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## 1999 Country Reports on Human Rights Practices

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### INDONESIA

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.

## **RESPECT FOR HUMAN RIGHTS**

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 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 Muliang 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 Sections 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 Gatotkaca, 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 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 eventually were 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

kidnapings 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.

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 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 virtually is 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 6½ 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 Acehese 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 Acehese 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 (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).

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 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 British Broadcasting Company'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 (see Sections 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 Right of Citizens 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 Acehnese 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).

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