

Tolerance as Implicit Order
Militias and Sexual Violence as Practice in Indonesian Counterinsurgency
Operations

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ABSTRACT

What conditions precipitate militia-inflicted sexual violence during counterinsurgency (COIN) and stabilization operations? Bringing insights from the outsourcing and social cohesion theses, we expand on the sexual violence as practice framework by focusing on the issue of commander's tolerance. Given the principal-agent problem, tolerance can be conceptualized and refined as a form of implicit order. Prioritizing the relationship between government and militia groups, we argue that militia-inflicted sexual violence is amplified by two interrelated conditions – the link to (or association with) the government security forces and the autonomy permitted to the militias to act independently in maintaining control in conflict zones. As such, sexual violence-as-weapons of war logic can be extended to understand the finer variations of militia-committed violence in COIN operations. We elaborate our explanations by analyzing three peripheral operations conducted by Indonesian security forces and the associated militias: East Timor, Aceh and West Papua. We process-trace the mechanisms through which the two conditions of linkage and autonomy permit pro-government militia groups to commit mass civilian killing and sexual violence. In the final section, we conclude with broad policy implications from our research.

KEYWORDS: conflict-related sexual violence; militias; principal-agent framework; Indonesia; counterinsurgency

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Introduction

The role of pro-government (or state-sponsored) militias in internal conflicts and great power counterinsurgency (COIN) operations have garnered heightened scholarly and policy interest in recent times. The United States' engagement with Sunni Awakening groups, Saudi- and Iran-backed militias in the Yemeni civil conflict, and government-backed militias in Syria are some recent examples (Cottam et al. 2016, 47-64; Sharp 2017; Khaddour 2018). While the strategic utility of militia groups has long been established and debated, only recently has there been a growing awareness of their involvement in conflict-related sexual violence (Office of the Special Representative of the Secretary-General 2019, 3). As a recent study notes, 17 percent of active militia groups between 1989 and 2009 were perpetrators of such acts (Cohen and Nordas 2015). Yet, variations in militia-inflicted sexual violence exist as some groups have committed such acts as part of their repertoire of violence while others have displayed restraint (Wood 2006). What conditions precipitate militia-inflicted sexual violence and, more broadly, indiscriminate civilian violence during COIN and stabilization operations?

We provide a nuanced analysis by unpacking the concept of commander's tolerance within the sexual violence as practice framework. Commander's tolerance – acts that are neither prohibited nor an explicit policy – underpins the relationship between the leadership and combatants in the analysis of sexual violence in armed conflicts. Extending the argument to militias, we argue that tolerance can be conceptually refined as a form of implicit (or non-direct) order. Prioritizing the principal-agent framework, we argue that militia-inflicted sexual violence is caused when two conditions are amplified – the level of association with (or link to) government security forces in the conflict zones and the autonomy permitted to the militias to act independently in maintaining control. Consequently, sexual violence as weapons of war logic can be extended to understand the finer variations of militia-committed sexual violence in COIN and stabilization operations.

Examining militia-inflicted sexual violence is significant and timely for three interrelated reasons. From a policy perspective, militias in COIN operations, unlike state actors, are not strongly bound by international law or agreements. As such, international efforts to prevent sexual violence in conflict zones have to go beyond the existing efforts of UN resolutions and address the 'grey-zone' of political violence (Officer of the Special Adviser on Gender Issues and Advancements of Women 2000; Durbach, Chappell and Williams 2019). Theoretically, our analysis contributes to the growing literature examining militia-inflicted sexual violence

by unpacking the causal conditions under which sexual violence as practice occurs. Empirically, we analyze three relatively understudied cases, namely Indonesia's COIN and stabilization operations in its peripheral regions.

In the next section we discuss the two main theoretical explanations on the causes of militia-inflicted sexual violence. Specifically, we conceptualize commander's tolerance as a form of implicit order framed around the principal-agent framework and then elaborate the association and autonomy conditions in detail. Following, we trace the process through which the two conditions amplify the perpetration of sexual violence by analyzing three peripheral COIN operations by Indonesian security forces and the associated militias: East Timor (Timor-Leste), Aceh and West Papua. In the final section, we conclude with broader policy implications from our research.

Tolerance and Militia-Committed Sexual Violence as Practice

Militias and Sexual Violence in COIN Operations

Recent studies in civil wars and political violence research have placed greater emphasis on the causes and consequences of pro-government militias. The notion that the modern state has historically held a monopoly on the use of violence has been challenged, a point of particular note in the post-Cold War era (Ahram 2011b). Militias (and other non-state actors), for example, have been involved in eighty-one percent of all civil wars from 1997 to 2007 (Carey et al. 2013; Jentsch et al. 2015). Furthermore, when internal order is challenged, especially in weak or failing states, great powers and host governments have employed, and sometimes primarily relied on, militias and other forms of indigenous forces during COIN and stabilization operations (Hughes 2016; Park and Paik 2018).

While largely operating outside the regular chain of command, militias maintain links to the government depending on the level of material support and training received (Carey and Mitchell 2017, 130-131; Ahram 2014, 489; Staniland 2015). These prominent players of internal security can similarly vary in terms of size, recruitment and level of relationship with the civilian population (Carey et al. 2013; Cohen and Nordas 2015). Finally, different militia groups have unique relations not only with rebel forces but also the government and play a prominent role in determining the fate of civil wars (Jeursen and van der Borgh 2014).

More importantly, militias have also been prominently associated with high levels of civilian repression and human rights abuses (Mitchell et al. 2014), and sexual violence is no

exception. Examples of such brutality and mass sexual violence are evident in Congo, Yemen and Bosnia (Kelly 2010; Amnesty International 2019). What conditions such atrocities?

There are two prominent explanations on the causes of militia-inflicted sexual violence. The first is the outsourcing thesis (Ahram 2011a; Byman and Kreps 2010; Mitchell et al. 2014; Carey et al. 2015). Framing it around the principal-agent problem, the outsourcing thesis focuses on delegatory relationships between militias and governments. Proponents argue that government security forces simply delegate the ‘dirty work’ to militias during COIN operations in order to ensure plausible deniability by strategically avoiding accountability. Committing sexual violence can lead to either international pressures that fundamentally challenge the government’s sovereignty or domestic backlash that results in the channeling of support for the rebel groups (Wood and Kathman 2014). As such, government forces strategically choose to delegate to avoid domestic accountability and international scrutiny during COIN operations.

Given the intended purpose of delegation and the strategic maneuvering by governments in the process, the outsourcing thesis can be regarded as an implicit extension (or falls within the view) of sexual violence as ‘weapons of war’ (Reid-Cunningham 2008; Hirschauer 2014). The delegation of sexual violence, echoed in feminist scholarship, holds strategic intent to secure domination over conflicted areas (Kirby 2013, 811), which has been amplified by the UN narratives on sexual violence in war (Anderson 2010, 247; Veit and Tschörner 2019, 462-466). Simply put, the outsourcing thesis argues that governments use militias not only to minimize costs but also to maximize local knowledge and extend ‘their reach... or even bolstering the government’s legitimacy’ (Stanton 2015, 901).

An alternative explanation that has recently garnered theoretical traction is the social cohesion thesis. Rather than viewing militias as an extension of weapons of war, social cohesion explanation looks at the internal group dynamic that leads to the perpetuation of sexual violence (Cohen 2013, 476; Wood 2009, 134). Acknowledging that variation exists between civil wars and amongst the different militias and rebel groups, proponents hold that combatants commit gruesome acts of brutality as a form of social bonding in recounting the aftermath of the violence or as part of the common camaraderie experience (Hoover Green 2016, 621-622; Leiby 2009, 451; Brownmiller 1993). Sexual violence is therefore utilized as a solution to enhance unity and uniformity, making the act a crucial component to command and mobilize the groups for COIN operations.

Militia-committed Sexual Violence as Practice

Rather than being mutually exclusive, the two approaches can be theoretically complementary within the sexual violence as practice framework – the persistent commitment of sexual violence, and rape in particular, that is not part of organizational policy (Wood 2018). Within this framework, the notion of commander’s tolerance underpins the overall argument, i.e., militia-inflicted sexual violence is not explicitly instigated from above. However, how the tolerance logic plays out remains conceptually broad and theoretically underdeveloped, and the conditions under which delegation of violence takes place need to be further unpacked. We examine the concurrent conditions of combatant’s motivation and commander’s tolerance and expand on the thesis that sexual violence committed by militias during COIN operations is a form of practice – sexual violence ‘that is tolerated but not promoted as policy by the organization’ (Wood 2018, 521).

We maintain the principal-agent framework established within the existing literature and examine the potential causal mechanisms that link the notion of tolerance and militia-inflicted sexual violence (Schneider et al. 2015; Butler et al. 2007). This framework, moreover, captures delegatory ties further emphasizing the agency of the two groups. During internal conflicts, commanders in military organizations face what is described as the ‘commander’s dilemma’ due to information asymmetry (Hoover Green 2016). Motives and preferences of combatants (agents) to commit sexual violence diverge from the strategic goals held by the commanders (principals). Combatants and militia members can be motivated to commit civilian violence for a wide-range of issues – from social pressures to adhere to group norms (Rosen et al. 2003; Wood 2009) to masculinized belief on the behavior of sexual violence (Korac 2018; Ericksson Baaz and Stern 2009; Banwell 2014). Yet, while the combatant’s motives are widely studied, the question remains as to why commanders tolerate instead of prohibiting militia-inflicted sexual violence during internal conflicts.

Thus, the process through which tolerance can lead to sexual violence in some instances while not in others is at the heart of the issue. Sexual violence promoted as a policy and employed as a strategy, that is, sexual violence resulting from direct institutional orders, occurs in extreme cases of ethnic cleansing and genocide. This top-down conceptualization is not only theoretically limiting but also serves as a narrow framework as much of war-time sexual violence unfolds under conditions in which direct or explicit policies are absent (Wood 2018, 521-522). Given the high correlation between state- and militia-committed sexual violence (Cohen and Nordas 2014, 2015; Stanton 2015), commander’s tolerance for

political violence can come in different forms of orders which neither have to be explicit nor direct. Rather, most orders are partial, vague (ambiguous), or coded between the principals and agents in committing such war crimes (Richardot 2014).

Establishing commander's tolerance as an implicit form of order moves beyond the simplistic framing of failure to punish combatants. Instead, it encompasses the broader notion of commanders' endorsement through suggestive language and vague performative orders. Implicit forms of order, moreover, do not hold the specific intent of instigating sexual violence. Its vague and veiled nature creates space for combatant's interpretation of sexual violence as an acceptable act, hence reproducing continuous acts of atrocities. Commander's tolerance can be tied to their entrenched and foundational patriarchal beliefs that accept and normalize the act of sexual violence – condoning the act within implicit orders (Farwell 2004; Meger 2010). This subsequently enforces the continued perpetuation of power dynamic that pitches a dominant masculinized armed force against a feminized civilian population (Davies and True 2015; Baaz and Stern 2009; Sjoberg 2007). Yet, it concurrently allows the agents to commit sexual violence precisely because they are veiled orders that are by nature implicit. Thus, the contributive effect of the commander's sexual violence is more visible when framed as implicit form of order between the principals and agents. Conversely, casting tolerance as neglect to punish frames commanders as mere passive bystanders to atrocities and attributes to the diffusion the principal's liability in violence.

Once commander's tolerance is formulated as an implicit order, militia-inflicted sexual violence is amplified under two conditions. First is the level of linkage to (or association with) the government security forces. The greater the association with government security forces, the greater the tendency of militia groups to commit sexual violence. Greater links often mean that they are provided with the training, recruitment and weapons to be developed into 'masters of terror'. In addition to material support provided, militias are also emboldened by having a sponsor for their acts. Just as governments use militias as a means to avoid accountability, the militias likewise need the government's backing in order for them to unleash their full 'repertoire of violence' (Kalyvas 2006; Gutierrez-Sanin and Wood 2017). An interrelated second condition is the level of autonomy provided to the militias during operations in terms of maintaining control over the populace. With greater freedom to act, the militias have greater propensity to commit sexual violence. This gap between resource capabilities and militia independence in dictating routes to accomplish vague implicit orders of state commanders allows for information asymmetry to be purposefully cast aside and the

combatant's motives (private preferences) for sexual violence can take over. Depending on the type of militias and other non-state actors (supply-side) available to the state, the level of indiscriminate violence and human rights violations may similarly vary (Biberman 2018; Staniland 2012). Moreover, this is also the phase where unit social cohesion dynamics take place in leading to the greater propensity for sexual exploitation. Therefore, contrary to assertions that militias and related violence are a product of lost control (Mueller 2007), our autonomy condition puts actions of government forces as contributive to militia-related violence in conflicts.

In all, we share with Elisabeth Jean Wood and others the view of sexual violence as a form of practice in COIN and stability operations. Given the principal-agent framework, commander's face the difficult task of controlling agents due to information and preference asymmetries on the ground. Commander's tolerance of the perpetuation of sexual violence should be understood as a form of implicit order rather than a completely different category. Subsequently, through the re-conceptualization of tolerance, militia-committed sexual violence is conditioned through links with the government and the freedom given to act at their own discretion to maintain control.

Indonesia's COIN Operations in the Periphery

Much of the literature on sexual violence has been justifiably focused on Eastern Europe and the civil wars in Africa. Yet, Asia has been no stranger to civilian mass killing and sexual violence (Neill 2002; Wieskamp 2015, 98-107; Park 2010; Davies and True 2017) with the region accounting for 12,374 documented cases, or more than half of all events recorded (Bahgat et al. 2016, 8-9; Fulu et al. 2013, 9). Here, we conduct a structured and focused comparison case study method (George and Bennett 2004, 67) of Indonesia's three peripheral COIN operations with particular focus on the years with high levels of mass civilian killing and the perpetration of sexual violence: East Timor in the 1990s leading up to the referendum; the second and third phases of the Aceh conflict; and stabilization operations over West Papua throughout the 1980s onwards. These sustained separatist-related insurgencies in Indonesia's periphery, unlike the non-separatist uprisings such as in Central Kalimantan, first erupted during the New Order period and intensified with the fall of Suharto's authoritarian rule in the post-Cold War era (Davidson 2003, 59). Drawing on truth and reconciliation documents, oral testimonies, and investigative NGO reports, we trace the process through which sexual violence as practice was committed by pro-government militia

groups through association with the government security forces and autonomy in terms of actions.¹ In addition to being generally understudied, the three cases are apt for two additional reasons. First, given that it was the same Indonesian forces that conducted the COIN operations, other potential confounding variables, such as regime type, COIN tactic and military leadership, can be kept constant. This allows us to prioritize the main causal logic at hand. Second, in addition to developing our theoretical explanation across cases, it also allows us to examine within-case variation where appropriate. We progress by briefly examining the development of the Indonesian security force and the doctrine of ‘Total People’s Defense’ to provide contextualization. Each subsequent case begins with a rough sketch of the local conflict, followed by militia formation and mobilization, and the analysis on the perpetration of mass civilian killing and sexual violence.

Indonesian Armed Forces and the Doctrine of Total People’s Defense

The Republic of Indonesia Armed Forces (*Angkatan Bersenjata Republik Indonesia, ABRI*), and the Indonesian National Armed Forces (*Tentara Nasional Indonesia, TNI*) from 1998 onwards, have long held a unique role in post-colonial Indonesian politics, especially in suppressing internal dissent and rebellion in various parts of the country (Rabasa and Haseman 2002, 7; Barter 2013, 81). Not only did the Indonesian military gain considerable experience in ‘unconventional counterinsurgency tactics, including the use of terror and forced displacement’, it also developed a key dual-function (*dwifungsi*) doctrine of ‘Total People’s Defense’ (*Sistem pertahanan rakyat semesta*) that emphasized ‘mass mobilization to defend the country against external and internal threats’ (Rabasa and Haseman 2002, 41; Ibnu Reza 2017, 166; Robinson 2010, 41). In particular, Article 30.1 of the 1945 Indonesian Constitution clearly articulates and provides endorsement for the use of militias with the proclamation that citizens have the right and duty to be involved in the defense of the nation (Republic of Indonesia 1945). The legal and military reasoning has always provided the TNI with ‘a distinctive approach to handling opposition, which entails the systematic use of violence and the mobilization of local militia forces as provocateurs and enforcers’ (Robinson 2010, 15-6). In the early 1990s, there were an estimated 70,000-100,000 active militias associated with the TNI (Federation of American Scientists 1999). This historical

¹ Given the lack of systematic reporting of sexual violence in West Papua and, to a lesser degree, Aceh relative to the East Timor case, we rely on NGO reports and oral testimonies to identify and outline patterns of implicit order that lead to militia-inflicted sexual violence on the ground (Davenport and Ball 2002).

normalization and legality of militias is accompanied by the masculinized beliefs firmly entrenched in Suharto's New Order ideology, whose legitimacy is built on sexual politics (Wieringa 2003). Thus, any questioning of the heteronormative social order within the hierarchies of the Indonesian military is perceived as a threat to the Indonesian state itself (Clark 2010), allowing ingrained masculinized beliefs to take foundation within the fabric of the Indonesian military. Now, we turn towards establishing militia-inflicted sexual violence as a practice in the republic.

East Timor

The occupation of East Timor can be broadly divided into three periods: 1) invasion and early conflict years (1975-83); 2) consolidation and normalization period (1984-98); and 3) the massive spike in violence (1999) (Cohen 2016, 127-68). On 28 November 1975, Fretilin, having won a short civil war against the Timorese Democratic Union, declared independence (Kingsbury 2009, 49). The Indonesian state immediately responded with the deployment of paratroopers and marines forcing Fretilin forces into the east and the south (Kammen 2015). Indonesia then quickly established a provincial body and called for greater sovereignty for East Timor rather than a separate independent state (Robinson 2001, 299). The fighting soon reached a stalemate but without collapsing the movement.

After a long period, grievances against the occupation were rekindled after the Santa Cruz cemetery massacre in Dili (Jardin 1998) and the Fretilin insurgency was rejuvenated, transforming into an urban subversive movement – the Clandestine Front (Kilcullen 2010, 98). Under international and domestic pressures, the new B. J. Habibie government agreed to hold a referendum on the issue of East Timor autonomy. Despite such efforts, militias were mobilized, ultimately leading to widespread violence.

Most of the militias in East Timor displayed strong associational ties to the ABRI, both informally and semi-officially. Soon after the referendum announcement, Gen. Wiranto began re-mobilizing pro-government militias starting with the recruitment of 40,000 civilians into the RATIH (*Rakyat terlatih*) and HANSIP (*Pertahanan Sipil*) schemes, where members were given a three-month basic military training from the ABRI. This was a relatively easy process given East Timor's long history of militia activities both before and during the Indonesian invasion. Militia units were formed in thirteen other districts in the east, such as Aitarak in Dili, BMP (*Besi Merah Putih*) in Liquica, and Tim Alfa in Lautern (Tanter et al. 2006, 70).

By early 1999, the various militia groups were drawn together under the unified command structure of the PPI (*Pasukan Pejuang Integrasi*, Integration Fighters Force) (Robinson 2006, 31). At its peak, PPI had an estimated 50,000 combatants under its command, which included 3,000 remnant combatants of the Gadapaksi (*Gada Pemuda Penegak Integrasi*) that was sponsored by Col. Prabowo Subianto (Moore 2001, 29-30; Fox and Babo-Soares 2003, 151). The combined militia group was organized into three sectoral commands, with some commanders, such as Cancio Lopes de Carvalho (*Mahidi* militia) of Sector C, having direct links to a Kopassus Chief of Staff of Kodam IX (Robinson 2006, 91). Armed with a secret accord with both the military commander and the Police Chief of East Timor, the PPI was given authorization to attack homes and directly interrogate members of perceived pro-independence group (Tanter et al. 2006, 120). The Garnadi document called on the need for Indonesia to support militias, or the ‘heroes of integration’ as agents needed for post-ballot plans (Kammen 2001, 186).

Despite continuous denial of militia recruitment, strong ABRI operational and organizational links as well as persistent collaboration between the two is evident (Tanter et al. 2006, 289-33; Barter 2013, 82-3; Dunn 2009). For instance, some groups were renamed as the voluntary civil security organizations (*Pam Sawarka*), giving them a form of legality under the guise of civic action (Robinson 2006, 80). The aforementioned RATIH were organized along military lines and were overseen or guided by the sub-district Military Commander (*Danramil*), soldiers from Battalion 745, and representatives of the powerful Kopassus intelligence outfit, SGI (*Satuan Tugas Intelijen*, Intelligence Task Force) (Robinson 2006, 70). Similarly, Gadapaksi was supported by government authorities and its infamous leader, Eurico Guterres, was appointed the overall commander of PPI Sector B (Robinson 2006, 73).

Throughout East Timor, militias engaged in military-style drills and marched in real or mock formations, with some in military uniforms and others donning red and white bandanas (Robinson 2001, 272). Furthermore, the militias would carry guns and other weapons equipped by the Indonesian government forces, an aspect acknowledged by Gen. Wiranto himself: ‘the weapons were stored... and distributed to militias in advance’ (Cohen et al. 2007, 68, 330). In all, the ABRI held close direct ties with militias active throughout East Timor.

Additionally, the militias closely collaborated with the ABRI and later the TNI in committing civilian violence (Cohen et al. 2007, 330). The BMP was reportedly supported by

Battalion 143 under the lead of Lt. Col. Saripudin while HANSIP was divided into two groups, one serving with the ABRI and the other as police auxiliary unit (Robinson 2006, 71). Battalion 143, along with BMP and Halilintar, conducted joint patrols, engaged in killing and pillaging hundreds of villages in Guiso, and perpetrated the Liquica church massacre (Tanter et al. 2006, 1261-33; Cohen et al. 2007, 73). The Halilintar and DMP (*Dadurus Merah Putih*) militias began a campaign of destruction in Maliana on 4 September with government forces positioned around supporting the attack (Dunn 2009, 33).

At times action orders came directly from the TNI commanders. For instance, in January 1999, Maj-Gen. Adam Damiri of Kodam IX held a meeting with militia leaders before the start of Operation *Clean Sweep*. The consistent overlapping of operational boundaries reflects close association between the two (Kingsbury 2003, 118-120). As such, suspected pro-independence supporters were interrogated and tortured by militias, who later returned to military posts. In other cases, however, commanders, such as Cols. Tono Suraman and M Noer Muis, simply overlooked the acts under their jurisdiction, indicating freedom of action given to militias during the operations (Tanter et al. 2006, 55). Commands from the Indonesian forces were often vague, directing violence yet giving autonomy in terms of means employed. The International Federation for East Timor documents intercepted Kopassus orders to militias ordering '[t]hose white people ... should be put in the river' and, responding to the 1999 ballot results, '[w]hether we win or lose, that's when we'll react' (Usborne 2015). Likewise, in disseminating orders by the Police Chief for East Timor, Col. Timbul Silaen vaguely brings up the goal of 'bringing the security situation under control' (Moore 2001, 42). These implicit orders signal the absence of restrictions on the means to carry out orders and gave the militias autonomy to act as long as they fulfilled the end goal.

It is estimated that approximately 308,000 people were killed during the Indonesian occupation of East Timor (Thaler 2012). Most civilian killings moreover are positively correlated with reported cases of disappearance (Silva and Ball 2006, 25-30). Militias, together with local officials and civil defense forces as part of ABRI/TNI collaborators, were responsible for 32.3% of civilian killings (1,654 out of 5,120 documented) (CAVR 2006, 510). In 1999 alone, 39.5% of the killings were attributed to militias while 9.5% were inflicted by the Indonesian military (Silva and Ball 2006, 32).

Militia groups bore the greatest responsibility for the conflict-related sexual violence amongst the broader violence committed during the Indonesian occupation right after the state forces as the Final Report of the Commission for Reception, Truth and Reconciliation in

East Timor (CAVR 2006, 1923) notes. Victim and survivor testimonies bear witness to the militia-inflicted atrocities, as instances of gang rapes, kidnapping and sexual enslavement are clearly documented. For example, mothers of suspected pro-independence sympathizers were separated for interrogation and repeatedly raped by ABRI and militia members (CAVR 2006, 1285). Individual and group killings were associated with instances of rape, which were oftentimes motivated as form of combatant socialization (Cohen 2013, 161-168). A reported account vividly captures the militia and government-linked atrocities: a pro-independence activist from Lauala Village ‘was arrested, taken to a Darah Integrasi post and then to a house where she was allegedly raped by a *Naga Merah* militia commander, M123, and three of his subordinates... and then executed in Manten Nunutali’ (CAVR 2006, 1082, 1129, 1321-1322). Forcefully displaced refugees were similarly victims of coercive sexual threats (Thompson 1999) and women were reportedly shot when they rejected sexual demands (Tanter et al. 2006, 48). The International Commission of Inquiry on East Timor report furthers the common practice of gang-rape being carried out under the observation of fellow militiamen (General Assembly Security Council 2000).

Other forms of sexual violence were equally prevalent. The CAVR (2006, 1971-1979) categorizes 229 cases as ‘sexual slavery’ as women were held in military installations and even domestic settings (Tanter et al. 2006, 52-53, 94; Kent 2014). Forced pregnancy and sterilization, and forced marriages were other serious forms of sexual violence committed during the occupation, particularly in 1999 (CAVR 2006, 513; Cristalis et al. 2005, 237-261). In all, militias in East Timor held very strong links with the TNI, often displaying the same organizational and operational tendencies. Similarly, these groups were given greater autonomy during the stabilization operation. With closer links and greater autonomy, indiscriminate violence was rampant and sexual violence was high.

Aceh

With of the signing of the London Treaty, the Dutch entered Aceh in 1873 and employed scorched-earth tactics to suppress internal resistance (Kreike 2012). The Dutch forces would be embroiled in spurts of conflict with Acehnese insurgents throughout the colonial era. The following post-colonial period insurgency in Aceh can be divided into three phases: 1) the Darul Islam rebellion/revolt; 2) the GAM (*Gerakan Aceh Merdeka*, Free Aceh Movement) insurgency from 1976; and 3) the DOM (*Daerah Operasi Militer – Military Operation Region*) operations after the implementation of martial law in 2003 (Schulze 2006, 2).

The P4K (Planning Guidance for Perfecting Peace and Security) COIN tactic from the Darul Islam rebellion was employed during the second phase of the Aceh conflict (Schulze 2004, 242). As such, government forces were given ‘free rein to crush the separatists’, resort to ‘dirty counter-insurgency war’, and ‘[t]orture, disappearances, rape, the deliberate display of corpses and many other techniques became common’ (Askandar 2007, 251). Like East Timor, Aceh has had unique ties to militias during the various stages of its insurgency. Civilians were recruited into the local vigilante groups for the ‘*pagar betis* (fence of legs)’ tactics and used as part of a large-scale cordon-and-search operations in rebel held areas to prevent the insurgents from opening direct fire (Kilcullen 2010, 90-94). Achenese unwilling to participate often faced punishment, arrest and even public torture (Ibnu Reza 2017).

Militias were continuously recruited and used as part of Indonesian COIN efforts against the GAM. In the 1990s, *preman* (gang) groups were deployed in black operations to target GAM’s civilian support base while the Indonesian National Youth Committee mobilized and regulated pro-government groups, such as *Pemuda Pancasila* (PP), *Ikatan Pemuda Karya* (IPK), and *Angkatan Muda Partai Golkar* (AMGP) (Davies 2006, 172-173).² Many were coerced to join and members of some, such as *Laskar Rakyat*, were provided basic military training (Amnesty International 2004, 12) and given orders to hunt down rebel groups, displaying strong links to the government security forces (Amnesty International 1993). By 1999, the government actively sought to pass legislation allowing the recruitment of civilians in the defense of Aceh, an aspect emphasizing greater organizational association with the Indonesian government (Miller 2008, 39).

In 2003, President Megawati Sukarnoputri publicly endorsed the constitutional rights of people to organize and defend themselves against rebels. This paved the way for the recruitment and training of militias in Central Aceh District (Amnesty International 2004, 9) as part of the preparation for offensives against GAM following the collapse of talks and the declaration of martial law (Sukma 2004, 16; Miller 2008, 104-105). Prominent militia groups, such as the RATIH, KAMRA and WANRA, worked alongside the TNI with HANSIP providing informal part-time assistance (Barter 2004). Other active militia group includes the Noble Warriors Upholding Pancasila and the Village Security Youth.

The training and organization of militias was an actual TNI policy, an integral part of Basic Military Training (*Latsarmil*) emphasizing the competencies of *babinsa* (Village

² Many of these groups, such as *Pemuda Pancasila*, played a prominent role in the massacre of so-called communist during the birth of the New Order (Ryter 1998, 55-56; Cribb 2002, 556-557).

Guidance NCO) to organize the civilian community (Davies 2006, 182). Joint TNI-paramilitary trainings were conducted in the name of deepening ‘community intelligence networks’ – Aceh cadres were expanded with DEPDAAGRI’s paramilitary branch entrenching control over lower *pageu gampong* (communities) and local mosques. In 2003, the SISKAMLING (Local Security System) commanded by KODAM was set up to centrally conscript villagers and refugee camp dwellers for official patrol duty (Davies 2006, 182-183). Ethnic Acehnese were largely organized into defensive militias (Barter 2013, 85) and approximately 15,000 TNI-backed militias were mobilized in Aceh to crush the GAM in 2004.

Like East Timor, high levels of mass civilian violence occurred during the latter Aceh conflict, with numbers ranging from 3,402 to 30,000 deaths (Amnesty International 2017). Government forces were willing and ready to use force to suppress Acehnese rebellion when deemed necessary (Askandar 2007, 255). Amnesty International (1993, 17-22) reports visible forms of killings inflicted by the TNI forces during sweeping operations, against those fleeing the security forces, and extra-judicial killings. Evidence of collective killings is vivid. For instance, ‘mysterious killings’, later admitted by the Gen. Try Sutrisno as the doings of the TNI, held a common pattern of corpses being openly laid out in rebel held regions (Amnesty International 1993, 18-19). Likewise, at Bukit Panglima, 56 detainees were ordered into military trucks and transported to the Koppassus camp at Rancong and shot on site.

If the government forces fronted the killings, militias were prominent culprits. For instance, WANRA was involved in Operation *Sadar Rencong II*, killing more than 200 individuals in a span of a year (1999-2000) (Human Rights Watch 1999). Likewise, an Acehnese Muslim elder testified that 12,000 civilian deaths were related to the BRIMOB (*Brigade Mobil*, paramilitary mobile police) and *Rajawali* (Kopassas trained task force) (Davis 2006, 167). In 2001, *Puja Kusuma* were allegedly collaborating with the military that led to the massacre of 150 people with 800 houses burnt in Central Aceh in a month’s period (Human Rights Watch 2001; United Nations Development Program n.d., 148).

Alongside civilian mass killing, militia-inflicted sexual violence is clearly evident during the Aceh conflict. Amnesty International’s (2013, 5) report mentions ‘long-established pattern of rape and other sexual crimes against women’ and records the testimonies of the victims. The National Human Rights Commission found that 120 women were raped during the period of 1989 to 1998 (McCulloch 2005). Many of the recorded instances of sexual violence took place in military detention centers by TNI forces and paramilitary groups

(Amnesty International 2004). Amidst rampant sexual violence, it is important to note that low-ranking officials in some jurisdictions have been punished for conducts of rape when found guilty (McCulloch 2005). This ability to punish and charge the rank and file in Aceh thereby signals commander's ability to curb or ease conducts of sexual violence.

Yet, only four cases of sexual violence were brought to trial by the Indonesian government (Clarke et al. 2008). In an interview targeting his rival Wiranto, Prabowo acknowledged the use of militiamen in Aceh as a source for rape and mass killings (Nairn 2014). *Preman* groups were funded for the recruitment of paramilitary cadre, while WANRA auxiliaries were recruited by the TNI's Battalion 621 in the sterilization of women in refugee camps (Davies 2006, 176). Beyond financial support, autonomy was given to pro-Indonesian militias. The FPMP (*Merah Putih Defence Front*) proclaimed themselves as *panglimas* (commanders) over East Aceh where the use of bureaucratic titles signaled the militia's power entrenchment (Davies 2006, 176-177). Decentralization laws instilled in 1999 further gave powers to the militiamen and their supporters who were placed into lower-ranking district offices (Ehrentraut 2010, 22).

In all, the militia groups' association with government security forces in the commitment of mass civilian killing and perpetration of sexual violence is clearly evident. Different groups were also given autonomy to run lower-level districts in various parts of Aceh. Militias that had been funded and received formal training operated jointly or as auxiliaries in operations that resulted in indiscriminate violence.

West Papua

Split between Great Britain and the Netherlands, West Papua was colonized by the latter until 1962 (Scott and Tebay 2005). The sovereignty of West Papua had been in dispute since the Dutch refused to transfer control to Indonesia at the Round Table Conference of 1949. Through Robert Kennedy's mediation, administration of West Papua had been transferred to Indonesia with the commitment to execute the 'Act of Free Choice' referendum in 1969 (Chauvel and Nusa Bhakit 2004, 12-22). However, the Indonesian state banned all political parties and activities the following year and launched a series of brutal COIN operations under Suharto's New Order government to suppress the Free Papuans Movement (Musgrave 2015). The suppression campaign would soon escalate with the implementation of DOM status in West Papua, and the placement of troops in the border and transmigration area

(Vermonte 2007, 288-289). The resistance continues today, albeit very weakly, with West Papua only gaining ‘special autonomy’ status in 2001.

West Papua had long witnessed mass civilian killing by government forces prior to the handover to Indonesia. For example, Governor Eliezer Bonay testified at the Tribunal on Human Rights in West Papua that an estimated 30,000 people were murdered six years before the Act of Free Choice was implemented (Budiardjo and Liong 1988, 16-17). Fast forward to the 1970s, the Asian Human Rights Commission reported that an estimated 11,000 civilian casualties in Jayawijaya resulted from gunshots, torture, disease and hunger between 1977 and 1978 (International Coalition for Papua 2013). Particularly in the Central Highlands of West Papua, the Commission documents the names of 4,146 civilians killed during Operation *Chipping Away* (*Operasis Kikis*). Survivors from the Bolakme District testified to indiscriminate violence where individuals were lined up and shot by firing squads (International Coalition for Papua 2013, 13). In 1981, an estimated 2,500 to 12,000 people were killed during Operation *Clean Sweep*, which involved the use of napalm chemical weapons against civilians (Politics of Papua Project 2016). Civilian mass killings continued into the 1990s, such as the 1998 Biak Massacre, where the government killed an estimated 150 protestors. Later in 2000, the Wamena Massacre erupted with the Indonesian military burning houses, raising the numbers of conflict-related deaths (Anderson 2015, 34). Throughout the conflict, the Free West Papua Campaign (n.d.) notes up to half a million deaths since 1963 and ‘thousands more have been raped, tortured and imprisoned’ (Antonopoulos and Cottle 2019, 161).³

The Indonesian Police Force (*Polisi Republik Indonesia*, POLRI) served as the backbone of Indonesian COIN operations in West Papua. In 2010, the POLRI together with the TNI launched Operation *Securing Papua* to halt crimes and violence insinuated by the military arm of OPM (*Organisasi Papua Merdeka*, Independent Papuan Organization) (Syailendra 2016). Displays of West Papuan nationalist sentiments, such as the raising of the flag, were immediately followed with suppression by the TNI. For instance, a hundred West Papuan demonstrators gathered around the national flag in July 1998 were ‘tortured, raped and massacred’ while the following year saw a similar flag-raising incident result in 28 people being shot and killed by government forces (Vermonte 2006, 288-289). From 2000 onwards

³ According to *Komnas HAM*, the recorded official numbers are as follows: 1,418 killed or missing, and 111 instances of rape. It is acknowledged to a representation of ‘overreaction from the Indonesian military that led to violations of human rights’ (Afriandi 2015, 35).

COIN operations in West Papua witnessed a shift away from brutality as the Indonesian state split the police from its military units (Syailendra 2016, 67). The Papua police became much more entrenched at the district level of their communities, though violence continues until the present day.

The use of militias in West Papua, though relatively sporadic, has not been completely absent; *Satgas Merah Putih* (Red and White Taskforce), *Barisan Merah Putih* (Red and White Garrison) and the OPM-TPN (*Organisasi Papua Merdeka – Tentara Pembebasan Nasional*, The Free Papua Movement's National Liberation Army) all feature prominently in operations (McLeod 2007; Awpa 2000). More importantly, where the militias were involved, operations tended to witness violence towards civilians. A confidential call with local sources conducted by the Center of Naval Analysis notes that elements of militia group *Laksar Jihad* were brought over when Battalion 733 moved from Maluku to Sorong, leading to heightened speculation that the militia groups were there to do the government's dirty work and to invoke chaos in West Papua (Harvey 2002, 31). In a documentary produced by *SBS Australia* features militia group informants confirming military involvement in the setting up of two bases of the *Satgas Merah Putih* group in Manokwari (Journeyman Pictures 2005). This close relationship is confirmed by testimonies from Regional People's Representative Council representatives, noting that the militia group '[worked] hand in hand with the local police and military' (King 2004, 196). Likewise, *Laksar Jihad* was reported to be responsible for the death of 10,000 people in Muslim-Christian clashes, targeting the pro-independence movements in the islands of Maluku (Unrepresented Nations & Peoples 2002). Such actions by militias, moreover, were endorsed and financially supported by retired members of the TNI, once again confirming the link to government security forces. New militia groups, such as the *Lembaga Missi Reclassering Republik Indonesia*, continued to appear well into the current struggle and largely remain under the Indonesian government's financial control (Dewan Adat Papua 2009). Statements published by the Institute for Papuan Advocacy & Human Rights further note frequent meetings between Col. Siagian and militia groups having publicly threatened Papuans demanding for civil rights (ETAN 2007).

Conflict-related sexual violence in West Papua, though lacking in proper documentation, is evident. Given that the COIN operation was conducted by the POLRI, however, much of the recorded cases were perpetrated by the military and police forces; the International Center for ICTJ found 138 victims of state violence (Documentation Working Group 2010). Much of the state violations against women, based on oral testimonies, can be extrapolated to have

occurred during the 1970s and 1980s (Asia Justice and Rights 2019). For instance, in 1988, the Indonesian navy allegedly took women back to their ships, raped and sexually mutilated them before throwing them off. Corpses of the women were found on the Biak Coast with their breasts removed (Frederick 2001, 80). During Operation *Kikis*, the Asian Human Rights Commission notes that 35 out of 210 cases reported at Jayawijaya Regency were pregnant women who had their vaginas mutilated with bayonets by the Indonesian military and their babies cut into halves (International Coalition for Papua 2013, 16).

The military often utilized sexual violence as a terror tactic in West Papua to maintain control over the indigenous population: “the military’s use of rape was targeted specifically and exclusively against indigenous Papuan women, was committed in public (sometimes by more than one soldier), against girls as well as women, and was sometimes accompanied by murder or mutilation or both’ (Brundige et al. 2004, 63). Indigenous Papuan men’s genitals were reportedly cut off and fed to their wives when they resisted the Indonesian contest for annexation of Papuan Highlands (Brathwaite et al. 2010, 77). Sexual violence committed by the government forces can be regarded as a social bonding process that resulted from a systematic culture which saw ‘departing soldiers advising newly arriving soldiers of the women in the village who are easy targets for sex’ (Braithwaite et al. 2010, 78). Yet accountability has been, and continuous to be, low as perpetrators have not faced trial or justice for their actions (Coomaraswamy 1999; Amnesty International 2017, 10).

In a nutshell, militia groups and the police served as key auxiliary forces to the TNI in the commitment of civilian killings against nationalist movements in West Papua. Greater association with the government during stabilization operations paved the way for indiscriminate violence by militias on a sporadic basis that generally subsided once organizational changes were undertaken. With the police firmly entrenched at the district-level, the militias were never given the level of autonomy in the other two cases. Thus, contrary to East Timor and Aceh, much of the recorded instances of sexual violence were state- rather than militia-inflicted in West Papua.

Conclusion

In explaining the causes of militia-inflicted sexual violence during COIN operations, we have argued that the two main theoretical explanations – outsourcing and social cohesion – can be theoretically complementary within the practice framework. The underpinning concept of tolerance can be refined as an implicit (partial, vague or indirect) form of order between the

principal and the agents. This conceptualization helps us better understand the relationship between government forces and militia groups in the perpetration of sexual violence. Once framed as an implicit order, two conditions motivate militias to commit indiscriminate violence against civilians – association and autonomy. The tighter the link with government security forces, the more likely these militias are to commit sexual violence. Likewise, greater freedom to act provides the militia groups to freely commit sexual violence and other human rights abuses to maintain social control at the lower levels.

Three case studies on Indonesia's COIN operations were conducted to further develop the causal logic and highlight the two conditions that amplify militia-inflicted sexual violence and mass civilian killings. In East Timor, many of the pro-government militias had strong ties to the Indonesian government forces throughout the occupation period. This link was greatly emphasized during the period around the 1999 referendum. Militias were recruited, trained and provided weapons, as they embarked on a terror campaign against suspected pro-independence sympathizers and supporters. As TNI forces began to pull out and with growing international scrutiny in East Timor, these militia groups were given greater autonomy to act independently in various areas around the country. This resulted in indiscriminate violence against civilians and the commitment of atrocious sexual violence at unprecedented levels. During the latter phase of the Aceh conflict, militias similarly displayed strong links to government forces and certain groups were given greater autonomy in their actions. Consequently, while not at the level of East Timor, casualty levels and documented sexual violence remained extremely high. In West Papua, it was government forces that mostly committed indiscriminate violence against those espousing separatist views. Nevertheless, the associated police and militias played an auxiliary role in the process. On the other hand, it is not clear that the militias were given the autonomy to act independently in West Papua. As such, much of the recorded instances of sexual violence were perpetrated by government forces rather than militias.

Our study largely remains a plausibility probe analysis and certainly more study needs to be conducted before the causal logic can be firmly established. Nevertheless, three brief theoretical and policy implications follow from our analysis of militia-inflicted sexual violence. First, conceptualizing tolerance as a form of implicit order allows us to extend the logic of sexual violence as weapons of war in a theoretically concrete manner (Veit 2019). Not all militias are involved in armed conflicts of genocide or ethnic cleansing scale. Nor should conflict-related sexual violence that is not systematic be discarded. Our argument of

tolerance as implicit order provides an avenue through which finer variations of sexual violence can be analyzed. Second, greater association normally means that militia groups can turn into masters of terror. Given that pro-government militias can evolve in terms of composition and intentions, our study shows the dangers of employing militias in COIN and stabilization operations. Third and unrelatedly, contrary to current arguments of military effectiveness, our study shows that granting greater autonomy to lower level and auxiliary units of the military organization can lead to greater political violence during COIN operations, particularly in weak or newly independent states.

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