

State terror in Indonesia, past and present

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Since 11 September, the global airwaves and media have been virtually taken over by the 'war against terrorism' launched by President George Bush and backed up to the hilt by Tony Blair. This war, which in fact amounts to a war on Afghanistan, has focused on an act of terrorism directed against the US. The proponents of the war have declared it to be their intention to take similar action against 'all states that harbour terrorists'. But what about the states which are themselves engaged in acts of terror against their own citizens?

Drowned out by all the clamour about terrorism is that fact that there are many states in the world today which are themselves responsible for campaigns of terror against their own people. It is self-evident that the terror perpetrated by states with tens of thousands of well-equipped men under arms is vastly more lethal and enduring than the acts of terrorism committed by factional groups. Moreover, states can cloak their terror campaigns with the legitimacy that comes with state power and helped by the unwillingness of other states which declare themselves to be dedicated to human rights to condemn such campaigns or take any action to protect the victims, on grounds of political expediency. No wonder there are so many of us who, while horrified by the terrible events of 11 September, are aghast at the way in which condemnation of terror has been directed against one form of terrorism, while ignoring the plight of the victims of state terror. I agree wholeheartedly with Professor Wilkinson when he says that 'the tendency of modern governments to apply the terms terror and terrorism exclusively to substate groups is blatantly dishonest and self-serving'.

Indonesia is a case in point, a country that emerged three and a half years ago from more than three decades of repressive, authoritarian rule, a regime under General Suharto the hallmark of which was state terror and violence. It never ceases to surprise me that, while commentators, journalists and academics are usually well aware of Indonesia's act of brutal aggression against East Timor, the fact that Suharto came to power ten years before that act of aggression with a massacre which took the lives of up to a million people in only six months never merits a mention. This fact alone puts him in the same league as Stalin, Hitler and Pol Pot, for one of the worst mass slaughters of the twentieth century.

The aim of that massacre was to annihilate, physically and politically, the Indonesian Communist Party (PKI) and all mass organisations associated with it which had a joint membership of up to 15 million people. The PKI's annihilation was justified on the highly-disputable grounds that the party had masterminded a coup attempt on 1 October. The massacre provoked no international outcry or condemnation even though western governments were well aware of the magnitude of the killings. On the contrary, when the military took power by means of a carefully managed coup against Sukarno, the West could scarcely suppress their delight at the removal of Sukarno and the destruction of the left.

While the killings were still in progress, the regime ushered in a system of the institutionalised persecution of hundreds of thousands of 'communist suspects', the vast majority of whom were held without trial with no access to legal counsel. Thousands were deported to a penal island and held there till the late 1970s. Many died there from callous brutality by the military guards or from starvation. Even when released, these 'ex-tapols' were subjected to the loss of their civil rights. Some of the discriminatory decrees adopted when Suharto came to power still remain in force.

But the aim of the Suharto regime extended far beyond getting rid of Sukarno and the left. The ultimate aim was to depoliticise the entire population, to put an end to politics and dissent as a legitimate activity and turn the three political parties whose continued existence was sanctioned by the regime into loyal supporters of the government. Once the armed forces had shaken Indonesian society to its very foundations, Suharto raised the banner of 'political stability' in the name of developmentalism. The claim that they had saved Indonesia from the communists was a persistent theme of propaganda throughout the three decades of Suharto's rule, with repeated warnings of 'the latent danger of the PKI'. This threat was used to strike fear in the hearts and minds of anyone contemplating dissent.

In the mid 1970s, it was the turn of the student movement to feel the wrath of the regime. After two waves of nationwide student protest in 1974 and 1977/78, the government banned all students councils and imposed a system to control campuses called 'normalisation', which outlawed political activities of any kind. Dozens of student activists were arrested and put on trial under the country's anti-subversion law or articles in the Criminal Code which make it a criminal offence to 'spread hatred' or show contempt for the government. These articles have not yet been repealed and while the anti-subversion law was repealed in 1999, a year after the fall Suharto,

the six main offences in the law, relating to political activities and expressions of opinion, were incorporated into the Criminal Code.

In the early 1980s, the Suharto regime started drafting a series of political laws which would require all mass organisations and NGOs to adopt the Pancasila, the officially-imposed set of principles, as their sole belief to the exclusion of all else, including religious beliefs. This met with stiff resistance from Muslims who used the mosques to proclaim their opposition. The irony is that back in 1965, Muslims in places where they had been in conflict with peasant unions over the implementation of Sukarno's land reform law of 1960, were only too ready to rally to the side of the armed forces to take part in the anti-communist massacre. Little did they realise that crushing the left was only the first stage in a campaign to end all political activities.

One of the worst atrocities perpetrated during the Suharto era was the slaying in September 1984 of hundreds of Muslims in Tanjung Priok, the port near Jakarta. Thousands had marched to police headquarters to demand the release of four mosque officials, who had been arrested following provocative actions by a group of soldiers (entering a mosque without removing their shoes). The Jakarta military commander, Try Sutrisno, was clearly implicated in this tragedy, but he was later rewarded by becoming the country's vice president. Dozens of Muslims involved in a variety of activities, from mosque-based discussion groups to bomb outrages, were put on trial during 1984 and 1985.

Then came what was known as 'the mysterious killings' – petrus – when soldiers and police shot dead thousands – yes thousands – of suspected criminals, leaving their bodies strewn on the streets. This was the regime's response to a crime wave in the mid 1980s. In his autobiography published some years later, Suharto took full responsibility, calling it a 'shock therapy', to remind the populace of the lethality of the armed forces. Because the killings went on for so many months, they actually provoked some interest in the world media, which is more than one can say about the slaying of Muslims in Tanjung Priok.

But away from the heartland of the Indonesian archipelago, terrible things were happening in the outer territories where calls for secession were reverberating. It is no coincidence that both areas are rich in natural resources which were massively exploited under Suharto though I would hasten to add that the roots of discontent go much deeper than resentment about the plundering of local resources.

West Papua is Indonesia's most eastern province, incorporated into the Republic after a heavily-rigged vote called the 'Act of Free Choice' in August 1969. There was no choice and it was far from free yet the UN which had brokered the original agreement that led to this Act turned its eyes away from the evident fraud and sanctioned the integration. An armed struggle has been raging there since 1965 but most of the killings by the security forces have been directed against the local population, in some cases, protesting against the seizure of ancestral lands or protesting against the damaging impact of the Freeport copper-and-gold mine – the biggest in the world – which has wrought havoc with the lives of local tribal people. Tens of thousands are thought to have died in the 35 years of Indonesian rule.

In the far west lies Aceh, home to a fiercely independent-minded people with a long history of resisting the Dutch in a thirty-year war at the end of the nineteenth century. In the early years of the Indonesian Republic, the Acehnese were staunch republicans but things started to go downhill when natural gas reserves were discovered in the 1970s and exploited by a US company, barricaded inside a huge industrial compound. The Free Aceh Movement (GAM) took advantage of growing discontent to proclaim a liberation struggle. The response of the state was lethal. For the last nine years of the Suharto era, Aceh was declared a military operational zone (DOM) and the armed forces ran riot. Information seeped out during the early years of DOM and Amnesty International estimated in 1993 that two thousand had died. When Suharto fell and DOM was lifted, accounts of brutality filled the pages of the Indonesian press – killings, torture, disappearances, rape. The Acehnese, being much more outspoken than many other ethnic groups in Indonesia, exploded in anger. When hypocrisy greeted their demands for justice, they became increasingly alienated from the Republic. I would argue that human rights violations – state terror – and the failure to punish the perpetrators, have done more to make the Acehnese secessionists than their many other grievances.

These are just some of the highlights of state terror under Suharto.

The only act of violence ever to have been officially investigated was the Santa Cruz massacre on 12 November 1991 in Dili, East Timor which took nearly three hundred lives. A decade earlier it was already known that a third of the population – two hundred thousand people – had died since the invasion, but this massacre was the event that thrust the brutal Indonesian occupation onto the international conscience thanks to a video of the killings that was smuggled out by a brave cameraman. Suharto was forced to set up a Military Honour Council and a few low-ranking soldiers were mildly punished 'for exceeding orders'.

As the nightmare of Suhartoism was drawing to a close in May 1998, one of the worst anti-Chinese riots occurred in Jakarta. Thousands of homes and shops were torched in the capital's main commercial centres and many

hundreds of people died. Scores of ethnic Chinese women were gang-raped during the three days of riots which are believed to have been instigated by the military. Indeed for the first two days, the capital's powerful military command took no action to stop the mayhem. Two days before the riots started, four students were shot dead while returning to campus from an anti-Suharto demonstration. These events were apparently a last-breath attempt by elements within the armed forces to prevent Suharto's downfall. A regime that had come into existence 33 years earlier in an explosion of violence pattered out with a last fling of lethality. So was this now the end of the history of state violence?

Post-Suharto Indonesia

My intention here is to discuss two problems which human rights activists now confront: demands for accountability for the crimes of the past, and the state terror which still continues in a country that now has a democratically elected head of state and where many of the civil liberties destroyed by Suharto have been restored.

The downfall of Suharto left the powerful armed forces, ABRI – now known as TNI – in a state of confusion and disunity. The way was now open for civil society to openly express pent-up feelings about past injustices and the armed forces found themselves under attack for decades-long massive abuse of power. It was a discredited force, forced onto the defensive for the first time in its history. Demands for reform – the slogan was *reformasi* – were loud and persistent. Through two presidencies however, measures to reform the TNI were half-hearted and came to nought.

Seeking justice for past crimes was raised with great force by the Acehnese whose accounts of military brutality during the nine years of DOM shocked politicians and commentators across the country. The first post-Suharto government, under B.J. Habibie (formerly Suharto's vice-president), set up an independent commission which produced a report, never made public, identifying as many as seven thousand cases of violations. However, the list of crimes in Aceh continued to lengthen as military operations were soon renewed within months of DOM being lifted, while none of the cases listed came to court.

The calls for justice for the horrific brutality in East Timor during 1999 have international ramifications. Throughout 1999, army-trained and equipped militias had wreaked havoc in an attempt to prevent the UN-conducted referendum from taking place or terrify the population in to voting against independence. After the resounding rejection of Indonesian integration at the ballot on 30 August, the militias ran riot, forcing more than a quarter of the population to flee cross the border into West Timor and carrying out a scorched-earth policy that destroyed 80 per cent of buildings in East Timor.

Two investigation teams were set up in late 1999, an international team set up by the UN and an Indonesian team set up by the National Human Rights Commission. The Indonesian team's investigations were wide-ranging and thorough and identified 33 persons as suspected perpetrators of crimes against humanity, including a number of high-ranking generals, among them the commander in chief of the armed forces, General Wiranto. The UN team was equally explosive and called for an international tribunal to be set up. This would need a decision by the Security Council but the western powers have chosen to give Indonesia a chance to set up its own human rights court to deal with the crimes.

The Indonesian Criminal Code as inherited from Dutch times fails to include a number of crimes recognised under international law on human rights and it was therefore necessary to enact new legislation to enable such crimes to be prosecuted, but also to allow past crimes to be prosecuted by invoking the principle of retroactivity. These matters were dealt with, albeit not to the satisfaction of major human rights organisations, in two items of legislation that were adopted in 1999 and 2000. The first law introduced a number of crimes, recognised as gross violations and crimes against humanity, and laid down the way in which such crimes should be investigated.

In late 2000, a second law was passed providing for the setting up of human rights courts, including ad hoc courts that would be empowered to try past crimes. This legislation restored the principle of retroactivity, in contradiction to a constitutional amendment passed a year earlier by the People's Consultative Assembly (MPR) which invoked the principle of non-retroactivity, protecting perpetrators of crimes from prosecution if the crime did not constitute a crime in law at the time it was committed. The constitutional amendment was the result of pressure from the armed forces members of the MPR. (The armed forces still hold seats as of right in all Indonesian legislative organs at the centre and in the regions.) The constitutional amendment was a move to protect generals from prosecution for their deeds during the Suharto years. Since no human rights courts have yet been convened, the right of defendants to invoke the constitutional amendment on non-retroactivity has not yet been put to the test.

Several military officers who were responsible for egregious crimes now hold high office within the armed forces or in government. Lieutenant-General Adam Damiri who was overall commander of East Timor at the time of the mayhem, and who was identified by the investigation team into East Timor crimes is now the army's assistant

chief of staff for operational affairs which puts him in control of troop deployment, including sending troops to Aceh and West Papua where operations are underway. Lieutenant-General Hendropriyono who was commanding officer in Lampung in February 1989 when a village which was the home of a Muslim community was demolished by his troops and scores of people were slain now heads President Megawati's National Security Council with a seat in her cabinet. He is working closely with Washington on moves to clamp down on terrorist groups in Indonesia and is certain to be behind current moves to have GAM in Aceh branded as a terrorist organisation.

Relatives of the victims of past crimes have been working hard to press for the investigation of other Suharto-era crimes. In some cases, investigation commissions have been set up but the wheels of justice have moved painfully slowly. In those cases where the Human Rights Commission has set up commissions, the investigation have been obstructed by moves from generals to evade prosecution. In several cases, they have succeeded in reaching pacts with families of victims for a financial settlement, hoping to fob off prosecution. The Tanjung Priok atrocity in 1984 is a case in point: General Try Sutrisno has succeeded in making a pact with some of the victims' relatives but lawyers insist that such pacts have no force in law and prosecutions must go ahead regardless. It has already been decided that an ad hoc court for this atrocity will be set up but it could be months before a trial commences.

Given the extent of the killings in 1965/1966, there are thousands of people who have since 1999 been devoting their energies to finding the burial places of their loved ones who were killed during the massacre. An organisation set up by a former political prisoner who spent twenty years in prison now has branches in many parts of the country. Last year they exhumed the bodies of two dozen victims in Central Java, for reburial by families. However, the families involved were the target of a vicious attack by an anti-communist group which halted the removal of the bodies. Such banditry has forced the organisation to reconsider its efforts to press for an investigation into the massacre. The National Human Rights Commission has not had the courage to deal with this, the worst of all the atrocities for which Suharto must be held responsible, and still refuses to set up a commission of inquiry. Investigation into the 1965/66 killings has been left to brave groups of relatives, most of them the daughters and sons of the people slaughtered during those grim months.

The East Timor investigations are more likely to lead to prosecutions, for the simple reason that the US Congress in 1999 adopted a decision making the supply of weapons to Indonesia contingent upon the perpetrators of these crimes being brought to justice. However, even here the moves have been tentative and grudging. A presidential decision to set up an ad hoc court to try East Timor cases has limited the powers of the court to only two months, April and September 1999 ignoring the fact that vicious abuses occurred throughout the year; moreover Megawati's attorney-general has cut back the number of suspects from 33 to 18, with the main culprit, General Wiranto being excluded from the list. This court is due to sit next month and could be a turning point in the efforts to seek justice for Suharto-era crimes, or it could turn out to be a huge disappointment.

Seeking justice is one of the striking features of post-Suharto Indonesia. But at the same time, state terror has continued apace, leaving a trail of death, disappearances, torture, internally displaced people and, inevitably, growing calls for secession from Indonesia. I refer in particular to Aceh and West Papua. No Indonesian government since the days of Sukarno has acknowledged the need to give greater autonomy to the disparate regions of a state that was the clumsy creation of Dutch colonial power. The Indonesian Republic inherited the empire of the Dutch East Indies and every president since 1945 has been dedicated to keeping the inheritance intact, as a unitary state, centralised on Java. Indonesia might be thought to be the prime example of a state that would function better as a federation but this has never been seriously considered.

Although Wiranto was forced by the vehemence of people's protests to lift DOM in Aceh, the promised troop withdrawal never happened. Calls for justice were ignored and activities by victims' families to identify hidden graves and houses of torture, and to name the culprits led to renewed violence by the security forces. Aceh had become a lucrative posting for officers, defending the Mobile-Oil (later EXXON) LNG installations for which they are paid by the company, and from trading in marijuana.

Meanwhile, GAM did not relinquish its struggle and began to enjoy growing popular support as state terror intensified and no one was made accountable for past crimes. Throughout 1999, operations against GAM continued and there were a number of massacres of the civilian population, the worst of which was in July, when a Muslim religious school was surrounded by troops. Nearly sixty people were killed, including the teacher.

By the beginning of 1999, the idea of a referendum had begun to take hold and in November of that year, three months after the referendum in East Timor, hundreds of thousands gathered in the provincial capital, Banda Aceh, calling for a referendum. This was not a GAM strategy at all; it emerged from within civil society in response to the continuing violence, as a way to resolve the conflict by peaceful means. This led the new president Abdurrahman Wahid to adopt a new approach and to invite a Geneva-based organisation to broker talks between GAM and the government, resulting in an agreement for a Humanitarian Pause. Joint monitoring teams were set up, but the level of violence was hardly affected. The armed forces were unwilling partners in the process though for GAM, the talks represented a form of recognition.

The talks have continued on a more localised basis and are now called 'Peace Through Dialogue' but six GAM negotiators were arrested some months ago while taking part in these talks. Although they have since been released, the police insist that they will face charges for waging rebellion against the state.

In April 2001, the armed forces prevailed upon a politically weakened Wahid to sign a decree for a six-point comprehensive programme for Aceh. The only point that was put into action was the one concerning the so-called 'security approach', which is more or less the only approach understood by the armed forces. This meant for Aceh, renewed military operations, with more troops, specially trained for counter-insurgency, being brought in from outside. Since then, the number of casualties has mounted, and had reached more than 1,500 by the time Wahid was replaced by Megawati after impeachment proceedings in late July, most of them villagers, taken out and killed during army sweeps, in their attempt to crush GAM.

In July this year, troops entered the workers' barracks at a plantation company in East Aceh, summoned all the Acehese men out into the open and shot them dead. Within minutes more than thirty men lay dead, one of them clutching his two-year old son. (He thought that if he came out carrying a child, he would not be maltreated, but the son died too.) The military later claimed that GAM was responsible but local activists who bravely entered the area some days later were able to confirm that soldiers were responsible. An official monitoring team set up by the district chief interviewed dozens of women whose husbands had been killed, but have since been too scared to published their findings, knowing full well where they would have to pin the blame. The National Human Rights Commission in Jakarta has ignored calls for an investigation. And so the killings go on.

This is not to say that GAM doesn't have quite a few violations to answer for, including the shooting dead of dozens of people suspected of being informers, and the recent abduction of a local assembly member. State terror however vastly outnumbers GAM atrocities.

At present, the armed forces are devoting their energies to persuading Washington to brand GAM as a 'terrorist' group which, in the present climate could well happen but will do nothing to resolve the crisis in Aceh or cut down the level of killings.

Finally, let us turn to West Papua where the fall of Suharto also raised hopes that there would at last be accountability for the many atrocities during the former era but this was not to be. There was a surge of actions by Papuans to express dissatisfaction with the 1969 Act of Free Choice which had robbed them of the right to decide about their future. The most popular manifestation was unfurling the West Papuan flag, the kejora, which happened with increasing frequency. In July 1998, flag-raisers in island of Biak were attacked by troops landing by ship. More than a dozen people were shot dead; some of the bodies were never recovered as the victims had been taken out to sea.

President Wahid entered the fray by showing sympathy for the Papuans and endorsing flag-raising 'as a cultural symbol'. From then on, there was a dual-track policy with flag-raising becoming more popular while the security forces cracked down in some places but not in others. At a trial last year, the judge admitted that he did not know which policy on flag-raising was the official one so he decided to acquit the defendants.

In June 2000, a huge congress was convened in Jayapura which set up the Papuan Presidium Council. The Council demanded 'a re-writing of history' to correct the facts about 1969, and called for dialogue with the Indonesian government. Wahid endorsed this congress and provided a hefty financial contribution. But the tables were about to turn.

In October of that year, police cracked down on flag-raisers in Wamena in the Central Highlands and provoked the local people into attacking transmigrants with whom they had lived in harmony for years. Many were killed, Papuans and Indonesians. Twenty-two Papuans went on trial for a variety of offences. In December, the police attacked a student dormitory in Abepura, near Jayapura, killing two and torturing many. To its credit, the National Human Rights Commission conducted an investigation into this incident and named 27 police officers who they said should face trial. This was to be a test case for consideration at one of the permanent human rights courts created under the Human Rights Courts law. We are still waiting.

Since then, there have been military operations in several parts of the province involving the much-feared BRIMOB, the crack troops of the police force. In one region in the west of the province, Brimob have been conducting daily sweeps since July, in revenge for an armed attack which killed five of their members. Villagers have been killed, some have disappeared, a dozen or more are now on trial and many villages are deserted as villagers flee in search of safety. The area has been sealed off, making it impossible for church officials to visit their communities and investigate conditions.

Ten days ago, the chairman of the Papuan Presidium Council, Theys Hiyo Eluay, was abducted and assassinated. His family and colleagues have blamed the military for the crime, and we abroad have added our voices to this, calling on President Megawati to set up an independent investigation team. No one trusts the police to handle the case because we know from past experience that they will always shy away from pushing through an investigation that incriminates the military. Although the victim's body was found with clear signs of torture and asphyxiation, the regional military commander, a man with a history of brutality in East Timor, insists that Theys died of a heart attack. The death came at a time of heightened volatility, days after the Council had issued a statement rejecting a decision to grant Papua special autonomy. The fear is that the death will plunge Papua into renewed strife. Why, people ask, should the military want to do that? This would be yet another provocation. By stirring up more conflict, they would hope to stifle Papuan demands, while justifying their continued presence so as 'keep order' in a troublesome province.

East Timor won its independence thanks to the determined struggle of its people and to conditions post-Suharto that compelled Indonesia to allow a referendum to take place. The results of the referendum still rankle with the armed forces. Instead of accepting the need to heed the calls for justice and peaceful dialogue in Aceh and West Papua, Jakarta has opted to use the iron fist. The armed forces, in partnership with the police, are only too pleased to oblige. The tragedy is that even with the trappings of a democratic state, Indonesia still has the means at its disposal and the inclination to resort to state terror.