

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

REPORT ON
INDONESIA

MAY 2002

U. S. Commission on International Religious Freedom
800 North Capitol Street, NW
Suite 790
Washington, DC 20002
202-523-3240
202-523-5020 (fax)
www.uscirf.gov

United States Commission on International Religious Freedom

Michael K. Young
Chair

Felice Gaer
Executive Committee

The Honorable Charles R. Stith
Executive Committee

Firuz Kazemzadeh

Richard D. Land

Bishop William F. Murphy

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May 2002

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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 2002

The PRESIDENT

The White House

DEAR MR. PRESIDENT: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Indonesia, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss this Report, and the policy recommendations the Commission makes in it, with you.

Sincerely,

MICHAEL K. YOUNG
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 2002

Hon. COLIN POWELL

Secretary of State

Department of State

DEAR MR. SECRETARY: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Indonesia, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 2002

Hon. DENNIS HASTERT

Speaker of the House

U.S. House of Representatives

DEAR MR. SPEAKER: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Indonesia, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 2002

Hon. ROBERT C. BYRD

President Pro Tempore

U.S. Senate

DEAR MR. BYRD: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Indonesia, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

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MICHAEL K. YOUNG

Chair

Enclosure

INDONESIA

A. Introduction

Indonesia is a country in major transition. After 40 years of authoritarian rule, a fledgling democratic system has yet fully to take root. The country's first post-authoritarian president, Abdurrahman Wahid, was impeached after two years by the parliament on the grounds of incompetence and replaced by Megawati Sukarnoputri in July 2001. The economy, imbued with corruption during the decades of state control, collapsed in 1997 and has yet to recover. Accustomed to playing a central political and economic role, the Indonesian military remains reluctant to accept civilian control and accountability for its actions. The discontent of the people of several regions with incorporation into the Indonesian state was met for decades with harsh military repression, leaving the essential issues unsolved and, in some cases, aggravated.

Certain policies of the previous era, particularly the transmigration program involving the mass movement of peoples from one island to another, resulted in the breakdown of centuries-old political, economic, social, and religious customs, creating grievances that were stifled by the previous regime. In addition, under authoritarian rule, religious aspirations deemed unacceptable were repressed by the government, resulting today in the burgeoning of groups whose religious ambitions have become politicized – and, in some cases, radicalized. At the same time, the radicalization of some groups was exacerbated by the growth in recent decades of militant Islamic movements outside Indonesia.

All of these factors combine to make Indonesia a particularly unstable country at the present time. Moreover, these factors give rise to tremendous challenges for the protection of human rights in Indonesia, particularly religious freedom. Even in situations or conflicts in which it is not central, religion has very quickly become the target for long-repressed grievances or more recent economic and political frustrations, as well as the channel through which such grievances and frustrations are expressed. In addition, there remains the danger that the same phenomenon could arise in those conflict areas in which religion is currently not a predominant factor.

Indonesia continues to face several conflicts in which religion has explicitly played a central role or in which religious freedom has been affected. In the Moluccan Islands, brutal sectarian fighting between Muslims and Christians erupted in May 1999, resulting in the deaths of approximately 9,000 people. In the spring of 2000, a group of extremist Muslim fighters from outside the islands called Laskar Jihad arrived in the Moluccas and raised the fighting to more deadly levels, particularly among Christians.¹ By October 2000, there were reports of people being forced to convert to Islam or be killed. On the island of Sulawesi, fighting between Christians and Muslims that has occurred intermittently since 1998 threatened to develop into a full-scale massacre after Laskar Jihad members arrived on the island in July 2001. In the case of the Moluccas, government neglect of the conflict prolonged the sectarian violence and allowed unimpeded the entry into the islands of outside groups like Laskar Jihad, resulting in some of the worst killing. In Sulawesi, swifter government action to stop the aggression of militant groups managed to prevent a serious escalation of fighting.

The sources of these and other conflicts in Indonesia are complex and varied. They include economic and political grievances stemming from the above-mentioned transmigration policy of former President Suharto that relocated large numbers of people to different islands; severe poverty that was exacerbated by the Asian economic collapse of 1997; recent political reorganization, including devolution of power, that generated fierce rivalries between communities; a weak and sensationalistic media that frequently allowed and even promoted the spread of rumors that stoked tensions; and, in some cases, opportunistic local leaders who manipulated sectarian and other tensions for their own political gain.

1. Commission Activities

The U.S. Commission on International Religious Freedom's May 2001 annual report included a chapter on Indonesia. That report focused and made several recommendations on the conflict in the Moluccas. At that time, the Commission recommended that the U.S. government urge the government of Indonesia to give greater attention to the Moluccan conflict and make greater efforts to halt the activities of such groups as Laskar Jihad. The Commission also recommended that the U.S. government press the Indonesian government to bring under control rogue elements within the Indonesian security forces that support paramilitary groups such as Laskar Jihad, and to ensure that perpetrators responsible for the killings are brought to justice.

This report revisits the Moluccan conflict and, in addition, examines the recent fighting in Sulawesi. Though the source of the fighting in both conflicts was not exclusively religion, religious identity – whether one was Christian or Muslim – quickly became the defining factor and motivation for the continuation of the violence, resulting in thousands of deaths, primarily in the Moluccas. In both regions, hundreds of houses of worship were deliberately destroyed. And in both places, the sectarian violence was exacerbated by the presence of Laskar Jihad fighters.

In September 2001, the Commission wrote to Dr. Condoleezza Rice, National Security Advisor, on the occasion of the visit of Indonesian President Megawati Sukarnoputri to Washington. In that letter, the Commission reiterated its concern about the sectarian fighting in the Moluccas and the Indonesian government's apparent unwillingness to make greater efforts to remove the extremist militia groups still on the islands. In December 2001, the Commission wrote to Secretary of State Colin Powell about the imminent crisis in Sulawesi. The letter expressed particular concern about the threat posed by Laskar Jihad forces in Central Sulawesi that had amassed outside the city of Tentena and begun attacking and killing Christians there in retaliation for killings of Muslims that occurred the previous year. Since the last report, the Commission has met with numerous religious and human rights delegations from Indonesia representing views across the religious spectrum, as well as American scholars, representatives of human rights organizations, and other experts on the country. In November 2001, the Commission held a hearing on "Religious Freedom and the Campaign Against Terrorism," at which the Commissioners examined conditions for religious freedom in Indonesia.

2. Other Conflicts in Indonesia

The Commission is aware that there are other serious and highly charged conflicts in Indonesia, some of which have persisted for decades. Among them, Aceh and Papua have been the focus of much international attention. In the region of Aceh, an independent kingdom for five

centuries before Dutch colonization, the Acehnese people have for many years resisted political and economic domination by the central government of Indonesia, opposition that was met by increasing levels of military force during Suharto's reign. The formation in the mid-1970s of a separatist group, the Free Aceh Movement (known as GAM, its initials in Indonesian) was met with high measures of force and brutality from the Indonesian armed forces, resulting in an escalation of sympathies for the independence cause. Though many in Aceh's independence movement seek to establish an Islamic state governed by Shariah, the essence of the dispute with the central government appears to be the desire on the part of many Acehnese for autonomy or independence. Nevertheless, the recent introduction of Shariah law in Aceh generates concern for the protection of individual human rights and religious freedom there and indicates that the religious dimension in the Aceh conflict is potentially becoming more significant.

In the far-eastern region of Papua, which was incorporated into Indonesia in 1963, there is also a burgeoning independence movement, a situation that has resulted in clashes with Indonesian security forces. The murder of a pro-independence leader in November 2001 has served to intensify many of the Papuans' separatist aims. Though a majority of the Papuan population is Christian (in a country with a much larger Muslim majority), as in the case of Aceh, the salient issue in the dispute is the aspiration for greater autonomy or independence. However, the arrival in March 2002 of Laskar Jihad forces in Papua, with their record of inciting or exacerbating communal violence, does not augur well for the future of relations between Christians and Muslims in that province.

All of these situations raise serious concerns for religious freedom and other human rights in Indonesia. The fact that Aceh and Papua and other conflicts in Indonesia are not addressed at length in this report does not indicate the Commission's lack of concern for the bloodshed in those regions. The Commission will continue to monitor the other conflicts in Indonesia, with a special focus on the way freedom of religion affects or is affected by other human rights problems that emerge.

B. Background

1. Demographic information

Indonesia is a country of approximately 210 million people, making it the world's fourth largest country by population (and the largest Muslim country). A vast archipelago, Indonesia covers an area of 1,100 miles from north to south and 3,200 miles from west to east, and cartographers have counted up to 17,000 islands within its borders (though only about 6,000 are inhabited). There are over 300 different ethnic groups in Indonesia, each with its own language.²

Islam had gained a strong foothold in Indonesia by the 12th century, replacing Hinduism throughout much of the country by the 16th century, though in a few areas, such as Bali, Hinduism is still prevalent. Indonesian Islam has historically been influenced more by mystical traditions than legal precepts.³ Christian influences arrived in the 16th century, but never heavily penetrated the larger islands. Today Christianity is found predominantly in the smaller islands in eastern Indonesia. About 85 percent of the country's population is Muslim, 10 percent Christian (approximately 7 percent Protestant and 3 percent Catholic), 2 percent Hindu, 1 percent Buddhist, and 2 percent other religions.⁴

2. Religious Freedom and the Law

The Constitution of 1945 established an Indonesian state philosophy called *Pancasila*. There were groups at the time that wanted an ethnically and religiously narrower definition of Indonesian identity, but “the framers of the *Pancasila* insisted on a culturally neutral identity ... overarching the vast cultural differences of the heterogeneous population.”⁵ According to the Web site of the Indonesian Embassy in Washington, “*Pancasila* comprises five principles: belief in the one and only God; a just and civilized humanity; the unity of Indonesia; democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives; and social justice for the whole of the people of Indonesia.”⁶

Constitutional guarantees of religious freedom apply to the five religions recognized by the state, namely Islam, Protestantism, Catholicism, Buddhism, and Hinduism. Though the Constitution officially recognizes only five religions, it also states that other religions, including Judaism, Zoroastrianism, Shintoism, and Taoism are not forbidden, and the practices of other religions are permitted. Confucianism, though “embraced” by the government, is not included in the constitutional list. The practice of Confucianism was restricted by legislation passed in 1967, though in January 2000, then-President Wahid, the head of the country’s largest Muslim organization, revoked that law.⁷ In some remote areas, animism is still practiced.⁸ The government lifted its ban on the Jehovah’s Witnesses in June 2001. The Baha’i faith was officially banned in 1962 and its adherents have experienced considerable persecution, including incarceration. However, the ban was revoked by President Wahid in the same January 2000 decree that abolished restrictions on Confucianism. In addition, according to the ideology of *Pancasila*, all Indonesians must believe in one God, making atheism technically forbidden.

A 1969 Ministry of Religion decree restricts the building and expansion of houses of worship in Indonesia. Moreover, the decree prohibits the use of private dwellings for worship purposes unless a license is obtained from the local office of the Ministry of Religion and the community approves.⁹ Another Ministry of Religion decree from 1978 stipulates that foreign religious entities must obtain permission from the Religion Ministry to provide any type of assistance to religious groups in Indonesia.¹⁰ In 1979, the Ministry of Religion together with the Interior Ministry issued a decree prohibiting members of one religion from trying to convert members of other religions, including through the distribution of religious materials. The law does, however, permit conversions between faiths.¹¹ The State Department reports that these decrees are not always strictly enforced, though when they are, it is frequently to restrict the activities of religious minorities.

C. Islam in Indonesia

Islam in Indonesia is neither monolithic nor homogeneous. The religion first came to the region between the 12th and 15th centuries, introduced by traders and other travelers from India, and became synthesized with local customs. Various groups and areas of what is now Indonesia accepted Islam at different times and in different measure, and for some peoples on the islands, Islam became primarily a formal legal and religious context for their own traditional cultures and spiritual practices. The Islamic practice that developed in Indonesia was “more deeply mystical than it was legalistic,” and it was this mystical Islam and not law, that would become the central element of Islamic practice in Indonesia.¹²

The nature of Islam's introduction into Indonesia and its gradual and varied acceptance gave rise to persistent tensions between orthodox Muslims and more syncretistic, locally-based religion, tensions that continue to this day.¹³ Generally speaking, the divergence is apparent in the two more prominent expressions of Islam, known as *abangan* and *santri*. *Abangan* refers to people who are more nominally Muslim and who follow a practice known as *kebatinan*, described as "an amalgam of animist, Hindu-Buddhist, and Islamic (especially Sufi) mystical elements."¹⁴ In contrast, *santri* refers to more orthodox Muslims, especially those who are particularly devout.

This spiritual legacy was challenged in the 19th and 20th centuries by Islamic reform movements originating in the Middle East that pushed for a more orthodox understanding and practice of Islam throughout Indonesia. In response, a point of friction developed between what came to be seen as traditionalists and modernists, particularly among the *santri*. The traditionalists defended many distinctly Indonesian Islamic practices; the modernists desired both to adhere to a more orthodox version of Islam and to absorb modern educational and other principles to promote the country's development. The traditionalist outlook was reflected in the organization of a group called the *Nahdlatul Ulama* ("revival of the religious teachers"), founded in 1926. Those who favored a modernist or reformist Islam formed the group *Muhammadiyah* ("followers of Muhammad") in 1912.¹⁵

The practice of Islam in Indonesia has continued to be pluralistic, particularly as a consequence of the country's ethnic, political, and geographical multiplicity. The result is that, as one author notes, "ethnic and religious culture remained diverse in its expression, and ordinary people developed the habit of tolerating different peoples and customs."¹⁶ The contrast between the two dominant strains of Islam, *abangan* and *santri*, is not as stark as it was in the past, however, due in part to increased levels of education and urbanization.

1. Islam and Politics in Indonesia

Both Presidents Sukarno and Suharto used the country's conflicting strains of Islam for political ends. Indeed, according to one observer, "much of Indonesian politics was shaped by the efforts of Presidents Sukarno and Suharto – as well as their allies and opponents inside and outside the state – to institutionalize and manipulate the two visions of Islam, [*santri* and *abangan*]."¹⁷ During the 30-year rule of Suharto, organized Islamic groups and parties were prohibited from promoting an overtly Islamic message. At the same time, as a result of the overall political repression, mosques and Islamic schools became among the few venues for discussion of political and social issues. His grip on power weakening by the early 1990s, Suharto began more explicitly to play the "Islamic card," supporting conservative Muslims as a bulwark against "westernizing" campaigners for human rights and democracy.¹⁸ According to one expert, through his practice of playing different religious groups against each other, Suharto severely damaged Indonesia's tradition of pluralism and tolerance.¹⁹

With the end of the Suharto regime, numerous Islamic groups and parties have emerged or re-emerged on the political scene. Some of the largest groups, such as *Nahdlatul Ulama*, led by former president Abdurrahman Wahid, were pivotal players in the movement for democracy in Indonesia. Other, much smaller groups have surfaced, such as the Islam Defender Front (FPI) and the Indonesian Mujahidin Council (MMI), with the more radical aim of turning Indonesia

into an Islamic state. Some of these groups support violence and have been tied to attacks on churches in Indonesia, campaigns against American and other western influences, and actions against “vices” (prostitution, gambling, and alcohol), though particularly in the case of the church bombings, the identity of the perpetrators has not always been clear.²⁰ One group, Laskar Jihad, has exacerbated the sectarian conflicts in the Moluccas and Sulawesi (see below). The extent of the ties between these groups and larger terrorist associations based outside the country are not entirely known. One report states that there is little firm public evidence to point to such links,²¹ while other reports have indicated that such links are extensive and that these groups, though small in number, present a great threat to the country’s stability and future democratic development.²²

2. Implementation of Religious Law

In 1945, when Indonesia’s Constitution was being debated, a statement of principle calling on the state to implement Islamic law among Muslims was briefly incorporated into it and then deleted. This statement was revisited again in 1949 as part of a document known as the Jakarta Charter, a compromise agreement in which Muslim leaders accepted the notion of a pluralist republic in exchange for the understanding that the state would obligate Muslims to follow Shariah. However, the Indonesian government’s subsequent refusal to return to the issue of Shariah became a point of contention for a small number of Muslim groups in Indonesia.²³ During Suharto’s regime, discussion of the question—and many other religious issues – was outlawed. Today, “Jakarta Charter” remains the phrase referring to the claim that the state is obligated to implement Islamic law among Muslims.²⁴

As part of the revival of Islam that Indonesia is currently experiencing in the wake of Suharto’s downfall, the Jakarta Charter issue has also resurfaced. According to the State Department, “with the removal of Suharto-era restrictions on religious organization and expression, there has been a resurgence – or greater vocalization – of advocacy for an Islamic state.” In 2000, two small religious parliamentary factions brought the issue before parliament. However, the parliamentary discussions “went nowhere,” and calls for the implementation of the Charter continue to be vague.²⁵ The major parties in Indonesia, as well as the major Islamic organizations, continue to support the principle of keeping religion out of official politics.²⁶

Outside parliament, only a small but vocal minority continues to call for implementation of Shariah. The State Department reports that “an estimated 20 percent of the nation’s Muslims consider themselves to be fundamentalists and advocate establishment of an Islamic state. The majority of these Muslims (16-18 percent from among that 20 percent) pursue their goal through peaceful political and educational means. A small number (2-4 percent) condones coercive measures and has resorted to violence.”²⁷ As a result of the activities of the latter and particularly after the events of September 11, in December 2001, the two largest Muslim organizations in Indonesia “agreed to embark on a campaign to fight extremism in order to change the image of Islam from one of hatred, violence, and terrorism to one promoting peace and tolerance.”²⁸ In January, the head of *Muhammadiyah*, representing 30 million Muslims, issued a statement declaring that the drive to implement Shariah “could tarnish the image of Islam in Indonesia” which is, he emphasized, caring and peace-loving.²⁹ The statement was in response to a call by Muslim activists to hold a two-day seminar on the introduction of Shariah in Indonesia. However, the conference proved to be a failure, as only 25 people attended, after

organizers had announced that the meeting would be attended by hundreds.³⁰ The *Nahdlatul Ulama*, which has 40 million members, also voiced its objections to the conference.

Demands for the implementation of Shariah have been strongest in the secessionist-minded province of Aceh. As part of the process of addressing Acehnese demands for independence, then-President Wahid agreed to allow the province to implement Islamic law, which was put into effect in January 2002. While the future remains uncertain, the consequences of Shariah implementation may be detrimental for religious freedom in Aceh, and do little to solve the still-raging battle between Acehnese separatists and the central government. According to the State Department, after the government's decision to allow the introduction of Shariah in Aceh, a number of other provincial parliaments were debating whether to impose Islamic law in their provinces. Thus, the issue, though not currently at the forefront of Indonesian politics, bears watching, particularly with regard to the protection of individual human rights and freedoms, including religious freedom for all Indonesians.

D. Update on the Moluccas³¹

In January 1999, violence erupted between Christians and Muslims on the Moluccan Islands. Since then approximately 9,000 people have been killed and 500,000 made homeless. Hundreds of churches and mosques have been destroyed. Inter-communal fighting occurred in both regions of the islands, in North Maluku and Maluku, the more southern islands on which is found the capital city, Ambon. The conflict has fiercely divided Moluccans in both provinces along religious lines, though its origins can be found in ethnic, economic, territorial and political rivalries also. In May 2000, fighters from outside the islands, known as Laskar Jihad, arrived, obtained arms, and raised the level of fighting to much deadlier levels. Up until that point, the fighting between the two groups largely resulted in a similar number of victims on each side; with the arrival of Laskar Jihad, however, the balance in effect tipped against the Christian population on the islands. After the arrival of Laskar Jihad, there were reports of thousands of people being forced to convert to Islam or face death; many, men and women, were forcibly circumcised. According to the Department of State, in December 2000, then-President Wahid conceded that "hundreds of Christians on Keswui and Teor Islands in Maluku converted to Islam in November and December 2000 to save their lives."³² Estimates of numbers range from 3,500 to 8,000 cases. There is also evidence that as many as 800 Muslims were forced to convert to Christianity.³³

Today, the fighting has subsided from its previously high level. Despite the two communities having lived side by side for generations, it is now believed by some observers that it is primarily their segregation that has helped end the violence.³⁴ For much of 2001, relations between the two groups remained polarized, and people who were seen to be "trespassing" in the other group's designated areas were sometimes killed.³⁵ Violence continued, however, and there were outbreaks throughout 2001. By this time, residual fighting stemmed predominantly from the continued presence of Laskar Jihad, a group that has more than once vowed to disrupt any reconciliation efforts between the two communities.

Much of the violence toward the end of 2001 was in the city of Ambon, where there has been a series of bombings, with bombs frequently placed in or near neutral areas used by Muslim and Christian traders.³⁶ According to a local police chief commander, the bombings and other

“terrorist activities” are carried out not by either one of the opposing groups of Christians or Muslims, but by an unnamed third party, one that for financial or other reasons wants to prolong the conflict.³⁷ These attempts at destabilizing the situation have not been entirely successful, however, as trading activities have regularly resumed after incidents of violence have occurred. There has been less success in facilitating the return of internally displaced people (IDPs) from the two Moluccan regions, both because the tensions are still simmering after so much bloodshed and because there is little by way of infrastructure for people to return to.

1. The Military Role and Government Response

The government of Indonesia was criticized by many observers, including this Commission, for making little effort to halt the violence in the Moluccas or to address the sources of the conflict. A state of emergency was implemented by the government of then-President Wahid in June 2000, though this was undermined by the fact that security forces on the islands were already divided by religion.³⁸ “According to credible reports,” the State Department writes, “individual members of the security forces in the Moluccas, especially on the centrally located island of Ambon, were responsible for some of the shooting deaths that occurred during the widespread riots and communal clashes throughout the period [October 2000-September 2001].”³⁹ Each side claimed that certain groups within the security forces were supporting the opposing side. What is more, the State Department report continues, witnesses testified that active duty and retired military personnel stood by and even participated in the torture or execution of Christians who refused to convert to Islam on the islands of Ambon, Kesui, Buru, and Seram.⁴⁰

There was also insufficient effort made to prevent Laskar Jihad’s forces from going to the Moluccas and, more recently, no effort to remove them from the islands, even though members continue to be responsible for prolonging the violence there. In May 2001, the government of President Wahid finally took action against the group’s leader, Jaffar Umar Thalib, though not for any of the actions his organization perpetrated on the islands. Instead, he was charged with murder after allowing his followers to stone to death a confessed adulterer, a Laskar Jihad member. The arrest promoted a new wave of violence against Christians, followed by a failed army raid on a Laskar Jihad post that resulted in Muslim deaths. In August, the newly sworn-in vice president, Hamzah Haz, met openly with Thalib and other Laskar Jihad members, a meeting that, observers contend, gave the group a new legitimacy.⁴¹ In some instances, however, local leadership has acted against the destabilizing presence of these outside forces. According to the State Department, while sporadic violence has continued in Maluku, the situation in North Maluku has stabilized, “due in large part to effective local government leadership that enforced the ban on entry by outsiders and administered justice to perpetrators.”⁴²

After considerable effort and attention at the end of 2001 and in early 2002 on the part of the Indonesian government, the two factions signed a peace accord on February 12 called the “Moluccas Agreement of Malino” (known as the Moluccas Agreement). The agreement calls for the establishment of two commissions; one to study and monitor matters pertaining to security and law enforcement and the other to work on socio-economic issues.⁴³ It also provides for “the disarming and banning of militias and establishment of joint security patrols, and calls for the return of refugees to their homes, the return of their property and the reconstruction of the province.”⁴⁴ While the agreement does not restrict the right of any Indonesian to travel to the

Moluccas, “organizations, denominations, groups or Laskar are not allowed to possess weaponry without permission.”⁴⁵

Tensions remain on the islands, however, particularly in the southern Maluku region, primarily because Laskar Jihad opposed the peace agreement at the outset and its supporters on the islands have attempted to disrupt its implementation. Sporadic violence has continued, both against Christians and against Muslims who favor the agreement. Radio broadcasts against the agreement by local Muslim militants have also continued.⁴⁶ Nevertheless, thousands of refugees have begun returning to their homes in North Maluku, and since the agreement was signed, there have been several rallies and marches for peace in which thousands of Christians and Muslims took part.⁴⁷ The government announced at the end of February that the state of civil emergency in the Moluccas would not be lifted until the peace campaign is “fully accepted by everyone.” In addition, the local government is making great efforts immediately to investigate the incidences of violence in order to prevent revenge attacks.⁴⁸

E. The Situation in Sulawesi

1. Background

Sulawesi, formerly known as Celebes, is the largest island in eastern Indonesia, situated between Kalimantan and the Moluccas. The island is highly irregular in shape and in the mid-1960s was divided into four provinces: South, Central, Southeast, and North Sulawesi. The island’s population is approximately 12.5 million, with the highest concentration of people found in the southern region, followed by the north and southeast. The central region is the least populated area.⁴⁹ Approximately 80 percent of the island’s population is Muslim and 17 percent Christian (largely Protestant), with the rest still practicing traditional religions. The majority of Christians are found in the northern province, as well as in the city of Poso, Central Sulawesi.⁵⁰ Islam did not gain strength in eastern Indonesia, including Sulawesi, until the 16th and 17th centuries, at which time it was competing with Christianity, then being introduced by Spanish and Portuguese traders.⁵¹ In later centuries, the Dutch expelled the Portuguese from the region and made Protestant Christianity predominant in North and Central Sulawesi. The people in the relatively inaccessible interior regions, adherents of traditional tribal religions, resisted conversion to Islam or Christianity until the 20th century, when many converted to Christianity under the influence of Dutch Protestant missionaries.⁵²

Since Indonesia became independent in 1945, there have been occasional outbursts of what appears to be communitarian violence in Sulawesi. However, behind the violence are political and economic, as well as sectarian, causes.⁵³ Tensions increased as a result of Suharto’s transmigration program, which brought in large numbers of people from outside the island, coupled with voluntary migration from the south to the north of the island, both of which upset the economic and political balances there. Violence increased markedly in the 1990s, due primarily to heightened friction over land use, as indigenous groups were increasingly pushed off what they saw as their ancestral lands. Thus, “additional communal conflicts occurred at both transmigration and voluntary migration sites in Central Sulawesi, which became arenas for small-scale ethnic disputes over land rights.”⁵⁴ Because many of the new migrants from outside and from South Sulawesi are Muslim, while most of the indigenous people in the more remote

mountain areas are Christian, most of the disputes and subsequent violence that occurred between locals and immigrants was essentially between Protestants and Muslims.

2. The Recent Cycle of Sectarian Fighting in Sulawesi

There have been several distinct phases in the most recent sectarian conflict in Sulawesi, dating back roughly to December 1998. As in previous clashes, this new fighting was sparked and fed in part by indigene-migrant clashes over use of the land as well as political power rivalries fueled by administrative decentralization. In addition, the violence was exacerbated by the absence of credible news sources, which enabled wildly inaccurate rumors to spread, and by opportunistic leaders on both sides who “played on repressed ethnic and religious tensions for political gain.”⁵⁵ Though the sources of the conflict were not religious, the multiple economic, political, and social tensions in the region coalesced around the religious communities and religion quickly became the primary motivating factor for the violence. At the same time, political redistricting and the creation of several new provinces in Sulawesi left Central Sulawesi located between two other Muslim-majority provinces, leaving the regency of Poso, with its predominantly Protestant population, smaller and more isolated.⁵⁶

In December 1998, a brawl broke out in the town of Poso between Muslim and Christian teenagers, in response to which numerous Christian homes and churches were burned. Two hundred people were injured and approximately 400 homes destroyed. Many Christians were forced to flee. The police in Poso, “as well as reinforcements sent from Palu, were unable or unwilling to control the situation.”⁵⁷ Violence once more exploded in April 2000, again after a relatively minor incident fueled mobs on both sides. A Muslim mob attempting to burn Christian homes and churches was fired upon by riot-control police from the city of Palu and three Muslims were killed. Other Muslims responded by again destroying hundreds of Christian homes and several churches, this time causing approximately 40 injuries and 10 deaths among Christians. After both of these phases, little effort was made to investigate and punish the perpetrators of the vandalism, arson, and other violence.

It was the next, third phase that proved to be the most deadly. In May 2000, groups of Christians began raids against Muslims in and around Poso, killing hundreds. These raids were seen by many Christians as retribution for the destruction of homes and churches that had occurred in the previous two years for which no one was punished.⁵⁸ According to several sources, approximately 300 to 800 people were killed, primarily Muslims. Thousands more homes, owned mostly by Muslims, were destroyed. In addition, several reports suggested that the killings were particularly gruesome.⁵⁹ Up to 20,000 Muslims fled to the Palu region, where many remain in refugee camps. Christians fled south, to the town of Tentena.

In August 2000, the governors of the four provinces of Sulawesi declared a truce in the Christian area of Tentena, Central Sulawesi. Yet, according to one author, “ministers from the Central Sulawesi Protestant Church and related Crisis Center in Tentena, as well as Javanese Muslims who had fled to South Sulawesi, felt uninvolved and unconvinced.”⁶⁰ The following April, a local district court in the city of Palu, also located in Central Sulawesi, ruled that three Christians who had been involved in the killings the previous year should be sentenced to death. Many Christians were apparently angry that no Muslims had been tried for the violence that

occurred during the first two phases of the conflict, and after the sentencing there was renewed violence in Central Sulawesi.⁶¹

Fighting between Christians and Muslims intensified in November 2001, provoked by the presence of thousands of members of the Laskar Jihad paramilitary group, who began entering the island in July. A humanitarian aid coordinator for the United Nations stated that possibly as many as 7,000 members of Laskar Jihad had moved from the Moluccas to the Poso area.⁶² In and around the city of Poso, armed Muslim gangs attacked and burned Christian villages and an estimated 15,000 Christians were forced to flee by early December.⁶³ Churches were also bombed, including the largest church in Poso. There were reports throughout November of violent clashes between Laskar Jihad members and Christian fighters in the Poso area.⁶⁴ There were particular fears for the Christian population in and around Poso and the smaller town of Tentena, where thousands of Christians had taken refuge to escape fighting in Poso, as they were at one point almost completely surrounded by Laskar Jihad fighters.

a. The Government Response

As in the case of the Moluccas, the Indonesian government was accused of neglecting the conflict in Sulawesi in its initial phases and making little effort to halt the violence. In fact, at one point, then-President Wahid issued statements exhorting the people of Poso to “handle the matter for themselves.”⁶⁵ Upon the threat of the outbreak of even higher levels of violence in the fall of 2001, Indonesia’s Chief Security Minister visited Central Sulawesi in early December, signaling the onset of the central government’s effort to address the violence and growing crisis. At that time, the U.S. government expressed its concerns to the government of Indonesia about the sectarian violence in Sulawesi. The Commission expressed similar concerns in its letter of December 4, 2001 to National Security Advisor Rice. Later that month, the Indonesian government sent 2,500 troops to the Poso area to take control of the situation and forestall more violence. By mid-December, the situation was thought to be under control and the fighting largely halted by the troops’ presence.⁶⁶

From December 19-21, the Indonesian government convened and mediated a meeting between the Muslim and Christian communities. On December 21, through these government-sponsored reconciliation efforts in the South Sulawesi town of Malino, Muslim and Christian representatives reached an agreement to end the violence. In the 10-point agreement, known as “the Malino Declaration,” the two sides agreed to cease all conflicts and disputes; to support the government’s efforts to impose sanctions on wrongdoers; to reject civil-emergency status and interference from outsiders; to reinstate property to its rightful owners; and “to respect one another in an attempt to create religious tolerance.”⁶⁷ The agreement also noted that as Poso is an “integral part of Indonesia’s territory,” all Indonesians have “the right to come and live peacefully in Poso by respecting the local habits and customs.” In early January, reports indicated that the Indonesian military intended to remain in Sulawesi for at least six months in order to ensure the success of the peace agreement.⁶⁸ A Central Sulawesi police official was quoted as saying that though the peace agreement ensures freedom of movement for all Indonesians, “the identity of every outsider will be checked out and we will send [illegitimate outsiders] back to their homes.”⁶⁹

F. Commission Recommendations

The following recommendations reflect the Commission's concern that religious violence between Muslims and Christians in Indonesia is a serious threat not only to religious freedom in that country, but to its future democratic development and stability, which must be based on respect for all human rights. There are several serious problems with which the Indonesian government must cope in order to address the sectarian violence. These include an armed forces not fully under civilian control, elements of which frequently contribute to the fighting in certain areas; debilitating corruption, particularly in the judicial system, that effectively leaves many feeling that grievances can only be redressed through violence; and government leaders who all too often ignore serious conflict until it is dangerously out of control and who refuse to exercise the political will needed to curtail the activities of vigilante militia groups or to see that those responsible for human rights violations are held accountable for them.

The following Commission recommendations incorporate, enhance, or modify the recommendations in the May 2001 report.

1. The U.S. government should continue to press the government of Indonesia to fully disarm all outside militia forces, such as Laskar Jihad, on the Moluccas and Sulawesi. The U.S. government should also press Indonesia to hold the leaders and members of these groups accountable for the violence perpetrated by them.

It is agreed by virtually all observers and human rights groups that only with the arrival of such outside groups as Laskar Jihad did the fighting on the Moluccas become severe. Then-President Wahid's government made no effort to apprehend Laskar Jihad and other militia members, despite his threat to do so if they went to the Moluccas. The State Department confirms that a key factor contributing to the continuation of violence in both Moluccan provinces was the failure of the government and security forces "to prevent [the arrival of] (and then deport) several thousand Laskar Jihad militants from Java who had joined forces with Muslims in various parts of the two provinces."⁷⁰ In Sulawesi, the influx of thousands of armed members of Laskar Jihad precipitated more violence and raised grave concern that groups in the Poso region were seriously threatened with massacre. Moreover, after peace agreements were signed in those two regions, there were reports that Laskar Jihad forces had gone to Papua with the aim, some claim, of stirring up religious conflict there.⁷¹

In both the Moluccas and Sulawesi, Christians and Muslims have stated that outside military groups such as Laskar Jihad are hindering or preventing reconciliation efforts. The Muslim and Christian populations on the Moluccas demonstrated that they want peace and have attempted several times to negotiate their own settlement to the conflict. These efforts are reportedly thwarted, however, by the unimpeded entry of extremist outside groups that have transformed this sectarian conflict into their own wider religious campaign. According to one observer, Laskar Jihad has been allowed to lead rallies that deliberately incite religious hatred.⁷² Indeed, Laskar Jihad has gone on record as saying that anyone, including any Muslim, who works for reconciliation on the Moluccas should be killed.⁷³ As a result, Laskar Jihad has also directed some of its attacks against Moluccan Muslim communities who have gone, in their estimation, "off-message."⁷⁴ In addition, almost immediately after the Moluccas Agreement was

signed by Moluccan Muslim and Christian delegations, the peace accord was denounced by Laskar Jihad, who declared that the group would not abide by it.⁷⁵

Even after the confirmation of violence perpetrated by Laskar Jihad members in the Moluccas, the group was permitted to travel to Sulawesi for similar purposes with apparent impunity. According to one report, “when the Laskar commandos arrived in Sulawesi in July [2001], they were formally received by the governor of the Central Sulawesi province and head of the local parliament.”⁷⁶ In addition, as noted above, Indonesian vice-president Hamzah Haz met with the Laskar Jihad leader in August of the same year. This sort of welcome by Indonesian officials suggests that the militants have considerable support at the official level, despite the violence for which the group is responsible.

Without a doubt, Laskar Jihad represents a significant threat to the peace and stability of all Indonesia, particularly to Indonesia’s pluralistic Muslim traditions and its practice of tolerance toward religious minorities. However, it is clear that, as one media report notes, “Indonesia’s democratic transition is being accompanied by a crisis of lawlessness that has allowed many groups – including radical Muslim groups – to flaunt the law by engaging in violent behavior with impunity.”⁷⁷

The U.S. government should strongly urge the Indonesian government to make much greater efforts to disarm this group completely and hold its leaders accountable for violence it has already perpetrated. It is not too late for the government of Indonesia to reverse this small but growing current of violence by extremist groups such as Laskar Jihad. Clearly, the future of Indonesia is at stake.

2. The U.S. government should strongly encourage the Indonesian government to maintain scrupulously neutral and professional troops in the Moluccas and Sulawesi until reconciliation efforts have taken root and rule of law established to such an extent that refugees are able to return safely. Moreover, rogue elements in the Indonesian security forces, particularly those that have taken sides in the sectarian conflicts, must be brought under control. Similarly, special efforts should be made to establish justice in both regions, including by holding the perpetrators of violence, whether Christian or Muslim, accountable for their actions.

In both regions, the presence of peacekeeping troops was instrumental in seeing the worst of the fighting end (or in the case of Sulawesi, to prevent more killing from occurring). In the Moluccas, however, military forces continue to be part of both the problem and the solution. According to some reports, the decline in violence was due in part “to the deployment of neutral security forces in both [Moluccan] provinces, comprising elite and professional soldiers.”⁷⁸ The International Crisis Group reports that the worst of the fighting was halted by the dispatching to the Moluccas of a Joint Battalion of elite forces from the three military services.⁷⁹ According to others, however, “the military presence in the province has only triggered and worsened the conflict” in Maluku.⁸⁰ Peace activists and representatives of other non-governmental organizations (NGOs) from both provinces have petitioned President Megawati to withdraw military personnel, who have too frequently taken sides in the conflict, in order to aid reconciliation efforts. Nevertheless, many observers contend that only the presence of

professional security forces will maintain the truce currently in place. With regard to Sulawesi, there is widespread agreement that the dispatch of additional troops to the island averted a serious escalation of the violence.

The U.S. government should urge the government of Indonesia to retain conflict-neutral troops to ensure that fighting between resident Muslims and Christians in the Moluccas and Sulawesi does not recur. In addition, these troops should be retained in order to prevent outside groups such as Laskar Jihad from continuing to incite violence between the religious communities in those regions.

Human rights groups and other observers point out that, after 30 years of dictatorship, there is no effective, independent judicial system functioning in Indonesia. While establishing a legitimate system based on the rule of law would be a lengthy and very difficult process, the country needs some method of immediately bringing to justice those responsible for the worst of the killings in the Moluccan and Sulawesi conflicts. For the most part, instigators of the deadliest massacres in the Moluccas have gone free and the Indonesian government has made no attempt to apprehend them. According to the State Department, a major factor contributing to the continuation of violence in Maluku and North Maluku was the failure of the government and security forces to bring the perpetrators to justice.⁸¹ In Sulawesi, several Christians have been given the death penalty for their participation in killings there but no Muslims have yet been arrested for violence that members of that group have perpetrated. It would do much to help the reconciliation process in both regions if those who committed or were involved in the worst killing, including leaders of both Muslim and Christian militant groups, could be held accountable before the law and be seen to receive just punishment.

Indonesia's recent history demonstrates that the government's efforts at accountability have been seriously flawed. As of this writing, no one has been brought to justice for the massacres committed by elements of the Indonesian security forces in East Timor in 1999. In fact, until the beginning of 2002, few serious efforts were made even to move ahead with the organization of tribunals to try those people named as suspected perpetrators of serious crimes there.⁸² Tribunals were organized in March 2001, but no judges were approved until January 2002, when President Megawati named 18 judges to try the military and police officers accused of crimes.⁸³ Soon after, seven senior officials were charged with genocide in connection with the violence in East Timor. However, the Indonesian government's commitment to justice remains in doubt. A senior official at Human Rights Watch has noted that "the judges were poorly chosen, the prosecutors have shown no interest in accountability...and the suspects haven't even been detained."⁸⁴

3. The U.S. government should commend the government of Indonesia for calling for religious tolerance in the reconciliation efforts that led to the signing of peace agreements in both the Moluccas and Sulawesi. The U.S. government should put sustained pressure on the Indonesian government to deepen the reconciliation work already begun and should provide technical assistance for these efforts. Such efforts should pay particular attention to the establishment of an effective system of registering and investigating complaints about human rights abuses.

In December 2001, the “Malino Declaration” was signed to “end conflict and create peace in Poso, Central Sulawesi.” On February 12, 2002, “the Moluccas Agreement of Malino” was signed by 35 Muslim and 35 Christian delegates. As the sectarian conflicts in these two regions were in some ways comparable, the two peace agreements share a number of common points. Both agreements call for all sides to: cease all conflicts and violence; abide by the due process of law; allow for the repatriation of refugees; and rehabilitate economic and political infrastructures. In addition, both agreements explicitly call for what may be of particular importance to their success: the need for religious tolerance and respect. The Malino Declaration states that both sides agree to “respect one another in an attempt to create religious tolerance.” The Moluccas Agreement refers to the need “to guarantee correct harmony between the adherents of the various religious denominations in the Moluccas.”⁸⁵

However, especially in the Moluccas, prospects for peace remain fragile. Factions, particularly extremist Muslim groups, opposed to the agreement – and opposed to all reconciliation efforts – have made pointed efforts to stir up sentiment against the accord (in fact, the Muslim negotiators of the Agreement were pelted with stones by extremist protesters upon their return to Ambon). Thus, while the Indonesian government is to be commended for the steps it has already taken, the U.S. government should press the government of Indonesia diligently to continue the peace efforts in both regions, but particularly in the Moluccas, until they have taken root among the majority in the two communities there.

The United States should be prepared to provide technical assistance to these reconciliation efforts as necessary, particularly with regard to the establishment of an effective system of registering and investigating concerns about human rights abuses. The government of Indonesia should be advised that any plan must provide for the security of both communities in both regions, including the removal of all outside militia groups and the disarming of the internal militias.

4. The U.S. government should continue to support the reconciliation and reconstruction efforts of indigenous or international non-governmental organizations in the Moluccas and Sulawesi. This should include increased funding for such efforts through support for the U.S. government’s democracy and good-governance programs, interreligious programs in educational institutions, and other programs in Indonesia. This should include working with respected Indonesian human rights lawyers and academics to devise an emergency program for restoring the rule of law in Indonesia, especially in regions that have experienced sectarian violence or where there is the threat that such violence could break out. Within its assistance program to Indonesia, the U.S. government should continue to earmark assistance specifically for both Christian and Muslim victims and refugees of the conflicts.

During the September 2001 visit to the United States of President Megawati, President Bush pledged to work with Congress to secure his Administration’s request for \$130 million in bilateral assistance for Indonesia in 2002, with a “special focus on assisting Indonesia’s efforts with legal and judicial reform.”⁸⁶ The U.S. government should increase its support for democratization and civil-society building programs more generally in Indonesia, including

developing public accountability, political-party building, education in religious tolerance, and the promotion of a free media, as well as the complaints and investigation system mentioned above. After an emergency rule of law program is established to deal with the worst ramifications of the conflicts, the U.S. government should help promote a broader program to build a credible, independent judicial system in Indonesia. This support could include assistance and training for police, lawyers, and judges, as well as indigenous human rights and watchdog organizations that provide accountability.

In the Moluccas, AID's Office of Transition Initiatives (OTI) is currently funding a number of programs in both Moluccan provinces, including assistance for the return of displaced persons, support for the Red Cross, and funds to help strengthen political institutions.⁸⁷ In addition to the many who have been killed in the Moluccas, massive destruction of property has occurred and hundreds of thousands have had to flee their homes. Even though the worst of the fighting has ended, many refugees no longer have homes to which to return. Food, jobs, and other equipment are also needed. In September, the White House pledged "an additional \$10 million to assist internally displaced persons, with a focus on the Moluccas."⁸⁸

The U.S. government has been active in Sulawesi also. According to one report, "the U.S. embassy has launched a series of programs designed to keep the violence in Poso and other flashpoints from spreading."⁸⁹ This same report notes that, working with local NGOs, OTI is funding "conflict resolution workshops, programs to train and equip local independent journalists, and a study by local university professors of what caused Poso to implode."

The U.S. government should continue and even expand such programs in regions in Indonesia that have experienced religion-based violence. In addition to severely needed humanitarian assistance and reconciliation programs, particularly needed is a strengthened, trustworthy judicial system that holds people – in both communities – accountable for their actions. Resolving the conflicts in the Moluccas and Sulawesi is not possible by focusing only on the problems of these two regions alone, however. Rule of law must be established throughout Indonesia. This should continue to be the focus of U.S. assistance programs.

5. The U.S. government should monitor the implementation of Shariah in Aceh to determine if individual rights and freedoms, including religious freedom, as outlined in international documents, are being guaranteed. If it becomes apparent that such rights, including religious freedom, are being violated, the U.S. government should press the Indonesian government to oppose the implementation of Shariah in Aceh and elsewhere in the country.

In January 2002, as part of an attempt to address the demands of many secessionist-minded people among the Acehese population, Shariah was implemented in Aceh. In March, the Acehese authorities announced plans to form Indonesia's first religious police squad to enforce Islamic law there, primarily to regulate dress codes. However, as of this writing it remains unclear how Shariah will be upheld in Aceh and whether such internationally prohibited punishments as amputation or stoning will be carried out.⁹⁰

The U.S. government should monitor the implementation of Shariah in Aceh to ensure that the human rights of all citizens of Aceh, Muslim or non-Muslim, are being upheld. Article

18 of the International Covenant on Civil and Political Rights states that “no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” Clearly, no citizen of Aceh, of any religion, should be coerced to follow religious prescriptions in such a way that would amount to a violation of his religious freedom. In other countries where Shariah has been extended to criminal matters, concerns about violations of international human rights standards have emerged. These include: lack of due process of the law; procedures that discriminate against women and religious minorities; the imposition of cruel, inhuman, and degrading punishment; and criminal penalties, including death, for changing one’s religion as well as other infringements on religious freedom. Such violations can occur from Shariah’s official application or its quasi-official enforcement by vigilante individuals or groups.

Moreover, the State Department has reported that after the central government’s decision to allow the introduction of Shariah in Aceh, a number of other provincial parliaments were debating whether to impose Islamic law in their provinces. This development, in addition to being a threat to religious freedom, is also extremely unlikely to solve the dire problems that those provinces and the rest of Indonesia face. Despite the temptation to apply an apparently sweeping solution to the numerous ills that currently plague Indonesia, including massive corruption, economic collapse, and political failures, the implementation of Shariah is not only not going to solve those ills, but is likely to result in the kinds of human rights violations, including the violation of religious freedom, that will only exacerbate them.

6. The U.S. government should ensure that, if resumed, U.S.-Indonesian military ties be directed toward reform of the Indonesian military, including accepting civilian control, upholding international human rights standards, and holding members accountable for abuses.

Under the Suharto regime, the military enjoyed considerable political and economic power to which it became accustomed. Many observers contend that a number of the conflicts plaguing Indonesia, including in the Moluccas, were generated, or at least stoked by, elements in the military that do not want to relinquish that power. Moreover, there is widespread corruption within the military, exacerbated by the poor conditions in which the lower ranks must subsist. According to a witness at the Commission’s February 2001 hearing on Indonesia, “Soldiers have not only taken sides in the Moluccas with little fear of punishment, providing cover for attacks and sometimes weapons, but they have actively benefited from the conflict by, for example, charging exorbitant fees for safe passage from one part of Ambon to another.”⁹¹ Similarly, in Sulawesi, one of the factors contributing to the fighting was “ineffective or inappropriately involved security troops.”⁹²

For many decades during the Cold War, U.S. and Indonesian security concerns coincided to strengthen military relations between the two countries. However, U.S.-Indonesian relations deteriorated in 1999 when, after an independence referendum in the province of East Timor in which a majority voted in favor of independence, forces associated with the Indonesian military carried out massacres of East Timorese. Today, military-to-military relations between the two countries continue to be governed in part by what has come to be called the Leahy amendment, which was strengthened in the wake of the abuses and killings perpetrated by the Indonesian military in East Timor. The amendment, originally passed in 1997 and expanded in 1999 to

apply certain prohibitions to the Defense Appropriations bill, effectively suspended all military sales and training programs with Indonesia, establishing specific conditions for their resumption.⁹³ Military-to-military engagement between the two countries was fully suspended at that time (it had been partially suspended in 1992).

In July 2001, there were reports that the Bush Administration was considering renewing limited contacts with the Indonesian military. In that month, Secretary of State Powell stated that the United States wanted to resume military ties with Indonesia after the establishment of the new government there. However, the Secretary said, human rights concerns must be addressed. He also noted that for such ties to be resumed, certain congressional restrictions would have to be removed.⁹⁴ In August, Secretary of Defense Donald Rumsfeld was quoted as saying that he was “anxious to reestablish the military-military relationship with Indonesia,” adding that he was hoping to “work through the congressional limitations” that currently stand in the way of that development.⁹⁵

In September 2001, newly elected President Megawati visited Washington, the first visit after the September 11 attacks by a leader from a Muslim country. After the government of Indonesia expressed support for the campaign against terrorism, the United States lifted an embargo on sales of non-lethal military items, while leaving other restrictions in place. In November, a senior U.S. military official was quoted as saying that “a higher level of cooperation would be in the interests of both countries,” but that such a development was dependent on the Indonesian military making the necessary reforms.⁹⁶ In December, the U.S. Congress passed a defense appropriations bill that set aside \$21 million for regional counter-terrorism training programs, the beneficiaries of which would include Indonesian military officers.⁹⁷ According to one news report, the legislation passed in December “will sidestep the so-called Leahy amendment by specifically earmarking assistance to countries supporting U.S. counter-terrorism efforts.”⁹⁸

Clearly, the Indonesian military is in need of reform, and American-led education and training programs could be beneficial in this regard. At the same time, the move by the U.S. Administration to reestablish military ties with Indonesia has been criticized by a number of human rights groups.⁹⁹ Any education, training and other support that the United States is prepared to offer should be directed toward assisting the Indonesian military in integrating reforms that involve the acceptance of civilian control and the upholding of international human rights standards. Such reform should also include holding officers and others responsible for the serious abuses that have been seen in conflicts such as in the Moluccas and Sulawesi. If willingness to reform is confirmed, technical and other material assistance may become appropriate. To date, such willingness has not been clearly demonstrated, and elements from the Indonesian security forces continue to participate in conflicts throughout Indonesia with impunity. U.S. military assistance should not contribute to this in any way.

7. The U.S. government should earmark funds for the training of Indonesian police and prosecutors in human rights, rule of law, and crime investigation.

In the Moluccas, the police have been both unprepared and unwilling to deal with the violence, frequently doing little or nothing to oppose either local mobs or the outside militia groups involved in the fighting. Most reports indicate that they have also not been impartial in

situations where they have taken action. In Sulawesi, the Poso police were apparently either unable or unwilling to control the violence in any of its phases.¹⁰⁰ According to one NGO, “police intervention, when it has occurred, has not been neutral.”¹⁰¹ In February 2002, as part of the peace agreement signed in December, over 300 extra police personnel were sent to Central Sulawesi to help disarm the factions involved in the fighting in the region.¹⁰²

Until April 1999, the police forces in Indonesia were a part of the armed forces and considered to be among the most corrupt branches.¹⁰³ The police have now been separated from the military and placed under civilian control, but the forces are in dire need of training and reform. In January 2002, the United States offered Indonesia \$10 million for police training. However, this was earmarked particularly to help the country fight against terrorism.¹⁰⁴ The Commission recognizes the critical importance of helping the Indonesians combat terrorist groups in their country. However, in order for democratization efforts, including the protection of religious freedom, in Indonesia to succeed, the integrity, credibility, neutrality, and independence of the police must be established.

8. The U.S. government should continue to support programs in Indonesia, particularly in the regions that have experienced sectarian violence, that promote objective, unbiased, and non-inflammatory reporting. Such efforts should be consistent with Indonesia’s obligations to protect the right of freedom of expression.

In both the Moluccas and Sulawesi, fighting between Muslims and Christians was fueled by unfounded rumors that rapidly spread within the communities. The Commission has met with witnesses who indicated that broadcast media in certain regions in the Moluccas is monopolized by one community and that the other side is routinely denied access. There are also reports that the one-sided broadcasting often distorts events in ways that serve to exacerbate the conflict. Similarly, in Sulawesi, incompetent or slanted reporting exacerbated the conflict. Some areas have access to international and national news, but suffer from “grossly underdeveloped local news services ... Poso had no newspapers, no local television, and only three functioning radio stations. In the absence of credible sources for local news, wildly inaccurate rumors fueled the clashes.”¹⁰⁵ Other reports refer to “inflammatory mass media reports” and “minimal or one-sided” reporting that only intensified the problems in the province.¹⁰⁶

The OTI has funded programs in both regions involving journalism education, support for radio stations, and other media training. The U.S. government should continue and expand these programs, as objective, non-sensational media are critical to the success of any reconciliation efforts. In addition, the U.S. government should press the Indonesian government to make greater efforts to broadcast accurate information to counter the incendiary broadcasts of extremist groups that are deliberately aimed at inciting communal violence.

9. The U.S. government should urge the government of Indonesia to amend the 1969 Ministerial Decree that restricts the building of houses of worship and impedes the use of private homes for worship purposes. The U.S. government should offer technical assistance in amending this legislation in order to bring it into conformity with international standards.

Although the 1969 decree was established ostensibly to maintain religious harmony, in practice, it is often used by the majority community to prevent a minority group from obtaining the necessary licenses and permits to build houses of worship. Frequently, the 1969 decree “has been used to prohibit the construction and expansion of churches and to justify the closure of churches in predominantly Muslim areas.”¹⁰⁷ In some cases, even when the proper permits are obtained, Christian or other minority groups meet with difficulties in constructing or rebuilding their houses of worship. The Department of State’s 2001 *International Religious Freedom Report* lists several cases in which churches were closed down or even destroyed on the grounds that the correct permits had not been obtained or that “the activities of the churches disturbed the peace in what were predominantly Muslim neighborhoods.”¹⁰⁸ In addition, in areas where Christians or Hindus are in the majority, a Muslim group is sometimes prevented from constructing a mosque.

The U.S. government should make clear to the Indonesian government that this decree is, in effect, being used to violate religious freedom in Indonesia, particularly of minority religious groups. The Commission met with the members of several delegations from Indonesia who indicated that changes to this decree are being considered. The U.S. government should be prepared to offer whatever technical assistance may be necessary in amending this legislation in order to ensure its conformity with international human rights standards.

¹ Laskar Jihad, which means “holy war fighters,” is a radical Islamic paramilitary group based on the island of Java and formed in early 2000 in response to what they alleged to be a Christian conspiracy to turn the Moluccas into an independent Christian nation. The group’s leader, Jaffar Umar Thalib, has stated that his ultimate goal is the implementation of Islamic law throughout Indonesia. While in the Moluccas, Thalib reportedly urged “good Muslims to wipe out Christians.” See International Crisis Group, *Indonesia: Overcoming Murder and Chaos in Maluku*, ICG Asia Report No. 10, December 19, 2000. See also U.S. Department of State, *International Religious Freedom Report*, “Indonesia,” October 2001 (<http://www.state.gov/g/drl/rls/irf/2001/5686pf.htm>, accessed October 31, 2001).

² Paul Michael Taylor, “The Indonesian Archipelago,” in *Islands: the Illustrated Library of the Earth* (1994) 110, 112.

³ Robert W. Hefner, “Profiles in Pluralism: Religion and Politics in Indonesia,” in *Religion on the International News Agenda*, ed. Mark Silk (2000) 84.

⁴ US Department of State, *International Religious Freedom Report*, “Indonesia,” September 2000 (http://www.state.gov/www/global/human_rights/irf/irf_rpt/irf_indonesi.html, accessed January 30, 2001).

⁵ Library of Congress, “Pancasila: The State Ideology,” *Country Studies: Indonesia* ([http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+id0141](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+id0141), accessed February 1, 2001).

⁶ <http://www.kbri.org/>(accessed February 1, 2001).

⁷ 2000 *International Religious Freedom Report* (Internet).

⁸ U.S. Department of State, *Background Notes*, “Indonesia” (http://www.state.gov/www/background_notes/indonesia_0010_bgn.html, accessed January 18, 2001).

⁹ 2001 *International Religious Freedom Report* (Internet).

¹⁰ Ibid.

¹¹ Ibid.

¹² Robert W. Hefner, “Profiles in Pluralism,” ed. Silk, 84.

¹³ Library of Congress, “Islam,” *Country Studies: Indonesia* (<http://lcweb2.loc.gov/frd/cs/idthoc.html>, accessed March 26, 2002).

¹⁴ Ibid.

¹⁵ Library of Congress, “Islamic Political Culture,” *Country Studies: Indonesia* ([http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+id0139](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+id0139), accessed March 26, 2002).

¹⁶ Hefner, “Profiles in Pluralism,” ed. Silk, 85.

¹⁷ Daniel Brumberg, “Dissonant Politics in Iran and Indonesia,” *Political Science Quarterly* (September 22, 2001), 10 (<http://www.nexis.com/research/search/submitviewtagged>, accessed January 31, 2002).

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²⁵ Ibid.

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²⁸ Richel Langit, “Indonesian Militants a Law Unto Themselves,” *Asia Times*, January 19, 2002.

²⁹ “Extremism Taints the Image of Islam: Religious Leaders,” *The Jakarta Post*, January 14, 2002.

³⁰ See Associated Press, “Indonesian Groups Urge Adoption of Sharia Law,” January 15, 2002; and Associated Press, “Just 25 Attend Meeting Calling for Sharia Law in Indonesia,” January 16, 2002.

³¹ Many reports refer to Maluku, the Maluku Islands or the Malukus, as well as Moluccas. According to some Indonesia experts, the term “Moluccas” is more functional to refer to the entire group of islands, as “Maluku” refers now only to the central and southern islands and “North Maluku” to the islands in the north. (The Moluccas were divided into two separate provinces in 1999.)

³² 2001 *International Religious Freedom Report* (Internet).

³³ Ibid.

³⁴ Norwegian Refugee Council, “Current Situation in Maluku Province,” Global IDP Project, June 2001 (<http://www.db.idpproject.org/sites/idpprojectdb/.../215F6E09DC2A6863C125695A0035EA5>, accessed January 14, 2002).

³⁵ Ibid. See also Amy Chew, “Maluku Peace a Long Way Off,” *CNN.com*, July 10, 2001, which describes that the island of Ambon has been “carved into Christian and Muslim enclaves.”

³⁶ The January 13, 2002 *Moluccas Report* notes that “the conflict is now mainly restricted to the city of Ambon and neighboring villages.” Crisis Centre, Diocese of Amboina, *Moluccas Report* No. 224, January 13, 2002.

³⁷ Ibid. See also Tiarma Siboro, “Government Still Searching for Ways to End Strife in Ambon,” *The Jakarta Post*, January 12, 2002, which quotes Maluku Governor Saleh Latuconsina as stating that “there is a group of people who do not want to see peace in Maluku; these people, for the sake of their own interest, antagonize the two warring groups.”

³⁸ E. Hartanto and O. Pinontoan, “Three Years of Bloody Maluku Conflicts Leave Nothing but Disaster,” *The Jakarta Post*, January 19, 2002.

³⁹ 2001 *International Religious Freedom Report* (Internet).

⁴⁰ Ibid.

⁴¹ Human Rights Watch, *World Report 2002: Indonesia* (<http://www.hrw.org/wr2k2/print.cgi?asia7.html>, accessed January 16, 2002).

⁴² 2001 *International Religious Freedom Report* (Internet).

⁴³ Crisis Centre Diocese of Amboina, *Moluccas Report* No. 234, February 11, 2002.

⁴⁴ Associated Press, "Christians, Muslims Sign Peace Treaty," February 12, 2002.

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⁴⁹ "Sulawesi: Overview," *Building Human Security in Indonesia*, Program on Humanitarian Policy and Conflict Research, Harvard University (http://www.preventconflict.org/portal/main/maps_sulawesi_overview.php (accessed January 14, 2002)).

⁵⁰ Ibid.

⁵¹ Library of Congress, "The Coming of Islam," *Country Studies: Indonesia*, November, 1992 ([http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+id0016](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+id0016), accessed January 21, 2002).

⁵² Lorraine V. Aragon, "Communal Violence in Poso, Central Sulawesi: Where People Eat Fish and Fish Eat People," *Indonesia*, vol. 72 (October 2001), 5-6.

⁵³ See analyses by Aragon and David Rohde, "Indonesia Unraveling?" *Foreign Affairs* (July/August 2001), 123. Rohde stresses that "clashes are blamed on ethnic and religious hatred, but economic woes and political jockeying are their root cause."

⁵⁴ Aragon, "Communal Violence in Poso, Central Sulawesi," 12.

⁵⁵ Rohde, "Indonesia Unraveling?" 123.

⁵⁶ Aragon, "Communal Violence in Poso, Central Sulawesi," 13.

⁵⁷ Ibid., 17.

⁵⁸ Ibid., 21

⁵⁹ See “The Black Bats Strike Back,” *The Economist*, August 11, 2001, which states that there were hundreds of bodies found floating in rivers, many with their heads missing. See also Chris McCall, “War in Sulawesi’s Poso District,” *South China Morning Post*, September 9, 2001. See also Aragon, “Communal Violence in Poso, Central Sulawesi,” 21, who states that “burned and decapitated corpses floated down the Poso River for weeks; many more were discovered in ravines and mass graves.”

⁶⁰ Aragon, “Communal Violence in Poso, Central Sulawesi,” 26.

⁶¹ “The Conflict in Central Sulawesi,” *Building Human Security in Indonesia*, Program on Humanitarian Policy and Conflict Research, Harvard University (http://www.preventconflict.org/portal/main/maps_sulawesi_conflict.php, accessed January 14, 2002).

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⁶³ “The Conflict in Central Sulawesi,” *Building Human Security in Indonesia*, Harvard University (Internet).

⁶⁴ Badri Djawara, “5 Killed in Fresh Poso Communal Conflict,” *The Jakarta Post*, November 29, 2001.

⁶⁵ “Sulawesi: Actors,” *Building Human Security in Indonesia*, Program on Humanitarian Policy and Conflict Research, Harvard University (http://www.preventconflict.org/portal/main/maps_sulawesi_actors.php, accessed January 14, 2002).

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⁶⁷ The text of the Malino Declaration can be found on the Web site of the Indonesian Embassy in Washington, DC (<http://www.embassyofindonesia.org/releases/press/poso.htm>, accessed January 14, 2002).

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⁶⁹ Ibid.

⁷⁰ 2001 *International Religious Freedom Report* (Internet).

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⁷² Harold Crouch, Representative of the International Crisis Group, at a meeting in Washington, DC, November 29, 2001.

⁷³ Amy Chew, "Maluku Peace a Long Way Off," *CNN.com*, July 10, 2001.

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⁷⁵ See "Protests Greet Maluku Negotiators," *The Jakarta Post*, February 15, 2002; and Crisis Centre Diocese of Amboina, *Moluccas Report* No. 236, February 14, 2002.

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⁷⁷ *Ibid.*

⁷⁸ "Three Years of Bloody Maluku Conflicts Leave Nothing but Disaster," *The Jakarta Post*, January 19, 2002.

⁷⁹ International Crisis Group, *Indonesia: the Search for Peace in Maluku*, ICG Asia Report No. 31, February 8, 2002, i. The report also states that though this battalion contributed to a decline in violence, reports of its brutality eventually forced the government to replace it with army special forces in November 2001.

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