

**INDONESIA : HUMAN RIGHTS REPORT 1999**  
 released by the Bureau of Democracy, Human Rights, and Labor  
 U.S. Department of State, February 25, 2000.

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## **Introduction**

Indonesia made significant progress in its transition from a long-entrenched authoritarian regime to a more pluralistic, representative democracy. During the year, as governmental authority changed hands from President B.J. Habibie to new President Abdurrahman Wahid in October, the political system was revamped to provide for separation of powers, with an executive branch, a president, and an appointed cabinet that ultimately are accountable to a directly elected parliament, and with initial steps taken toward the establishment of an independent judiciary. Under new election and party laws drafted in the early part of the year, in June the country held its first pluralistic and competitive parliamentary campaigns and elections in 43 years, elections that were judged free and fair by international monitors. The Government encouraged international assistance to and monitoring of the election, permitted free assembly and association during the campaign period, and generally refrained from attempting to influence the electoral outcome. The new Parliament (DPR) and the new People's Consultative Assembly (MPR) were installed on October 1, replacing the former DPR, which was elected in 1997, and the former MPR, which elected Habibie as President in March 1998. In accordance with constitutional procedures, the new MPR elected, in a transparent balloting procedure, Wahid as President, and Megawati Soekarnoputri as Vice President on October 20 and 21, respectively. The Constitution provides for an independent judiciary; however, it remains subordinated to the executive and suffers from pervasive corruption.

On January 27, the Habibie Government announced its willingness to consider broad-based autonomy or independence for East Timor, paving the way for a United Nations-sponsored agreement concluded between Indonesia and Portugal on May 5. The agreement provided for the holding of a popular consultation on this issue in East Timor, under the supervision of the U.N. Following the agreement, the U.N. Mission in East Timor (UNAMET) was established in order to oversee the preparatory arrangements leading to, and implementation of, the popular ballot. In the months prior to the consultation, the uncertain security situation in East Timor compelled the U.N. Secretary General to postpone the ballot three times. The ballot took place on August 30. While armed forces-backed militia groups sought to intimidate the population into voting for autonomy (and, in effect, against independence), or to prevent them from voting at all, some 98 percent of registered voters cast their ballots, and 78.5 percent of the voters opposed the autonomy proposal. In early September, the U.N. Secretary General Kofi Annan declared that the ballot results were "an accurate reflection of the views of the East Timorese people," and in October the MPR approved revocation of the 1978 MPR decree that annexed East Timor, clearing the way for the U.N. Transitional Authority in East Timor (UNTAET). On October 25, UNTAET became responsible for maintaining a police and military apparatus in East Timor during the later part of the year.

The 275,000-member armed forces (TNI, formerly named ABRI) were placed under a civilian defense minister for the first time in 40 years and took initial steps to reduce gradually the military's political and social role and powers, heretofore exercised under the "dual function" doctrine. However, numerous problems still remain in many areas. The national police force of 175,000 members was separated formally from the armed forces and given primary responsibility for internal security, although the police remain under the supervision of the Minister of Defense. The separation was intended to reorient the military away from an internal security role and toward an external defense role. Nonetheless, the armed forces retain broad nonmilitary powers and an internal security role, and are not fully accountable to civilian authority. Both the TNI and the police committed numerous serious human rights abuses throughout the year.

The country's severe economic crisis that began in July 1997, eased somewhat, but its negative effects continued to be felt. Annual per capita gross domestic product among the population of 211 million is \$690. The urban poor and middle class on heavily populated Java and Bali suffered a significant drop in living standards, caused in part by a wholesale shift in employment from the better paid formal sector to the less secure informal sector. Income and living standards improved for segments of the population in less populated, natural resource-rich Kalimantan, Sulawesi, Sumatra, and Irian Jaya. The uneven distribution of wealth and political power, in turn, exacerbated center-periphery tensions and intensified demands for greater regional autonomy. The Government has responded with plans for greater political and economic decentralization and for revenue sharing with the provinces.

The Habibie Government committed serious human rights abuses; while there was significant progress in institutionalizing democracy during the year, serious problems remained under the Wahid Government, although overall abuses decreased markedly. Security forces continued to commit extrajudicial killings. Elements of the security forces and prointegration militias, armed and largely supported by the military, were responsible for numerous extrajudicial killings in East Timor in the early months of the year. In April military-backed militias attacked displaced persons in a church in Liquica, killing at least 25 persons. Also in April, militias attacked the Dili home of proindependence activist Manuel Carrascalao, killing his son and many others. Prointegration militias in Suai also carried out numerous extrajudicial killings during the preconsultation period. In September at least many hundreds of persons were killed in a wave of violence and destruction after the announcement of the proindependence vote. Priests and displaced persons were massacred at a church in Suai and up to 60 civilians were killed in a single attack by militias and security forces in Oekusi. In November the Indonesian Commission Investigating Human Rights Violations in East Timor discovered a mass grave containing the bodies of 26 victims of the Suai killings, and the commission concluded that TNI personnel were directly and indirectly involved in this and other extrajudicial killings carried out following the consultation vote. There was evidence that many key militia members were, in fact, TNI intelligence personnel. There were numerous reports of disappearances in East Timor and from refugee camps in West Timor following the flight of over 250,000 East Timorese civilians in September. Mau Hodu, a prominent Timorese National Resistance Council (CNRT) activist, disappeared in West Timor in September. Human rights violations in East Timor by security forces and military-backed militias against proindependence supporters included: Summary executions, massacres, massive deportation, attacks on women and children, houses and buildings besieged and destroyed, attacks and burnings of property belonging to international organizations and to the Catholic Church, and an attack on the only functioning medical clinic in Dili. More than 250 bodies were found in Dili and other areas. An International Commission of Inquiry, as well as an investigative commission established by the Indonesian Human Rights Commission (KPP), were set up to investigate reports of widespread killings.

In Aceh the military forces and national police committed numerous extrajudicial killings and used excessive force to quell separatist movements. Military forces sometimes resorted to force in order to disrupt peaceful demonstrations. TNI personnel often responded with indiscriminate violence after physical attacks on soldiers. There continued to be credible reports of the disappearance of dozens of civilians, many of whom are believed to have been associated with separatist activities.

Security forces also were responsible for numerous instances of indiscriminate shooting of civilians, torture, rape, beatings and other abuse, and arbitrary detention in Jakarta, Irian Jaya, Maluku, and elsewhere in the country. Rapes by security forces continued to be a widespread problem throughout many of these areas, and security forces systematically employed arbitrary arrest and detention without trial in Aceh. Prison conditions are harsh. Most instances of excessive force by the military and police during the year went unpunished; however, a military officer and several enlisted personnel received jail sentences for the deaths of four detainees. In response to ongoing abuses, a joint civilian-military court is pursuing several cases involving military officers. Despite initial steps toward reform, the judiciary remains subordinate to the executive, suffers from corruption, and does not always ensure due process. Security forces infringed on citizens' privacy rights. Government respect for freedom of speech and press continued to improve; however, the military tightly controlled news about East Timor and journalists continued to suffer intimidation and assaults. The Government legally provides for religious freedom for five designated religions; unrecognized religions are subject to restrictions. The Government continued to restrict freedom of movement to a limited extent. Thousands of Acehnese residents fled their villages during various security crackdowns against separatist groups. The military and prointegration militia also forced the relocation of thousands of persons. The Government places significant controls on freedom of assembly and forcibly disrupted many demonstrations throughout the year. Both the Habibie and Wahid administrations placed significantly fewer controls on freedom of association than did the Soeharto administration.

Domestic human rights organizations continued to play a significant and increasing role in advocating improved human rights conditions; however, the authorities continued to subject some nongovernmental organizations (NGO's) to monitoring and interference. Violence and discrimination against women are endemic problems. Child abuse and child prostitution are problems, and female genital mutilation (FGM) persists in some areas. Discrimination against the disabled, the indigenous, and religious and ethnic minorities also are endemic problems. Violence between indigenous groups and transmigrants broke out in the spring. Interreligious violence and violence against ethnic minorities continued. Attacks against houses of worship continued, and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations of official complicity in some of the incidents.

During the year the Government ratified several International Labor Organization (ILO) conventions, revised the registration law, and allowed new trade unions to form and operate. Nonetheless, enforcement of labor standards remained inconsistent and weak in some areas. Millions of children work, often under poor conditions. Forced and bonded child labor remained a problem, although the Government took steps during the year to remove children from fishing platforms where bonded child labor most commonly occurs. Trafficking of persons in and from the country is a problem. Vigilante action and mob violence resulted in the death of over 130 suspected criminals. A large number of suspected practitioners of black magic also were killed.

In East Timor, proindependence groups committed serious abuses, including killings of security personnel. In Aceh dozens of low-level civil servants, police, and military personnel were murdered and abducted over the course of the year. It generally is believed that separatists carried out many of these, and other, killings. In Irian Jaya armed insurgents also committed killings and kidnappings.

Throughout the year—and in marked contrast to the previous year—there was a general improvement in the institutionalization of human rights protections. By year's end, national commissions of inquiry, the new Attorney General, and the military actively were pursuing investigations and trials of military officers for abuses. Under a law passed in August, the judiciary formally was separated from the executive branch. The Wahid Government appointed a forceful, respected Attorney General and, for the first time, a State Minister for Human Rights.

In April the Parliament repealed the 1963 Anti-Subversion Law, although it subsequently incorporated six crimes specified in that law into the Criminal Code. Parliament also enacted a law on human rights designed to strengthen protection of individual rights and the role of the National Human Rights Commission (KOMNASHAM), and a new press law that repealed older laws viewed as being more restrictive of press freedom.

In October the MPR amended the 1945 Constitution for the first time, limiting presidential powers and imposing a two-term limit on the President and Vice President. The MPR also created a working group to study further constitutional amendments to be considered during the August 2000 MPR session. In March the Habibie Government freed 52 political prisoners (with some restrictions), including labor leader Dita Indah Sari in July, and in September East Timorese leader Xanana Gusmao. In December the Wahid Government freed all known remaining political prisoners from the Soeharto era, a total of 196 persons.

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**SECTION 1**

**RESPECT FOR THE INTEGRITY OF THE PERSON**  
**Including Freedom From:**

**a. Political and Other Extrajudicial Killing**

Historically, politically related extrajudicial killings have occurred most frequently in areas where separatist movements were active, such as East Timor, Aceh, and Irian Jaya, and security forces continued to employ harsh measures against separatist movements in these areas. In addition security forces killed unarmed student demonstrators, and there also were numerous instances of reported extrajudicial killings by security forces in cases involving alleged common criminal activity.

Elements of the security forces and prointegration militias, armed and largely supported by the military, were responsible for numerous extrajudicial killings in East Timor in the early months of the year. Numerous credible reports indicate that over the course of many months the security forces distributed hundreds of guns, as well as sharp sticks and knives, to groups such as “Mahidi” (Live and Die for Integration), “Besi Merah Putih” (Red and White Iron) and “Halilintar” (Thunder) in Ainaro, Liquica, Maubara and other towns throughout East Timor. In the Dili area, TNI and local and local officials supported the “Aitarak” militia. It is widely alleged that the military, at senior levels, is responsible for mobilizing, paying, arming, and at times protecting militia groups, which moved their operations to West Timor after September. The Habibie Government asserted that it was arming some civilians for their own protection—that the prointegration groups were given arms only after they were threatened or attacked by guerrillas and proreferendum forces. However, church, NGO, and independent observers strongly maintained that in most cases those given arms were not traditional, established prointegration supporters threatened by guerrillas but uneducated, unemployed men who were organized, paid, and provided arms for the purpose of sowing terror and instability. In early June, the Government officially designated East Timorese prointegration militias as “Pamswarkarsa” (civilian self-defense) units, thereby, providing the groups with greater legitimacy and helping to preserve them.

In East Timor security forces and government-backed militia groups killed numerous persons during ongoing sweeps aimed at “arresting” young males (see Sections 1.c., 1.d., and 2.d.). For example, credible reports indicate that security forces killed 11 persons in Alas in January. “Mahidi” militia members shot and killed four civilians, including a pregnant woman, on January 24 and 25. Violence erupted in Suai following these incidents, causing 300 to 500 residents from 3 villages outside Suai to flee. Witnesses allege that military personnel stood aside and allowed armed pro-Government civilians to fight referendum supporters, resulting in at least 22 deaths, and leading approximately

1,000 women, children, and old men to take refuge in a local church (see Section 2.d.). According to reliable NGO's, the typical pattern in such incidents was for militias, recently armed by the security forces, to provoke conflict to which regular military forces then responded. Military personnel in civilian clothes shot and killed two persons in Dili on February 24; a soldier also was killed.

Besi Merah Putih militia members, operating in tandem with local security forces, killed at least five persons on April 5 during clashes with local proindependence residents in Liquica, East Timor (see Section 1.c.). The next day, the militias attacked unarmed displaced persons in a church in Liquica. While the death toll remains uncertain, most credible observers, including the Indonesian Investigative Commission (KPP-HAM), which was established by the Indonesian Human Rights Commission (see Section 4), concluded that at least 25 persons died in this attack. It is widely believed that TNI personnel played a role in the assault on the church; at a minimum, they took no action to halt the attack. Local security authorities subsequently removed all evidence of the attack on the Liquica church compound and replastered and repainted the areas in question.

On April 13, following an incident the previous day in which suspected Falintil elements killed two soldiers and a civilian in an attack on a military vehicle, Halilintar militia and national troops executed six civilians in Cailaco, new Maliana. With the clear support of local authorities, prointegration militias rallied in Dili on April 17, calling for the cleansing of the civil service of proindependence personnel and the expulsion from East Timor of lighter skinned "mestizos." Afterwards, hundreds of participating militias went on a rampage, attacking the home of proindependence activist Manuel Carrascalao, where they killed at least 15 persons (according to KPP-HAM), including Carrascalao's son. On April 21, attacks by militias and security forces at Bazartete and Hera left at least eight more civilians dead. There also were reports of violence and intimidation against proindependence East Timorese in the Los Palos area, leading students to flee to the hills (see Section 2.d.).

Militia and security forces mounted an operation against East Timorese independence supporters in the Viqueque area from April 30 to May 1, primarily targeting civil servants and traditional leaders. CNRT and other sources reported two persons killed on April 30 at Dilor, west of Viqueque. According to a report issued by the Baucau branch of the Catholic Church Peace and Justice Commission, KOPASSUS (Military Special Forces) personnel and the "59-75" militia killed two civilians on May 3-4 in Viqueque, and arrested and beat several other persons (see Sections 1.c. and 1.d.). The UNAMET office in Dili issued a statement on May 17 reporting the killing of at least 5 persons by the "Tim Pancasila" militia in Antara village, Atsabae district. In June an explosive device of unknown origin killed three children playing in a field near Becora, just outside central Dili.

The September 4 announcement of the results (an overwhelming vote for independence) of the August 30 consultation vote set off waves of violence, destruction and looting of property. While the overall death toll remains unclear, most current estimates fall in the 1,000 to 2,000 range (see Sections 1.c. and 3). Tensions had grown in previous weeks, as prointegration leaders, militia commanders, and some military officers and government officials threatened that widespread violence would be unleashed if the vote went against autonomy. Police repeatedly failed to prevent truckloads of armed militia groups from entering Dili, to react to threats against UNAMET, and to stop violence against civilians and restore order in Dili. For example, police in riot gear stood by

as local militia destroyed the CNRT office on August 26, and took no action when weapons were pointed at UNAMET staff. On August 30, UNAMET local employee Joel Lopes Gomes was killed as he walked home from a polling station in Atsabe, Ermera district.

There were numerous eyewitness accounts of troops and police joining militias that fired weapons against departing UNAMET personnel. Among the more prominent post-vote incidents was the September 6 massacre of priests and displaced persons at a church in Suai. The Indonesian Investigative Commission concluded that at least 50 persons died in this assault, which was carried out by “Laksaur” militia and elements of the security forces. On September 4, militia and security force personnel carried out numerous killings during the destruction of Maliana. Victims included East Timorese UNAMET employees and displaced persons taking refuge in the police station. On September 26, members of the “Team Alfa” paramilitary force attacked a humanitarian convoy near Los Palos, killing eight persons, including Catholic nuns, religious workers, and an Indonesian journalist. Dutch journalist Sander Thoenes was killed in Dili on September 21 by assailants believed to be members of Indonesian Military Battalion 745.

In September, following what was in part a forced exodus of more than 200,000 East Timorese, there were reports that militia groups were searching ships departing Dili and the refugee camps in West Timor for proindependence activists, resulting in killings and disappearances. Following the entry of the U.N. Security Council-authorized multinational force (INTERFET), numerous bodies and gravesites were found in and around Dili, Liquica, Suai, Maliana, and in Oeukussi/Ambeno enclave. In November a KPP-HAM team discovered, just over the border in West Timor, a mass grave containing the bodies of 26 victims of the Suai killings. At year’s end, Indonesian and international investigations continued.

In Aceh the military forces and national police committed numerous extrajudicial killings and used excessive force to quell separatist movements. On January 3, TNI forces shot and killed 5 civilians and wounded 25 others in a raid on Kandang village, just outside of Lhokseumawe; TNI forces also shot and killed 6 civilians in nearby Simpang Muliong village, and wounded 6 others. According to NGO’s and press reports, on January 9, the military raided several villages around Lhokseumawe in an apparent attempt to capture Achmad Kandang, the suspected leader of the Aceh separatist organization, Aceh Merdeka (Free Aceh). The military detained 37 to 40 persons from rural villages and then brought them back to Lhokseumawe (see Section 1.d.). The military confirmed that the four persons were killed as a result of beatings and torture administered by TNI personnel. Twenty-five other detainees were beaten severely (see Section 1.c.). A military officer and several enlisted personnel later received 6-year jail sentences for the deaths of the four detainees; however, there were numerous other instances of excessive force by the military and police during the year that went unpunished.

According to numerous reports, on February 3, in Idi Cut, East Aceh military troops opened fire on a “religious” gathering (some of those assembled gave proindependence speeches) of at least 5,000 persons after issuing an order for them to disperse, killing at least 7 demonstrators; however, the exact series of events remain unclear and some NGO’s continue to allege that several dozen persons were killed or are missing (see Sections 1.b. and 2.b.). TNI troops reportedly later dumped the victims’ bodies in a nearby river. On May 3, troops opened fire on unarmed demonstrators in Krueng Geukeh, north of Lhokseumawe, Aceh, killing at least 40 persons and wounding over 100

more. Many of the dead and wounded persons were shot in the back. No one has yet been tried or punished for involvement in the February Idi Cut incident or the Krung Geukeuh (May 3) incident. The Government-sanctioned Independent Commission on Violence in Aceh included both incidents in their list of five recent Aceh human rights cases for which TNI personnel should be prosecuted. President Wahid was quoted as telling journalists that the July 23 incident should be thoroughly investigated. The Independent Commission produced a list of TNI personnel (none above the rank of lieutenant colonel) who should be prosecuted for their involvement in the case.

On June 12, security forces shot and killed five civilians, including two boys, in Aceh. On July 12, security forces opened fire on a vehicle that declined to stop at a checkpoint in Simpang Alue, East Aceh; three riders were killed and a fourth person was injured. A military spokesman stated that the victims were members of Aceh Merdeka. Also on July 12, security forces killed at least four Acehnese during a conflict along the Takengon-Bireun road in central Aceh. On July 23 to 24, the military killed at least 50 Acehnese civilians in the area around Beutong Ateuh, West Aceh. Military spokesmen claimed that the deaths were the result of an exchange of fire between the troops and armed separatist rebels, although no military personnel were injured. Credible human rights monitors described the incident as an unprovoked massacre of unarmed civilians. At the instigation of the new Attorney General, the Wahid Government ordered a full investigation of military culpability in this incident. On August 5, the military killed nine separatists during a raid in Keumala, Aceh. Also on August 5, a 72-year-old woman was shot and killed in Trienggadding, Pidie, Aceh; the circumstances remain unknown.

On December 4, the anniversary of separatist leader Hasan Di Tiro's 1976 Declaration of Acehnese Independence, police forces injured at least 11 civilians during clashes, 5 with gunshots in Sigli. In a separate incident, TNI forces allegedly shot a youth in Lhokseumawe after he raised a separatist flag (see Section 2.a.). According to credible reports, as many as four persons were killed and dozens injured the weekend of December 4-5. Numerous persons also were arrested and beaten (see Sections 1.c. and 1.d.). Security forces killed over 12 civilians during December; while some victims allegedly were armed separatists, most apparently were caught in a crossfire or, more often, were victims of arbitrary violence.

In an unprecedented procedure, in Aceh a joint civilian-military court (a five judge panel, three civilian, two from the military police dubbed the "connectivity court") is pursuing Aceh human rights cases involving military officers. These five incidents involve widespread human rights abuses committed by TNI from 1989-98, when Aceh was designated a "Military Operations Area" (DOM), as well as for more recent abuses. The first case heard by the court involved the trial of 8 persons for the July massacre by TNI troops of at least 51 civilians in West Aceh; however, no one above the rank of lieutenant colonel was to be tried.

In Irian Jaya police shot and killed at least one person involved in a proindependence demonstration in Sorong in July and one person involved in a melee at Manokwari port in September. In separate incidents, soldiers shot two youths in Jayapura in June and July. One soldier was sentenced to 5 years' imprisonment for the June killing; three were detained in connection with the July incident. On March 28, Obed Badii, an Irianese lecturer at a Catholic theological school in Jayapura, died in police detention. Police blamed his death on intoxication, a claim that was disputed by the victim's family and NGO's. In May one person died under suspicious circumstances in police custody in Manokwari, Irian Jaya. In July the Irian Jaya Catholic Diocese, the Evangelical Christian Church,

the Indonesian Bible Camp Church, and the Institute for Human Rights Study and Advocacy called for an independent international investigation into the July 1998 killing of persons when security forces broke up a proindependence demonstration in Biak. These organizations stated that their investigation revealed that at least eight persons died at the hands of security forces during the incident; the Irian Jaya military command has acknowledged that one person was shot and killed. A National Human Rights Commission team visited Irian Jaya in August for a followup investigation of the Biak incident, and recommended that President Habibie establish an independent team to investigate the incident. The Government did not act on this recommendation by year's end. Police injured more than 50 persons while breaking up a separatist demonstration in Timika, Irian Jaya on December 2. One person died later the same day as a result of injuries sustained in the melee caused by the police action (see Section 1.c., 2.b., and 5).

Security forces in the Maluku island chain, especially the centrally located island of Ambon, reportedly are responsible for at least some of the shooting deaths that occurred during riots and communal clashes since January (see Sections 2.c. and 5). The nature of military and police engagement in these clashes is twofold. In some cases, troops facing a riot or armed clash between religion-based gangs used live ammunition in an attempt to quell violent unrest. However, in other cases, numerous and diverse witnesses have observed elements of the security forces siding with one side or the other. The motivation for this intervention appears to be religious; i.e., troops who are Muslim or Christian assist gangs of the same religion. In some cases, this intervention has resulted in soldiers fighting soldiers.

The police and military on several occasions used deadly force to disperse demonstrators. On September 23-24, in the vicinity of Atma Jaya University, security forces reportedly shot and killed nine persons during large-scale, student-led demonstrations in Jakarta protesting the passage of a new security law (see Sections 1.c. and 2.b.). Although demonstrators threw rocks, large chunks of wood, and Molotov cocktails at them, security forces showed restraint in the early stages of these demonstrations; however, they resorted to firearms, including live ammunition, later on. After most demonstrators had dispersed, security forces in a passing convoy of trucks fired indiscriminately at persons along the roadside, killing a student and a bystander. Several others were injured seriously by the security forces' indiscriminate fire. One police officer was killed during the demonstrations when hit (apparently deliberately) by a car. On September 27, security forces shot and killed two students in Lampung who were involved in a demonstration protesting the killing of demonstrators in Jakarta 3 days earlier.

The police often employed deadly force in apprehending suspects or coping with alleged criminals, many of whom were unarmed. 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. Complete statistics about the number of these cases have not been released, but the press reported that police killed 13 suspected criminals during the first 3 months of the year. In the past, the military or police rarely were held accountable for using excessive force. In October a court in Yogyakarta, Central Java, ordered the police to pay civil damages to the family of a student, Mozes Gatokaca, whom police beat to death during student demonstrations in May 1998. However, no police officers have been investigated in connection with this case.

The domestic press reported in June that forensic ballistic experts in Canada had determined that

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two bullets taken from the bodies of two students killed at Trisakti University in May 1998 were fired from SS-1 and Steyr rifles. The SS-1 is issued to both police and military units; the Steyr is issued only to elite forces within the Police Mobile Brigade. Aside from two police officers who were court-martialed in August 1998 for shooting into the crowd of demonstrators at Trisakti, no other security force personnel have been tried in connection with this case.

There were no new developments during the year in the following cases in which security forces committed extrajudicial killings: The shooting deaths of at least nine demonstrators at Atma Jaya University in November 1998; the five cases of alleged human rights violations in Irian Jaya involving the death of Irianese civilians, which were cited in a 1995 report by the National Human Rights Commission; and the 1993 murder of labor activist Marsinah. In July 1998, East Java police resumed the investigation, questioning old and new witnesses, after NGO's and labor groups called for a fresh effort to solve the Marsinah case. In June the International Labor Organization's (ILO) Committee on Freedom of Association called on the Government to "institute without delay an independent judicial inquiry into the homicide...so as to identify and punish the guilty parties."

In Jakarta hospital sources reported that during the year 132 persons accused of committing crimes (usually theft or responsibility for vehicular accidents) were killed by mobs of persons who took the law into their own hands on the scene of the alleged crimes. Hospital personnel asserted that this was a significant increase over previous years.

In West Java unidentified persons killed suspected practitioners of black magic during the first 5 months of the year (see Section 5). West Java police announced in May that 37 persons were killed, but the independent Commission for Missing Persons and Victims of Violence (KONTRAS) stated that at least 57 persons were killed. KONTRAS also charged that relatives of victims were threatened and placed under surveillance by unknown persons.

In Maluku intercommunal warfare along religious lines (Christian and Muslim) throughout the year claimed well over 1,000 lives. Approximately equal numbers of Christians and Muslims are believed to have died or suffered injuries during the fighting. One of the major factors contributing to the continuation of violence in these once-peaceful islands is that the perpetrators of violence have not been brought to justice (see Sections 2.c. and 5).

In Sambas, West Kalimantan, more than 200 persons died in fighting between ethnic Dayak and Melayu groups on one side and ethnic Madurese (originally from the island of Madura near Java) on the other between February and April. Most of the dead persons were reported to be Madurese. An estimated 30,000 Madurese fled their homes to safe havens elsewhere, including approximately 7,000 who returned to Madura (see Section 2.d.).

In East Timor, abuses by proindependence groups also were reported. On April 30, authorities brought journalists to Ermera to view the bodies of what they claimed were 11 members of the Red and White militia group who were killed in late February, allegedly by independence supporters. In April, following violence in Liquica and Dili, then-imprisoned CNRT activist Xanana Gusmao gave the green light to his supporters to "defend themselves" from attacks by the prointegration forces. He subsequently retracted this statement and renewed his previous instructions for his followers to refrain from violence. On April 12, following the execution of six proindependence civilians at Cailaco militia and security personnel, a military vehicle was attacked in the same area, reportedly by Falintil forces. Two soldiers and one civilian were killed. According to prointegration and

government sources, proindependence forces ambushed and killed three East Timorese members of the Indonesian military at Lototoe on May 17. With the above-mentioned exceptions, independent observers, including Indonesian and international investigative commissions, were unable to verify claims by the Government that proindependence forces had carried out 30 violent acts following a cease-fire agreement of April 21.

In Aceh dozens of low-level civil servants, police, and military personnel were murdered over the course of the year. Two persons, a sergeant and a local official, were shot and killed on March 11 in Cut Nibong village, in the Kota Makmur district. On May 25, 4 persons were killed and 12 persons were wounded when a security forces' truck was ambushed in Pidie district, North Aceh. On May 29, nine military personnel were killed on an army patrol near Meulaboh, West Aceh. The security forces were responding to an attack the previous day that killed two persons. The Aceh Merdeka movement later claimed responsibility. During the national election period, a soldier was shot and killed as he guarded a polling station in West Aceh on June 7 (see Section 3). Two soldiers and one civilian were kidnaped and killed in Idi Cut on June 9. On June 11, separatists attacked a TNI truck in West Aceh, killing two persons and wounding six others. Separatists killed at least five TNI members on July 19. On August 5, in Kandang, a police officer disappeared and later was found dead. On August 27, in Pidie, a TNI soldier was shot and killed. On October 12, at least three TNI personnel were killed. On December 7, an unidentified person stabbed two soldiers, one fatally, in Pereulak, East Aceh. On December 9, a member of a police mobile brigade was shot and killed while eating a predawn (Ramadan) meal with his family in North Aceh (see Section 1.c.). In

December at least 10 security force personnel were killed. Throughout many of these incidents, a great number of the victims were killed not in the course of an armed exchange with separatists, but as they shopped for food or commuted to or from work. It generally is believed that separatists carried out many of these, and other, killings. Armed separatist groups also allegedly carried out a number of attacks and ambushes against security forces, killing at least 30 persons and wounding dozens more. Some separatists allege that the TNI generates some violence in order to stoke unrest and create a pretext for increased use of force; however, such allegations remain unconfirmed. In Irian Jaya armed insurgents of the Free Papua Movement (OPM) killed 4 persons and kidnaped 11 others from a plantation near Arso in May.

## **b. Disappearance**

There were many reports of disappearances in East Timor prior to the consultation vote, when kidnappings of proindependence activists were common. During the April 17 attack on Manuel Carrascalao's house in Dili, over 100 displaced persons at the scene were taken away by militias and it was unclear how many of these persons were eventually accounted for (see Sections 1.a. and 2.d.). Proindependence groups claim that on May 5, the Aitarak militia group abducted Mateus Da Silva, a local CNRT leader in Dili. According to Amnesty International, police detained two CNRT personnel, Kama Motan and Herikera, in Alieu and brought them to the provincial police headquarters in Dili on or about May 21. The police claim neither to have received the two persons nor to know their whereabouts.

There were numerous reports of abductions and disappearances in East Timor, and from refugee camps in West Timor following the flight and forced relocation of over 250,000 East Timorese

civilians in September (see Section 2.d.). On November 1, the KPP-HAM issued a preliminary report describing systematic abuses in West Timor, including kidnappings by militias. For example, the report described sweeping operations by militias that entered churches to search for students and proindependence activists. It cited a case in which militias kidnaped a priest and two students in mid-October in the Kefamenanu area. At year's end, the persons' whereabouts remained unknown (see Sections 1.c., 1.d., 2.a., 2.c., 4, 5, and 6.f.). Dozens of East Timorese prisoners, including political prisoners, previously held in Becora prison in Dili reportedly were taken to West Timor in September and remain unaccounted for. Mau Hodu, a prominent CNRT activist, was abducted and disappeared in West Timor in September. It is believed that he later was killed.

In Aceh there continued to be credible reports of the disappearance of dozens of civilians. NGO's believe that TNI troops killed numerous persons who disappeared during the February confrontation in Idi Cut (see Section 1.a.). Many persons who disappeared are thought to have been associated with separatist activities. NGO's allege that TNI forces or police personnel killed many of these persons. Some victims are believed to have been killed by militia groups due to armed separatist group suspicions that they were collaborators or informants of the security forces. There are no reported accounts as to why other persons may have disappeared.

The 12 persons who disappeared during 1997-98 and were feared to have been killed by their abductors, were still unaccounted for. In April a military court handed down sentences of 12 to 22 months' imprisonment to 11 officers (none higher than major) and noncommissioned officers from the special forces for their alleged involvement in the abductions of 9 student and NGO activists kidnaped in early 1998 and later released. The trial did not address the possible killing of 1 abductee and the fact that at least 12 others still are missing.

The July report by three church groups and an NGO on the investigation into the July 1998 killing of persons when security forces broke up a proindependence demonstration in Biak (see Section 1.a.) noted that there had been no progress in identifying the remains or cause of death of 32 "mysterious" bodies found floating around Biak after the incident.

The National Human Rights Commission continued to list 16 persons missing from the government-backed, violent takeover of Indonesian Democratic Party (PDI) headquarters in 1996. There were no significant efforts by the Government to account for the missing and dead persons from the 1991 military shooting of civilians in Dili. No additional cases were resolved during the year. Knowledgeable observers continued to believe that most of the persons missing are dead and that members of the armed forces know where their bodies are located.

In East Timor, there were numerous reports of abductions and murders of police and TNI personnel, allegedly at the hands of separatists. In Aceh there were reports of police abductions, allegedly at the hands of separatist groups. In Irian Jaya armed insurgents of the Free Papua Organization (OPM) kidnaped 11 persons from a plantation near Arso on May 5. They were freed on May 31. On July 6, a group of armed men abducted six employees of the district forestry office on a survey in Arso subdistrict. Press reports stated that the abductors were suspected of being OPM members. At year's end, the fate of the hostages remained unknown.

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## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession; however, in practice legal protections are both inadequate and widely ignored, and security forces continued to employ torture and other forms of mistreatment, particularly in regions where there were active security concerns, such as Aceh, Irian Jaya, and East Timor. Police often resort to physical abuse, even in minor incidents.

In East Timor the Government organized and directed prointegration militias engaged in extensive torture, and intimidation directed against proindependence activists and ordinary citizens. Regular security forces and East Timorese paramilitary forces integrated into the TNI structure also perpetrated many such abuses. For example, militia groups and security forces routinely fired into neighborhoods in Dili at night for purposes of intimidation, and carried out killings. The militia group Besi Merah Putih, joined by the police auxiliary Kamra and Hansip (local guards), searched for proindependence figures in Dili, usually at night. Such militia-led searches were common throughout East Timor (see Sections 1.a., 1.b., 1.d., and 2.d.). On May 5, prointegrationist militia forces surrounded the home of East Timorese human rights activist Aniceto Guterres and threatened to kill him. This attack followed a presentation by Guterres earlier that day at a KOMNASHAM (National Human Rights Commission)-sponsored peace commission talk at which he reportedly severely criticized the militias. Proindependence supporters maintain that Eurico Guterres' "Aitarak" militia continually pressured residents of Dili to sign pledges of support for integration, threatening that any who refused to sign would be taken away during the night. Reliable witnesses observed Aitarak militia destroying and rampaging through houses in the Metiaut district of Dili late May 16, and it also is alleged that, in a separate incident that same day, the Aitarak militia attacked and burned the house of a Joao Almeida, a CNRT activist, in the Bidau section of Dili. According to reliable sources, 20 to 30 percent of the houses along the road from Dili to Maubara were burned or destroyed as of late May. Such destruction occurred in many other areas of the province. Homes in Northwestern Bobonaro and Southwestern Kovalima were burned or abandoned.

Despite a reported shortage of medical care in East Timor, in March the Health Ministry rejected an Australian proposal to send a medical team, insisting that the country had plenty of available staff and that it would send its own medical team. The ICRC initially also was not permitted to send surgeons and other medical staff, and ICRC physicians later brought into East Timor on May 15 were not allowed to begin work. Despite the Government's promises to provide medical care, it withdrew most of the government doctors and closed most medical facilities during the preconsultation periods. While the Dili hospital remained open throughout the preconsultation period, toward the end there were no doctors, few nurses, and no patients. However, in many cases, despite a formal prohibition on their practicing, a number of foreign doctors continued to operate quietly in East Timor throughout the preconsultation period. In September following the overwhelming proindependence victory in the August "consultation" vote, armed forces and militia groups attacked hundreds of persons in a wave of violence; as a result, numerous persons were killed, disappeared, tortured, harassed, and displaced (see Sections 1.a., 1.b., 2.d., and 3). The large-scale looting and burning of churches, houses (including Bishop Belo's home, on September 6), and ICRC, and other office compounds, also continued (see Sections 3 and 4). Numerous UNAMET vehicles and other UNAMET assets throughout East Timor were damaged, destroyed, or stolen.

In Aceh the Government sometimes violently has suppressed active separatist movements. On January 9, the military detained 37 to 40 persons from rural villages and brought them to nearby Lhokseumawe. While in detention, TNI forces beat and tortured numerous persons so severely that four persons died, three were put in a coma, and almost all others were hospitalized (see Sections 1.a. and 1.d.). A military officer and several enlisted personnel received jail sentences for their involvement. During the raid, a house in Kandang village was burned down. NGO's alleged that the military burned down the house, which was owned by Achmad Kandang's parents; however, the military alleged that local persons burned it down due to anger at Achmad Kandang. A human rights NGO alleged that security forces tortured a person dispatched to Idi Cut to investigate the February 3 killings (see Section 1.a.).

On March 26, in Banda, Aceh, security forces used tear gas, batons, and possibly rubber bullets to disperse thousands of students who were demonstrating in support of separation, threatening to "disrupt" a visit from President Habibie; as a result, 40 demonstrators were hospitalized.

According to news reports, on November 2 in Tuwi Kareung, West Aceh, security forces indiscriminately attacked numerous civilians in an attempt to find the assailants who killed one soldier and injured two others the previous day. TNI forces reportedly also burned 36 houses and arrested numerous persons (see Section 1.d.).

On December 4, the anniversary of separatist leader Hasan Di Tiro's Declaration of Acehnese Independence, TNI forces arrested at least 40 persons and some persons were beaten (see Sections 1.a. and 1.d.).

In Aceh TNI personnel often responded with indiscriminate violence after physical attacks on soldiers. For example, after two soldiers were stabbed on December 7, in Pereulak, East Aceh, the soldiers' colleagues quickly took revenge by rounding up dozens of young men in an adjacent neighborhood and beating them, sending at least six persons to the hospital. After a member of a police mobile brigade was shot and killed on December 9 in North Aceh (see Section 1.a.), soldiers entered the nearby village of Pante Pisang and fired their rifles into the air for several hours, terrifying residents. Also in December, after a police mobile brigade came under fire near Lameu village, Pidie district, and one policeman was killed, TNI forces and police personnel entered the village, burned many or most of the homes, and beat a number of residents. There are unconfirmed allegations that the TNI was responsible for the original shooting of the policeman.

In early March, in Merauke, South Irian Jaya, a policeman shot an Irianese youth in the head after he reportedly sought to evade a citation for riding on a motorcycle without a helmet. He survived after emergency surgery, but the shooting provoked strong public criticism. Police acknowledged the shooting and promised an investigation, but no followup is known to have been taken by year's end. There were numerous reports of rape and sexual abuse perpetrated against East Timorese women who were displaced forcibly by militia groups from their villages in the western districts during the earlier part of the year. It also was widely reported that the TNI-supported militias (the Aitarak) kept women as sex slaves in their Dili headquarters (see Sections 2.d., 5, 6.c., and 6.f.). The KPP stated that it received reports that the TNI and the militias raped 60 women in East Timor during the September wave of violence; the KPP also received numerous reports that the TNI-backed militias sexually abused women, some of whom were quite young, in the refugee camps in West Timor. Cases of East Timorese women allegedly raped by soldiers and government civilian personnel in previous years remained unresolved.

There were unconfirmed allegations that TNI soldiers raped nine Acehese women on August 19 in Kecamatan Tangse Selatan, Pidie district.

In May the Robert F. Kennedy Memorial Center for Human Rights published a report on rape and other human rights abuses by the military in Irian Jaya. The report described 12 cases of sexual and other violence against women and girls by military personnel between 1994 and 1998. The report calls for, among other things, an investigation by the Department of Justice and prosecution of the personnel responsible for rapes and other violence against women.

The Government failed to follow up on the recommendations of the fact-finding team (which had both government and NGO representation) that it commissioned to investigate the civil unrest that struck Jakarta and other cities in May 1998. The team's report, issued in November 1998, found evidence that some elements of the military may have been involved in provoking the violence, which included attacks against Sino-Indonesian women, and urged further investigation of the matter. At least 85 instances of violence against women, including 66 rapes during the 1998 riots were verified. However, at year's end, no further investigations had taken place.

In March U.N. Special Rapporteur on Violence against Women Radhika Coomaraswamy released her findings from a late 1998 visit to the country. She found that rape and sexual violence had been "used quite extensively" by sections of the military as "a means of intimidation and torture" during the Soeharto era. This was especially prevalent in East Timor, Aceh, and Irian Jaya. Coomaraswamy generally was positive about government cooperation during her visit, although her request to visit Aceh and Irian Jaya was denied.

Human rights monitors, both international and locally based, reported that the military continued routinely to torture detainees in Aceh. Methods of torture documented in the past included beating, whipping, electric shock, and rape.

There were instances in which security forces responded with brutality to peaceful demonstrations, although they usually allowed entirely peaceful demonstrations to proceed without resorting to force. Participants in several student- or NGO-led demonstrations in Jakarta and other cities suffered injuries when security forces seeking to disperse crowds beat and kicked demonstrators. On February 9, police allegedly beat 4 students for demonstrating over the Government's use of borrowed money at Atma Jaya Catholic University in Jakarta. At a March 31 antigovernment demonstration at the Defense Ministry in Jakarta, security forces beat students with truncheons, causing 11 students to become hospitalized. In April police mobile brigade troops opened fire on farmers who occupied a plantation warehouse in Jember, East Java, killing 1 person and wounding 11 others. Police fired on and wounded or killed demonstrators on several occasions in Irian Jaya when they forcibly broke up demonstrations (see Sections 1.a. and 5). For example, on the morning of December 2, police fired rubber bullets to break up a proindependence demonstration in Timika, Irian Jaya, injuring at least 55 persons, 5 seriously (see Section 2.b.).

Security forces often responded forcibly when demonstrators wielded canes, threw stones or Molotov cocktails, or tried to break through police lines. During a People's Democratic Party (PRD) demonstration outside of the National Election Headquarters in Jakarta on July 1, police beat demonstrators and shot rubber bullets after demonstrators threw stones and tried to push through police lines in front of the Elections Commission office. At least 37 demonstrators were hospitalized as a result. In September police injured numerous protestors who were demonstrating against the

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new security bill in Jakarta (see Sections 1.a. and 1.e.). In Jakarta from September 23 to 24 (see Section 1.a.), security forces shot at and beat demonstrators; at least 16 persons suffered gunshot wounds and scores of others were injured. During a demonstration in downtown Jakarta on October 20, security forces chased demonstrators who threw Molotov cocktails at them into the Jakarta Hospital. They discharged tear gas into the hospital, injured more than 60 demonstrators and bystanders with blows and rubber bullets, and destroyed an estimated \$350,000 (2.5 billion Rp) worth of hospital equipment. The Jakarta city police conducted an investigation into the incident, the results of which were conveyed to the military police detachment of the Jakarta regional command. No action was taken against any security forces involved in these incidents by the end of the year.

Prison conditions are harsh, with mistreatment and extortion of inmates by guards and violence among prisoners common. The incidence of mistreatment drops sharply once a prisoner is transferred from police or military intelligence (BAIS) custody into the civilian prison system or into the custody of the Attorney General. Credible sources report that criminal prisoners in some facilities are beaten routinely and systematically as punishment for infractions of prison discipline and to extract information about developments within the prison. Punishments include use of electric shock batons and stapling of the ears, nose, and lips. Political prisoners sometimes were incarcerated with the general prison population. Political prisoners in the Cipinang, Salemba, and other prisons tend to be segregated from the criminal population and generally receive more humane treatment.

The Government generally does not permit routine prison visits by human rights monitors. However, human rights monitors occasionally have been able to visit prisoners.

Special arrangements for foreign dignitaries to visit some prominent political prisoners sometimes were made. Imprisoned East Timorese resistance leader Xanana Gusmao received a large number of high-level foreign visitors, was allowed to participate in meetings outside his detention quarters, and held frequent meetings with the press prior to his release on amnesty in September. Human rights monitors also have visited some nonpolitical prisoners, although this appears only to be permitted on a case-by-case basis.

The ability of the International Committee of the Red Cross (ICRC) to visit prisoners varied over the course of the year (see Section 4).

#### **d. Arbitrary Arrest, Detention, or Exile**

The Criminal Procedures Code contains provisions against arbitrary arrest and detention, but it lacks adequate enforcement mechanisms and authorities routinely violate it. The code specifies that prisoners have the right to promptly notify their families and that warrants must be produced during an arrest except under specified conditions, such as when a suspect is caught in the act of committing a crime. The law authorizes investigators to issue warrants to assist in their investigations or if sufficient evidence exists that a crime has been committed. However, authorities sometimes made arrests without warrants.

The law presumes that defendants are innocent and permits bail. They or their families also may challenge the legality of their arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained. However, it is virtually impossible for detainees to invoke this procedure,

or to receive compensation after being released without charge. In both military and civilian courts, appeals based on claims of improper arrest and detention rarely, if ever, are accepted. The Criminal Procedures Code also contains specific limits on periods of pretrial detention and specifies when the courts must approve extensions, usually after 60 days. In April the Parliament repealed the 1963 Antisubversion Law, which had given the Attorney General the authority to hold a suspect for successive 1-year periods without limit.

The authorities routinely approve extensions of periods of detention. In areas where active guerrilla movements exist, such as Aceh and East Timor, there are many instances of persons being detained without warrants, charges, or court proceedings. Bail rarely is granted, especially in political cases. The authorities frequently prevent access to defense counsel while suspects are being investigated and make it difficult or impossible for detainees to get legal assistance from voluntary legal defense organizations. Special laws on corruption, economic crimes, and narcotics do not come under the Criminal Code's protections.

The Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS) operates outside the legal code and has wide discretion to detain and interrogate persons whom are perceived as threats to national security. Security forces frequently detained participants suspected of inciting demonstrations, although most were released after questioning (see Section 2.b.).

There are no reliable data on the number of arbitrary arrests or detentions without trial, particularly in East Timor, Irian Jaya, and Aceh, but there is ample evidence that arbitrary arrests and detention without trial are employed systematically in Aceh. In East Timor arbitrary detention was a continuing problem in the months prior to the consultation vote. TNI-backed prointegration militias often arbitrarily detained persons suspected of proindependence sympathies. For example, in Baucau armed pro-Jakarta elements wearing unmarked black uniforms "arrested" numerous local opponents. In Aileu the local militia, led by the district chief, detained young men suspected of proindependence sympathies and interrogated and beat them in the militia headquarters. During sweep operations by the security forces, young males, anticipating that they would be detained and beaten simply as suspects if found in their villages, typically fled to the mountains or Dili, leaving behind women, children, and the elderly (see Sections 1.c., 2.d., and 5). On April 22, 30 students were detained in the Bekora section of Dili. Militia groups reportedly arrested four persons on May 1 and took them to the military post in Viqueque. A KPP-HAM report issued on November 1 cited eyewitness accounts of arbitrary detention by prointegration militia groups during the post-consultation period (see Section 4).

On January 9, the military detained 37 to 40 persons from rural villages and brought them to nearby Lhokseumawe, Aceh. Most of these persons were beaten and tortured severely and four died in custody (see Sections 1.a. and 1.c.). An NGO claimed on July 12 that the TNI rounded up 20 Acehnese young men in a village near Teunom, West Aceh, allegedly for separatist activities. According to news reports, on November 2 in Tuwi Kareung, West Aceh, security forces arbitrarily arrested 136 persons (see Section 1.c.). On December 4, the anniversary of separatist leader Hasan Di Tiro's Declaration of Acehnese Independence, TNI forces injured a number of persons. At least 40 persons were arrested, 20 of whom allegedly were mistreated (see Sections 1.a. and 1.c.). On May 6, police arrested 74 Irianese in the western Irian Jaya town of Fak Fak. The Government

claimed that it found independence materials, the Independent West Papua flag (see Sections 1.c. and 2.a.), and “sharp weapons” at the location. Those arrested were released the next day, charged with violating the ban on gatherings to publicize the results of the Irianese leaders’ meeting with President Habibie (see Section 5), and fined \$0.33 (RP. 2,500).

The United Nations Working Group on Arbitrary Detention visited the country during the first 2 weeks of February. The team was able to spend 3 days in East Timor, but was denied permission to visit Aceh and Irian Jaya (see Section 4).

The Government does not use forced exile.

#### **e. Denial of Fair Public Trial**

The Constitution stipulates the independence of the judiciary; however, in practice the judiciary is subordinated to the executive and the military. In August the Parliament passed and President Habibie signed a law providing for the gradual transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court over a period of 5 years. However, judges currently are civil servants employed by the executive branch, which controls their assignments, pay, and promotion. Low salaries encourage widespread corruption, and judges are subject to considerable pressure from governmental authorities, who often exert influence over the outcome of numerous cases.

A quadripartite judiciary of general, religious, military, and administrative courts exists below the Supreme Court. The right of appeal from a district court to a high court to the Supreme Court exists in all four systems. The Supreme Court does not consider factual aspects of a case, only the lower courts’ application of law. The Supreme Court theoretically stands coequal with the executive and legislative branches, but it does not have the right of judicial review over laws passed by Parliament.

In September the former Parliament enacted, and President Habibie signed, a new law on human rights that mandated creation of a human rights court within 4 years. On October 8, President Habibie signed a “government regulation in lieu of statute” creating a human rights court within the general judicial system. The court has the authority to hear and adjudicate cases that occur subsequent to October 8, that involve extinction of a national or ethnic group, extrajudicial killings, forced disappearance, slavery, systematic discrimination, and torture. The regulation allows the National Human Rights Commission to request an explanation at any time from the Attorney General on the status of a human rights case. The regulation also nullifies a provision of the 1997 law on military tribunals that allows a commanding officer discretion over whether to refer a subordinate to a military court. Some legal experts criticized the regulation on the ground that it usurped the Parliament’s authority to enact laws, and some human rights organizations expressed suspicion that the regulation was designed to avoid trial of Indonesian human rights violators by an international tribunal.

A panel of judges conducts trials at the district court level, poses questions, hears evidence, decides guilt or innocence, and assesses punishment. Initial judgments rarely are reversed in the appeals process, although sentences can be increased or reduced. Both the defense and the prosecution may appeal.

Defendants have the right to confront witnesses and to produce witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court. In such cases, sworn affidavits may be introduced. However, the Criminal Procedures Code does not provide for witnesses' immunity or for defense power of subpoena. As a result, witnesses generally are unwilling to testify against the authorities. The courts commonly allow forced confessions and limit the presentation of defense evidence. Defendants do not have the right to remain silent and can be compelled to testify against themselves.

The Criminal Procedures Code gives defendants the right to an attorney from the moment of their arrest, but not during the prearrest investigation period, which may involve prolonged detention. Persons summoned to appear as witnesses in investigations do not have the right to be assisted by lawyers even though information developed in the course of rendering testimony subsequently can become the basis of an investigation of the witness. The law requires that a lawyer be appointed in capital cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, a lawyer must be appointed if the defendant desires an attorney and is indigent. In theory destitute defendants may obtain private legal assistance, such as that provided by the Indonesian Legal Aid Foundation. However, in practice defendants often are persuaded not to hire an attorney, or access to an attorney of their choice is impeded.

In many cases procedural protections, including those against coerced confessions, particularly those coerced by the police and the BAIS, are inadequate to ensure a fair trial. Corruption is a common feature of the legal system and the payment of bribes can influence prosecution, conviction, and sentencing in civil and criminal cases.

Despite the beginning of the transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court, there were few signs of judicial independence. The court continued to be used to take action against, or deny legal remedy to, political activists and government critics. In January a court in Biak sentenced 19 persons to sentences ranging from several months to 6 1/2 years for engaging in proindependence demonstrations. This group was freed as part of President Wahid's amnesty decree on December 23. Ten persons in Wamena who were arrested and charged for raising a Papuan Independence Flag were found guilty, sentenced to time already served, and freed in April. At year's end, four persons in Jayapura were on trial for raising Papuan independence flags. Several groups of students who conducted peaceful demonstrations in Jakarta during the first half of the year were convicted of violating a 1998 law prohibiting demonstrations without a permit, and were required to pay small fines.

The Parliament repealed the 1963 Anti-Subversion Law in April (see Section 1.d.); however, at the same time Parliament passed a law (Law No. 27 of 1999) transferring six crimes against the State specified in the Anti-Subversion Law (e.g., propagating communism, damaging government facilities, and interfering with distribution of essential goods) to the Criminal Code. All persons convicted under the law received amnesty by the end of the year.

In January the Government announced that imprisoned East Timorese resistance leader Xanana Gusmao would be removed from prison and detained in a house outside of Cipinang prison. The Government formally released him on September 7.

During its 16 months in office, President Habibie's Government released, by its own count, 213

political prisoners, including 52 persons released in March and labor leader Dita Indah Sari in July. In March the Government released 40 Acehnese political prisoners jailed under the Anti-Subversion Act; however, their release was only on condition that they swear allegiance to the national Constitution and to “Pancasila,” the official state ideology. A number of East Timorese political prisoners who had been held in Dili and reportedly moved to West Timor during the violent aftermath of the consultation vote remained unaccounted for. On November 30, President Wahid promised to free 18 East Timorese political prisoners from Cipinang prison. On December 10, President Wahid signed decrees giving amnesty and abolition of sentence to 91 political prisoners, including 6 leaders of the People’s Democratic Party (PRD), 70 East Timorese prisoners, and 15 prisoners associated with the Acehnese independence movement or Islamic movements. On December 23, he signed another decree giving amnesty and abolition of sentence to another 105 political prisoners. With the latest releases, according to domestic monitors of political prisoners, all political prisoners from the Soeharto era had been freed. However, at year’s end six persons were on trial on political charges stemming from actions that they took when Habibie was president. In addition five persons remained under restricted freedom awaiting trial and three labor activists were in detention awaiting trial (also see Section 6.b.).

#### **f. Arbitrary Interference with Privacy, Family, Home or Correspondence**

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption; security agencies regularly made forced or surreptitious entries. Security forces also engaged in surveillance of persons and residences and selective monitoring of local and international telephone calls without legal restraint. In February publication of a transcript of a telephone conversation between President Habibie and the Attorney General concerning the investigation of former President Soeharto caused strong public criticism. Habibie ordered an investigation into the matter, but no results were announced during the year.

The Parliament passed a controversial new law in September on overcoming dangerous situations that allows the military to conduct search and seizure operations for weapons during a declared state of emergency without a warrant, but requires that such searches be reported to a court within 24 hours. However, President Habibie did not sign this law, and its status is unclear.

Government security officials monitor the movements and activities of former members of the Indonesian Communist Party (PKI) and its front organizations, especially persons whom the Government believes were involved in the abortive 1965 coup. These persons and their relatives sometimes are subjected to surveillance, required check-ins, periodic indoctrination, and restrictions on travel outside their city of residence. They also are required to have official permission to change their place of residence. The requirement that “E.T.” (“Ex-Tapol” or political prisoner) be stamped on the identification cards of these prisoners was ended officially in 1995, although in practice it continued in use in many cases. At least some individuals who had E.T. stamped on their identity cards were able to have the stamp removed. This stamp has been one of the methods the Government has used to monitor the activities of these persons, allowing the Government and prospective employers to identify alleged former PKI members, thereby subjecting them to official and unofficial discrimination. Even when the stamp has been removed, these former political prisoners continue to face discrimination and restrictions on employment.

Under the government-sponsored transmigration program large numbers of persons were moved

voluntarily from overpopulated areas to more isolated and less developed areas (this program began during the Dutch colonial period and has been carried out more or less continuously since then). It also was used to resettle local populations within East Timor and Irian Jaya. However, plans to revive the program, after several years during which the Government reduced its support for it, fell victim to the economic crisis. Human rights monitors state that in general the transmigration program violates the rights of indigenous people and dupes some transmigrants into leaving their home villages without any means of return. Human rights activists also have claimed that a number of those resettled are persons who have been forced off lands that are coveted by developers who have collusive arrangements with the Government or security forces. Conditions at some sites are life threatening, with inadequate measures to protect the transmigrant population against diseases endemic to the sites. Transmigrants and migrants outside the Government transmigration program received direct and indirect government support in the form of developmental assistance programs and contracts with the TNI or local government officials. This practice, particularly in East Timor, Irian Jaya, and parts of Kalimantan, led to resentment among indigenous populations, whose members believed that their rights were infringed upon and that they were being discriminated against by virtue of the disbursement of development funds to those who were in some cases their newly arrived economic rivals (see Section 5). The Government used its authority, and at times intimidation, to acquire land for development projects, particularly in areas claimed by indigenous people, and often without fair compensation (see Section 5). The Government prohibits the import of Chinese-language publications (see Sections 2.a. and 5).

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## SECTION 2

### RESPECT FOR CIVIL LIBERTIES

#### Including:

#### a. Freedom of Speech and Press

The 1945 Constitution contains a general provision for freedom of expression; the new law on human rights provides for substantive protection of press freedom (see Section 1.d.); however, the security apparatus often attempted to control and restrict reporting on East Timor, and journalists continued to suffer intimidation and assaults.

Also in September, the Parliament enacted a new press law that provides for freedom of the press, prohibits censorship, and prescribes penalties for anyone who violates these rights. However, the law obliges the press to report events and opinions “with respect to religious and moral norms of the public,” and to adhere to the presumption of innocence. Press companies that violate this provision can be fined up to \$71,500 (500 million Rp). Advertising that degrades the dignity of certain religions or creates disorder among diverse religions, or is contrary to public morality, or refers to addictive substances, is prohibited. The new law establishes a Press Board to create and enforce a code of journalistic ethics. Membership of the board consists of journalists nominated by journalist associations, representatives of press companies, and public figures nominated by journalists and press companies. The new law replaced previous press laws that were viewed as being more restrictive of press freedom. In October President Wahid abolished the Department of Information, formerly used as the Government’s propaganda and censorship arm.

During the year, the media often exercised press freedom with detailed and hard-hitting reporting on corruption, political protests, national unrest, the parliamentary election campaign, and the presidential selection process; however, the security apparatus often attempted to control and restrict reporting on East Timor. For example, after the April 17 militia assaults in Dili (see Section 1.a.), a cordon of military and police prevented journalists from approaching the scene. On April 17, prointegration militia attacked and destroyed the offices of the province’s most important daily newspaper, Suara Tim Tim. There were reports that the newspaper faced continual threats not to publish any information sourced to proindependence East Timorese, or about civilian deaths due to militia attacks. In April the militia also threatened to attack the office and transmitter site of the Kamnek radio broadcasting center, the Church broadcasting system for East Timor, causing staff

to board up the office's windows and doors.

During the transition in East Timor, the media largely conveyed uncritically government- and TNI-inspired disinformation directed against UNAMET and INTERFET. Overall, domestic press and television coverage of East Timor highlighted the statements of government officials and prointegration leaders, and uncritically conveyed the government (prointegration) line on most issues, in many cases actively seeking to discredit INTERFET. After the consultation election results were announced, prointegration harassment, intimidation by security forces, and assaults against journalists greatly increased. However, later in the year the media did provide extensive coverage of the findings of the Indonesian Commission Investigating Abuses in East Timor (see Sections 1.b., 1.c., 1.d., 2.d., 4, 5, and 6.f.). Also UNAMET's versions of events and reports of abuses by the militias sometimes did appear.

Police questioned three television and radio station news directors about their sources after the stations reported on a recording of a telephone conversation between President Habibie and Attorney General Andi Ghalib in February. Police said that they were investigating possible violations of a 1946 law on the dissemination of false information or news that stirs public unrest. In June police questioned as suspects the chairman and executive director of the NGO Indonesia Corruption Watch after the Attorney General filed a criminal complaint charging that they slandered him by accusing him of accepting bribes from local businessmen. Police also questioned as witnesses three editors of newspapers that reported on the Indonesia Corruption Watch accusations. In September police questioned a newspaper editor for publishing editorials critical of President Habibie, and the news director of a television station for airing an interview with an Acehese separatist movement commander. A magazine editor and a magazine distributor went on trial in October for publishing material that allegedly was offensive to public morality. There has been no police followup to the interrogation of the newspaper editors or the television news director who were critical of President Habibie. However, court proceedings continue against the magazine editor accused of offending public morality.

The Government retained the right to suspend publishing licenses for an unspecified period of time, although no licenses were suspended during the year. Other means of control include regulation of the amount of advertising permitted and of the number of pages allowed in newspapers. Subsequent to the abolition of the Department of Information in October, many editors believed that they no longer required a license to publish a newspaper or magazine, since there was no controlling body to which to report.

The Government arrested 5 persons for raising the Papuan Independence Flag during the year, and proceeded with trial for 42 other persons arrested for flag-raising in 1998. All but four persons were released by year's end under President Wahid's amnesty decrees. There were numerous flag-raising around Irian Jaya on December 1, which is commemorated as the anniversary of Papuan independence. In most cases, authorities did not take action against persons who raised flags, but police broke up a flag-raising vigil in Timika, resulting in injuries and one death (see Sections 1.e. and 5).

The Government operates a nationwide television network with 12 regional stations. Private commercial television companies, most with ownership by, or management ties to, former President Soeharto's family, continued to expand. All are required to broadcast government-produced news, but they also all produce news and public affairs programming independently. Just prior to the

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appointment of the current Cabinet, the Minister of Information issued licenses for five new private television stations and granted them 2 years to prepare before beginning broadcast operations. Television networks increased their news coverage during the year, including live gavel-to-gavel coverage of the People's Consultative Assembly's General Session during which the new President and Vice President were elected.

More than 700 private radio-broadcasting companies exist in addition to the Government's national radio network. They all were required to belong to the government-sponsored Association of Private Radio Stations to receive a broadcast license. The Government radio station, Radio Republik Indonesia (RRI), produces the program "National News." Private radio stations and 53 regional government network affiliates relay the program throughout the country.

Regulations issued by the Government in June 1998 reduced the number of compulsory government programming broadcasts from 14 to 4 per day. While private radio stations in the provinces generally adhered to the Department of Information's edict governing the number of daily RRI news relays, many private radio stations in larger urban areas elected to relay the RRI news broadcast only once per day. The regulations allowed stations to produce their own news programs, and many have done so. Candid live coverage of demonstrations and other breaking stories increased markedly during the year. Moreover, "talk radio" call-in programs regularly address timely political and socioeconomic issues.

Foreign television and radio broadcasts are readily accessible. Satellite dishes have proliferated throughout the country, and there is access to the Internet. The Government made no effort to restrict access to satellite programming and has proclaimed an "open skies" policy. Foreign periodicals are widely available. The authorities have delayed distribution of publications by a day or more, although this is rare. The Government restricts the import of Chinese-language publications (see Sections 1.f. and 5).

The Government regulates access to the country, particularly to areas of unrest, by visiting and resident foreign correspondents. It occasionally reminds the latter of its prerogative to deny requests for visa extensions. Special permission is necessary for foreign journalists to travel to East Timor, Aceh, and Irian Jaya. In August the Government denied entry to a foreign journalist, Amy Goodman, who was on an immigration blacklist because of reporting critical of the Government's handling of East Timor (see Section 2.d.). She was intending to cover the August 30 popular consultation in East Timor. Several foreign and domestic journalists, including Washington Post correspondent Keith Richburg and the BBC's Jonathan Head, covering the events prior to East Timor's consultation vote were attacked and injured by prointegration militias. In September the Government detained foreign journalist Allan Nairn, who was visiting East Timor, for several days before deporting him.

East Timorese members of a TNI battalion killed Dutch journalist Sander Thoenes in September, and an Indonesian journalist, Agus Mulyawan, was among those killed when paramilitary forces attacked a convoy in Los Palos in September (see Section 1.a.).

The Government requires a permit for the importation of foreign publications and videotapes, which must be reviewed by government censors. Significant amounts of material bypass customs and censorship procedures.

Most books by the prominent novelist and former political prisoner Pramoedya Ananta Toer are

banned, although some are in circulation. According to a study published in the newspaper Kompas, from 1969 to 1998 the Government banned 199 books, approximately 50 percent for religious reasons, 30 percent for political reasons, and 20 percent for ideological reasons. However, bookshops—especially “alternative bookstores” at university campuses and cultural centers—openly sell many new and newly reprinted titles. The Government banned no additional books during the year.

The new law on crimes against the State (see Section 1.d.) prohibits persons from disseminating or developing the teachings of communism or from seeking to eliminate or replace the state ideology of Pancasila in a way that causes harm to persons or property.

While the law provides for academic freedom, there are constraints on the activities of scholars. A Japanese scholar, Yoshihara Kunio, was denied entry to the country in March because he was on an immigration blacklist. Nevertheless, political activity and open discussions at universities increased significantly during the year.

### **b. Freedom of Peaceful Assembly and Association**

The Constitution provides for freedom of assembly; however, the Government places significant controls on the exercise of this right. The Government promulgated regulations in 1995 that eliminated the permit requirements for some types of public meetings. A requirement to notify the police remained for most others, and in practice numerous public meetings continued to be prevented or broken up, sometimes with lethal force (see Sections 1.a. and 1.c.).

The 1998 law on freedom of expression requires that demonstrators notify the police 3 days in advance and appoint someone accountable for every 100 demonstrators. The law restricts demonstrations near specific sites. Nevertheless, frequent demonstrations are held in Jakarta and around the country. However, in some cases authorities invoked the law to detain and try demonstrators. Several groups of students who conducted peaceful demonstrations in Jakarta were convicted of violating the law and were required to pay small fines. Participants in several demonstrations in Jakarta and other cities were killed and suffered injuries when security forces seeking to disperse crowds beat and kicked demonstrators (see Sections 1.a. and 1.c.). During the campaign period in East Timor preceding the August 30 consultation vote, intimidation by the security forces and prointegration militias largely prevented independence supporters from holding public assemblies or openly campaigning. Military forces sometimes resorted to force in order to disrupt peaceful demonstrations. In February in Aceh military troops opened fire on a crowd of several thousands persons after issuing an order for them to disperse (see Section 1.a.). On March 26, in Banda, Aceh, security forces used tear gas, batons, and possibly rubber bullets to disperse thousands of student demonstrators (see Section 1.c.).

On April 20, a standoff with police led to an exchange of gunfire in which at least one police officer was killed and a student and a soldier were wounded. Police also broke up several peaceful demonstrations in Irian Jaya. For example, on December 2, police violently disrupted a proindependence demonstration in Timika, injuring numerous persons. One person died later the same day as a result of injuries sustained in the melee caused by the police action. The police action ended a 3-week long vigil over a Papuan independence flag on a Catholic church compound (see Sections 1.a., 1.c., and 5).

The Constitution provides for freedom of association; however, the Government places significant controls on the exercise of this right. The 1985 Social Organizations Law (ORMAS) requires the adherence of all organizations, including recognized religions and associations, to the official ideology of Pancasila. This provision, which limits political activity, is widely understood to be designed to inhibit the activities of groups seeking to engage in democratic political competition, make Indonesia an Islamic state, revive communism, or return the country to a situation of partisan ideological division. It empowers the Government to disband any organization that it believes to be acting against Pancasila and requires prior government approval for any organization's acceptance of funds from foreign donors.

The Government announced late in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more persons of all organizations outside offices or normal work sites. However, in practice this regulation continues to apply to union meetings (see Section 6.a.).

The April law on crimes against the state (see Sections 1.d. and 2.a.) prohibits the formation of organizations that "are known to or properly suspected" of embracing the teachings of communism/Marxism/Leninism "in all its forms and manifestations."

### **c. Freedom of Religion**

The Constitution provides for religious freedom for members of five out of six officially recognized religions and belief in one supreme god, and the Government generally respects these provisions; however, there are some restrictions on certain types of religious activity, including unrecognized religions.

Although the population is over 85 percent Muslim, the practice and teachings of five out of six officially recognized religions generally are respected, and the Government actively promotes mutual tolerance and harmony among them. The law states that the Government "embraces" Islam, Protestantism, Catholicism, Buddhism, Hinduism, and Confucianism. However, subsequently issued regulations have restricted severely the practice of Confucianism. While the law only formally "embraces" these religions, it explicitly states that other religions, including Judaism, Zoroastrianism, Shinto, and Taoism are not forbidden. The Government permits the practice of the mystical, traditional beliefs of "Aliran Kepercayaan."

A 1976 decision by the Attorney General reinforced by a separate decision by the same office in 1978, banned Jehovah's Witnesses from practicing their faith. Although government hostility toward Jehovah's Witnesses has subsided, open practice of the faith remains banned, and members report that they continue to experience difficulty registering marriages, enrolling children in school, and in other civil matters. Members of the Bahai faith have not reported problems recently. The Government in some provinces has banned the messianic Islamic sect Darul Arqam. The Government closely monitors Islamic groups considered to be deviating from orthodox tenets, and in the past has dissolved some groups. Historically, the Government has tried to control "heterodox" Muslim groups, due to pressure by nongovernmental leaders of "mainstream" or "orthodox" Muslim groups as well as the Government's concern for national unity. In addition "mainstream" Christian leaders have influenced government policy to be biased against "fundamentalist" Christians. Non-Trinitarians (Jehovah's Witnesses) have faced government bans that they claim were instigated by

Trinitarian Christians.

The legal requirement to adhere to Pancasila extends to all religious and secular organizations. Because the first tenet of Pancasila is belief in one Supreme God, atheism is forbidden. Although individuals are not compelled to practice any particular faith, all citizens must be classified as members of one of the officially recognized religions. As this choice must be noted on official documents, such as the identification card, failure to identify a religion can make it impossible to obtain such documents. The Government strongly opposes Muslim groups that advocate establishing an Islamic state or acknowledging only Islamic law.

The October selection of Abdurrahman Wahid as President was greeted with optimism by leaders of various religious communities. Harmony, tolerance, and mutual respect between different religious communities have been among Wahid's core principles throughout his public career. Other high-level officials continued to make public statements and emphasize by example the importance of respect for religious diversity. However, some lower level officials continued to show reluctance to facilitate and protect the rights of religious minorities.

Houses of worship, including both mosques and Christian churches, frequently were damaged or destroyed by opposing groups during clashes in Ambon (see Sections 1.a. and 5). In addition a Muslim crowd burned two Christian churches in Bandung in March. The perpetrators reportedly were angry at the local government's decision to allow a new church to be built in a predominantly Muslim neighborhood. In April Muslim crowds set fire to a church in Ujung Pandang, South Sulawesi after a bomb exploded at Jakarta's largest mosque, Istiqlal. In December Muslim crowds burned and ransacked a Christian seminary and a social service complex in southeast Jakarta, killing one person in the process. Attacks against minority houses of worship and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations of official complicity in incidents from current as well as prior years.

During the period following the August consultation vote in East Timor, security forces and government-backed militia groups killed numerous Catholic priests and nuns who were engaged in humanitarian activities; they also destroyed many Catholic places of worship, many of which were being used to shelter thousands of internally displaced persons (IDP's) (see Sections 1.a., 1.c., 2.d., 3, and 4).

A 1969 regulation dictates that before a house of worship can be built, agreement must be obtained from local residents living near the site, and a license must be obtained from the regional office of the Department of Religion. Some Christians claim that this regulation is being used to discriminate against them and to prevent them from building churches. Despite the problems, the building of churches continues.

The law allows conversion between faiths, and such conversions occur. Independent observers note that interfaith marriages between Muslims and non-Muslims have become increasingly difficult. Persons from religions outside the five accepted religions have difficulty having their marriages recognized officially.

The Government views proselytizing by recognized religions in areas heavily dominated by another recognized religion as potentially disruptive and discourages it. Foreign missionary activities are relatively unimpeded, although in East Timor, Irian Jaya, and occasionally elsewhere missionaries

have experienced difficulties and delays in renewing residence permits, and visas allowing the entrance of new foreign clergy are difficult to obtain. Laws and decrees from the 1970's limit the number of years that foreign missionaries can spend in the country, with some extensions granted in remote areas like Irian Jaya. Foreign missionary work is subject to the funding stipulations of the "Mass Organizations"(ORMAS) law.

#### **d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation**

The law permits the Government to bar persons from either entering or departing the country, and the Government continued to restrict freedom of movement to a limited extent. As of March, according to Department of Justice information quoted in the press, the Government maintained a list of 3,665 foreigners who are barred from entering the country, while 417 citizens are prohibited from leaving the country. In August it was reported in the press that, at the request of the armed forces commander, five prominent persons from Irian Jaya had been barred from leaving the country (see Section 5). The Government never officially confirmed the ban or notified the individuals concerned.

The Government also restricts movement by citizens and foreigners to and within parts of the country. The new law on overcoming dangerous situations (see Section 1.f.) also would allow the military to limit land, air, or sea traffic, to prohibit migration into and out of an area, to order relocation of persons outside an area, and to order house arrest in a declared state of emergency. However, this law did not take effect because President Habibie did not sign it.

The Government requires that individuals obtain permits to seek work in a new location in certain areas, primarily to control further population movement to crowded cities. Special permits are required to visit certain parts of Irian Jaya. In September the police expelled two foreign human rights monitors from Irian Jaya to Jakarta after the two traveled to Irian Jaya as part of a preliminary planning visit for an independent international human rights assessment undertaken in cooperation with the Indonesian National Human Rights Commission (Section 4 and 5). Although former political prisoners associated with the abortive 1965 coup are no longer officially required to carry the stamp "E.T." on their identity cards, in many cases the stamps have not been eliminated in practice (see Section 1.f.). Among other restrictions, some former prisoners still are required to obtain permission if they want to move.

During the period prior to the consultation vote in East Timor, armed militia groups routinely set up road blocks in some areas, and closed off parts of Dili and elsewhere. The main road from Dili and West Timor was not usable during much of this time due to roadblocks by militia forces. Security forces did little or nothing to prevent the militias from controlling movement in these areas. In the days following the consultation vote, armed militia groups were permitted to control access to the Dili airport and they also checked incoming passengers. Prointegration militia members reportedly confiscated cars of proindependence civil servants. At times the Government temporarily banned travel to East Timor by foreign diplomats.

According to churches and NGO's, over 45,000 persons were displaced in East Timor during the months prior to the consultation vote—a July UNAMET estimate placed the number of displaced

persons at over 60,000. The displaced generally were not accommodated in “camps,” as such, but were herded into defined areas, especially in the vicinity of Liquica and Maubara, which were under the control of prointegration militias. Reportedly, anyone seeking to leave these camps faced assaults by military-backed militias, which were permitted to operate road blocks and checkpoints. In addition, militia groups committed numerous other abuses against displaced persons (see Section 1.c.). ICRC representatives and other humanitarian groups, had great difficulty gaining access to the camps, which faced tremendous food and medical shortages.

Following the consultation vote in East Timor, there was credible evidence that, in a planned and orchestrated operation, the security forces forcibly removed or compelled to flee a substantial percentage of the 250,000 East Timorese who departed the territory. According to numerous credible reports the military and prointegration militia systematically forced the relocation of East Timorese refugees into West Timor, in part, for revenge; however, it also is alleged that forced relocations were meant to undermine the legitimacy of the U.N. referendum (see Section 3). More than 130,000 of the approximately 250,000 refugees returned to East Timor by year’s end, but intimidation by TNI-backed militia forces in the camps in West Timor continued to prevent many others from returning.

During the summer, tens of thousands of Acehnese temporarily fled their villages claiming to be terrified of security force patrols/activity in their area (see Sections 1.a. and 1.c.). At one point, as many as 150,000 rural Acehnese were displaced. There were credible allegations that armed separatists hoping to draw international attention and sympathy were manipulating IDP movements.

While the law lacks provisions for dealing with refugees/asylees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government cooperates with the U.N. High Commissioner for Refugees, which maintains a regional office in Jakarta. In past years, the Government offered first asylum to over 125,000 Indochinese boat persons. The Galang Island camp was closed in 1996 and by the end of the year the last remaining asylum seekers had been repatriated or permitted to settle permanently in the country. The Government has not formulated a policy regarding asylum seekers, but in practice it has respected the principle of not returning asylum seekers to the country from which they have fled.

### SECTION 3

## RESPECT FOR POLITICAL RIGHTS: THE RIGHTS OF CITIZEN TO CHANGE THEIR GOVERNMENT

Citizens for the first time successfully changed their government through an open, transparent democratic process. In January the Parliament passed new legislation governing the election, political parties, and the organization of the MPR and DPR. The MPR is constitutionally the highest authority of the State and is charged with meeting every 5 years to elect the President and Vice President and to set the broad guidelines of state policy. It is composed of the elected Members of Parliament plus appointed representatives of functional and regional groups. The June 7 election, contested by 48 political parties (who fielded candidates in every district) and monitored by international observers, was widely accepted as open, fair, and free. Members of the new Parliament and People's Consultative Assembly (MPR) were sworn in on October 1. On October 20-21, the MPR in a secret ballot procedure that was carried live on television elected Abdurrahman Wahid as President and Megawati Soekarnoputri as Vice President.

Under a doctrine known as dual function, the military assumes a significant sociopolitical as well as a security role. Members of the military are allotted 38 unelected seats in the DPR, and 10 percent of the seats in provincial and district parliaments, in partial compensation for not being permitted to vote. Active duty and retired military officers (many of whom retain strong ties to the military after retirement) occupy important positions at all levels of government. The military thus far has resisted strong pressure from student and reform groups for an immediate end to dual function, instead reaching an informal understanding with key political figures that it would be phased out over a period of several years.

The other 92 percent of national and 90 percent of regional parliamentary seats are filled through elections held every 5 years. All adult citizens, except active duty members of the armed forces, persons in prison convicted of crimes punishable by more than 5 years' incarceration, persons suffering from a mental disorder, and persons deprived of voting rights by an irrevocable verdict of a Court of Justice, are eligible to vote.

More than 93 percent of the electorate nationwide voted in the June parliamentary election, ranging from a low of 70 percent in Aceh to 109 percent in Maluku (the reasons for this figure are still under investigation). The poor security situation, voter apathy and a desire among some citizens to boycott the election contributed to the relatively low voter turnout in Aceh, which was about 50

percent across Aceh, far below the national average. Turnout was less than 5 percent in several troubled districts. A halfhearted effort to organize a boycott appears to have had little impact in East Timor, where more than 94 percent of the electorate voted. Members of the banned PKI may not run for office.

International and domestic monitoring groups and the major political parties accepted the June 7 parliamentary election as generally free and fair, notwithstanding many technical problems and irregularities. Parties organized and campaigned without government interference and candidates were able to express their views freely. The new political laws were general in nature, granting sweeping authority in implementing the election to a newly formed General Election Commission (KPU), whose members included 5 government representatives and 1 representative from each of the 48 parties that were qualified to compete in the election. Under considerable public and political pressure, the KPU went forward with plans to hold the election on June 7, despite inadequate technical preparations and remaining ambiguities in the regulations. Numerous technical problems resulted, particularly in remote districts throughout the country, including inadequate supplies of ballots and reporting forms, poor training of poll workers, confusion over procedures, and a lack of funds to pay poll workers. These problems contributed to a substantial delay in vote counting. There were numerous, and in some cases credible, allegations of vote buying in Sulawesi, mostly directed at the ruling Golkar party, which opposition parties saw as gaining advantage from longstanding patronage and civil service networks. There also were scattered allegations of voter intimidation, particularly in rural areas. Opposition parties in Sulawesi alleged that Golkar cadres threatened the physical safety of residents. The Government and others alleged that supporters of Acehese separatism actively were discouraging residents to register. It is believed that this pressure, combined with a sense of alienation and apathy, was responsible for lower turnouts in Aceh. Election officials in Aceh postponed polling in most voting stations in the North Aceh and Pidie districts due to security concerns. The polls had not yet been held by year's end. The Elections Supervisory Committee (PANWASLU) had legal authority to investigate election irregularities, but acknowledged that it lacked the training, organization, manpower, and funding necessary to address more than a handful of the most egregious cases. In some cases, alleged violations were referred to judicial authorities for legal action. In most cases, political parties reached informal solutions among themselves.

In general monitoring groups and political parties concluded that irregularities were neither systematic nor sufficiently widespread to call into question the overall results of the election at the national level. The atmosphere in polling sites was transparent and even celebratory. The election campaign itself generally was free of violence; however, there were a few isolated outbreaks, such as on June 4 in Jakarta, when Golkar cadres were attacked in various areas of the city. In Aceh a soldier was shot and killed while guarding a polling station (see Section 1.a.). The military, which in past elections routinely used threats and intimidation to ensure voter support for Golkar, honored its pledge to stay neutral. The opposition Indonesian Democratic Party of Struggle (PDI-P) came in first with 33.7 percent of the vote (153 DPR seats), followed by Golkar with 22.4 percent (120 seats), the National Awakening Party (PKB) with 12.6 percent (51 seats), the Unity and Development Party (PPP) with 10.7 percent (58 seats), the National Mandate Party (PAN) with 7.1 percent (34 seats), and the Crescent and Star Party (PBB) with 1.9 percent (13 seats). In addition 5 parties won between 2 and 7 seats and 10 parties won 1 seat each. Because of the pattern of voting district distribution, parties that were stronger in the less populous outer islands (e.g., Golkar and the PPP) won more seats relative to their strength in percentage terms than parties stronger in the populous islands of Java and Bali (e.g., the PDI-P and the PKB).

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The actions of some KPU members following the election contributed significantly to the delay in validating election results, providing scope for additional doubts about the process, and led to a considerable loss of public faith in the impartiality and integrity of the KPU. Election laws in February required that a party must win at least 2 percent of the seats in Parliament to qualify to compete in the following election (in 2004). Forty-two parties failed to meet this threshold, 27 of which failed to win even a single seat. As the outcome of the election became evident, KPU representatives of several of the parties that failed to win seats launched a series of rearguard actions designed to force the KPU to give them DPR seats and to waive the 2 percent requirement. Among these actions was a refusal to certify the election results. On August 3, President Habibie stepped in and declared the results valid. Government representatives on the KPU generally showed impartiality and sought to preserve the spirit of electoral reform. Small party obstructionism and opportunism continued in subsequent stages of the process, including during DPR seat allocation, selection of groups eligible to send representatives to the MPR, and assignment of candidates to seats. At several junctures, regulations the KPU itself had written either were changed or ignored, in some cases to suit the interests of blocs of KPU party representatives. As a result, the election process fell far behind schedule. In order to meet the political imperative of opening the MPR as scheduled, authorities decided to convene the MPR on October 1 even though several provinces had not yet finalized their choices of regional representatives, who joined the body after it already was in session.

Such problems added momentum to a building consensus on the need for constitutional and further electoral reform, for the purpose of, among other things, limiting presidential powers, eliminating unelected representatives in the DPR and MPR, providing for direct election of the President and Vice President, and redefining the membership and roles of the Government's highest institutions. Amending the 1945 Constitution for the first time, the MPR took steps to limit presidential powers, including imposing a two-term limit on the President and Vice President. The MPR created a working group to study further constitutional amendments to be considered during the 2000 MPR session.

The Soeharto-era DPR elected in 1997 remained active until it went out of session on September 24. Although under Soeharto the executive branch dominated the DPR, it became increasingly independent under President Habibie. It has been active in scrutinizing government policy and in exercising oversight of government budgetary expenditures and program implementation through hearings at which members of the Cabinet, military commanders, and other high officials were asked to testify. The DPR made substantive alterations to bills that it reviewed, including changes that reflected the interests of outside groups, and in early September, rejected government-proposed legislation for the first time since the beginning of the Soeharto era.

On January 27, Minister of Information Yunus Yosfiah announced that East Timor would be offered an opportunity to vote on an autonomy plan, and that if the East Timorese rejected this offer the Habibie Government would suggest to the MPR that East Timor formally be released from the country. Foreign Minister Ali Alatas subsequently clarified that the Government would not accept any formula that called for a transition period of several years after which the East Timorese would render their verdict on autonomy, asserting that such a delay would lead to civil conflict. Rather, Alatas indicated that the East Timorese would be offered the option of accepting or rejecting the offered autonomy immediately. Alatas reiterated Yunus's statement that were the East Timorese to reject the plan, then they could "respectfully separate" from the country—the Government would

then go to the new MPR, the body that approved East Timor's incorporation into the country in 1976, to make the decision to cut ties with East Timor. President Habibie stated that he would accept, in full, the draft East Timor Accords that were concluded in New York in April. Armed forces commander Wiranto also pledged to ensure security and to abide by the results of the consultation.

There is wide evidence that the TNI was not neutral; rather, it was determined to ensure through intimidation and violence that the autonomy option should prevail. TNI-backed militia groups committed numerous killings, attacks, rapes, arrests, forced displacements, and other abuses against proindependence East Timorese throughout the year (see Sections 1.a., 1.b., 1.c., 1.d., 2.d., 4, and 5). It is widely alleged that these attacks were intended to intimidate the population into voting for autonomy or to prevent persons from voting at all. Many observers also believed that they were aimed at derailing the negotiation process in New York (see Sections 1.a., 1.b., 1.c., 1.d., 2.d, and 4). According to UNAMET, the East Timorese were displaced for the purpose of the ballot and, therefore, essentially were "political hostages" (see Sections 1.c. and 2.d.). While the July registration period for consultation generally was conducted without numerous serious security problems, there are reports that in some localities militia members went door-to-door, usually at night, compelling persons to surrender documents required for registration. Numerous credible observers witnessed TNI personnel, local officials, and militias jointly threatening local residents in "socialization" gatherings meant to ensure support of integration. Some NGO's allege that residents of West Timor were being provided with false East Timor identity cards so that they could participate in the August consultation. Intimidation during the vote registration process tended to be most prevalent in western areas of the province. Police authorities generally did not arrest any militia members or obstruct their activities.

In addition to attacks against civilians, TNI-backed militia groups sought to derail the consultation vote by intimidating and interfering with the activities of UNAMET. Throughout the vote registration process, TNI-backed militia groups made it impossible for U.N. staff to carry out its duties safely in many regions of the province. For example, on the evening of June 29, prointegration militias attacked the UNAMET office in Maliana. During a series of attacks from July 3 to July 4 in Liquica, aid workers sustained serious injuries; UNAMET personnel were threatened directly with firearms; and armed militia members threatened the U.N. helicopter deployed to evacuate personnel (see Section 1.a.). The Liquica attacks occurred while UNAMET was assisting internally displaced persons—a core aspect of the UNAMET mandate. The most serious attack occurred only about 100 yards from a police station. On August 18, several hundred armed prointegration militia members surrounded the UNAMET command compound in Maliana and threatened UNAMET personnel inside, with national police forces on the scene taking no action. (This is the same office that the militia attacked on June 29.) Police also did not react when the CNRT office in Dili was hit by gunfire on August 17. In addition TNI-backed militias greatly harassed and threatened, sometimes with death, NGO employees who sought to assist with poll monitoring, and who engaged in other activities aimed at ensuring a free and fair consultation vote (see Sections 1.c. and 4).

The period immediately preceding the consultation vote was marred by violence, threats, and intimidation, which led thousands of persons to flee from their homes. However, voter turnout was high, with many displaced descending from the hills to cast their ballots, and despite problems in areas such as Maubisa, Suai, Ainado, and Glenno, it appeared that the overwhelming majority

of East Timorese were able to vote their consciences.

Some 98 percent of registered voters turned out to cast their ballots in the August 30 referendum on East Timor's future political status. The results were as follows: 94,388 East Timorese (21 percent of registrants) supported the autonomy proposal; and 344,580 (78.5 percent of registrants) opposed it, thus beginning the transition towards independence. On September 3, U.N. Secretary General Kofi Annan declared the ballot "an accurate reflection of the views of the East Timorese people." However, in the hours after the announcement of the results, incidents of killing, violence, and destruction increased throughout the province. Security forces allowed armed militia groups that opposed independence for East Timor free rein to intimidate and kill (see Sections 1.a., 1.b., 1.c., 2.d., 4, and 5). The military and prointegration militias allegedly systematically forced the relocation of East Timorese refugees into West Timor, in part, in order to undermine the legitimacy of the U.N. referendum. The purpose of the forced relocation was to make it appear that many East Timorese fled their homeland because they did not accept the "rigged" result (which could, at least in theory, have caused the MPR to reject the vote).

On October 19, all 11 MPR factions formally approved revocation of the 1978 MPR decree that annexed East Timor, clearing the way for the U.N. Transitional Authority in East Timor, which is endowed with, in full consultation with representatives of East Timor, overall responsibility for creating a civil administration for the territory of East Timor; facilitating humanitarian assistance; overseeing the creation of structures for sustainable governance and the rule of law; facilitating the process of development of a constitution for an independent East Timor; conducting elections to such bodies as are foreseen in a provisional constitution, and seeking to ensure that the development of any indigenous structures for security conform to the standards of civilian oversight, democratic accountability, and international human rights norms and standards. In addition UNTAET is responsible for maintaining a police and military apparatus.

On January 28, the All-Aceh Student Congress called for a referendum similar to the one in East Timor. The initiative for a referendum grew stronger during the year, and later was taken up by others including the local parliament and, on September 14, by the Ulema Council of Aceh.

While there are no legal restrictions on the role of women in politics, they are underrepresented in government. Women constitute about 8 percent of the new Parliament's membership, roughly the same percentage as in the previous Parliament. In the Cabinet, 2 of 35 ministers are women.

A vigorous public debate over the position of women in society emerged during the year following the success of the PDI-P, and the strong possibility that Megawati Soekarnoputri, a woman, might emerge as the next President. Some representatives of the Muslim community, including the leadership of the state-sponsored Union of Ulema (Muslim Scholars) ruled that a woman could not rule a predominantly Muslim nation. Ironically Megawati also was criticized by women's groups, who charged that she failed to act as an advocate for women's issues with any vigor. Others challenged the basis of the religious argument and dismissed the debate as politically motivated. The gender/leadership debate faded later in the year, with Megawati's candidacy still intact. Megawati was selected as the first female Vice President in October (see Section 5).

**SECTION 4**

**GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL  
AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED  
VIOLATIONS OF HUMAN RIGHTS**

Although still subjected to monitoring by and interference from the authorities, domestic human rights organizations were extremely active in pressing the Government to improve its human rights performance. They pushed for government investigation of human rights abuses, including the shooting of demonstrators by security forces, acted as defense counsel in political trials, advocated for the release of political prisoners, sought to offer assistance to the victims of human rights abuses, vigorously exposed governmental corruption, and urged improvements in government policies and legislation.

In East Timor specific threats against human rights monitoring groups were prevalent during the preconsultation period, but a more serious hindrance to their work was their inability to access most of the territory, due to the activities of the military-backed militia groups. Intimidation of NGO's greatly hindered humanitarian operations in both East and West Timor. Intimidation, threats, and violence towards NGO's escalated as the year progressed. Due to militia intimidation, numerous humanitarian organizations that sought to assist refugees in West Timor during the post-consultation period were unable to, particularly around the IDP camps.

Both the Habibie and the Wahid Governments generally considered outside investigations or foreign-based criticism of alleged human rights violations to be interference in the country's internal affairs and believed that the linkage of foreign assistance, or other sanctions, to human rights observance constituted interference in internal affairs and was therefore unacceptable.

The ICRC generally was allowed access to identified detainees by civilian and military officials at the central government level. The ICRC was able to visit prisoners convicted of involvement in the violence of 1965-66, convicted Muslim extremists, and East Timorese, as well as other political prisoners outside of East Timor, Aceh, and Irian Jaya. In Aceh the ICRC maintained an office in Lhokseumawe and was allowed to visit prisoners and others detained by security forces. The ICRC was granted permission to visit Irian Jaya, but did not do so during the year. In East Timor the ICRC was not able to visit all detention facilities to which it wanted access, and in some cases its ability to meet and communicate confidentially with prisoners was limited. When East Timorese prointegration militia went on a rampage after the August 30 popular consultation in East Timor, more than 2,000 persons took refuge in the ICRC compound in Dili (see Section 2.d.). On

September 6, militia personnel attacked the compound, shooting, burning, and ultimately razing its buildings to the ground (see Section 1.a. and 1.c.). ICRC personnel were evacuated, but returned to East Timor after INTERFET restored order in late September. The ICRC conducted humanitarian operations in East and West Timor during the remainder of the year but largely was unable to gain access to refugee camps in West Timor. It offered humanitarian assistance in Ambon, but the Government did not accept its offer.

The government-appointed National Human Rights Commission, in its 6th year of operation, continued to be active in examining reported human rights violations and to show independence. Lacking enforcement powers, the Commission attempts to work within the system, sending teams where necessary to inquire into alleged human rights problems. It employs persuasion, publicity, and moral authority to highlight abuses, to make recommendations for legal and regulatory changes, and to encourage corrective action. The Government appointed the Commission's original chairman, who then appointed the other 24 original Commission members.

In September the Parliament gave the Commission a statutory basis and increased its membership to 35 members. Future members are to have 5-year terms and be nominated by the Commission but must be confirmed by the Parliament and made official by the President. The new law gives the Commission subpoena powers and provides that disputes settled by written agreement through the Commission's mediation are enforceable in the courts. However, the law does not give the Commission the power to enforce its recommendations or call for action by the Government.

During the year, the Commission conducted a followup investigation into human rights violations in Irian Jaya in August, and sent a fact-finding team to Ambon. The Commission issued highly credible public reports and press statements that carried significant weight in informing public opinion. In September the Commission formed a Commission for Investigation of Violations of Human Rights after the Popular Consultation in East Timor (KPP). The KPP's initial mandate was to gather facts and evaluate reports of human rights violations after the August 30 vote in East Timor; however, on October 22, the mandate was revised to include also abuses occurring from January onward. Its findings are to form the basis for cases to be tried in the recently established Human Rights Court (see Section 1.e.). The Commission's mandate originally ran until December 31, but was extended until January 31, 2000.

The Habibie Government ignored or moved lethargically in reaction to some Commission findings. Neither the Habibie nor the Wahid Government pursued recommendations in the Commission's 1998 report on violence against ethnic Chinese women during the May 1998 riots. In 1995 the Commission identified six cases of TNI killings, rapes, and other abuses of indigenous people in Irian Jaya; only one extrajudicial killing was ever brought to trial, and the Commission requested followup action in 1997. The Government made no further response to the Commission's October 1996 report on the July 27, 1996 forcible takeover of the headquarters of the Indonesian Democratic Party (PDI).

The Commission's East Timor branch remained ineffective throughout the year, and, prior to its closure in the wake of the post-consultation violence, had had little impact with regard to the more serious human rights problems in East Timor. In July the Commission opened an office in Aceh. In August the Commission announced that it would open an office in Irian Jaya. The KPP sent a number of investigative teams to East and West Timor and issued an interim report directly linking

the Indonesian security forces to the post-consultation vote violence and destruction in East Timor. The KPP pledged to cooperate closely with the U.N.'s International Commission of Inquiry for East Timor.

The U.N. High Commissioner for Human Rights (UNHCHR) program officer assigned to Jakarta continued his work throughout the year. Representatives of the U.N. Working Group on Arbitrary Detention visited the country in February. Also in February, a World Council of Churches delegation visited the country; some members were able to travel to Irian Jaya. In September members of an international assessment team under the auspices of the Robert F. Kennedy Memorial Center for Human Rights visited the country for preliminary planning for an independent international human rights assessment undertaken in cooperation with the Indonesian National Human Rights Commission. However, when two of its members went to Irian Jaya to investigate the human rights situation in and around the Freeport-MacMoran copper mine in Timika, they were expelled after 2 days (see Sections 2.d. and 5).

The country voted against formation of an International Commission of Inquiry on human rights violations in East Timor in the U.N. Human Rights Commission (UNHRC), arguing that its own Commission for Investigation of Violations of Human Rights after the popular consultation in East Timor (KPP) was sufficient. However, it did offer to cooperate with the International Commission. The Government initially refused to grant visas to two UNHRC rapporteurs to visit Jakarta and West Timor in early November, but later invited them to the country. Following U.N. Economic and Social Council approval of the ICOI on November 16, an ICOI team visited Jakarta and met with the KPP and senior government officials. However, the Indonesian Department of Foreign Affairs refused the ICOI's request to go to West Timor.

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## SECTION 5

### **DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS**

The Constitution does not forbid explicitly discrimination based on gender, race, disability, language, or social status. However, it stipulates equal rights and obligations for all citizens, both native and naturalized. The 1993 Guidelines of State Policy (legal statutes adopted by the MPR) explicitly states that women have the same rights, obligations, and opportunities as men. However, guidelines adopted in the past 20 years also state that women's participation in the development process must not conflict with their role in improving family welfare and the education of the younger generation. Marriage law dictates that the man is the head of the family. The Constitution grants citizens the right to practice their individual religion and beliefs; however, the Government only recognizes six religions and imposes some restrictions on other religious activity. In April Indonesia ratified the International Convention on the Elimination of All Forms of Racial Discrimination.

#### **Women**

Violence against women remains poorly documented. However, the Government has acknowledged the problem of domestic violence in society, which has been aggravated by social changes brought about by rapid urbanization. Rape by a husband of a wife is not considered a crime under the law. Although women's groups are trying to change the law, they have not made significant progress. Cultural norms dictate that problems between husband and wife are private matters, and violence against women in the home rarely is reported. While police could bring assault charges against a husband for beating his wife, due to social attitudes they are unlikely to do so.

Rape is a punishable offense. Men have been arrested and sentenced for rape and attempted rape although reliable statistics are unavailable. The maximum prison sentence for rape is 12 years, but observers say that sentences are usually much shorter. Mob violence against accused rapists frequently is reported. Women's rights activists believe that rape is seriously underreported due to the social stigma attached to the victim.

Some legal experts report that unless a woman goes immediately to the hospital for an examination that produces physical evidence of rape, she can not bring charges. A witness also is required in order to bring charges, and only in rare cases is there a witness, according to legal experts. Some women reportedly fail to report rape to police because the police do not take their allegations seriously. An August conference of forensic experts recommended that standard procedures be adopted for examining and taking statements from rape victims, in an effort to improve the successful

prosecution of rapists. Like rape, domestic violence is believed to be seriously underreported. Women's rights NGO's estimate that only 15 percent of domestic violence incidents are reported. In 1998 the Government, in consultation with women's NGO's, established a National Commission on Violence against Women. During the year, the Commission reported a "significant" increase in violence against women as a result of the economic crisis. The Government provides some counseling for abused women, and several private organizations exist to assist women. Many of these organizations focus on reuniting the family rather than on providing protection to the women involved. Many women rely on the extended family system for assistance in cases of domestic violence. The Commission's mandate is to improve and coordinate government and NGO efforts to combat violence against women and to provide assistance to victims.

There are only a few women's crisis centers, including a drop-in center founded in Jakarta by the government-sponsored National Women's Organization (KOWANI) in 1996 and a crisis center for women in Yogyakarta run by an NGO. Women's Partner (Mitra Perempuan), a crisis center for women, which opened in 1997, runs a 24-hour hot line and a temporary shelter for abused women. The hotline receives several calls a day from battered women. The National Commission reports a general increase in the number of female victims of violence seeking assistance from crisis centers, attributing the increase both to a growing awareness of services and to a real increase in the incidence of violence against women.

In March International Women's Day was marked by rallies protesting violence against women in front of the Department of Women's Affairs and in front of the U.N. building in Jakarta. The latter rally ended when 99 participants were arrested as they protested violence against women.

The country is a significant source, transit point, and destination for trafficked women and children for the purpose of forced prostitution and sometimes for forced labor (see Sections 6.c. and 6.f.). It is widely alleged that TNI-backed militias raped numerous women in East Timor and kept many as sex slaves (see Sections 1.c., 2.d., and 6.c.).

Harassment is not a crime under the law, only indecent behavior. However, sexual harassment charges can damage a civil service career. The law reportedly covers physical abuse only, and requires two witnesses. Female job applicants and workers have complained of being victimized sexually by supervisors.

Female domestic servants also are vulnerable to exploitation and abuse. In some cases unscrupulous recruitment agencies have promised women placement as domestic servants overseas and then held them against their will for extended periods as details were worked out. Women working abroad as domestic servants often risk various forms of abuse, exploitation, and other cruel treatment. The Government has taken some steps to assist its citizens working abroad, but advocates charge that much more needs to be done.

According to the Constitution, women are equal to and have the same rights, obligations, and opportunities as men. However, in practice women face some legal discrimination. Marriage law dictates that the man is the head of the family. Marriage law for Muslims, based on Islamic law, allows men to have up to four wives if the husband can provide equally for each of them. Permission of the first wife is required, but reportedly most women cannot refuse. Civil servants who wish to marry a second woman also must have permission from their supervisors. Cabinet officials and military personnel customarily have been forbidden to take second wives. In divorce cases, women often bear a heavier evidentiary burden than men, especially in the Islamic-based family court

system. Divorced women rarely receive alimony, and there is no enforcement of alimony payment. The 1958 Citizenship Law states that children's citizenship is based only on the citizenship of the father. Children of citizen mothers and foreign fathers are considered foreigners and need visas to remain in the country until the age of 18, when they can apply for citizenship. They are prohibited from attending public schools and must attend private, international schools, which are expensive. Foreign women married to citizens also face difficulties. Their children are citizens and thus are not allowed to attend international schools. These women usually are taxed as a foreign head of household, but they do not have property, business, or inheritance rights. There has been much discussion about problems with the citizenship law, and NGO's and the Government appear to agree that the law needs to be revised. However, by year's end the Government still had not taken any action to remedy these problems.

Although some women enjoy a high degree of economic and social freedom and occupy important positions in both the public and private sectors, the majority does not enjoy such social and economic freedoms and are represented disproportionately at the lower end of the socioeconomic scale. Surveys have shown that while more than one-third of civil servants are women, less than 6 percent are in positions of authority.

A vigorous public debate over the position of women in society emerged during the year due to the strong possibility that Megawati Soekarnoputri would win the presidency. Megawati was selected as the first female Vice President in October (see Section 3).

Female workers in manufacturing generally receive lower wages than men. Many female factory workers are hired as day laborers instead of as full-time permanent employees, and companies are not required to provide benefits, such as maternity leave, to day laborers. Women's rights activists report that there is a growing trend in manufacturing to hire women to do work in their homes for less than the minimum wage. Unemployment rates for women are approximately 50 percent higher than for men. Women often are not given the extra benefits and salary that are their due when they are the head of household, and in many cases do not receive employment benefits for their husband and children, such as medical insurance and income tax deductions. Income disparity between men and women diminishes significantly with greater educational achievement.

Despite laws that provide women with a 3-month maternity leave, the Government has acknowledged that pregnant women often are dismissed or are replaced while on leave. Some companies require women to sign statements that they do not intend to become pregnant. Labor laws mandate 2 days of menstrual leave per month for women, although this leave is not allowed in all cases. Many groups criticized the 1997 Manpower Law for not addressing sexual harassment and violence against women in the workplace and for providing inadequate protection in areas of employment where women regularly have suffered abuse, such as overseas employment and household service. The Manpower Law is currently undergoing extensive revisions.

Women disproportionately suffer from illiteracy, poor health, and inadequate nutrition. The Government is making efforts to reduce the high maternal mortality rate, which is 425 per 100,000 live births, according to official figures, and up to 650, according to estimates from other sources. In March an international NGO estimated that up to 5.5 million women on the island of Java (with a total population of about 100 million persons) suffer from chronic undernourishment. The NGO also estimated that the number of women in Jakarta suffering from Vitamin A deficiency doubled from 1997 to 1998.

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During the year, hundreds of thousands of women and children were displaced by violent conflicts in East Timor, Maluku province, West Kalimantan, and Aceh (see Section 2.d.). In addition to those directly victimized by violence, a substantial number of those displaced suffered from nutritional deficiencies and other health problems.

Women's advocacy groups remained assertive throughout the year. Numerous NGO-organized conferences and rallies concerned with women's issues were held throughout the year, as well as some that were organized by academic institutions and government ministries. Women's groups marked Independence Day on August 17 with a rally that stressed the role of women in nation building and criticized violence against women, particularly in strife-torn regions such as the provinces of East Timor, Maluku, Irian Jaya, and Aceh (see Section 1.c.).

## **Children**

The Government has expressed a commitment to children's rights and welfare but a lack of resources prevents it from translating this commitment into practice. The Government allocates only 2.2 percent of GNP to education. Spending on education declined significantly in real terms during the year, due to economic contraction. A 1979 law on children's welfare defines the responsibility of the State and parents to nurture and protect children. However, implementing regulations have never been promulgated and the law's provisions on protection of children have yet to go into effect. The Government has made particular efforts to improve primary education and maternity services.

Low cost medical care is available, although access and availability are sometimes sporadic, especially in rural areas. Moreover, government spending on health care has dropped in real terms due to the economic crisis. In some cases, women and even children unable to pay medical bills have been detained by hospitals maintaining their own "debtor's prisons." There have also been reports of hospitals refusing treatment to children suffering from malnutrition, due to a lack of resources.

Research is beginning to document the drastic toll the Asian economic crisis has taken on children. According to a credible local NGO, infant mortality rates have nearly doubled as a result of the crisis, growing from 55 per 1,000 in 1995 to 100 per 1,000 deaths in 1998. (However, during the same period the mortality rate for children under age 5 slightly decreased.) A survey released during the year found that overall use of health care facilities by children dropped significantly after the economic crisis struck in mid-1997.

Throughout the year, the U.N. Children's Fund (UNICEF) continued to warn of a "lost generation" of youth as a result of the economic crisis. UNICEF estimates that 8 million preschool-age children were undernourished, threatening the development of brain function. According to U.N. data, as many as 37 percent of toddlers may be suffering from some form of malnutrition, up from 9.8 percent in 1995. Specifically, researchers have begun to document an increase in children suffering from deficiencies of Vitamin A, iron, and protein. A local NGO estimated that the deaths of up to 180,000 children were related to malnutrition.

On an anecdotal level, the media frequently reported on instances of children dying from malnutrition or those in need of treatment for the condition. Such reports have been most frequent in Java but

also have come from Sumatra and other regions. In March newspapers quoted a provincial health official as saying that at least 13,000 infants in East Java were suffering from malnourishment. Also in March, local health officials claimed that at least 3,000 children less than 5 years old were suffering from malnutrition in Jakarta, and over 1,000 in Purwakarta, West Java. In August the Minister of Social Affairs reported at least 27,000 infants suffering from malnutrition in Cirebon, West Java.

A 1994 law raised compulsory education from 6 to 9 years, but the law has not been implemented fully due to inadequate school facilities and the lack of family financial resources to support children to stay in school. Official and unofficial fees for public education, including payments for registration, books, meals, transport, and uniforms have become prohibitively high for many families. According to a 1999 Rand Corporation survey, the percentage of 7 to 12 year olds who have dropped out of school tripled from about 1.0 percent in 1997 to 3.5 percent in 1998. According to ILO statistics, 6 million children between the ages of 7 and 15 dropped out of school since the economy plummeted in 1997.

Schooling for children in areas of conflict was disrupted severely during the year. Hundreds of thousands of Timorese children, and tens of thousands of children in Maluku and West Kalimantan, fled their homes to escape violence (see Section 2.d.), interrupting their education and exposing them to malnutrition, disease, and other hazards. In Aceh at least 150 schools were targeted for arson, leaving tens of thousands of children with no school. The military and armed separatists each blamed the other for the burning campaign. Schooling for Acehnese youth also was disrupted by the internal displacement of villagers as a result of ongoing violence. The number of internally displaced Acehnese peaked at about 150,000 in midsummer (see Section 2.d.).

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million at mid-year. Children's advocates and labor analysts agree that the number of working children has increased significantly due to the downturn, but contend that the number of working children was higher than the Government's current estimate even before the downturn, and has increased significantly since 1997. According to recent government statistics, 8 percent of all children between the ages of 10 and 14 work. Half go to school and also work, and half work exclusively. Unofficial estimates of working children are higher. NGO's estimate that more than 10 percent of children worked more than 4 hours per day (see Section 6.d.).

Tens of thousands of street children live in Jakarta. According to the Department of Social Affairs, 20,000 street children lived in the city in 1997. NGO's report that the number may have increased by more than 60 percent as a result of the economic crisis. The number of street children also grew elsewhere. Medan, Bandung, Surabaya, Ujung Pandang, and other cities also have substantial populations of street children. Street children sell newspapers, shine shoes, help to park or watch cars, and otherwise attempt to earn money. Many street children work under hazardous conditions as scavengers and garbage pickers and on fishing platforms and fishing boats. According to credible sources, there are several thousand children working in hazardous conditions on fishing platforms off the east coast of North Sumatra (see Section 6.c.). Many thousands work in factories and fields (see Section 6.d.).

Street children and child laborers in some cities have become organized and interested in protecting

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their rights. In July impoverished children from slums around Jakarta, with organizational help from NGO's, staged a large rally in Jakarta to mark National Children's Day to publicize their plight and urge the Government and private sector to do more to invest in their future. Similar rallies were staged marking the day in other cities.

A number of local and international NGO's work with street children. NGO's have criticized the Government for making insufficient and inadequate efforts to help street children and working children. The Government is working in cooperation with the U.N. Development Program, UNICEF, the ILO, and with NGO's to create programs for street children and child laborers. One project incorporates many ideas generated by the NGO community, including establishing "open houses" in targeted areas that provide vocational training and basic education to street children. Efforts have been initiated to start open houses for street children in seven provinces.

Another approach to the street children problem utilizes the National Program for Discipline and Clean Cities Decree. Under this program, street children are removed physically from cities by bus. Usually, they are taken outside the city and left there. Sometimes they are taken to "holding houses" where they are first interrogated and later released. NGO's criticize this practice as ineffective and inhumane.

Child prostitution and other sexual abuses occur, but firm data are lacking. While there are laws designed to protect children from indecent activities, prostitution, and incest, the Government has made no special enforcement efforts in these areas. Although reliable nationwide statistics remain elusive, NGO findings indicate a growth trend in child prostitution and sexual exploitation. Instances of families in rural areas of Java and Sumatra being forced by economic circumstances to "sell" their daughters to local men continued to be reported. In June police uncovered a syndicate involved in trafficking young women, many below 18, to work in brothels on islands in Riau province, near Singapore (see Section 6.f.). Many of the women were hired under false pretenses. In July children's advocates warned of an increase in the number of teenage girls working as prostitutes in Surabaya, East Java. The increase, experts claimed, was primarily related to the economic downturn, but also to an increase in demand for young sex workers.

A separate criminal justice system for juveniles does not exist. Ordinary courts handle juvenile crime, and juveniles often are imprisoned with adult offenders. A Juvenile Justice Law was passed by Parliament in 1996 and was signed by President Soeharto in 1997. It defines juveniles as children between the ages of 8 and 18 and establishes a special court system and criminal code for them; however, it has not yet been implemented.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced in some parts of the country. The method varies depending on ethnic, cultural and religious tradition. However, the most prevalent practice is a ceremonial one that involves the pricking, scraping, or touching of the clitoris of a baby or young girl, often with the purpose of drawing several drops of blood. Sometimes, a plant root is used symbolically, and the girl is not touched. A more serious form of FGM involves the removal of the tip of the clitoris. Although reportedly still practiced in Madura, South Sulawesi, and other areas, this type of FGM appears to be declining, and there is disagreement about its prevalence.

Since FGM is not regulated, and religious leaders have taken no formal position, the method used is often left up to the local traditional practitioner. FGM usually takes place within the first year after birth, often on the 40th day, though it is done in some areas up to the age of 10. It is performed either at a hospital or, especially in rural areas, by the local traditional practitioner. There are no statistics available on FGM's prevalence.

## **People with Disabilities**

During the year the U.N. estimated that 5.43 percent of the population (about 10 million persons) in the country are disabled, while the Department of Social Affairs has estimated that 3 percent of the population (or 6 million persons) are disabled. Precise statistics are not available. Families often hide disabled family members to avoid social stigma or embarrassment. The disabled face considerable discrimination in employment, although some factories have made special efforts to hire disabled workers. Several provinces have established rehabilitation centers for the disabled. Disabled persons reportedly are taken off the streets by the authorities and brought to these centers for job training. Many disabled citizens beg for a living.

NGO's are the primary providers of education for the disabled. There are 1,084 schools for the disabled; 680 are private, and 404 are government schools. Of the government schools, 165 are "integrated," serving both regular and special education students. In Jakarta there are 98 schools for the disabled, 2 of which are government-run, and 96 of which are private. The Government also runs three national schools for the visually, hearing, and mentally disabled. These schools accept children from throughout the country.

A disability law was passed in 1997. The law strives to provide access to education, employment, and assistance for the disabled. It requires companies that employ over 100 persons to give 1 percent of their jobs to the disabled. The law mandates accessibility for the disabled to public facilities. However, virtually no buildings or public transportation have been designed with such accessibility in mind.

The Constitution requires that the Government provide care for orphans and the disabled, but it does not specify how the term "care" should be defined, and the provision of education to all mentally and physically disabled children has never been inferred. Regulations specify that the Government establish and regulate a national curriculum for special education by stipulating that the "community" should provide special education services to its children.

## **Indigenous People**

The Government considers the term "indigenous people" to be a misnomer, because it considers all Indonesians except ethnic Chinese to be indigenous. Nonetheless, it publicly recognizes the existence of several "isolated communities," and that they have a right to participate fully in political and social life. The Government estimates that the number of persons in isolated communities is 1.5 million. This includes, but is not limited to, groups such as the Dayak population in Kalimantan who live in remote forest areas, indigenous communities throughout Irian Jaya, and economically disadvantaged families living as sea nomads on boats near Riau in east Sumatra and near Ujung Pandang in southern Sulawesi. Critics maintain that the Government's approach is basically paternalistic and designed more to integrate indigenous people into society than to protect their

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traditional way of life. Human rights monitors criticize the Government's transmigration program for violating the rights of indigenous people (see Section 1.f.).

In March representatives of indigenous communities held the first Indonesian Indigenous People's Congress (KMAN) to share experiences, criticize abuses, and share strategies. The Congress, sponsored by a consortium of domestic and international NGO's, drew more than 200 participants. In a declaration at the end of the Congress, delegates called on the Government to respect indigenous groups' values and customs.

Following the meeting, the National Human Rights Commission convened a meeting of key Congress participants and senior government officials. The new law on human rights also provides for protection of customary and indigenous rights.

Sixty percent of the population of over 200 million persons lives in Java, which represents only 7 percent of the country's territory. The Government-sponsored transmigration program seeks to resettle persons from densely populated areas to sparsely populated areas outside Java. The majority of migrants are spontaneous migrants who are not part of the official program.

Critics of transmigration claim that it often threatens indigenous cultures and sparks social envy. Some critics claim that it has been used as a political tool to inject nonindigenous persons into certain areas to "Indonesianize" these areas, in part to preclude secessionist movements. A senior government official has confirmed this. In some areas, such as in certain parts of Kalimantan, East Timor, and Irian Jaya, relations between transmigrants and indigenous people are hostile. NGO's also report tensions between transmigrated Javanese and indigenous populations in the Mentawai Islands off the west coast of Sumatra. Indigenous groups often complain that they receive less government support and funding than transmigrants, and transmigrants complain that in some cases they are moved to areas with inadequate infrastructure to support them and less than desirable land. Transmigrants also may be settled on land of disputed ownership.

Acute tensions in West Kalimantan between the indigenous Dayak people and settlers from Madura, an island off the eastern coast of Java, escalated into violence that left hundreds dead in the spring. The violence was the culmination of over 30 years of conflict between the two communities, growing partly out of the Dayaks' perception that they were being marginalized in their native lands. The Madurese community in West Kalimantan grew around an earlier core of transmigrants, although the majority of Madurese in the area are spontaneous immigrants. Dayak-Madurese violence in the Sambas region north of Pontianak prompted tens of thousands of Madurese to flee for their lives. By early summer, more than 30,000 Madurese were encamped in squalid conditions in Pontianak, with apparently little hope of returning to their homes in Sambas. Thousands of Madurese displaced from Sambas remained in limbo at year's end. Thousands more returned to an uncertain future in Madura.

The Government's emphasis on relatively rapid growth and development strategies, burgeoning urbanization, and aggressive government-backed commercial exploitation of natural resources results in continued tension over land tenure issues. That tension often is expressed along racial/ethnic lines as developers are frequently ethnic Chinese Indonesians. Land disputes represent the largest category of complaints submitted to the National Human Rights Commission and a significant portion of the cases brought to legal aid foundations and other legal assistance

organizations.

According to a law derived from colonial-era practices, all subsurface mineral resources belong to the Government. The Basic Agrarian Law states that land rights cannot be “in conflict with national and state interests,” which provides the Government with a broad legal basis for land seizures. When disputes cannot be settled the Government has the authority to define fair compensation for land. There are numerous instances of the use of intimidation, sometimes by the military, and often by hired “thugs,” to acquire land for development projects, particularly in areas claimed by indigenous people.

Such intimidation has been used in Jakarta, other parts of Java, North Sumatra, Aceh, and other areas. Compensation paid for the land is often minimal or even nonexistent. According to credible sources in West Sumatra, large tracts of land in the province have been confiscated over the past several years by commercial plantation developers who paid bribes to the local governor. In some cases, NGO’s report, farmers were evicted from the land without compensation to make way for new palm oil plantations staffed by Javanese transmigrants. Competition for land and resources remains acute in Sumatra.

NGO’s assert that violations of the rights of indigenous people are frequent in mining and logging areas and that violations stem from the State’s denial of ownership by indigenous people of ancestral land, erosion of indigenous groups’ traditional social structure, and forced takeover of land. These problems are most prevalent in Irian Jaya and Kalimantan.

In Central Kalimantan, NGO’s report that local residents have suffered as a result of projects to convert peat land into agricultural land for rice cultivation. Vast tracts of land have been designated as transmigration areas. Tens of thousands of indigenous people have been forced to cease their traditional farming and forest-based livelihoods. Many become poorly paid laborers on new agricultural projects.

Bonded labor has become a problem for some Dayaks in East Kalimantan (see Section 6.c.). According to the ILO, on at least one project, a logging company established a company store in a remote area, where workers had to purchase necessities at inflated prices. Since the workers could not afford the prices, they bought the goods using vouchers representing future wages, thereby, according to the ILO, “turning once independent and relatively well-off farmers into impoverished bonded laborers trapped in an ever-mounting cycle of debt.”

Where indigenous people clash with private sector development projects, the developers almost always win. Decisions regarding development projects, resource-use concessions, and other economic activities generally are carried out without the participation or informed consent of the affected communities. Some NGO’s that sought to aid these communities were subjected to verbal attacks, raids, and other forms of intimidation by government security forces.

Tensions with indigenous people in Irian Jaya continued. Indigenous Irian Jaya residents complain of racism, religious bias, paternalism, and condescension as constant impediments to better relations with non-Irianese people, including members of the Government, the military, and the non-Irianese business community. A large percentage of the population of Irian Jaya consists of migrants, who are economically and politically dominant. Most civil servants in local governments in Irian Jaya and other isolated areas continue to come primarily from other parts of Indonesia, rather than from the local indigenous population. Interethnic tensions flared in Manokwari in late September, when

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indigenous residents objected to the arrival of a boat carrying persons from East Timor and clashed with police at the harbor. The clash caused a crowd to go on a rampage through the town, during which police shot and killed one person, wounded three others, and arrested four. An argument between an indigenous resident in Timika and a shopkeeper from South Sulawesi led to rioting on September 30 and October 1 in which five persons died and eight persons were injured.

Government policy toward Irian Jaya varied between dialog and unilateral measures that evoked opposition from residents of the province. On February 26, President Habibie met with 100 Irianese leaders as part of a "National Dialogue on Irian Jaya" based on terms of reference negotiated by Irianese and government representatives. The Irianese leaders gave the President a statement that the populace of West Papua (Irian Jaya) wished to separate from the Republic of Indonesia. President Habibie asked them to reflect further on their demands. The terms of reference for the national dialog provided for followup workshops on specific aspects of the dialog, but the workshops were not held as scheduled. In late July, 34 of the leaders who met with President Habibie signed a statement of "reflections" responding to the President's request in which they reiterated their desire for independence. In September the Parliament passed a package of laws that divided Irian Jaya into three provinces. When governors were sworn in for the two new provinces, there were very large demonstrations in Jayapura, Biak, Nabire, and Merauke to protest the division. After crowds occupied the governor's office and the provincial legislature, the governor and chairman of the legislature made public statements saying that they agreed with the public's rejection of the division.

When Abdurrahman Wahid became President in late October, he put Vice President Megawati Sukarnoputri in charge of resolving issues related to Irian Jaya along with several other provinces. In late November, the Government announced that it would postpone division of Irian Jaya and would engage in dialog with the province on options for special autonomy. President Wahid went on a 2-day visit, beginning December 31, to the provincial capital, Jayapura, and to Merauke; during his visit Wahid announced that the name of the province would be changed to Papua.

Irianese proindependence demonstrations and protests against government policies occasionally met with harsh responses from the security forces, who shot and killed four persons in separate incidents during the year, and wounded several others (see Sections 1.a. and 1.c.). However, at other times security forces allowed large demonstrations to proceed peacefully, including demonstrations in Jayapura in February and August against past human rights violations, large gatherings in several cities to protest the division of Irian Jaya into three provinces, and peaceful demonstrations around Irian Jaya on December 1 in which persons raised Papuan independence flags (see Section 1.b.). In April the regional police commander from Irian Jaya issued an order banning activity to publicize (through town meetings) the results of the meeting between 100 Irianese leaders and President Habibie. The order also banned the formation of a "West Papua National Youth Committee" or any similar organization, and the establishment of "command posts affiliated with separatist movements." In May police briefly detained and fined 74 persons in Fak Fak for alleged proindependence activity. Police questioned persons in Merauke (in March) and Kaimana (in September) for alleged proindependence activity. Police charged five persons in connection with the raising of an independent Papua flag in Jayapura on July 1. In August there were press reports that, based on a request from the armed forces commander, the Government banned travel outside of the country by five prominent Irianese (Thom Beanal, Reverend Benny Giay, Reverend Herman Awom, Octovianus Mote, and Willem Mandowen) (see Section 2.d.). The Government never officially confirmed the ban. In December police shot and wounded more than

50 demonstrators maintaining a vigil around an independence flag when they refused an order to disperse. One person died later the same day as a result of injuries sustained in the melee caused by the police action. The Free Papua Organization (OPM) abducted persons in May and July, killing four persons in May (see Sections 1.a. and 1.b.).

In early August, KOMNASHAM sent a team to Irian Jaya to conduct a followup investigation of the July 1998 killings when security forces broke up a proindependence demonstration in Biak (see Section 1.a.). On August 25, the Commission issued a statement calling on the Government to create an independent commission to investigate human rights abuses in Irian Jaya, to abandon plans to proceed with the division of Irian Jaya into three provinces, to cancel the travel ban on five Irianese leaders, and to involve the Irianese in correcting policies they consider detrimental. A large foreign mining concession area near Timika continued to draw attention and controversy. In February the Government approved the company's request to increase production of ore to 300,000 tons per day, and the company announced that it would double the royalties that it pays on copper and gold produced in excess of 200,000 tons per day. In mid-September, two members of an international human rights assessment team came to Jakarta for a preliminary planning mission to prepare for an assessment of conditions in the area of the mine. They held meetings with KOMNASHAM and company representatives, then went to Irian Jaya with the intention of meeting with Indonesian team members in Jayapura and Timika. Once they arrived in Jayapura they were questioned by the police and ultimately placed on a plane back to Jayapura under police escort with a deportation order from the regional chief of police (see Section 4). After returning to Jakarta, members of the team met with KOMNASHAM and company management to resolve misunderstandings and prevent recurrence of the problems that occurred in Jayapura. It was agreed that national members of the assessment team would continue preparations for a subsequent visit by the entire assessment team.

## **Religious Minorities**

During the year, there were instances of attacks on churches, temples, and other religious facilities, ranging in nature from minor vandalism to arson. There also were instances of preaching and publications against Christians, which led to concerns that societal support for religious tolerance was under pressure. Christian groups recorded 116 instances of attacks in which churches and other Christian facilities were closed, damaged, or burned during the year. The attacks ranged in severity from broken windowpanes to total destruction. The Government did not resolve fully many cases of attacks on religious facilities and churches that occurred during riots and, in other cases, did not investigate such incidents at all (see Section 2.c.).

Attacks on churches clearly reflect religious tensions, but other contributing factors are underlying socioeconomic and political tensions between poor Muslims and relatively more affluent ethnic Chinese Christians.

Some of the worst interreligious violence erupted in Maluku province in January and continued well into the year, spreading to neighboring islands (notably the Kai island chain). The fighting had both religious and ethnic overtones but principally involved Muslims—both Muslims from the neighboring island of Sulawesi and Ambonese Muslims on one side—and Christians, mostly Protestants, on the other. More than 300 persons died and tens of thousands were displaced by the fighting in the early part of the year (see Section 2.d.). Clashes began in the provincial capital of

Ambon in January, then spread to other islands in the Maluku province. According to some Ambonese, the traditionally good relations between Christians and Muslims were strained due to the arrival of less integrated Muslim newcomers from other parts of the country, who threatened to upset the ethnic balance of the province. Economic competition between the two communities also appeared to play a role in the violence. Extensive damage resulted in Ambon, where houses, shops, and places of worship were burned and violent mobs fought, some armed with spears or machetes.

Throughout the year, citizens were attacked, and in hundreds of cases killed, because of their religious identity in Ambon, Tual, and other parts of Maluku province in the eastern part of the country. According to Christian groups, at least 79 churches were attacked in Maluku during the year. Dozens of mosques also were targeted. As in other instances of interreligious violence, economic tensions between native Christians and Muslims who migrated to Maluku in recent decades were a significant factor. Christian and Muslim communities in Maluku blamed each other for initiating and perpetuating the violence. Exhaustive mediation efforts, including an initiative launched by the military in April, failed to secure a durable peace. Moreover, predominantly Muslim units dispatched from Sulawesi were accused of siding with Muslim vigilantes and using excessive force against Christians. Muslims on Ambon charged that the predominantly Christian police force also was acting with bias.

Muslims are a religious minority in the easternmost province of Irian Jaya. Christian-Muslim tensions in Irian Jaya remain acute. Local sentiment against the efforts of Muslim missionaries to win converts in the predominantly Christian province, as well as resentment of the arrival in the province of mainly Muslim migrants from other parts of the country, has in the past led to attacks on mosques in Irian Jaya. However, there were no reports of attacks on mosques in Irian Jaya during the year.

On April 19, a small bomb exploded in the Mesjid Istiqlal, the country's largest mosque, injuring six persons. An arson attack against a Catholic community center in Ujung Pandang, South Sulawesi early on April 20 reportedly was intended as retaliation for the mosque bombing.

Beginning in January, a series of killings occurred in Ciamis, West Java. While some of the victims were alleged to practice traditional magic, there does not appear to have been a clear connection to that religious tradition as was the case in East Java, where such "black magic" figures were hunted down and killed. In Banyuwangi, East Java, killings of religious mystics by unknown elements, which began in mid-1998, subsequently expanded to include Islamic figures and spread to neighboring districts. Scores of murders occurred. The motives and identities of those behind the killings remain obscure. Associates of the victims criticized the lack of police or military response and said that the attacks were politically motivated.

During the early part of the year in West Kalimantan, fighting broke out between the indigenous population—Dayaks (mostly Christian or animist) and Malayu (mostly Muslim)—who clashed with Madurese migrants (Muslims). Again, ethnic differences and tensions between indigenous people and newcomers appeared to be the source of the conflict, rather than religious differences.

### **National/Racial/Ethnic Minorities**

The Government officially promotes racial and ethnic tolerance. Ethnic Chinese, at approximately 3 percent of the population—by far the largest nonindigenous minority group—historically have

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played a major role in the economy. In 1998 anti-Chinese sentiment led to serious and widespread attacks on Chinese-owned businesses. During the year, the Government failed to followup on the recommendations of an officially sanctioned factfinding team commissioned to investigate the civil unrest that struck Jakarta and other cities in May 1998 (see Sections 1.a., 1.c., and 4). The team's report, issued in November 1998, found evidence that some elements of the military may have been involved in provoking the violence, which included attacks against Sino-Indonesian women, and urged further investigation of the matter. At least 85 instances of violence against women, including 66 rapes during the 1998 riots were verified. The majority of the victims were ethnic Chinese.

Racially motivated attacks against ethnic Chinese citizens dropped sharply during the year, although Sino-Indonesians continued to report instances of discrimination.

Since 1959 noncitizen ethnic Chinese have been denied the right to run businesses in rural areas. Regulations prohibit the operation of Chinese schools, formation of exclusively Chinese cultural groups or trade associations, and public display of Chinese characters, although Chinese characters are seen on some products. The Government permits the publication of a government-owned, Chinese-language daily newspaper, but otherwise legislation bans the import, sale or distribution of Chinese-language material (see Sections 1.f. and 2.a.). However, Chinese-language materials have begun to appear with greater frequency in Chinese neighborhoods in Jakarta and other cities. Since 1994 the Government has allowed Chinese-language instruction for employees in the tourism industry, and has allowed distribution of locally printed Chinese-language tourist brochures, programs, and similar material to Chinese speaking tourists.

Private instruction in Chinese generally is prohibited but takes place to a limited extent. The University of Indonesia offers Chinese-language courses. State universities have informal quotas that limit the number of ethnic Chinese students. The law forbids the celebration of the Chinese New Year in temples or public places, but enforcement is limited. Chinese New Year decorations were displayed prominently and sold in public shopping areas in at least a few cities. Senior officials previously had shown reluctance to relax the ban on Chinese-language publications, citing concerns that such an action could promote interracial tensions.

Indigenous residents of Irian Jaya and various human rights groups charge that the Irianese are underrepresented in the civil service in that province. The Government has made some efforts to recruit more civil servants in Irian Jaya, and there has been some increase in the number of civil servant trainees for this province, despite a "no growth" policy for the civil service as a whole. During the pre-consultation period in East Timor, some prointegration militia groups asserted that persons of mixed Timorese-Portuguese blood (which include prominent proindependence leaders like Mario Carrascalao), should be expelled from East Timor (see Sections 1.a., 1.b., 1.c., 1.d., 2.d., and 3).

## SECTION 6

### WORKER RIGHTS

#### a. The Right of Association

Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect their representatives. In June 1998, the Government issued a new regulation on the registration of workers' organizations. The 1998 regulation eliminated numerical and other requirements that previously were a barrier to union registration. It provided for registration of unions at the factory, district, provincial, and national level and allowed unions to form federations and confederations. The regulation prohibited unions based on political orientation, religion, gender, or ethnic groups. The Department of Manpower issued a new registration regulation in September that eliminates this prohibition but requires that unions be open to all persons without reference to political orientation, religion, ethnicity, or gender. Under these registration regulation, at least 20 new or previously unrecognized unions have notified the Department of Manpower of their existence since 1998, and thousands of workplace-level units have registered with the Department of Manpower, although some unions have complained of difficulty in registering their workplace units.

The Federation of All-Indonesian Trade Unions (SPSI), which was formed by the fusion (under the Government's direction) of existing labor organizations in 1973, is the oldest trade union organization. The head of the SPSI and many members of the executive council also are members of the Golkar political organization and its constituent functional groups. In August 1998, the SPSI leadership split over the issue of reforming the Federation's structure. Following the split, the Department of Manpower stated that it would no longer intervene in organizational disputes within trade unions or provide guidance to any unions.

Under the Law on Manpower Affairs enacted in October 1997, workers may form unions on the basis of "democratic consultation" with other workers in the same company and may join with other unions to form sectoral and intersectoral federations. The law was scheduled to take effect on October 1, but in October 1998 Parliament amended it to postpone implementation until October 1, 2000 to allow time for revision, consultation with concerned groups, and preparation of implementing regulations.

Although, as with other mass organizations, the Government may dissolve a union if it believes that the union is acting against Pancasila, it has never done so and there are no laws or regulations specifying procedures for union dissolution.

The Minister of Home Affairs announced during the early part of the year that civil servants no longer would be required to belong to KORPRI, a nonunion association. Employees of several government departments announced that they would form their own employee associations, and union organizations began to seek members among civil servants. Unions also are seeking to organize state-owned enterprise (SOE) employees, defined to include those working in enterprises in which the State has a 5-percent holding or greater, although they have encountered some resistance from enterprise management and the legal basis for registering unions in SOE's remains unclear. Teachers must belong to the Teachers' Association (PGRI). While technically classified as a union, the PGRI continues to function more as a welfare organization and does not appear to have engaged in trade union activities such as collective bargaining. Mandatory PGRI contributions are deducted automatically from teachers' salaries.

The Government announced late in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more persons of all organizations outside offices or normal work sites. However, in practice this regulation continues to apply to union meetings. Permission routinely was given to the faction of the SPSI that retains strong links to the Golkar party leadership, but other labor organizations claim that local civilian and security officials on a number of occasions have discouraged or denied permission to their gatherings.

In 1994 the International Confederation of Free Trade Unions lodged a formal complaint against the country with the ILO, accusing the Government of denying workers the right to set up unions of their own choosing, harassing independent workers' organizations, and of taking other actions contrary to ILO standards on freedom of association and the right to collective bargaining. In June the ILO Committee on Freedom of Association noted that a series of measures taken by the authorities over the past year had constitute "significant progress" with regard to freedom of association.

While Pancasila principles call for labor-management differences to be settled by consensus, all organized workers except civil servants have the legal right to strike. State enterprise employees and teachers rarely exercise this right, but private sector strikes are frequent. Before a strike legally can occur in the private sector, the law requires intensive mediation by the Department of Manpower and prior notice of the intent to strike. However, no approval is required. In practice, dispute settlement procedures rarely are followed, and formal notice of the intent to strike rarely is given because Department of Manpower procedures are slow and have little credibility with workers. Therefore, sudden strikes tend to result from longstanding grievances, attempts by employers to prevent the formation of union branches, or denial of legally mandated benefits or rights. The Government has stated that it would address strike procedures and industrial dispute resolution in revising the 1997 Law on Manpower Affairs and in new legislation on dispute resolution.

On January 5, as part of a rash of strikes and demonstrations in Surabaya against soaring inflation, approximately 4,000 utility workers blocked a major artery for 4.5 hours before dispersing. The largest strike involved an estimated 25,000 workers during a 2-week strike in February at a Surabaya manufacturing company over allowances for food, transportation, and attendance. According to press reports, security forces used tear gas, water canon, and rubber bullets after strikers threw

stones at factory offices and nearby buildings. The strike was settled after company management agreed to an increase in allowances. In March security forces fired rubber bullets at striking workers at a plywood factory in Central Java after workers threw stones at company buildings, according to press reports. Eight workers were hospitalized with gunshot wounds. On May 25, an estimated 2,000 striking workers from a factory in the Tangerang industrial suburb of Jakarta blocked the main toll road west of Jakarta for several hours. The workers sought to dramatize their demands for an increase in pay and allowances and an end to sexual harassment of female workers. In July up to 9,000 contract employees at a Caltex oil well complex in Sumatra went on strike over having been kept on permanent contract status. Police broke up their strike by shooting rubber bullets. Strikers stoned company offices and damaged structures. The strike was settled in August. A similar strike at an oil facility in East Kalimantan in October was resolved peacefully.

For the first time in 3 years, the approach of the December Idul Fitri holiday, when required annual bonuses are paid (or sometimes not paid) caused a wave of strikes in the Jakarta area. Company and union representatives attribute the return of this “strike season” to the proliferation of unions, more confrontational and coordinated tactics by worker representatives, and a slightly improved economic climate that affords workers in some industries a measure of job security. A further complicating factor is the lack of clear rules for handling jurisdictional disputes among unions. Some of the strikes turned violent, resulting in property damage.

According to Human Rights Watch, on February 8 police arrested Endang Suparmono in Palembang, South Sumatra. Endang helped organize shrimp farmers from the village of Bumi Pratama Mandira in Ogan Komering Ilir, South Sumatra.

Dita Indah Sari, head of the center for the struggle of Indonesian Workers (PPBI), Labor Wing of the People’s Democratic Party (PRD), was released from the Tangerang Women’s Prison in July. Dita initially was jailed in June 1996. In 1997 Dita was charged with subversion and given a 5-year sentence. The anti-Subversion law under which she was convicted was repealed in April (see Section 1.e.).

The SPSI maintains international contacts but its only international trade union affiliation as a federation is with the Association of Southeast Asian Nations Trade Union Council. Some of the SPSI’s federated sectoral unions are members of international trade secretariats. The independent Indonesian Prosperity Trade Union (SBSI) is affiliated with the World Confederation of Labor and some international trade union secretariats.

## **B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY**

Collective bargaining is provided for by law, and the Department of Manpower promotes it within the context of the national ideology, Pancasila. Until 1994 only recognized trade unions—the SPSI and its components—could engage legally in collective bargaining. By issuing new regulations on union registration in 1998 and September, the Government made it possible for new workers’ organizations that register with the Government to conclude legally binding agreements with employers. Under the union registration regulation signed in September, if there is more than one union represented in a company, a union or coalition of unions must have the support of a majority of workers in order to bargain or negotiate on their behalf.

In companies without unions, the Government discourages workers from utilizing nongovernment outside assistance, e.g., during consultations with employers over company regulations. Instead, the Department of Manpower prefers that workers seek its assistance and believes that its role is to protect workers. However, there are credible reports that for many companies, consultations are perfunctory at best and usually only occur with management-selected workers; there also are credible reports to the contrary from foreign companies. According to government statistics, approximately 80 percent of the factory-level SPSI units have collective bargaining agreements. The degree to which these agreements are negotiated freely between unions and management without government interference varies. By regulation negotiations must be concluded within 30 days or be submitted to the Department of Manpower for mediation and conciliation or arbitration. Most negotiations are concluded within the 30-day period. Agreements are for 2 years and can be extended for 1 year.

According to NGO's involved in labor issues, in current practice the provisions of collective bargaining agreements rarely go beyond the legal minimum standards established by the Government, and the agreements often merely are presented to worker representatives for signing rather than being negotiated. Although government regulations prohibit employers from discriminating against or harassing employees because of union membership, there are credible reports from union officials of employer retribution against union organizers, including firing, which is not prevented effectively or remedied in practice. Some employers reportedly have warned their employees against contact with union organizers. The SBSI documented 30 cases during the year in which companies violated their workers' right to organize by intimidating, punishing, or firing SBSI members because of their affiliation with the union or because they sought to organize SBSI units within their factories—a problem other labor organizations and activists have encountered in trying to form unions.

Regional and national labor dispute resolution committees adjudicate charges of antiunion discrimination, and their decisions can be appealed to the State Administrative Court. In September 1997, the State Administrative Court reversed a National Labor Dispute Resolution Board ruling that ordered the Hong Kong Bank to reinstate 166 union members who went on strike, despite government regulations making it illegal to fire workers solely for striking or other union activity. Decisions such as this lead many union members to believe that the dispute resolution committees generally side with employers. As a result, workers frequently present their grievances directly to the National Human Rights Commission, Parliament, and NGO's. Administrative decisions in favor of dismissed workers tend to be monetary awards; workers rarely are reinstated. The law requires that employers obtain the approval of the Labor Dispute Resolution Committee before firing workers, but the law often is ignored in practice.

Commenting on antiunion discrimination and restrictions on the right to organize and bargain collectively, the ILO's Committee of Experts on the Application of Conventions and Recommendations in June 1998 expressed the hope that the Government would take the necessary measures in the very near future to bring its legislation, including the 1997 Manpower Law, into conformity with ILO Convention 98 on the right to organize and bargain collectively.

In 1996 the Minister of Manpower issued a new regulation permitting unions affiliated with the SPSI to collect union dues directly through the checkoff system, rather than having the Department of Manpower collect dues and transfer them to the SPSI. Implementation of this system remains uneven, but labor observers generally believe that it has given more power to factory-level union units where the checkoff system is practiced. Union officials at SPSI headquarters stated that not all local branches of the unions send a portion of dues collected to regional and central headquarters

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as provided in the SPSI's bylaws.

A 1990 decree giving the BAKORSTANAS authority to intervene in strikes in the interest of political and social stability remains in effect. The police, as well as the military, continue to be involved in labor matters, although since the mid-1990's there has been a shift from open intervention and demonstrations of force by uniformed troops to less visible measures. On several occasions security forces fired on striking workers when strikes or workers' demonstrations became unruly (see Section 6.a.). In March according to NGO sources, police arrested 17 workers and SBSI union representatives for planning a strike at a tire factory in Tangerang, and beat an SBSI official during interrogation. At year's end, two SBSI officials were on trial for "inciting" workers at the factory. The SBSI documented eight other cases of police or military interference in labor matters during the year; three SBSI activists involved in these cases were under police detention at year's end (see Section 1.e.). In April police in Surabaya detained three members of the SPSI-Reformasi-affiliated Textile, Garment, and Footwear Workers Union for more than a week after a series of strikes at a textile factory. However, the most common form of military involvement in labor matters, according to union and NGO representatives, is a longstanding pattern of collusion between police and military personnel and employers, which usually takes the form of intimidation of workers by security personnel in civilian dress. The military also employs baiting tactics: infiltrating workers' ranks and encouraging protest or worker actions, sometimes attempting to provoke a violent worker action, to which the military then forcefully responds. Employer and union representatives also have complained about the "invisible costs" of corruption, which they and others estimate constitute up to 30 percent of a company's expenses.

Labor law applies in export processing zones (EPZ's) as in the rest of the country, although nongovernmental observers believe that in practice enforcement of laws in EPZ's is weaker. There are seven EPZ's in the country. Batam Island, near Singapore, is the largest.

### **c. Prohibition of Forced or Compulsory Labor**

The law prohibits forced labor, including forced and bonded labor by children, and the Government generally enforces it; however, forced and bonded labor by children remains a problem, and there also were instances of debt bondage of adults. There are credible reports that several thousand children are forced to work on fishing platforms ("jermals") off the east coast of North Sumatra in conditions of bonded labor (see Sections 6.d. and 6.f.). Most are recruited from farming communities, and once they arrive at the work site, miles offshore, they are held as virtual prisoners and are not permitted to leave for at least 3 months or until a replacement worker can be found.

The children receive average monthly wages of \$17 to \$32 (119,000 to 224,000 Rp), well below the regional minimum wage. They live in isolation on the sea, work 12 to 20 hours per day in often dangerous conditions, and sleep in the workspace with no access to sanitary facilities. There are reports of physical, verbal, and sexual abuse of such children. In November 1997, the Department of Manpower issued a circular letter having the force of law that prohibits the hiring of persons under the age of 14 on fishing platforms. In April the Government ratified ILO Convention 105 on Forced Labor. The Government stopped issuing permits to build new jermals, and announced plans to physically remove children from the jermals and provide them with educational and economic alternatives (see Sections 6.d. and 6.f.). Jermals operate under the paid protection of national naval vessels; reportedly, the navy has a financial interest in some jermals. The program

yielded modest success by year's end.

In East Kalimantan a logging company reportedly traps Dayak laborers in a cycle of debt and turns them into bonded laborers (see Section 5). The TNI-supported militias (the Aitarak) in East Timor kept women as sex slaves in their Dili headquarters (see Sections 1.c., 2.d., 5, and 6.f.).

#### **d. Status of Child Labor Practices and Minimum Age for Employment**

Labor law prohibits children under the age of 15 from working more than 4 hours per day; however, government enforcement of child labor laws is weak or nonexistent. With one exception, there were no domestic efforts of significance to strengthen enforcement during the year. Up to 2.5 million children meet or exceed this daily limit, especially in the informal sector.

Indonesia signed a memorandum of understanding with the ILO in 1992 to guide collaboration under the ILO's International Program on the Elimination of Child Labor (IPEC). The Government and the ILO signed another memorandum of understanding on child labor in March 1997, committing both parties to "promote conditions to enable the Government to protect working children and progressively prohibit, restrict and regulate child labor with a view to its ultimate elimination." In April the Government ratified ILO Convention 111 on discrimination, and Convention 138, which established a minimum working age of 15. Ratification of Convention 138 was a major step forward in that it formalized the Government's commitment to the principle of restricting child labor; however, the impact of ratification was not felt by year's end, as most children continued to work in unregulated environments. Although the ILO has sponsored training of labor inspectors on child labor matters under the IPEC program, enforcement remains lax.

The Government acknowledges that there is a class of children who must work for socioeconomic reasons, and in 1987 the Minister of Manpower issued a regulation on "Protection of Children Forced To Work." This regulation legalized the employment of children under the age of 14 who must work to contribute to the income of their families. It required parental consent, prohibits dangerous or difficult work, limits work to 4 hours daily, and requires employers to report the number of children working under its provisions. It did not set a minimum age for children in this category, effectively superseding the colonial-era government ordinance of 1925 on "Measures Limiting Child Labor and Nightwork of Women." Both regulations presumably were superseded by the ratification of ILO Convention 138.

The Government prohibits forced and bonded labor by children, but does not enforce this prohibition effectively (see Section 6.c.).

The 1997 Manpower Law prohibited employers from hiring children under the age of 15; however, employers may hire children who are forced for economic reasons to work. The Manpower Law currently is undergoing revisions. The 1997 law stated that adolescents (ages 15 to 17) cannot work during certain hours of the night, below ground, in mines, or in jobs that would have an adverse effect on morality, such as in entertainment facilities. Employers, especially in the informal sector have long flouted labor law as it pertains to children. This practice has increased since the economic crisis struck in 1997.

According to government labor force data, most working children work in the agricultural sector, although the number of working children in urban areas has risen significantly with urbanization. A prominent NGO estimated in 1998 that 1.92 million children worked more than 4 hours per day. Of this number, 1.67 million worked in rural areas and 249,000 worked in urban areas. According to the NGO's estimates, boy workers outnumbered girl workers in the rural areas: 1.01 million boys worked and 662,000 girls worked. By contrast, girls outnumbered boys in the urban areas: 119,402 boys worked and 130,000 girls worked.

More child laborers work in the informal sector than the formal sector. Where children work in the formal sector, such work tends to occur on the border line between the informal and formal economies, such as alongside their parents in home enterprises and on plantations, and in family-owned shops and small factories, particularly those that are satellites of large industries. There are children working in large factories, although the number is unknown, especially since documents verifying age are falsified easily. In the informal sector, children sell newspapers, shine shoes, help to park or watch cars, and otherwise earn money. Many children work in hazardous conditions as scavengers and garbage pickers, and on fishing platforms and fishing boats.

In February after years of negative publicity, the Government launched an initiative to eliminate child labor on fishing platforms off the coast of North Sumatra (see Sections 6.c. and 6.f.). In the past, NGO's had estimated that up to 3,000 children worked on the isolated platforms, known as "jermals" under inhumane and dangerous conditions. Children working on jermals performed exhausting and dangerous work for low pay. They are isolated from families and peers, and may be subject to physical and sexual abuse. As part of the initiative launched in February, the Government stopped issuing permits to build new jermals, and announced plans to remove physically children from the jermals and provide the children with educational and economic alternatives. Toward year's end, the program had yielded some modest success. NGO's reported that at least 150 children had been removed from jermals, but the program lacked funding to provide all of the children with sustainable alternatives on shore; thousands more still work on the jermals, and the active kidnaping/recruiting still is continuing, i.e., the system remains in place and is functioning.

Many domestic workers are female children under the age of 15. Although accurate figures are unavailable, estimates put the number of child domestic workers at up to 1.5 million. Observers agree that this number increased in 1998 as a result of the economic crisis. A survey done in 1995 revealed that these children work long hours, receive low pay, generally are unaware of their rights, and often are far from their families.

A 1994 law raised compulsory education from 6 to 9 years, but the law has not been implemented fully due to inadequate school facilities and lack of family financial resources to support children staying in school. One prominent NGO reported that 8 million children had dropped out of primary school after the economic crisis began in 1997. Some employers hire children because they are easier than adults to manage and tend not to organize or make demands on employers. Children working in factories usually work the same number of hours as adults. Children work in the rattan and wood furniture industries, the garment industry, the footwear industry, food processing, toy making, and small mining operations, among others.

## **e. Acceptable Conditions of Work**

There is no national minimum wage. Rather, area wage councils working under the supervision of the National Wage Council establish minimum wages for regions and basic needs figures for each province—a monetary amount considered sufficient to enable a single worker to meet the basic needs of nutrition, clothing, and shelter. The Government increased the average minimum wage 70 percent (when adjusted for inflation) between 1992 and 1997. However, the high inflation rate in 1998 depressed sharply the purchasing power of the minimum wage, and it is not sufficient to meet the government-determined “minimum living need” for a single person, much less a family. After the latest minimum wage increases in April, which averaged 16 percent nationwide, the average minimum wage was equal to 70 percent of the government-determined “minimum living need” for a single person, down from 95 percent in 1997. In Jakarta the monthly minimum wage is about \$33 (231,000 Rp). There are no reliable statistics on the number of employers paying at least the minimum wage. Independent observers’ estimates range between 30 and 60 percent. Enforcement of minimum wage and other labor regulations remains inadequate, and sanctions are light, although the new Manpower Law increased penalties for not paying the minimum wage from about \$14 (100,000 Rp) to \$28,600 (200,000,000 Rp). According to government figures, 38 companies applied for relief from the minimum wage increases on the ground that they would otherwise close. The Department of Manpower granted 2 of the applications and denied the other 36 requests.

Labor law and ministerial regulations provide workers with a variety of other benefits, such as social security, and workers in more modern facilities often receive health benefits, free meals, and transportation. The law establishes 7- or 8-hour workdays and a 40-hour workweek, with one 30-minute rest period for each 4 hours of work. The law also requires 1 day of rest weekly. The daily overtime rate is 1.5 times the normal hourly rate for the first hour, and 2 times the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower and with the agreement of the employee. Workers in industries that produce retail goods for export frequently work overtime to fulfill contract quotas. Observance of laws regulating benefits and labor standards varies from sector to sector and by region. Employer violations of legal requirements are fairly common and often result in strikes and employee protests. The Department of Manpower continues publicly to urge employers to comply with the law. However, in general, government enforcement and supervision of labor standards are weak.

Both law and regulations provide for minimum standards of industrial health and safety. In January 1997, the Government announced a new occupational safety and health management system under which companies with more than 100 employees could obtain public recognition of their compliance with safety and health standards by submitting to a safety audit procedure. In the largely Western-operated oil sector, safety and health programs function reasonably well. However, in the country’s 100,000 larger registered companies outside the oil sector, the quality of occupational health and safety programs varies greatly. The enforcement of health and safety standards is hampered severely by the limited number of qualified Department of Manpower inspectors, as well as by the low level of employee appreciation for sound health and safety practices. Allegations of corruption on the part of inspectors are common. Workers are obligated to report hazardous working conditions. Employers are forbidden by law from retaliating against those who do, but the law is not enforced effectively. As a result, workers who remove themselves from hazardous working conditions may risk loss of employment.

## **f. Trafficking in Persons**

The country is a source, transit point, and destination for trafficked women and children for the purpose of prostitution and sometimes for forced labor.

There are credible reports of trafficking in women and of temporary “contract marriages” with foreigners in certain areas, such as Kalimantan and Sumatra, though the extent of this practice is unclear. These marriages are not considered legal, and the children born from them are considered born out of wedlock. Prostitution is widespread. Official statistics show 75,106 registered prostitutes in 1999, up from 72,000 in 1995. NGO’s estimate that there may be as many as 650,000 prostitutes in the country. While an increase in prostitution since the economic crisis has not been documented thoroughly, the sex trade is widely believed to have increased sharply as women hurt by the economic crisis seek means of support for their families.

Prostitution rackets are known to engage in internal trafficking of women, some of whom may be minors, in different regions of the country. One tactic commonly employed is to offer young women in rural areas jobs as “waitresses” in distant regions, typically at island resorts. Only when the new recruits arrive at the site do they learn that they have been recruited as sex workers. In some instances, women are held forcibly at the brothels or are prevented from leaving the island. In other cases, in the absence of travel funds, and facing other economic pressures, the women find no option other than to accept the work. Islands in Riau province such as Tandjung Balai, just southwest of Singapore, have been identified as centers of prostitution, attracting an international clientele. In June police uncovered a syndicate involved in trafficking young women, many below age 18, to work in brothels on islands in Riau province. However, the domestic sex industry is not limited to Riau province.

Although reliable nationwide statistics are not available, NGO findings indicate a growth trend in child prostitution and sexual exploitation. An ILO study on prostitution in Southeast Asia released in August 1998 estimated that the country’s sex industry makes up 0.8 to 2.4 percent of the country’s GDP. Instances of families in rural areas of Java and Sumatra being forced by economic circumstances to “sell” their daughters to local men continued to be reported. In July children’s advocates warned of an increase in the number of teenage girls working as prostitutes in Surabaya, East Java. The increase, experts claimed, was related primarily to the economic downturn, but also to an increase in demand for young sex workers. NGO’s report that the brothels in these locations thrive on customers from Singapore and Malaysia. There were numerous international media reports that over 40 East Timorese children were flown from refugee camps in West Timor and possibly others for the domestic sex trade. The TNI-supported militias (the Aitarak) in East Timor kept women as sex slaves in their Dili headquarters (see Sections 1.c., 2.d., 5, and 6.c.).

NGO’s and the media report that women and girls are trafficked to Malaysia (particularly to Sabah and Borneo), Taiwan, and Japan as sex workers. In addition some government officials believe that women are trafficked as prostitutes to Saudi Arabia. However, little is known about trafficking methods used to transport sex workers overseas, and there is very little data available on the extent of the phenomenon. Trafficking in children for forced labor, particularly onto “jermals” (fishing platforms) off the coast of North Sumatra, is an extensive problem (see Sections

6.c. and 6.d.).

Hundreds of thousands of women are exported abroad to work as domestic servants. Importing countries include Singapore, Hong Kong, and the Arabian Gulf states. In numerous cases, these women may be subjected to a process fitting common definitions of trafficking. Women recruited as domestic servants for export sometimes are abused and held against their will by recruiting agencies even before they depart the country. Late payment and lower than expected salaries are the most common complaints among women working abroad, but complaints about extreme working conditions and severe physical and sexual abuse also are common. The Government, prompted by negative publicity and NGO efforts, has taken steps to improve practices at home and to step up consular protection for citizens working abroad; however, many women remain vulnerable. In contrast to NGO assertions, a consortium of labor recruiters insists that horror stories are the exception rather than the rule.

Some government agencies, as well as local and international NGO's, are involved in combating trafficking in women and children, in its various forms; however, corrupt government officials, both at the policy level and at the working level, historically have contributed to the process. With regard to internal trafficking and the sex trade, government responses have been sporadic and localized. In a well-published incident in October 1998, more than 100 young women from West Java were rescued by authorities after having been recruited under false pretenses, and forced to work on an island in Riau province, just south of Singapore. This rescue was initiated by police in West Java, acting on complaints from the young women's families, and carried out in cooperation with authorities in Riau. Nonetheless, the sex industry continues to flourish on Tanjung Balai and other resort islands in Riau province, relying at least in part on coercive recruitment practices. There are no reports of recent national law enforcement or policy initiatives to address the internal sex trade in a comprehensive manner. Government efforts to combat the problem are sporadic, relatively small-scale, and of limited effectiveness. NGO's allege that there still is considerable reluctance to acknowledge, both within the country at large and within the Government, that prostitution is a major industry.

Domestic NGO's lead the fight in monitoring and prevention efforts. At least a dozen NGO's generally are active in combating trafficking in persons. The Indonesian Women's Association for Justice (APIK) facilitates public awareness programs in Jakarta to sensitize young women to the dangers of trafficking. The Indonesian Child Advocacy Foundation (LAAI) and the City Social Worker Group (KKSP) advocate on the specific case of child employment on jermal fishing platforms in North Sumatra. Mitra Perempuan operates a hot line to record and help abused women. The Indonesian Child Welfare Foundation (YKAI) issues anecdotal reports on trafficking occurrences.

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