

# The Indonesian Government

## Failing to live up to its promises

President Habibie came to power in May 1998 with a high profile agenda for political and human rights reform. Six months later, the Indonesian Government appears to have lost sight of its commitments to respect human rights and for greater transparency and political participation. The government's response to recent demonstrations and riots shows a striking similarity to the repressive methods employed by the former Suharto regime. In particular, excessive and lethal force has been used against demonstrators and rioters and individuals are being threatened with criminal charges for their peaceful political activities.

Among the commitments made by President Habibie on coming to power were the release of political prisoners, investigations into past human rights violations; and a liberalization of the country's restrictive political and electoral systems. The government appeared to be taking the first steps towards institutionalising these promises. For example, in June, a National Plan of Action on Human Rights was launched which, among other things, outlined a timetable for ratification of international human rights instruments and legal reform. Within the context of a Memorandum of Understanding between the Indonesian Government and the United Nations (UN) High Commissioner for Human Rights, Indonesia agreed to the placement of an officer of the High Commissioner in Jakarta with access to East Timor. In October, the Convention Against Torture and other forms of Cruel, Inhuman or Degrading Treatment (CAT) was ratified. The government has also allowed the UN Special Rapporteur on Violence Against Women to visit Indonesia and East Timor. The UN Working Group on Arbitrary Detention has also been invited to Indonesia and East Timor and is expected to travel there in January 1999.

Despite these positive initiatives, the reality on the ground is that human rights are continuing to be violated. In some cases violations are occurring under the gaze of the international community, such as the killing and wounding of demonstrators in Jakarta in November during the Special Session of Indonesia's highest legislative body, the People's Consultative Assembly (MPR). In other cases, killings, ill-treatment and arbitrary arrests have occurred in more remote areas such as Aceh, Irian Jaya or in East Timor, where a lack of access for human rights monitors and the media, and remoteness of these areas has meant that incidents are largely unreported.

Amnesty International urges the Habibie Government to take immediate steps to fulfil its earlier commitments to respect and protect human rights. In particular, Amnesty International calls on the government to ensure that excessive and lethal force are not used, that members of the Indonesian Armed Forces (ABRI) who commit human rights violations are brought to justice, and that peaceful political activists can operate without fear of arrest and imprisonment.

### **The use of force**

Indonesia's Armed Forces are currently facing an extreme challenge in maintaining law and order amidst frequent and large scale demonstrations and at times violent disturbances. Amnesty International is concerned, however, that government statements and initiatives aimed at protecting human rights are not resulting in changes in practice by the security forces on the ground. In this context, Amnesty International draws the attention of the government once again to international standards on the use of force in both non-violent and violent disturbances. These guidelines are designed to ensure the protection of the rights of the community from abuses by law enforcement officials while recognizing the hazards that law enforcement officials face in their work. These standards require that:

- force should only be used when strictly necessary and only to the minimum extent required under the circumstances;
- lethal force should not be used except when strictly unavoidable in order to protect life;
- if there is no alternative but to use force, prompt, independent and full investigations of these events must be held;
- exceptional circumstances, such as those currently facing Indonesia, do not justify any deviation from these standards, but rather require greater vigilance in order to ensure that human rights are protected.

Since May, Indonesia has witnessed frequent rioting and large student demonstrations. On many occasions, the security forces have acted with restraint. Yet force continues to be used too readily and lives continue to be claimed. Between 10 to 13 November, sixteen people are believed to have died in Jakarta, at least six of them from gunshot wounds, in the context of demonstrations during the Special Session of the MPR which had been called to review electoral and political laws and to set a date for parliamentary elections. In response to the planned demonstrations, some 30,000 members of the security forces had been deployed in Jakarta. The professional security forces were backed up by around 125,000 civilian volunteers armed with bamboo sticks, but the government reported that it had withdrawn the volunteers after protests from human rights organizations and others. After two days of peaceful demonstrations on the streets of Jakarta which were handled with restraint and discipline by the security forces, discipline broke down on 13 November when troops opened fire on students demonstrating at Atma Jaya University, which is located close to the MPR building.

Shots were reportedly fired directly into the campus killing at least six people. The military claims to have only used rubber bullets and blanks but forensic evidence has indicated that metal fragments - which could only have come from live ammunition - were found in the bodies of some of those who died. Dozens of other people were wounded during the four day MPR session. One student described how he was beaten with a rifle butt and kicked by soldiers while he was lying on the ground. Four members of the civilian vigilante group deployed by ABRI were killed by angry demonstrators.

Violence was also used against demonstrations in other regions of the country which occurred around the time of the Special Session. On 16 November at least seven students were hospitalised when security forces broke up a demonstration outside the local parliament on the island of Ambon in eastern Indonesia. The hospital at which the injured students were treated was reported as saying that the students received serious injuries, including from beatings.

In response to criticism of the security forces' handling of the MPR demonstrations, in late November the government announced that 163 members of ABRI had been detained for 21 days as a punishment and that the 163 soldiers could face court martial if it was found that they had been using firearms without authorisation.

### **Irian Jaya**

The events in Jakarta in mid November mirrored a pattern of violations that have taken place in Indonesia and East Timor in recent months which are reminiscent of the methods employed under the Suharto Government to suppress dissent.

In July, a series of ceremonies took place in Irian Jaya, Indonesia's eastern most province in which the West Papuan flag was raised as a symbol of local desire for independence from Indonesia.<sup>1</sup> In each case, the demonstrations accompanying the flag raising ceremonies were broken up by force resulting in the deaths of at least six people.

The first incident took place on 3 July when the military opened fire on demonstrators at a university in Jayapura after an initially peaceful demonstration turned violent. One man died after he was shot in the head. Three days later troops once again

---

<sup>1</sup>Indonesia took *de facto* control of Irian Jaya from the Dutch in 1963. In 1969 the government held a plebiscite - which has been criticised as having been neither free nor fair - to determine the territory's political status. This resulted in a vote for integration. Opposition to integration with Indonesia has continued in Irian Jaya since then. Serious human rights violations, including the imprisonment of peaceful advocates of independence, unfair political trials, torture and ill-treatment, extrajudicial executions and "disappearances" have continued since then.

opened fire on a pro-independence demonstration, this time on the island of Biak which lies just north of Irian Jaya. The shootings which resulted in the deaths of at least three people, occurred early in the morning of 6 July when around 200 people were sleeping around a water tower near Biak Harbour on which the West Papuan flag had been raised. The flag had been hoisted four days previously and had already resulted in at least one violent clash with the security forces on 2 July when 13 soldiers had been wounded by the demonstrators. The protesters had remained at the site of the flag and had been warned to disperse on 5 July. The warning was ignored and in the early hours of the next morning the shooting began. It is believed that many of those who stayed were asleep at the time the security forces opened fire.

Following the shooting, dozens of people were taken into custody although many were later released. Nineteen people, all of whom were arrested without warrants, are now on trial including under Article 106 of the Indonesian Criminal Code which punishes those wishing to separate part of the state with a maximum imprisonment of 20 years. Fifteen of the group are also facing subsidiary charges under Article 154 of the Criminal Code which is one of the so-called "Hate-sowing" articles and which punishes "*the public expression of feelings of hostility, hatred or contempt toward the government*" with a maximum of seven years' imprisonment. Many in the group were interrogated without legal representation and also subjected to ill-treatment including being beaten, hit with guns, forced to drink drain water and to stand in the sun for several hours.

It remains unclear how many people were killed in Biak and how many are still missing. Human rights monitors have confirmed that at least three people were killed, two of whom died as a result of ill-treatment in custody and one from gunshot wounds. Several people are still missing although the total number is not clear. Restrictions on human rights monitoring in Biak and a general atmosphere of intimidation by the local military have contributed to difficulties in obtaining confirmation of reports of the incident. The events have been further confused by reports of bodies washing up on Biak's coast which the authorities claim are victims of a massive tidal wave in neighbouring Papua New Guinea later in July.

### **Aceh**

Aceh, on the northern tip of Sumatra, like Irian Jaya, has until recently been classified as an Area of Military Operation (*Daerah Operasi Militer*, DOM). Like Irian Jaya the DOM status had been used to justify counter-insurgency operations against the armed independence movement in the region. In the context of these counter-insurgency operations large-scale human rights violations had occurred since the late 1980s including extrajudicial executions, "disappearances", torture and rape, imprisonment of peaceful activists and unfair political trials. The DOM status was finally lifted in August

1998. While violations in Aceh have dramatically declined since then, reports of violations continue to be received.

In August, non-governmental organizations in Aceh reported that 34 people were still missing after having been taken into military custody between January and May 1998 in the area of Pidie. While some are believed to have been released, an unknown number are still “disappeared” and Amnesty International is concerned that the authorities are not taking sufficient steps to trace the whereabouts of those who remain “disappeared”.

Amnesty International is also concerned that arbitrary arrests are continuing in Aceh, during which individuals are taken into custody without arrest warrants, charges are not clarified and they are not given access to independent legal counsel. Two recent disturbances have led to large numbers of arbitrary arrests. In November, 24 people were arrested and detained in police custody in Lhokseumawe following a procession to the town during which Indonesian flags were torn down and a soldier was beaten by the crowd. In mid November, following a clash between the Police Mobile Brigade (Brimob) and alleged members of the armed independence movement in Kandang, Lhokseumawe, dozens of people were taken into custody. The large majority of those taken into custody in both Lhokseumawe and Kandang are believed to have been released. Amnesty International is concerned however by reports that those taken into custody in relation to the two incidents did not have access to independent legal counsel during their detention.

### **East Timor**

Reports of serious human rights violations including unlawful killings, arbitrary arrests and ill-treatment are also being received from East Timor. The violations are taking place in the context of military operations following two incidents linked to the armed resistance, the East Timorese National Liberation Army (*Falintil*) in October and November. On 31 October, three Indonesian soldiers and an Indonesian civilian were detained by participants at a political meeting in Weberek, Manufahi District, south of the East Timorese capital of Dili. *Falintil* members were present at the meeting. The four were reportedly tied up before two of the soldiers and the civilian were killed. The third soldier escaped but later died. A second incident took place on 9 November when there was an attack on the subdistrict military command in Alas, also in Manufahi District. During the attack three members of ABRI were killed, a large number of weapons were stolen and 13 soldiers were taken captive. Eleven of the soldiers were released but two remain in the custody of *Falintil*.

Following these incidents, ABRI launched an intensive military operation to trace those believed responsible for the deaths. Reports of up to 50 people having been killed by ABRI cannot be confirmed but at least two men are known to have been killed by the

military. Since the beginning of the operation access to Alas has been severely restricted hampering attempts to verify information. The International Committee of the Red Cross (ICRC) has been permitted to visit the area and has since issued a statement saying that they could not confirm that a massacre took place, but confirming the deaths of four people. The statement also noted that the ICRC had “*observed that houses and personal property had been destroyed*”. On 2 December, a group of East Timorese students and members of the National Council of Timorese Resistance (*Conselho Nacional da Resistencia Timorese*, CNRT) which had negotiated permission from the authorities to travel to Alas to investigate the events there was reportedly forced to return to Dili after ABRI fired shots into the air when the group apparently arrived in Same, the main town of Manufahi District. ABRI reportedly believed that the group was armed.

Over 20 people from Manufahi District are known to have been taken into custody by the military. Eleven of them, including two women, are now being held in police custody in Dili. It is thought that at least another two and possibly three men are also still in custody but their whereabouts is not clear. It is also believed that many of those arrested were subjected to beatings and sexual harassment by the military,

### **Military Justice**

Among the recommendations made by Amnesty International and other human rights organizations to the new Indonesian Government was the need to end the virtual immunity from prosecution which members of the Indonesian Armed Forces enjoyed under former President Suharto. This immunity effectively allowed members of ABRI to operate outside of the law safe in the knowledge that they were unlikely to be brought to justice for human rights violations.

Initially it appeared that the the government was responding to calls for greater accountability. The former President’s son-in-law, Lt-Gen Prabowo Subianto, Commander of the Army Strategic Reserve Command (Kostrad), was investigated by a military Honour Council in connection with the “disappearance” of nine political activists.<sup>2</sup> Prabowo was dismissed from the military and two other senior officers were suspended. Ten lower ranking officers were also charged with the kidnappings. There was also an investigation into the killing of four students from the Trisakti University in Jakarta on 12 May 1998 which sparked the two days of rioting which precipitated Suharto’s resignation. Following the investigation, two members of the police were jailed.

---

<sup>2</sup>Until March 1998, Lt-Gen Prabowo had been the Commander of the Special Forces Command (Kopassus), Indonesia’s elite forces which had been linked to serious human rights violations in East Timor, Aceh and Irian Jaya.

In both cases the investigations have been only partial and those responsible for the violations have not yet been brought to justice. In the case of the “disappearances”, Lt-Gen Prabowo and his two fellow senior officers have not been brought to trial. A recommendation by the Military Honour Council that they be brought before a court martial is still awaiting a decision by the Commander of the Armed Forces, General Wiranto. The 10 lower ranking members of ABRI charged with the kidnappings are believed not to be in custody and it is not known when their trials will take place. Moreover, 13 other political activists who “disappeared” between April 1997 and May 1998 are still missing and the investigation into their “disappearance” appears to have halted.

In the case of the killing of the four Trisakti University students, there remain serious concerns that those believed responsible for their deaths have still not been brought to justice. The two policemen jailed in connection with the killings, were convicted for exceeding or disobeying an order by ordering their subordinates to shoot into the crowd of students. The two men were not charged with shooting the students and presented evidence in court that they had been armed only with tear gas. No one has yet been brought to justice for actually shooting the students.

### **Political freedom**

Greater political freedom, the release of political prisoners, and the review of legislation which had been used to restrict political participation and to imprison the government’s critics, had all been promised by the Habibie Government. Amnesty International is concerned however by an apparent lack of political will to follow through on these commitments.

While around 120 political prisoners have benefited from the Presidential order for prisoner releases, many others remain in jail, including those detained for the peaceful exercise of their beliefs.<sup>3</sup> The legislation used to imprison critics remains in force and there has been no attempt to redress the unfairness of convictions against Indonesian and East Timorese political prisoners.

Among those still in detention are 10 elderly men who have been detained for over three decades in connection with an alleged coup in 1965 which has been blamed on

---

<sup>3</sup>Many of those who benefited from the Presidential order for prisoner releases were due - in some cases overdue - for conditional release. Others were close to completion of their sentences.

the Indonesian Communist Party, (*Partai Komunis Indonesia*, PKI) as do eight members of the People's Democratic Party (*Partai Rakyat Demokratik*, PRD) arrested in 1996 for their peaceful activities. There also remain several prisoners from Aceh and Irian Jaya convicted for peaceful political activities. Five East Timorese men jailed for peaceful activities in connection with the Santa Cruz massacre in East Timor in November 1991 when the Indonesian Armed Forces opened fire on unarmed demonstrators, also remain in jail.

Despite government statements regarding respect for freedom of association and expression, the government is also arresting its critics. In Jakarta, 18 prominent political figures have been questioned under Article 110 of the Indonesian Criminal Code which relates to rebellion and attempted "overthrow" of the government following their preparation of a declaration rejecting the Special Session of the MPR in November. In September and October, six men were taken into custody and charged in Jayapura, Irian Jaya, for their role in allegedly organising a meeting to discuss the political future of the province. They have been released pending trial on charges of rebellion. A further nine men and one woman are on trial for their role in what is believed to have been a peaceful flag raising ceremony in the town of Wamena, Irian Jaya. They too are facing charges of rebellion.

In addition to continuing to arrest peaceful critics, the government does not appear to be progressing with the process of legislative reforms necessary to ensure freedom of expression. Legislation which has been used to imprison peaceful critics, such as the so-called "Hate-sowing" Articles of the Indonesian Criminal Code, remains in place and in use. There appears to be no timetable for the repeal of this legislation. In his first speech as the country's new President, Habibie announced that another law which had been frequently used to imprison peaceful political opponents and to deprive political prisoners of their rights to a fair trial - the Anti-subversion Law - would be reviewed. However rather than the law being repealed, it appears that the review will result in articles from the law which allow for the imprisonment of people for peaceful activities, will be incorporated into the Indonesian Penal Code.