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## U.S. Department of State

### Indonesia Report on Human Rights Practices for 1996

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#### INDONESIA

Despite a surface adherence to democratic forms, the Indonesian political system remains strongly authoritarian. The Government is dominated by an elite comprising President Soeharto (now in his sixth 5-year term), his close associates, and the military. The Government requires allegiance to a state ideology known as "Pancasila," which stresses consultation and consensus, but is also used to limit dissent, to enforce social and political cohesion, and to restrict the development of opposition elements. The judiciary is subordinated to the executive and the military.

The primary mission of the 450,000-member armed forces, which includes 175,000 police, is maintenance of internal unity and stability. Military spending is approximately 1.4 percent of the gross national product. Despite a decrease in the number of active or retired military officers in key government positions, the military retained substantial nonmilitary powers under a "dual function" concept that accords it a political and social role in "developing the nation." There continued to be numerous, credible reports of human rights abuses by the military and the police.

Indonesia has a vigorous and rapidly growing economy. The benefits of economic development are widely dispersed, but pervasive corruption remains a problem. Pressures for change and sporadic unrest led to stronger demands that the Government act more effectively to address social and economic inequities. In rural areas, discontent often focused on the grievances of small land owners--especially those forced off their land by powerful economic and military interests. In some regions, exploitation of natural resources has entailed environmental degradation with adverse social consequences.

The Government continued to commit serious human rights abuses. Rising pressures for change, including those by political activists and opponents, triggered tough government actions that further infringed on fundamental rights. The authorities maintained their tight grip on the political process, which denies citizens the ability to change their government democratically. In other areas, such as increased police and army accountability for abuses, the decline in extra-legal executions, access to prisoners, the variety of information sources, and tolerance of public criticism, there were encouraging signs along with substantial grounds for continuing concern. Reports of extrajudicial killings--including killings of unarmed civilians, disappearances, and torture and mistreatment of detainees by security forces continued. In practice, legal protections against torture are inadequate, and security forces continued to torture and mistreat detainees, particularly in regions such as Irian Jaya and East Timor. There were persistent reports that some of the detainees seized by the Government

during unrest in Jakarta sparked by the government-backed seizure of an opposition party headquarters on July 27 and during the subsequent crackdown on political opponents were subjected to mistreatment. Reports of arbitrary arrests and detentions and the use of excessive violence (including deadly force) continued. Prison conditions remained harsh, and security forces regularly violated citizens' right to privacy.

The Government continued to impose severe limitations on freedom of assembly and association. In anticipation of the 1997 parliamentary elections, the Government took a number of actions to intimidate political opponents. Notably, the Government crudely engineered the removal of a popular opposition party leader and the forcible takeover of the party headquarters. The headquarters-takeover and the subsequent rioting in Jakarta, the worst in decades, resulted in at least 5 dead, over 20 missing, scores of injuries, and over 200 arrests. Some witnesses testified in court that one person was killed during the takeover of the party headquarters. The Government, invoking limited use of the controversial Antisubversion Law, responded with a wave of arrests, interrogations, and expanded surveillance aimed at reining in nongovernmental organizations (NGO's) and political activists. The International Committee of the Red Cross (ICRC) and the National Human Rights Commission were able to visit many of those detained or hospitalized after the takeover and riot, although access has been sporadic.

An independent election monitoring committee, formed by private organizations, prompted a mixed government response. Its head was called in for questioning during the Government's crackdown on political opponents and NGO's after the July 27 incident. On the other hand, the Indonesian National Human Rights Commission, despite limited resources, and occasional government pressure and intimidation, vigorously undertook investigations and publicized its independent findings and recommendations. In some but not all cases, the Government acted on these findings.

The judiciary is still subservient to the executive branch and subject to widespread corruption. A justice's criticism of judicial corruption focused increased attention on the need to reform the judicial system. In a controversial and much criticized action, the Supreme Court reimposed a prison sentence on Indonesia's most prominent independent labor leader, Muchtar Pakpahan, reversing its own 1995 decision to overturn the conviction. Reversing lower court decisions, the Supreme Court also upheld the legality of the Government's closure of three magazines in 1994.

The Government continued to exercise indirect control over and intimidation of the press. Criticism of the Government was tolerated, but critics of the President, senior officials, or

powerful local interests risked harassment, arrest, or intimidation. Despite these problems and government pressure on the media in the wake of the July 27 events, observers considered the print media more open and outspoken than in recent years. The Government continued to impose some restrictions on freedom of religion and movement. Discrimination against women and the disabled and

violence against women are endemic problems.

Security forces displayed improved discipline in responding to several incidents of unrest in Irian Jaya, where newly issued human rights guidelines were in effect, but brutality in handling unruly demonstrations in Pontianak and Ujung Pandang resulted in civilian deaths. In the July rioting in Jakarta, the police beat demonstrators and onlookers. Higher authorities punished increased numbers of police and military personnel, including officers, for infractions of the law or indiscipline. Punishment, however, usually failed to match the severity of the abuse.

The Government maintained its opposition to alternatives to the government-sponsored labor movement and to the development of a free trade union movement. Members of the principal unauthorized labor organization cited continued instances of harassment. Government pressure on this organization--widely viewed as an attempt to discredit or destroy it--has increased since the July 27 violence in Jakarta. In a move that has elicited considerable domestic and foreign criticism, the Government detained and brought subversion charges against the leader of this organization (the same man against whom the Supreme Court had reinstated a conviction it had earlier overturned) for alleged political activities. Abuses, including the use of child labor, mistreatment of labor, and inadequate remuneration continued. On the positive side, the Government raised the minimum wage again and, for the first time, allowed unions to collect and distribute their own dues.

In East Timor, still troubled by a low-level insurgency and a disaffected indigenous population that generally resents Indonesian rule and has inadequate opportunity to determine its own affairs, there were further instances of killings, disappearances, torture, and excessive use of force by the military and insurgents. Respected observers noted a decrease in serious incidents, but 1996 Nobel Peace Prize co-laureate Bishop Belo said that it would be a mistake to conclude that the human rights environment in East Timor was improving. No progress was made in accounting for the missing persons following the 1991 Dili incident or the others who disappeared in 1995-96. Troop levels remained unjustifiably high. The Government granted limited access to the area to foreign journalists but banned travel by all foreign human rights NGO's except the ICRC. In several cases, the Indonesian military punished abuses by its personnel. The National Human Rights

Commission in a small, symbolically important step--whose practical effect remains to be seen--opened a branch office in Dili. Young disgruntled East Timorese mounted repeated intrusions into embassies in Jakarta seeking asylum and publicity for their cause.

In Irian Jaya, tribal resentment against government and private companies' policies viewed as heavyhanded and arbitrary remained. Real and perceived discrimination against native Irian people led to several outbreaks of violence and a strengthened military presence in Timika. Guerrilla terrorists seeking separation or autonomy for Irian Jaya took hostages in four incidents and murdered several of their captives.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Political and Other Extrajudicial Killings**

Historically, politically related extrajudicial killings have occurred most frequently in areas where separatist movements were active, such as East Timor, Aceh, and Irian Jaya. Security forces continued to employ harsh measures against separatist movements in East Timor and Irian Jaya. Although the

Government claims that the "Aceh Merdeka" movement has been eliminated, Aceh is still officially listed as one of Indonesia's three "trouble spots" (along with East Timor and Irian Jaya), and the Government has issued public calls for the "rebels" to come home to their families. There are credible reports that the Aceh Merdeka movement still exists, but its activities are now underground. Security forces in East Timor killed two unarmed civilians in April in separate unrelated incidents. On April 25, near Baucau an unarmed East Timorese civilian allegedly attempted to escape questioning by security personnel and was killed when one of them fired what was described as a warning shot. A military officer was convicted of accidentally killing the victim. On April 28, in Dili a member of the security forces fired on and killed an unarmed civilian during an altercation caused because the victim was allegedly burning an Indonesian flag. In early August, a

student was killed after quarreling with soldiers and them seeking to escape arrest.

Four soldiers received 1- to 3-year prison terms in February as a result of the killing of three civilians in Irian Jaya in the spring of 1995. These convictions resulted from reports by the National Human Rights Commission, the Catholic Church, and NGO's about the killings of 16 or more civilians in Irian Jaya between mid-1994 and mid-1995. However, these convictions resulted from one case only, and the military court addressed only charges of murder and did not address charges of rape of indigenous women. Five other cases of alleged human rights violations in Irian Jaya, cited in a September 1995 report by the National Human Rights Commission, have languished. Moreover, in the one prosecuted Irian Jaya case, many court documents were declared to be "state documents," precluding their release to the public.

The killing of unarmed civilians by security forces was not limited to the areas with active separatist movements. Military personnel abducted and allegedly tortured an unarmed civilian in West Kalimantan in April following a minor traffic accident. One civilian was killed and at least four were injured when military personnel fired upon unarmed civilians who attacked the local military headquarters in protest. Six military personnel were tried and convicted and received sentences ranging from 3 to 11 months for involvement in this incident. Six others, who had originally been named by the military authorities as suspects in the case, were punished for disciplinary infractions but not tried.

At least three civilian deaths occurred when security personnel in Ujung Pandang responded to student demonstrations in April. The Government acknowledged that three deaths occurred, claiming that the students drowned in a river while fleeing security forces. However, photos of the three bodies of the dead students showed bruises and what may have been knife wounds. The investigation by the National Human Rights Commission confirmed the number of deaths but identified excesses by the troops. Some student groups asserted at the time that the number killed was higher. Twelve soldiers were charged in the case. Six low-ranking officers were tried and convicted in October receiving sentences of 90 to 105 days.

The Government assisted the forcible takeover of the Indonesian Democratic Party's (PDI) headquarters on July 27, and the harsh treatment of demonstrators later in the day by security forces, sparked Jakarta's most serious rioting in years. The Government acknowledged that four deaths occurred. A report released on October 12 by the National Human Rights Commission--which cited government intervention as a factor in the violence--put the casualties at 5 dead, 149 injured, and 23 missing. No members of the military or police have been held accountable by the Government in connection with this violence, which included police caning of individuals in a crowd who fell during a police charge. PDI witnesses testified in court that one person was killed during the government-backed assault against the party headquarters.

The police employed excessive and sometimes deadly force in apprehending suspects or coping with

alleged criminals. In response to protests that the methods used were unjustifiably harsh and amounted to execution without trial, police generally claimed that the suspects were fleeing, resisting arrest, or threatening the police. Accurate statistics about the number of such cases are not available. In December police in Jakarta shot and killed a robbery suspect who they said was trying to escape from custody, and in November they did the same to a crime suspect in West Java. Also in November, a human rights organization charged that security forces, during a crackdown on street vendors, beat and kicked vendors, and that one of the vendors fell into a river and drowned while he was fleeing.

In the past higher authorities rarely punished the military or police for using excessive force. There were some indications that this situation was improving, although the action taken by the authorities is usually not commensurate with the gravity of the security force abuses.

Irian Jaya rebels, including some from the Free Papua Organization (OPM), abducted civilian hostages on four occasions in Irian Jaya. In two of these incidents hostages were killed by their abductors. A rescue attempt by Indonesian special forces May 15, succeeded in freeing nine hostages, but two others died of slash wounds inflicted by their abductors. Government troops killed eight of the abductors in a fight that also involved armed local villagers who supported the rebels. Earlier in this hostage taking, government forces sought to bring an end to the incident through ICRC mediation, which eventually failed due to bad faith on the part of the abductor leader, Kelly Kwalik. On September 18, Armed Forces of the Republic of Indonesia (ABRI) elements in pursuit of Irian Jaya rebels, who had taken 14 logging company employees hostage August 14, reported that two of the hostages had been found murdered. Government reports claimed the two had been tortured before they were killed by their abductors, though a knowledgeable source later shed doubt on this claim. The armed forces conducted operations to hunt down the OPM guerrillas. On at least two occasions OPM and government forces exchanged fire with reports of casualties. Access to the general area was restricted by the Government to prevent additional hostage-taking. There were unconfirmed claims from government critics that military campaigns to capture the hostage takers had resulted in civilian losses.

ABRI reportedly suffered casualties in East Timor during a clash with guerrillas in August. In ensuing military operations, five East Timorese reportedly were arrested. ABRI does not release its casualty statistics, but reliable reports indicate soldiers have been killed throughout the year. Guerrillas carried out attacks against immigrants and progovernment Timorese, and suspected informers that resulted in several deaths according to government and Indonesian press sources.

On December 24, in Dili an out-of-uniform police officer was beaten to death by a crowd when he was discovered to be carrying a pistol and a hand radio. Several other policemen including the Dili chief of police were injured, some seriously.

#### b. Disappearance

Following the July 27 violence and its aftermath, the National Human Rights Commission on October 12 released a report that listed 23 missing, 149 injured, and 5 dead, one of whom had been shot. The Commission's attention to the number of missing reflected persistent reports from human rights groups that people remain unaccounted for following the July 27 violence. In contrast, the Government did not acknowledge that any people were missing. Security forces in Indonesia sometimes held suspects incommunicado before acknowledging their detention. In certain cases, including after the July 27 violence, suspects were held for substantial periods of time before formal charges were brought; in some cases charges were not brought, and they were simply released. A respected international human rights NGO reported to the United Nations the disappearance of a Timorese man from Same, on or around May 13.

There were no new efforts by the Government to account for the missing and dead from the November 12, 1991 military shooting of civilians in Dili, East Timor. Of those still listed as missing in a report that the military gave to Human Rights Watch/Asia, no additional cases were resolved during the year. Knowledgeable observers continued to believe that most of the missing are dead and that members of the armed forces know where their bodies are lo