

Indonesian generals display contempt for East Timor trials

By Luciano Fernandez and Peter Symonds
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If the trial in Jakarta of soldiers and civilian officials accused of atrocities in East Timor has revealed anything so far, it is the increasing brazenness with which the Indonesian generals are reasserting their political influence and displaying their contempt for the legal process and basic democratic rights.

The long-delayed trial opened on March 14. The two top defendants are East Timor's former governor Abilio Jose Osorio Soares and police chief Timbul Silaen, who are accused of sanctioning gross human rights violations by their subordinates before and after the August 1999 referendum on secession from Indonesia. The 16 others facing charges include pro-Indonesian militia leader Eurico Guterres and junior army, police and civilian officials who are directly implicated in the murder of pro-independence supporters.

Even before the proceedings began, however, it was clear that the trial was being staged largely for show rather than to bring those responsible for the rampages in East Timor to justice. None of the military top brass, including former armed forces (TNI) chief General Wiranto, are being charged even though there is mounting evidence of their direct involvement.

Moreover, the scope of the special tribunal is limited by a decree signed by President Megawati Sukarnoputri shortly after she took office last July with the support of the generals. The court's jurisdiction is strictly limited to human rights abuses that occurred in April 1999 and September 1999, and only in three of East Timor's 13 districts. The specific attacks include the killing of at least 22 people in a church in Liquica, 12 at the home of independence supporter Manuel Carrascalao, 46 in the diocese of Dili, 10 at the residence of Bishop Carlos Belo and a further 25 at a church in Suai.

These murders were simply the most public outrages in a campaign by pro-Indonesian militia, openly backed by the Indonesian military and civilian officials, which resulted in hundreds of deaths as well as the destruction of buildings and a flood of refugees into West Timor. Recently leaked Australian intelligence documents based on intercepted telephone conversations between Jakarta and Dili indicate that the militia attacks were organised at the very top levels of the Indonesian military and government.

The contemptuous attitude of the military chiefs to the trial was evident from the start. Just days after proceedings began, a

contingent of the TNI top brass, including armed forces chief Admiral Widodo Adiscripto, army chief-of-staff General Endriatono Sutarto, his deputy General Kiki Syahnakri and General Syafrie Syamsuddin appeared in court in an open display of support for the defendants.

And if the generals' presence was not enough, Admiral Widodo spelt out the message explicitly to a press conference outside the court. While claiming to have "no intention of meddling with the legal process, as I want the trial to proceed fairly," Widodo said he wished to offer "moral support for what they [the officers on trial] did out there, which reflects the awareness of their duty to the country." In other words, whatever the accused officers did, they were only carrying out their responsibilities and should be freed.

Clearly, the military show of force in the courtroom was aimed at intimidating the three judges presiding over the case. Further such displays have followed. Some 30 officers packed the courtroom on April 1 to demonstrate their backing for the accused. Outside the building about 100 supporters of militia leader Guterres shouted slogans of support for the Indonesian military and police in East Timor.

On April 4, General Wiranto appeared in court, not as a defendant but as a witness. He defended the role of the military in East Timor claiming his troops had been given a "mission impossible" to keep the peace during the 1999 referendum. He praised the military and police for enabling the vote to proceed "without a major war." Wiranto was sacked as TNI chief in early 2000 after the Indonesian National Commission on Human Rights recommended that Jakarta's generals should be held responsible for the atrocities in East Timor.

The legal defence follows similar lines. In a bid to avoid answering the specific accusations, lawyers for the accused have argued that the court itself is unconstitutional and therefore has no power to hear the charges. The legal team for Soares has sought a review by the Peoples Consultative Assembly of the retroactive clause of the rights tribunal law which they claim contradicts a constitutional amendment forbidding prosecution for past crimes.

The fact that the military high command has issued what amounts to an open challenge to the court is not surprising. If the case proceeds and the accused are found guilty, it could fuel

demands for further prosecutions, including of the top generals and not only over East Timor. The TNI is yet to answer for any of its brutal crimes going back to the 1965-66 US-backed military coup that brought Suharto to power and unleashed the genocide of an estimated 500,000 workers, peasants and Indonesian Communist Party (PKI) supporters.

But the brazen way in which the top brass marched into court and threw their weight around does require some explanation. Four years ago, after the fall of Suharto in May 1998, the military was on the defensive. The generals were compelled to take a political back seat, to relinquish some of their positions and to pledge to carry out “reforms” in the armed services.

The chief role in enabling the military to refashion its image has been played by the so-called reformers—Abdurrahman Wahid, who was selected by parliament as president in October 1999, and Megawati Sukarnoputri who ousted him in July 2001 after a drawn-out and factional impeachment process. Both conceded the military considerable power—unelected armed forces representatives continue to sit in parliament and hold the main security portfolios in cabinet. In the case of Wahid, the military hierarchy openly flouted his policy and even his direct orders, regarding separatist movements in Aceh and West Papua.

Significantly, Megawati has said nothing about Widodo’s statement. The reaction would be unlikely to be the same if such an open display of support was made in the murder case against Suharto’s son, Tommy, or the corruption trial of the parliamentary speaker Akbar Tandjung. The purpose of these two trials against civilian figures is to send a clear message to international investors that the Suharto era’s corrupt practices are being ended.

However, Megawati cannot afford to make an example of the TNI chiefs, who were instrumental in her ousting of Wahid. In the crucial days leading up to his removal, Wahid declared the impeachment process was unconstitutional and threatened to declare a state of national emergency. The military hierarchy bluntly told Wahid that it would not carry out his orders, thus clearing the way for parliament to convene and impeach him.

Not only is Megawati politically beholden to the military, but she shares its view that all methods, including outright repression, are legitimate in preventing other provinces such as Aceh and West Papua from following East Timor’s example. As vice-president under Wahid, she opposed attempts to negotiate with secessionist movements and supported the military’s demands for a crackdown.

The East Timor trials have gone ahead mainly because the Indonesian armed forces are keen to reestablish close ties with the US military. Following the atrocities in East Timor in 1999, the US Congress imposed a ban on US military assistance to Indonesia until those responsible were brought to court. The present trials were only even intended as a cosmetic measure aimed at formally meeting international demands for action.

If the generals are now boldly striding into court and showing

their backing for the accused, it is because they sense a shift in the political winds in Washington. Following the installation of Bush as president, and particularly after the September 11 attacks on the US, the Pentagon has been pressing for the resumption of close relations with the Indonesian military. US troops have visited Jakarta to take part in “humanitarian projects” and money allocated for “fighting terrorism” has been tagged for Indonesia. In fact, everything has been done short of openly flouting the Congressional ban.

The military chiefs in Jakarta have to play their cards cautiously. An open embrace of the US would risk setting off protests as broad layers of the largely Muslim population are critical of or openly oppose US aggression in Afghanistan and its support of Sharon’s actions in the Middle East. At the same time, however, the TNI hierarchy understands that the East Timor trials are no longer essential for the reestablishment of links to the US military and are acting accordingly.

The TNI’s aggressive assertion of its interests is underscored by several other incidents.

* On March 4, the armed forces provocatively appointed General Syafrie Syamsuddin as its chief spokesman. He is implicated in the East Timor rampages and also in the deliberate shooting of four students who were demonstrating against Suharto outside Trisakti University in Jakarta in May 1998. The incident provoked widespread protests and a riot in which an estimated 1,000 people were killed. Syamsuddin was the Jakarta military commander at the time.

* On March 17, just days after the start of the East Timor trial, the government effectively banned Australian journalist Lindsay Murdoch by failing to renew his working visa. While no official explanation was given, Murdoch has written a number of articles critical of the Indonesian military’s actions in East Timor, Aceh and elsewhere. Moreover, he is employed by the *Sydney Morning Herald*, the newspaper that leaked Australian intelligence intercepts implicating the top Indonesian generals in the East Timor murders.

Four years after Suharto’s fall, the Indonesian military obviously feels that once again it can act with impunity.

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