3 billion for Indonesia's development, but more than half brought up the need for transparency, implying the need to end corruption, and for strengthening the rule of law. Several donors expressed concern about harassment of NGOs; only the U.S. mentioned East Timor in its formal statement. The World Bank's total lending to Indonesia in fiscal year 1997 totalled \$914.6 million, mainly for infrastructure and rural and social development.

Relevant Human Rights Watch report:

Deteriorating Human Rights in East Timor, 9/97

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