

# East Timor 1999 Crimes against Humanity

A REPORT COMMISSIONED BY THE UNITED NATIONS OFFICE OF THE  
HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)\*

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\*This report has been referenced many times by CAVR and since it is as yet unpublished it is included here in its entirety. The text is identical to that received from OHCHR, but fonts and styles have been altered to fit with the typesetting design of the CAVR report. As of October 2005, an updated version of this report was also due to be published in English and Indonesian by Asosiasi Hak, Dili, Timor-Leste. For more information Asosiasi Hak can be contacted through their website: [www.yayasanhak.minihub.org](http://www.yayasanhak.minihub.org)

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*The past cannot remain  
shrouded in mystery.  
In such situations the  
victims continue to seek  
justice and are unable  
to come to terms with  
their sorrow and  
distress.\**

## **Introduction and Executive Summary**

In the course of 1999, East Timor was the scene of terrible violence. Between early January and late October at least 1,200 civilians, and perhaps as many as 1,500, were killed. Some were shot dead, while others were decapitated, disemboweled or hacked to death with machetes. Many were subjected to torture and ill-treatment. Women and girls suffered rape and other crimes of sexual violence. The systematic violence fueled the forcible displacement of the population on a massive scale.

The violence took place in the context of a referendum on East Timor's political status supervised and carried out by the United Nations (UN) on August 30, 1999. In the period before the ballot, suspected supporters of independence were subjected to persistent threats and acts of violence by pro-Indonesian militia groups. In spite of the evident dangers, East Timorese welcomed the opportunity to vote on their political future and voted resoundingly for independence.

The worst of the violence followed the announcement of that vote on September 4. Over the next few weeks, Indonesian soldiers and police joined armed pro-Indonesian militiamen in a campaign of violence so sustained and so brutal that it shocked even those who had predicted a backlash. Before a UN-sanctioned military force arrived to restore order in late September, hundreds of people had been killed and an estimated 400,000 people – more than half the population – had been forced to flee their homes.

Indonesian authorities have offered a variety of explanations for these events. They have claimed that the pro-Indonesian militia groups formed spontaneously in response to provocation by pro-independence activists, and that the violence was the result of 'clashes' between the two sides. The post-ballot violence, according to the official view, was an understandable expression of anger on the part of pro-Indonesian East Timorese at a perceived UN bias toward independence. In response to evidence that Indonesian soldiers had themselves committed acts of violence, the authorities have acknowledged that some 'rogue elements' might have done so, but they have insisted that the armed forces as an institution had been disciplined and had worked hard to contain the violence.

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\* UN, *Situation of Human Rights in East Timor* (UN No. A/54/660) December 10, 1999, paragraph 65.

Outside observers, as well as many East Timorese, have offered a different interpretation. They have questioned the claim that the violence was the result of ‘clashes’ among East Timorese, arguing instead that it was instigated by Indonesian military authorities and in particular by its Special Forces Command (*Komando Pasukan Khusus – Kopassus*). They have asserted that the pro-Indonesian militia groups were essentially proxy forces, created, supplied, and organized by Indonesian military and civilian authorities, and that they acted under orders from Indonesian military officers. In response to official claims that military involvement had been limited to a handful of ‘rogue elements,’ they have pointed to evidence that high-ranking officers were involved, and that much of the violence appeared to have been planned.

While bearing these divergent views in mind, this report seeks to provide an independent assessment of the nature and causes of the violence in East Timor. More specifically, it has three aims. First, it sets out to describe and to characterize the violence as fully and accurately as possible, focusing on the period between January 1 and late October 1999. Second, it attempts to explain how and why the violence happened and took the forms that it did. Third, and most importantly, it seeks to establish who was responsible for the violence, and what the appropriate remedy might be.

## Method and Mandate

The findings and conclusions of this report are not based on unsubstantiated claims made by Indonesian Government officials or by their critics. Nor do they rest on the discovery of a ‘smoking gun,’ either documentary or testimonial. Rather, they are based on a careful examination and analysis of the now substantial documentary and testimonial record. The principal sources consulted include:

- Secret internal reports, memoranda, and orders originating with Indonesian military, police and civilian authorities, and with various militia groups and other pro-Indonesian organizations;
- Testimony of eyewitnesses to and victims of the violence, as recorded and compiled by respected international and domestic human rights organizations, by jurists, and by United Nations officials;
- Internal reports and memoranda on the events of 1999 prepared by the UN Mission in East Timor (UNAMET), the UN Transitional Administration for East Timor (UNTAET) and the UN Mission of Support in East Timor (UNMISSET);
- Findings of other credible investigations into the violence, including those issued by three UN Special Rapporteurs (December 1999), by the International Commission of Inquiry on East Timor (January 2000), and by Indonesia’s Commission on Human Rights Violations in East Timor (January 2000);
- Criminal indictments filed against the suspected perpetrators of the violence, by prosecutors in Indonesia and in East Timor, and information emerging from criminal proceedings in both places;
- Scholarly analyses, media reports and other secondary sources.

This report was commissioned by the United Nations Office of the High Commissioner for Human Rights (OHCHR) in July 2002. It was researched and written by Dr. Geoffrey Robinson, Associate Professor of History at UCLA. An expert on human rights in Indonesia and East Timor, Dr. Robinson served as a Political Affairs Officer with the United Nations Mission in East Timor (UNAMET) in Dili from June to November 1999. He conducted research for this report in Dili between August and October 2002. He was assisted in the preparation of this report by the Human Rights Unit of the United Nations Mission of Support in East Timor (UNMISSET), and by the Serious Crimes Unit (SCU) in the Office of the Deputy General Prosecutor for Serious Crimes in Dili.

## Outline and Chapter Summaries

The report is divided into five parts, each containing two or more chapters. The first part (Chapters 1 and 2) places the events of 1999 in historical and political context, and outlines the essential elements of Indonesian strategy in East Timor in 1999. The second (Chapters 3-5) examines and analyzes the main patterns of human rights violations in East Timor in 1999. The third (Chapters 6-8) spells out the nature of the relationship between the armed militia groups and the Indonesian authorities. The fourth (Chapters 9 and 10) provides summaries of the human rights situation in each of East Timor's 13 administrative districts, and detailed examinations of 15 major human rights cases. The final part (Chapters 11 and 12) addresses questions of responsibility and judicial remedy for the crimes committed in 1999.

### **Part I: Context, Power, and Strategy**

#### *Chapter 1 – Historical and Political Context*

At the heart of the crisis in 1999 was the question of East Timor's political status. Long a colony of Portugal, East Timor was invaded by neighboring Indonesia in 1975 and subsequently annexed. For the next 24 years, the territory's political status remained in dispute, both in East Timor itself and internationally. Though some states recognized Indonesian sovereignty, the United Nations never did so. As far as the UN was concerned, Portugal retained its formal status as administering authority.

Inside East Timor, resistance, both armed and peaceful, continued through the period of the Indonesian rule (1975-1999). In the early years it was led by Fretilin (*Frente Revolucionária de Timor Leste Independente* – Revolutionary Front for an Independent East Timor); and its armed wing, Falintil (*Forças Armadas de Libertação Nacional de Timor Leste* – Armed Forces for the National Liberation of East Timor). In the 1990s, an umbrella organization called the CNRT (*Conselho Nacional de Resistência Timorese* - National Council of Timorese Resistance) assumed the leadership, supported by elements of the Catholic Church, a range of social and political organizations, the Clandestine Front, and Falintil.

Indonesian rule in East Timor was marked by a pattern of serious and systematic human rights violations by the Indonesian armed forces and by pro-Indonesian militias and paramilitary groups serving as their proxies. Notwithstanding growing international criticism of Indonesian abuses, and continued resistance, for many years little concrete action was taken to address the question of East Timor's political status.

That situation began to change with the resignation in May 1998 of Indonesia's long-time President, General Suharto. In January 1999 the Government of Indonesia announced its readiness to rescind its annexation of East Timor if the people of the territory rejected its proposal for greater 'autonomy' under continued Indonesian rule. That initiative paved the way for a set of accords between Indonesia, Portugal, and the UN, known as the May 5 Agreements. The Agreements spelled out the modalities through which the people of the territory would vote and security be maintained, and stipulated that the ballot would be organized and carried out by the United Nations. The UN Mission in East Timor (UNAMET) began its work later in May, and the ballot was conducted on August 30, 1999.

#### *Chapter 2 – Indonesia: Power and Strategy*

Notwithstanding the dramatic changes that had taken place in 1998-99, the official Indonesian response to the prospect of a vote in East Timor was shaped by attitudes, and structures of political and military power, that had become deeply entrenched over at least three decades. Those attitudes and structures of power formed the backdrop to, and facilitated, the systematic violations of human rights in 1999.



The key institution within this power structure was the TNI (*Tentara Nasional Indonesia* – Indonesian Armed Forces). Despite the challenges to its authority that attended President Suharto's fall, in 1999 the TNI remained the most powerful political institution in the country, and its influence was especially great in East Timor. The unique power of the TNI, and certain aspects of its doctrine, structure and standard operating procedures, go a long way to explaining the pattern of human rights violations in 1999. Especially important were its doctrine of 'total people's defense,' its territorial command structure, the dominance of special forces and intelligence units, and its penchant for mobilizing proxy militia forces.

But the Indonesian strategy to ensure victory for the 'autonomy' option was not only a military, or paramilitary, one. It also relied upon a range of other institutions, including the Indonesian police and the civilian government apparatus. Subordinate to the TNI, and therefore unable or unwilling to challenge its strategy, the police contributed to the violence primarily by failing to take effective measures to stop it. Likewise, the civilian government apparatus played a contributing role, by helping to implement an official campaign to 'socialize' the autonomy option. Finally, the strategy entailed the mobilization of new pro-Indonesian political groups, such as the FPKD (*Front Persatuan, Demokrasi dan Keadilan* – Forum for Unity, Democracy and Justice) and the BRTT (*Barisan Rakyat Timor Timur* – East Timor People's Front) and various specialized government agencies, which together provided a cover for official efforts to influence the outcome of the vote by peaceful and violent means.

## **Part II: Human Rights in 1999: Patterns and Variations**

### *Chapter 3 – Violations, Victims, and Perpetrators*

There is no doubt that the Indonesian authorities sought to influence the outcome of the popular consultation in favor of 'special autonomy.' Nor is there any doubt that egregious acts of violence were committed in the context of that plan. The real question is whether that violence was the spontaneous work of local militiamen and 'rogue elements' of the TNI, as Indonesian authorities have claimed, or an integral part of an operation planned and carried out by Indonesian officials.

A fair answer to that question requires a careful description of the violence, and an analysis of the underlying patterns and variations in that violence. This chapter is the first of three that undertake that task. It describes and analyzes the most basic patterns of the violence in 1999, asking the following questions: What kinds of violations were committed? When did they happen? Who were the victims? And who were the perpetrators?

The answers point to one central conclusion: the acts of violence committed in 1999 were undertaken as part of a widespread and systematic attack directed against the civilian population of East Timor, targeting those who were believed to be supporters of independence. As a matter of international law, then, those acts constituted not only grave violations of human rights but also crimes against humanity.

The principal crimes committed in East Timor in 1999 included extra-judicial killing, torture and ill-treatment, sexual violence, forcible transfer of population, and destruction of property. These acts infringed a wide range of fundamental human rights recognized in international law, including the right to life, the right to personal security, the right to physical integrity, freedom of thought, freedom of association, and the right to own or hold property.

The victims of human rights violations in 1999 were overwhelmingly real or alleged supporters of independence, and their close relatives. Important sub-categories of pro-independence victims included CNRT leaders, local authorities, alleged traitors, villagers in pro-independence base areas, members of the Catholic clergy, students and young people, locally employed UNAMET staff, women and girls, and small children. A very small number of the victims of violence were members of pro-Indonesian groups.

Non-Timorese – including UNAMET staff, journalists and observers – were also subjected to threats, intimidation and harassment, and some were physically attacked and injured. It was notable, however, that international staff and observers were very seldom the target of lethal violence, and only two foreigners were killed during the year. That pattern appeared to be part of a deliberate strategy on the part of Indonesian authorities, rather than simply a matter of good fortune.

The direct perpetrators of human rights violations in 1999 were predominantly militiamen, but TNI soldiers and officers were almost always involved, either directly or indirectly. Members of the Indonesian police were somewhat less frequently identified as direct perpetrators, but they were almost always described as having taken no action to prevent, stop, or investigate serious violations of human rights.

#### *Chapter 4 – Patterns and Variations*

A closer examination of the violence in 1999 reveals further patterns and variations in its character and distribution. These patterns provide some of the strongest evidence available that the violence in 1999 was not spontaneous, but was systematic and coordinated by Indonesian authorities. That conclusion is based on four specific findings.

First, there was systematic variation in the gravity of violence over time. As described in Chapter 3, three broad periods, each with its own characteristic features, can be discerned: (i) the pre-UNAMET period (January to late May); (ii) the UNAMET period (early June to August 30); and the post-ballot period (August 30 to late October). Across and within these three periods, the violence ebbed and flowed in harmony with the political needs and interests of the Indonesian authorities. Circumstantial and documentary evidence indicate that these variations were the result of official action and policy.

Second, there was a pervasive failure on the part of the Police, and other responsible authorities, to take effective action against the perpetrators of violence. The consistency of such inaction, and the pattern of impunity to which it contributed, appeared to reflect a policy decision taken at a high level.

Third, there were striking similarities in the *modus operandi* of the militias across the territory. The consistency with which certain styles and repertoires of violence were observed in different locales strongly suggested that the violence was coordinated at least at the level of East Timor's Sub-Regional Military Command, and probably higher.

Finally, notwithstanding such broad similarities in behavior across the territory, there were significant geographical variations in the intensity and incidence of violence. Those variations were systematic, and consistent with other evidence of overall planning by Indonesian authorities.

#### *Chapter 5 – Six Key Documents*

Since early 1999 a number of documents have surfaced that have been portrayed as evidence of high-level TNI planning of violence both before and after the August 30 ballot. That evidence needs to be examined carefully because it may be critical in establishing questions of political and legal responsibility for the crimes committed in East Timor.

Six documents in particular deserve special scrutiny because of the claims that have been made on their behalf. They are: a secret memorandum from a militia leader spelling out plans to conduct an operation against supporters of independence; a circular allegedly issued by the supreme militia commander, João Tavares, threatening widespread violence against supporters of independence; a secret report prepared by a high-ranking Indonesian government official, H.R. Garnadi, mentioning the possible destruction of infrastructure in the event of a pro-independence victory; a secret telegram outlining plans for military mobilization after the ballot;

a Police plan for a massive post-ballot evacuation, called *Operasi Hanoi Lorosae II* (Operation Hanoi Lorosae II); and a TNI operational plan for the popular consultation and evacuation, called *Operasi Wira Dharma-99* (Operation Wira Dharma-99).

These documents contribute to our understanding of the violence in several ways. First, they help to establish the existence and the nature of links between the TNI and the militias. Second, they show definitively that there was discussion at the highest levels of the TNI and the civilian government of contingency plans, including plans for a massive evacuation, and at least the possibility of physical destruction as part of such an evacuation. Third, they demonstrate beyond any doubt that military and police authorities formally adopted positions hostile to the pro-independence side (and favorable to the pro-autonomy side), in contravention of their obligations under the May 5 Agreements.

At the same time, these documents do not provide definitive proof of direct high-level official involvement in planning or carrying out specific acts of violence. In fact, the analysis here suggests that planning for violence may never have been explicitly expressed in written form.

### **Part III – The Militias and the Authorities**

#### *Chapter 6 – Militias: History, Formation, and Legal Recognition*

The question of responsibility for human rights violations and crimes against humanity in East Timor hinges critically on the nature of the links between the militias and the Indonesian authorities. This chapter is the first of three that examine those links in detail. It focuses on three types of evidence – the historical relationship between militias and the TNI, the involvement of senior officials in forming the militias in 1998-99, and the granting of formal legal and political recognition to the militias in 1999.

The evidence presented in this report demonstrates beyond any reasonable doubt that the militia groups were conceived, created, and authorized by Indonesian authorities. It also shows that support for the militias was not provided simply by a handful of ‘rogue elements’ in the TNI, but constituted official policy, and had the backing of some of the highest ranking and most powerful officials in the country. These conclusions are based on three more specific findings.

First, the militias that wreaked havoc in 1999 were not new. On the contrary, they were merely the continuation of a long-established military and political strategy, employed by the Indonesian Army in East Timor since the invasion of 1975. Throughout the 24-year occupation of East Timor, such militia groups were trained, supplied, and directed by the Indonesian Army, and used tactics virtually identical to those seen in 1999. This historical pattern provides powerful grounds to doubt the Indonesian claim that the militias emerged spontaneously and acted independently in 1999.

Second, high-ranking military officers, in Dili, Denpasar, and Jakarta, were actively involved in forming the new militia groups, and in coordinating their activities, from mid-1998 through 1999. The evidence of continued official involvement comes from the testimony of former pro-Indonesian East Timorese leaders who met with those officers, and from the secret communications of Indonesian officials in 1998 and 1999. In addition to its general significance, this evidence points the finger at particular high-ranking officials.

Finally, there is unequivocal evidence that the militias were granted formal political and legal standing by Indonesian government and military authorities. In effect, the militias were a formal arm of the Indonesian political and security apparatus, and their actions were therefore the direct responsibility of Indonesian authorities. The militia’s legal standing, moreover, was not merely theoretical, but was confirmed by the routine inclusion of militia leaders in the security and political deliberations and decisions of Indonesian officials

at all levels. Thus, both in law and in practice, the militias acted with the full sanction of the Indonesian authorities.

#### *Chapter 7 – Militias: Recruitment, Training, Operations, and Weapons*

The link between the militias and the TNI and other Indonesian officials is also clearly evident in the patterns of militia recruitment, training, operations, and access to weapons. Such patterns are significant because they demonstrate that the militias acted in accordance with TNI guidance and procedures. Moreover, they clearly implicate the TNI, including several high-ranking Army officers, in the commission of serious human rights violations by the militias. These conclusions are based on the following findings.

First, TNI soldiers and officers were integrally involved in recruiting the militias in late 1998 and early 1999, and some actually served as militia members and leaders. The documented overlap between TNI and militia memberships renders meaningless the formal distinction between the two, and directly implicates the TNI in the acts ostensibly committed by independent militia groups.

Second, militia groups received training and guidance from TNI officers. That training was not carried out on the sly, or by a handful of ‘rogue elements.’ On the contrary, it was a routine affair, done in accordance with well-established rules and procedures originating at TNI headquarters in Jakarta. It was carried out, moreover, with the full knowledge of high-ranking TNI officers.

Third, the TNI routinely conducted joint operations with militia groups, and provided backing and support for operations ostensibly conducted by the militias. High-ranking TNI officers knew that those operations were resulting in serious acts of violence. They also understood that such operational cooperation was in breach of the May 5 Agreements. For that reason, once UNAMET began to deploy in May 1999, the TNI sought unsuccessfully to disguise its operational links to the militias.

Fourth, the TNI provided sophisticated modern weapons directly to some militiamen, and allowed others to keep and use their own weapons, contrary to the law. High-ranking officers knew that those weapons were being used to commit grave violations of human rights, but failed to take action against the perpetrators, or to end their access to weapons. There are indications, moreover, (also discussed in Chapter 4), that weapons were distributed and withdrawn as part of a carefully calibrated effort to influence the rhythm of militia violence, in accordance with broader military and political objectives.

#### *Chapter 8 – Militias: Funding and Material Support*

Government officials have strenuously denied it, but the militias in East Timor received substantial financial and material support from the Indonesian government and military authorities. In addition to access to weapons, they received regular cash payments, distributions of rice, vehicles, meals, transport, fuel, office space, communications equipment, posters, clothing, and medical supplies. The provision of such support implicates civilian and military officials in the violations of human rights that were carried out by militiamen to whom it was channeled. These conclusions are based on the following findings.

First, much of the official funding – an estimated Rp. 39 billion or US\$ 5.2 million – was channeled through the civilian government bureaucracy in East Timor, with the explicit approval of the Governor and the Bupati (District Administrators). Some, perhaps most, of those funds were drawn or diverted from existing government budgets and programs, including a World Bank-mandated ‘Social Safety Net’ project, and the Provincial budgets for Education and Culture, and for Public Works. Given the highly centralized structure of the Indonesian bureaucracy, these arrangements could not have been made without the approval of central government officials in Jakarta.

Second, there is evidence that several Indonesian government ministries and bodies – including the Ministry of Transmigration, the Ministry of Information, the Ministry of Foreign Affairs, and the national intelligence agency, BAIS – provided enthusiastic support, and funding, for ‘socialization,’ including the militias. There is documentary evidence, moreover, that at least some part of the money used to support the militias in East Timor came directly from Jakarta under the guise of a development program funded directly through the Office of the President.

Third, documentary and testimonial evidence show that some funding for the militias was channeled through the TNI. In some districts militia members received their monthly wages and rice allotments at the District Military Command headquarters. The TNI also provided material support in the form of voluntary ‘contributions’ to militia groups, by exerting its authority to divert supplies to the militia from other government agencies, and by providing the militias with weapons, combat gear, clothing, radio equipment, medical supplies, transportation, and other logistical assistance.

Finally, additional funding and supplies were channeled through the pro-autonomy group, the FPKD. In some districts the FPKD paid the monthly wages of local militias. Elsewhere, it provided the militias with T-shirts, flags and other pro-autonomy paraphernalia. There is evidence to suggest, moreover, that the FPKD served as a covert channel for the distribution of funds and supplies to the militias from various central government agencies, including the Foreign Ministry and the national intelligence agency, BAIS.

#### **Part IV: District Summaries and Case Studies**

##### *Chapter 9 – District Summaries*

The examination of the broad patterns of violence in 1999, and of the relationships that underlay them, can create a misleading sense of the uniformity of the situation across the country. This chapter aims to correct that imbalance, and to provide a more nuanced and complex picture of the events of 1999, by examining the human rights situation in 1999 in each of East Timor’s 13 administrative districts: Aileu, Ainaro, Baucau, Bobonaro, Covalima, Dili, Ermera, Manufahi, Manatuto, Lautem, Liquica, Oecussi, and Viqueque.

Each summary consists of two main sections. The first describes the principal militia groups that operated in the district in 1999, and examines the relationship between those groups and the key military, police, and civilian authorities in the district. The second section provides an overview of major human rights events and developments in the district in 1999, highlighting both general themes and specific incidents of violence. While they add complexity to the picture of events in 1999, these summaries also illustrate the general patterns and relationships discussed in the early part of this report.

##### *Chapter 10 – Case Studies: Major Human Rights Incidents*

The terrible reality of the violence in 1999 is almost impossible to grasp. In a report issued shortly after visiting East Timor in late 1999, the International Commission of Inquiry on East Timor noted that its members had been “confronted with testimonies surpassing their imagination.”<sup>4</sup> This chapter aims to provide a sense of that reality, by recounting in some detail fifteen critical human rights events from 1999.

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<sup>4</sup> United Nations, Office of the High Commissioner for Human Rights, “Report of the International Commission of Inquiry on East Timor to the Secretary General,” January 2000, paragraph 34.

Some of the cases examined here – such as the Liquica Church massacre and the Suai Church massacre – are relatively well known, and have been the focus of important legal proceedings. Others – like the rape and murder of Ana Lemos, or the murder of two UNAMET staff members at Boboe Leten – are less well-known, at least outside of East Timor. They are included here because they form an essential part of the fabric of violence and suffering and because, like the better-known cases, they provide valuable insights into the general patterns of violence and responsibility discussed in the earlier part of this report.

## **Part V: Questions of Responsibility and Justice**

### *Chapter 11 – Individual and Command Responsibility*

The evidence presented in this report demonstrates conclusively that the violence in 1999 was part of a widespread and systematic attack on the civilian population, in which supporters of independence for East Timor were deliberately targeted. As such, the acts in question are appropriately considered not only grave violations of human rights but also crimes against humanity.\* It remains to determine who should be held responsible for those crimes.

In one sense, the answer is straightforward: the responsible parties are the scores of militiamen, TNI soldiers, and Police who directly carried out the crimes. Many of these individuals have already been indicted, and some have been tried both in East Timor and in Indonesia, for individual or multiple acts of murder, rape, torture, and persecution committed in 1999. However, responsibility for crimes against humanity does not stop with the immediate perpetrators. Under international law, as well as the domestic laws of both Indonesia and East Timor, it extends also to those who ordered, or facilitated those crimes, and to those who failed to take adequate measures to stop them or to punish the perpetrators.

On those grounds, this report concludes that responsibility for crimes against humanity in 1999 extends to the highest reaches of Indonesia's military, police, and civilian leadership. More precisely, it identifies some 75 Indonesian officers and officials, at or above the rank of Lt. Colonel and Bupati, who may bear legal responsibility for the crimes against humanity committed in 1999 (See Table 1). Some are considered responsible because of their active involvement in committing, ordering or facilitating such crimes (individual criminal responsibility). Others are deemed responsible by virtue of their failure to stop or punish the crimes of their subordinates (command responsibility).

At the same time, the evidence presented in this report, and discussed in this chapter, serves as a reminder that in addressing the question of responsibility, it is necessary to look beyond the actions of individuals, to consider the impact of institutional and state norms and practices. Accordingly, this report suggests that responsibility also rests with the Indonesian armed forces as an institution, and with the Indonesian state.

### *Chapter 12 – International Responsibility*

The responsibility of Indonesian officials, however, is only part of the story. East Timor's political status was the subject of international dispute for 24 years, and the violence in 1999 took place in the context of a United Nations operation aimed at resolving that dispute. Accordingly, any discussion of responsibility for the violence must consider the role of the international community, including the United Nations and its most powerful member states.

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\* Although the case has not been made in this report, many of the acts in question might also be considered violations of international humanitarian law.

This chapter argues that, notwithstanding their eventual contribution to ending the violence, responsibility rests, in part, with the international community, and in particular with some of its most powerful member states. Through their actions and acquiescence over many years, key states effectively facilitated a historical pattern of grave human rights violations in East Timor. More directly, by failing to take effective measures to prevent the widely predicted violence in 1999, key members of the international community arguably facilitated crimes against humanity committed by the Indonesian armed forces and the militias.

Finally, it argues that the United Nations bears a special responsibility to ensure that the perpetrators of the violence in East Timor are brought to justice. It concludes that an international criminal tribunal for East Timor should be established at the earliest opportunity, and urges the Security Council and Secretary General of the United Nations to take the lead in doing so.

## Conclusions

This report concludes that the acts of violence in 1999 constituted crimes against humanity, that they were part of an operation planned and carried out by the Indonesian authorities, and that some 75 senior Indonesian officials bear individual criminal and command responsibility for the crimes committed. More specifically, it concludes that:

1. The acts of violence described in this report – including murder, rape, torture, forcible displacement, and destruction of property – were part of a widespread and systematic attack on the civilian population of East Timor that targeted real or alleged supporters of independence. As such, they are appropriately considered not only grave violations of human rights but also crimes against humanity.
2. The direct perpetrators of these crimes were primarily members of armed pro-Indonesia militia groups, of which there were more than two dozen in 1999. However, members of the TNI, and to a lesser extent the Police, were also very often directly responsible for those crimes.
3. Contrary to the claims of Indonesian officials, the militia groups did not emerge spontaneously in response to provocation by pro-independence groups. Rather, they were recruited, trained, armed, paid, and coordinated by Indonesian military authorities, in accordance with long-established Indonesian military doctrine and practice.
4. TNI officers, and civilian government authorities, conspired to use the militias as proxies to terrorize the population into supporting the ‘special autonomy’ option in the August 1999 ballot and, to that end, they authorized, encouraged or acquiesced in acts of violence amounting to crimes against humanity.
5. Some 40 military officers at or above the rank of Lieutenant-Colonel, and some three dozen senior civilian government and Police officials, bear either command responsibility, or individual criminal responsibility, for the crimes that were committed (See Table 1).
6. Notwithstanding their eventual contribution to ending the violence in September 1999, powerful members of the international community share responsibility for the crimes committed in 1999, by virtue of their historical acquiescence in Indonesia’s unlawful occupation of East Timor, and through their failure to insist upon adequate security provisions for the popular consultation in 1999.
7. The United Nations bears a special responsibility to ensure that the perpetrators of the violence in East Timor are brought to justice. The Security Council should act upon the recommendations of previous UN investigations, and establish an international criminal tribunal for East Timor at the earliest opportunity.

# 1. Historical and Political Context

At the heart of the crisis in 1999 was the question of East Timor's political status. Long a colony of Portugal, East Timor was invaded by neighboring Indonesia in 1975 and subsequently annexed. For the next 24 years, the territory's political status remained in dispute, both in East Timor itself and internationally. Though some states recognized Indonesian sovereignty, the United Nations never did so. As far as the UN was concerned, Portugal retained its formal status as administering authority.

The period of Indonesian rule (1975-1999) was marked by persistent resistance, both armed and peaceful. In the early years, that resistance was led by Fretilin (*Frente Revolucionária de Timor Leste Independente* – Revolutionary Front for an Independent East Timor); and its armed wing, Falintil (*Forças Armadas de Libertação Nacional de Timor Leste* – Armed Forces for the National Liberation of East Timor). In the 1990s, an umbrella organization called the CNRT (*Conselho Nacional de Resistência Timorese* – National Council of Timorese Resistance) assumed the leadership, supported by a range of social and political organizations, the Clandestine Front, and by Falintil.

Indonesian rule was also marked by a pattern of serious and systematic human rights violations by the Indonesian armed forces and by pro-Indonesian militias and paramilitary groups serving as proxies. Notwithstanding growing international criticism of Indonesian abuses, and continued resistance, little concrete action was taken to address the question of East Timor's political status.

That situation began to change with the resignation in May 1998 of Indonesia's long-time President, Suharto. In January 1999 the Government of Indonesia announced its readiness to rescind its annexation of East Timor if the people of the territory rejected its proposal for greater 'autonomy.' That initiative paved the way for a set of accords between Indonesia and Portugal, under UN auspices, known as the May 5 Agreements. The agreements spelled out the modalities through which the people of the territory would vote and security be maintained, and stipulated that the ballot would be organized and carried out by the United Nations. The UN Mission in East Timor (UNAMET) began its work later the same month, and the ballot was conducted on August 30, 1999.

## 1.1 Indonesian Invasion and Occupation

For roughly three centuries, the territory known as East Timor was governed as colony of Portugal. That arrangement began to unravel in 1974 when, in the aftermath of its own "Carnation Revolution," Portugal set about to relinquish control of its colonies, including East Timor. Portuguese disengagement stimulated the growth of political parties in East Timor.

By 1975, three principal parties had emerged: the ASDT (*Associação Social Democrática Timor*) later renamed Fretilin; the UDT (*União Democrática Timorese* – Timorese Democratic Union), and Apodeti (*Associação Popular Democrática Timorese* – Timorese Popular Democratic Association). Fretilin was a social democratic



party whose leaders called for immediate independence. UDT, a more conservative party, advocated maintaining ties with Portugal pending a gradual transition to independence. Apodeti, the smallest of the three parties, favored integration with neighboring Indonesia.

Despite an alliance between Fretilin and UDT formed in January 1975, tensions between the two parties grew and, following an attempted UDT coup in August, degenerated into armed conflict. At that critical juncture, Portuguese authorities effectively abandoned East Timor. The Portuguese Governor and his staff fled to the offshore island of Atauro, and the government in Lisbon made only perfunctory efforts to negotiate a satisfactory process of decolonization.

After several weeks of fighting, in the course of which serious human rights violations were committed, Fretilin emerged as the victor in the civil war and began efforts to consolidate its authority at home, and to win international support. Those efforts, however, ran up against the plans of Indonesia, the neighboring country then led by President Suharto, a former Army General who had come to power in an anti-communist coup in 1965, and remained in power until May 1998.

Suharto's so-called 'New Order' regime had provided unparalleled opportunities for the expansion of the military's economic and political power. Civilian institutions and leaders were gradually pushed to the margins of political life, and deprived of meaningful decisionmaking authority.<sup>\*</sup> The manner in which Suharto and his allies came to power also shaped and prefigured a new style of governance that profoundly affected political life in Indonesia for the next 30 years, and which gave rise to a pattern of egregious human rights violations in Indonesia and, after 1975, in East Timor.

That new style entailed a state ideology preoccupied with security and national unity, and an extreme official intolerance of dissent. It also led to the articulation of a military doctrine of 'total people's defense' that involved the mobilization of militia forces to wage war on the state's internal enemies.<sup>†</sup> In the post-coup period, both the military and the militias adopted increasingly brutal repertoires of action, many of them modeled on the actions taken in the massacres of 1965-66. Under Army guidance – and especially under the notorious Special Forces Command (Kopassus) – militias and paramilitary forces were deployed to carry out a range of 'dirty tricks' and covert operations, including assassination, torture, public execution, decapitation and rape, as mechanisms of political control.<sup>‡</sup>

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\* On the political role of the armed forces during the early New Order period, see Harold Crouch, *The Army and Politics in Indonesia*, Ithaca: Cornell University Press, 1978, chapters 9-14.t

† On the history and political implications of this doctrine, see Geoffrey Robinson, "Indonesia: On a New Course?" Muthiah Alagappa, ed. *The Declining Role of the Military in Asia*. Stanford University Press, 2001. Also see Abdul Haris Nasution, *Fundamentals of Guerrilla Warfare*, Praeger, New York, 1965.

‡ The origins and evolution of these features of New Order military doctrine and practice have been analyzed in some depth. See Richard Tanter, "The Totalitarian Ambition: Intelligence Organisations and the Indonesian State," and Michael van Langenberg "The New Order State: Language, Ideology, Hegemony," both in Arief Budiman, ed. *State and Civil Society in Indonesia*, Clayton, Vic: Monash Papers on Southeast Asia, No. 22,1990.

Those ideological tendencies and patterns of behavior shaped the New Order's response to developments in East Timor in 1975. While outwardly conducting diplomatic negotiations with Portugal, and maintaining a public posture of non-interference in East Timor's internal affairs, Indonesia set in motion a covert campaign to ensure the territory's annexation.

The covert campaign launched in 1975 entailed the infiltration of combat units and paramilitary forces across the border from West Timor into East Timor, where they posed as anti-Fretilin 'volunteers' favoring integration with Indonesia. These covert military operations were revealed to a wider public in October 1975, when five Western journalists covering the story were killed by Indonesian troops in the town of Balibo, inside East Timor. Recently declassified government documents reveal that a number of governments chose not to press the issue with Indonesian authorities.

Under constant pressure from repeated cross-border raids, abandoned by Portugal and much of the international community, and with a full-scale Indonesian invasion looming, on November 28, 1975 Fretilin declared East Timor's independence. The declaration of an independent Democratic Republic of East Timor provided the final pretext for Indonesia's invasion. Claiming that it posed a threat of communist insurrection and political instability on its border, on December 7, 1975 Indonesia launched a combined land, sea, and air invasion of the newly independent country.

Indonesian military leaders expected that the operation to occupy East Timor would take only a matter of days, and that the population would offer no more than token resistance before succumbing to Indonesian control. The reality was different. The operation was poorly planned and executed, and East Timorese resisted the invading force with great tenacity.

In an apparent effort to silence international critics, Indonesian authorities set up a Regional People's Assembly in East Timor that, in its sole meeting on May 31, 1976, formally requested integration as an Indonesian province. Indonesian authorities obliged on July 17, 1976, with the promulgation of Law 7/76 that provided for East Timor's integration as Indonesia's 27th province.

Meanwhile, the Indonesian Armed Forces responded to continuing resistance by stepping up military operations. Particularly intense and brutal operations were conducted in the years 1975-1983. Using U.S.-supplied OV-Bronco warplanes, Indonesian forces conducted large-scale aerial bombardment of the countryside. Populations thought to be supporting the resistance were forcibly resettled in an Indonesian version of the 'strategic hamlets' used by U.S. forces in Vietnam.

The bombings and forced relocations led to widespread famine and disease. By 1980 church and human rights organizations estimated that as many as 200,000 of a preinvasion population of less than 700,000 had already died. The vast majority died of starvation and disease, but a substantial number were killed in combat or in summary executions. While the scale of the killing and humanitarian crisis declined somewhat over the next two decades, Indonesian forces and the local militia groups they mobilized continued to be responsible for gross and systematic human rights violations until their final departure from the territory in October 1999.

## 1.2 Resistance

Indonesian forces faced persistent resistance, both armed and peaceful, until their final departure in October 1999. The resistance movement benefited from the support of the Catholic Church and from large segments of the younger generation that devised new strategies linking their struggle to international networks and organizations.

For most of the period of occupation, the resistance was spearheaded by Fretilin, and by its armed wing, Falintil. In the early 1980s, Falintil evolved into a mobile guerilla force, whose component units operated with a high degree of autonomy. They also had support from at least part of the population who provided them with food, shelter and intelligence. That approach created certain dangers for the civilian population, who became the target of Indonesian army operations. At the same time, it allowed a group of perhaps 1,000 armed fighters to engage and occasionally inflict casualties upon well equipped Indonesian forces as much as twenty times larger.

Important as these fighters were, resistance to the Indonesian occupation was not solely, or even primarily, exercised through force of arms. That was especially true after 1981, when the overall leadership of the resistance, and of Falintil, passed to José Alexandre Gusmão, better known as Xanana Gusmão. Under his leadership, the armed resistance was increasingly complemented by a network of groups that operated primarily in the political sphere, both in East Timor and abroad. The formally constituted organizations included Renetil (*Resistência Nacional dos Estudantes de Timor Leste* – East Timorese National Students Resistance), Ojetil (*Organização de Juventude de Timor Leste* – Organization of East Timorese Youth), and the women's group OMT (*Organização da Mulheres Timorenses* – Organization of Timorese Women), but they were joined by dozens of semiformal and informal groups spread across the country and in major towns and cities in Indonesia.

Broadly described as the Clandestine Front, this network maintained links with the armed resistance, but did not play a direct role in the armed conflict. Many of those active in the Clandestine Front were young people and students who had been raised and educated under Indonesian rule. In addition to their work inside East Timor, elements of this network also gathered information on political and human rights developments and disseminated it to international human rights organizations, the media and foreign governments. Among the most prominent groups engaged in such work was the human rights group, *Yayasan Hak*.

Critics and opponents of Indonesian rule also found support within East Timor's Catholic Church, a powerful ally among a population that was overwhelmingly Catholic.\* Religious leaders provided sanctuary to the victims of military operations, and spoke out strongly against the occupation. The tone was set by Monsignor Martinho da Costa Lopes, an outspoken critic of Indonesian rule who was removed from his

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\* For an account of the role of the Catholic Church see Arnold Kohen, *From the Place of the Dead: The Epic Struggles of Bishop Belo of East Timor*. New York: St Martin's Press, 1999.

post as Apostolic Administrator in 1983. His successor, Monsignor Carlos Felipe Ximenes Belo, was expected to be more compliant. In 1989, however, Monsignor Belo wrote to the then UN Secretary General, Javier Perez de Cuellar, decrying Indonesian violence and urging UN support for a referendum on East Timor's political future.\*

In the late 1980s the resistance underwent a further political transformation. Eschewing the leftist rhetoric of previous years, Xanana Gusmão called on the different East Timorese parties to join in a united national resistance front called CNRM (*Conselho Nacional Resistência Maubere* – National Council of Maubere Resistance). At a convention in Portugal, in April 1998, the CNRM was reconstituted as the CNRT, with Xanana Gusmão as President. Falintil, which had begun as the armed wing of Fretilin, was declared to be the armed force of the whole national resistance.

The resignation of Indonesia's President Suharto in May 1998 added greater urgency to the objective of forging a national front, while also providing unprecedented opportunities for organization and mobilization inside East Timor. In September 1998, the CNRT openly declared its existence in East Timor, and established offices around the country. CNRT officials quickly came under political and physical attack by pro-Indonesian groups, forcing many of them to close down their offices and to flee. Indeed, by some accounts, the mobilization of the pro-Indonesian militia groups that became the main perpetrators of violence in 1999 began at this time in response to CNRT initiatives.

Nevertheless, by early 1999 the CNRT had emerged as the principal political representative of the pro-independence position, both in East Timor and in dealings with the United Nations and foreign governments. Notwithstanding some objections from certain groups, the CNRT flag became the universally recognized symbol of the independence option, and appeared as the symbol of the "No" vote on the ballot for the 1999 Popular Consultation.

### 1.3 International Response

Indonesia's claim to sovereignty over East Timor was never recognized by the United Nations. Between 1975 and 1981 the UN Security Council and the UN General Assembly passed a series of resolutions deploring the Indonesian invasion and recognizing the inalienable right of the people of East Timor to self-determination.† In keeping with those resolutions, the UN continued to regard Portugal as the formal administering power in the territory.

East Timor remained on the agenda of the General Assembly until 1982 when, with Resolution 37/30 (1982) the Secretary General was mandated to work with Indonesia and Portugal to find an internationally acceptable solution. Talks were held periodically under the Secretary General's auspices through the 1980s. Throughout this period, East Timor also remained on the agenda of the UN's Decolonization Committee, which convened annually in New York to consider the status of the few remaining cases of non-selfgoverning territories.

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\* The text of the letter is reproduced in Kohen, *From the Place of the Dead*, p. 137.

† The relevant Security Council Resolutions were: No. 384 (1975) of December 22, 1975 and No. 389 (1976) of April 22, 1976. Both called for Indonesia to withdraw all its troops from East Timor without delay. Thereafter, until 1981, the General Assembly passed yearly resolutions reaffirming the inalienable right of East Timorese to self-determination, and expressing concern at the suffering of the population.

Nevertheless, little was done in practice to reverse the Indonesian invasion. On the contrary, many governments effectively supported Indonesia's position. The December 1975 invasion, for example, was launched just one day after a meeting in the Indonesian capital, Jakarta, between President Suharto and U.S. President Ford and Secretary of State Kissinger. The transcript of that December 6, 1975 meeting, finally released in uncensored form in 2001, reveals that the United States effectively condoned the Indonesian invasion.\*

President Ford assured President Suharto that the United States would "understand" if Indonesia deemed it "necessary to take rapid or drastic action" in East Timor. Kissinger told Suharto: "Whatever you do, we will try to handle in the best way possible." The two men asked only that any Indonesian action be delayed until they had returned to Washington so that, in Kissinger's words, they could "influence the reaction" and lessen "the chance of people talking in an unauthorized way."

The supportive posture of the U.S. government and its allies became even clearer in the months and years after the invasion. According to the U.S. State Department's own estimates, roughly 90% of the military equipment used in the 1975 invasion was supplied by the United States. And in the years after the invasion, successive U.S. administrations funneled hundreds of millions of dollars of economic and military aid to the Indonesian government, and protected it from any serious political challenge to its illegal occupation of East Timor.

The United States was not alone in lending its support to Indonesia. Official documents recently declassified by the governments of Australia, New Zealand, and the United Kingdom reveal a similar pattern of inaction and acquiescence.

Australia chose not to interfere with the 1975 invasion, and later became the first and only major power to give *de jure* recognition to Indonesia's claim to East Timor. Declassified government documents make it clear that Australia was privy to Indonesian plans to invade in 1975, and had details of the atrocities that Indonesian forces committed throughout the 24-year occupation.† For most of that time, however, a succession of Australian governments sought to downplay reports of gross human rights violations in the territory, and provided substantial military training to Indonesian forces. In 2001, the former Australian Foreign Minister (1988-1996), Gareth Evans, admitted that much of Australia's military training to Indonesia had "helped only to produce more professional human rights abusers."‡

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\* U.S. Department of State, Cable from U.S. Embassy Jakarta to Secretary of State, December 6, 1975, on "Ford-Suharto Meeting." The full text of this document can be found on the website of the National Security Archives, at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB62/>

† See Wendy Way, ed. *Australia and the Incorporation of Portuguese Timor, 1974-1976: Documents on Australian Foreign Policy*. Melbourne University Press, 2000.

‡ Gareth Evans, "Indonesia: My Mistake," *International Herald Tribune*, July 26, 2001.

Events on the ground in East Timor and shifts in the international context began gradually to weaken Indonesia's position through the 1990s. The watershed event was unquestionably the Santa Cruz massacre of November 12, 1991, in which as many as 270 people were shot or beaten to death by Indonesian soldiers.\* Shocking video footage of the massacre was broadcast worldwide, prompting outrage and stimulating the formation of East Timor support groups throughout the world.

The arrest of the resistance leader Xanana Gusmão in late 1992, his political trial the following year, and his dignified advocacy for East Timor's independence from his prison cell, further raised the profile of the resistance. These developments stimulated renewed activity at the UN Commission on Human Rights, and led to the dispatch of UN officials to East Timor to investigate allegations of human rights violations.†

A further critical development came in 1996 when two East Timorese, the international spokesman for the resistance, José Ramos Horta and the Bishop of Dili, Monsignor Carlos Belo were awarded the Nobel Prize for Peace. The Nobel Prize raised hopes for independence to unprecedented levels, and further increased the leverage of East Timor support groups and non-governmental organizations (NGOs). The prospects for a resolution of the East Timor question were further raised by the appointment as UN Secretary-General of Kofi Annan.

The most important change, however, came in May 1998 when a rising storm of protest in Indonesia coupled with a major economic crisis forced President Suharto to step down after more than 30 years in power.

## 1.4 Breakthrough in Indonesia

President Suharto's resignation stimulated widespread demands for democratization, and an unprecedented questioning of the role of the Indonesian armed forces in politics. The economic crisis, moreover, made the new government especially attentive to the demands of donor countries, and lending institutions such as the International Monetary Fund and the World Bank.

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\* For a contemporary account and analysis of the massacre, see Amnesty International, *East Timor: The Santa Cruz Massacre*, November, 1991.

† The UN Special Rapporteur on the question of torture visited Indonesia and East Timor in 1991; Amos Wako visited the territory as personal envoy to the UN Secretary-General in 1992 and 1993; the UN Special Rapporteur on extrajudicial, summary or arbitrary executions visited in 1994; the UN Special Rapporteur on violence against women, its causes and consequences, visited in late 1998; the UN Working Group on arbitrary detention visited in February 1999; and the personal envoy of the UN High Commissioner for Human Rights visited in May 1999. In November 1999, three UN Special Rapporteurs conducted a joint mission to the territory. The three were: the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture, and the Special Rapporteur on violence against women, its causes and consequences.

For these reasons, Suharto's successor, President B.J. Habibie, and some members of his cabinet, were anxious to demonstrate their commitment to democratization, human rights and civilian rule. As part of that new approach, in June 1998 the Habibie government indicated that it was prepared to grant East Timor wide-ranging autonomy, with Jakarta retaining control over foreign affairs, external defense and fiscal policy.

The new posture gave impetus to the UN-brokered talks between Indonesia and Portugal, and in October 1998 a proposal to grant East Timor 'wide-ranging autonomy' under Indonesian rule was prepared under UN auspices. Indonesia took the position that 'autonomy' would constitute a final dispensation. Portugal took the view that 'autonomy' would constitute a transitional phase, leaving open the possibility of full independence at some future date. The East Timorese leadership – including Xanana Gusmão and José Ramos Horta – took a similar view, suggesting that a referendum on independence might follow several years of autonomy under Indonesian rule. Despite these differences, all parties agreed to continue discussions on the autonomy proposal.

In East Timor, Suharto's resignation galvanized the CNRT, Falintil and other supporters of independence. Thousands of people took to the streets to demonstrate in favor of independence, and against the proposal for 'autonomy.' While most of these expressions were peaceful, some were not. In November 1998 Falintil forces attacked and killed TNI soldiers at Alas, in Manufahi District. The open expression of popular support for independence, and the attacks at Alas, generated anxiety on the part of Indonesians and East Timorese who favored continued Indonesian rule. The attacks at Alas led to heavy retaliation by TNI forces, in which at least two dozen civilians were killed (See District Summary: Manufahi). It was at about this time, too, that the mobilization of new militia groups began to gather pace.

Against this backdrop, on January 27, 1999 Indonesian President Habibie unexpectedly announced that the people of East Timor would be given a chance to express their views on the political future of the territory.<sup>\*</sup> Clarifying the new policy, the Foreign Minister Ali Alatas said that East Timorese would be asked whether they accepted or rejected the proposed 'autonomy' under Indonesian rule. If they rejected it, he said, Indonesia would withdraw and East Timor would be on its own.

The boldness of the decision seems to have surprised even those who had been urging a policy adjustment – notably Australian Prime Minister John Howard who had written to Habibie in December 1998 proposing an act of self-determination after several years of autonomy under Indonesian rule. It also surprised Indonesia's powerful armed forces. The preservation of 'national unity' at all costs had long been a central tenet of Indonesian military thinking, and most senior officers were implacably opposed to East Timor's independence.

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\* The initial announcement was made on January 27, 1999 by Foreign Minister Ali Alatas, and Minister of Information Yunus Yosfiah. *Kompas*, January 28, 1999.

Army leaders put up little resistance to Habibie's proposal in cabinet, but that did not mean they supported it. Indeed, as discussed in greater detail elsewhere in this report, there is evidence that active and retired military officers began at this time to develop plans to derail the process or, failing that, to ensure a victory for the pro-autonomy option. In any case, the surge in the mobilization of militia forces in late 1998 and early 1999 was more than a coincidence.

## 1.5 UNAMET and the Popular Consultation

The Indonesian announcement on January 27, 1999 also changed the terms of reference for the continuing UN-sponsored negotiations. The focus shifted from the details of the 'autonomy' package itself, to arrangements for ascertaining the opinion of East Timorese with respect to the political status of the territory. That shift laid the foundation for the direct involvement of the UN in conducting a ballot on East Timor's political future.

To the surprise of UN and Portuguese negotiators, in March 1999 Indonesia readily accepted the idea of a direct ballot, though it rejected the use of the term 'referendum.' Thus reoriented, the talks led quickly to a set of accords known as the May 5 Agreements, signed by Indonesia, Portugal and the UN Secretary-General. The Agreements spelled out a constitutional framework for the future status of East Timor, and entrusted the UN with conducting a 'popular consultation' of East Timorese on the proposal.'

The main agreement, signed by Indonesia and Portugal and witnessed by the UN, stipulated that East Timorese would be asked to accept or reject the autonomy package. The rejection of that package, the agreement made clear, would set East Timor on the path toward independence. The two options on the ballot were to be phrased as follows: "Do you *accept* the proposed special autonomy for East Timor within the Unitary State of the Republic of Indonesia?" or "Do you *reject* the proposed special autonomy for East Timor, leading to East Timor's separation from Indonesia?" Despite some concern that this language might cause confusion, this part of the agreements was widely welcomed.

More controversial was the agreement on security – signed by Indonesia, Portugal and the UN – which placed sole responsibility for maintaining law and order during and after the consultation in the hands of Indonesian security forces, and specifically the Police. The UN contingent in East Timor would include as many as 300 Civilian Police (Civpol), but they were to serve in a purely advisory capacity, and would be unarmed. The agreement emphasized the responsibility of the Indonesian authorities in securing an environment free from violence and intimidation and conducive to the conduct of the popular consultation. It also stressed that the absolute neutrality and impartiality of the Indonesian Armed Forces and Police would be essential in that regard.

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\* The full text of the agreements is in *Report of the Secretary-General (A/53/951-S/1999/513)*, May 5, 1999. It consists of "Annex I: Agreement Between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor" (the main agreement) to which is appended "A Constitutional Framework for a Special Autonomy for East Timor" (the autonomy proposal); "Annex II: Agreement Regarding the Modalities for the Popular Consultation of the East Timorese Through a Direct Ballot" (the modalities agreement); and "Annex III: East Timor Popular Consultation" (the security agreement).



Despite these caveats, the potential danger of the security arrangement was not lost on outside observers, or even on those who had helped to negotiate it.\* The Secretary-General Kofi Annan was evidently so concerned about it that in a separate memorandum, submitted to the signatories, he set out several criteria by which he would judge whether the security situation was acceptable.† These included an immediate ban on rallies by armed groups, the prompt arrest and prosecution of those inciting or threatening violence, and the redeployment of Indonesian military forces. He also made it clear that he would stop the process should he find that these criteria were not being met.

With that fragile guarantee, in late May 1999 the UN began to recruit and to deploy its personnel in East Timor with the objective of conducting a referendum in early August. The UN flag was raised over the mission's headquarters in Dili on June 4, and a week later, on June 11, the Security Council formally established the United Nations Mission in East Timor, more commonly known as UNAMET.

The mission was led by Ian Martin, who was designated Special Representative of the Secretary General (SRSG). The principal components of UNAMET were: Civilian Police (Civpol), Military Liaison Officers (MLOS), Electoral Affairs, Political Affairs, Security, and Administration. At UN headquarters in New York, the UNAMET operation was coordinated and overseen by the Department of Political Affairs. High-level diplomatic contacts with the Indonesians were handled by Ambassador Jamsheed Marker, who had been Personal Representative of the Secretary General for East Timor since 1997.

UNAMET established its headquarters in East Timor's capital city, Dili, and eight regional offices were established to cover the territory's 13 administrative districts. Staff were deployed in, or made regular visits to, most sub-districts and villages in the territory, to conduct voter education, register voters, monitor the political and human rights situation, advise and liaise with Indonesian Police and army forces on security issues, and finally to administer the ballot itself.

Aside from important political, logistical, and administrative matters, UNAMET's first order of business was to devise, and set in motion, a credible system of voter registration within the tight time-frame spelled out in the May 5 Agreements. That work was being carried out in record time by UNAMET's Electoral Affairs Office. On June 22, however, the Secretary-General announced a three-week delay in the registration (and also in the ballot) on both operational and security grounds. Security concerns, and in particular the continuing violence by pro-Indonesian militias, led to a further three-day delay in mid-July, and to the threat of additional delays, or even cancellation, should the situation not improve substantially by the half-way point in registration.

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\* On the negotiations, see Tamrat Samuel, "East Timor: The Path to Self-Determination," in Chandra Lekha Sriram and Karin Wermester, eds., *From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict*. Boulder: Lynne Reiner, 2003.

† These points had originally been spelled out in a letter from the Secretary-General to Indonesian President Habibie, but when Foreign Minister Alatas refused to accept the letter, it was submitted to both parties in the form of a memorandum.

Despite these concerns, voter registration finally commenced on July 16, and continued without interruption through the half-way point of July 25, on the understanding that the Indonesian authorities would further improve the security climate and the situation of internally displaced persons (IDPs). Registration ended on August 6, having been extended by two days beyond the planned 20-day period at the insistence of some Indonesian officials and pro-Indonesian East Timorese leaders. Notwithstanding pervasive threats and acts of violence by pro-Indonesian militias during this period, 446,666 people registered to vote, a figure that substantially exceeded expectations.\*

Registration was followed by a formal campaign period lasting roughly two weeks, from August 14 to 26. Campaigning was governed by a code of conduct developed under UNAMET auspices, and monitored by committees with representatives from the different political parties. Throughout this period, UNAMET also worked toward a mutual “laying down of arms” by pro-independence and pro-Indonesian forces. Despite these initiatives, the campaign period was marred by serious acts of violence, principally from the proautonomy side. On the final day of pro-autonomy campaigning, for example, at least eight people were killed in the city of Dili alone.

In an apparent effort to limit or forestall violent conflict, in August Xanana Gusmão initiated the unilateral ‘cantonment’ of pro-independence forces. By August 12, Falintil had withdrawn its forces to four cantonment sites, and had given a commitment that they would remain there for the duration of the ballot process. The armed pro-Indonesian militia groups, backed by Indonesian authorities, refused to follow that example. Between August 16 and 19, the militias conducted a series of ‘cantonment ceremonies’ at which they handed over some, but by no means all, of their weapons to Indonesian Police and military authorities. In reality, however, the militias continued to operate without inhibition, and the weapons they had handed over were later returned to them.

Notwithstanding serious concerns about possible violence, the vote proceeded as planned on August 30. To the surprise of many, there was little violence through most of the day, and a remarkable 98.6% of registered voters cast their ballots. Regrettably, the peace did not last. Almost as soon as polling ended, militias began to attack those they believed to be supporters of independence. The earliest victims included local UNAMET staff members who were killed as they carried ballot boxes from a polling station to their vehicle.

The Secretary-General announced the results of the ballot on the morning of September 4. A substantial majority (78.5%) had voted against autonomy and for independence. Within hours of the announcement, however, pro-autonomy militias and TNI soldiers took to the streets and began a campaign of violence of unprecedented ferocity. Private

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\* That number included 433,576 in East Timor, and 13,090 who registered at designation centers outside the territory.

homes, public buildings, and infrastructure were systematically burned and destroyed. More than 400,000 people were forced to leave their homes and flee to the hills, or were forcibly displaced by TNI and militia units to areas outside East Timor. These events coincided with two significant changes to the chain of command in East Timor. The first came on September 4, when the TNI assumed responsibility for all security operations in the territory, formally relegating Police and civilian authorities to auxiliary roles. The new command arrangement was designated *Ko-ops Nusra* (*Komando Operasi TNI Nusa Tenggara* – Nusa Tenggara Military Operations Command). Ko-ops Nusra was commanded by Maj. Gen. Adam Damiri, the Military Commander for Region IX of which East Timor was a part.

The second major shift came with President Habibie's declaration of Martial Law in the territory, with effect from 00:00 hours on September 7. After that date all military, police and civilian operations in East Timor were formally under the control of the Martial Law Commander, Maj. Gen. Kiki Syahnakri, who was accountable to President Habibie, as Supreme Commander.\*

Notwithstanding these changes, the violence continued to escalate. As a consequence, the UNAMET mission was forced to evacuate its staff from East Timor in the early morning hours of September 14, 1999. Some 1,400 East Timorese civilians who had sought refuge in the UN compound were also airlifted to safety. The violence and destruction continued unabated after the departure of the mission, despite repeated calls on the Government of Indonesia to control the situation and respect its obligation to ensure order and security.

On September 12, the Government of Indonesia formally agreed to the presence of an international intervention force in East Timor. This force, known as the International Force, East Timor (INTERFET), began deploying on September 20 and began immediately to reestablish law and order and to facilitate the distribution of humanitarian assistance. In October 1999, the Indonesian legislature rescinded the law under which East Timor had been declared an Indonesian province, and by the end of the month, Indonesian forces had completely withdrawn from the territory.

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\* Although he was formally in charge as of September 7, it would appear that Maj. Gen. Syahnakri did not take effective command in East Timor until a few days later. When UNAMET's Head of Mission Ian Martin went to Korem headquarters on the evening of September 8, for example, he found that Maj. Gen. Damiri was still in charge. A credible source later told Martin that Syahnakri did not assume effective command until his written orders arrived from Jakarta some time after September 8. Personal communication with Ian Martin, June 1, 2003. According to a separate account, Syahnakri assumed effective command at 11 p.m. on September 9. See Don Greenlees and Robert Garran, *Deliverance: The Inside Story of East Timor's Fight for Freedom*. Crow's Nest, NSW: Allen & Unwin, 2002, p. 229.



## 2. Indonesia: Power and Strategy

Notwithstanding the dramatic changes that had taken place in 1998-99, the official Indonesian response to the prospect of a vote in East Timor was shaped by structures of political and military power, and attitudes that had become deeply entrenched over at least three decades. Those structures of power formed the backdrop to, and facilitated, the systematic violations of human rights observed in 1999.

The key institution within this power structure was the Indonesian Armed Forces (*Tentara Nasional Indonesia* – TNI). Despite the challenges to its authority that attended President Suharto's fall, in 1999 the TNI remained the most powerful political institution in the country, and its influence was especially great in East Timor. The unique power of the TNI, and certain aspects of its doctrine, structure, and standard operating procedure go a long way to explaining the pattern of human rights violations in 1999. Especially important were its doctrine of 'total people's defense,' its territorial command structure, the dominance of special forces and intelligence units, and its penchant for mobilizing proxy paramilitary forces.

But the Indonesian strategy to ensure victory for the autonomy option was not simply a military, or paramilitary, one. It also relied upon a range of other institutions, including the Indonesian Police and the civilian government apparatus. Subordinate to the TNI, and therefore unable or unwilling to challenge its strategy, the Police contributed to the violence primarily by failing to take effective measures to stop it. Likewise, the civilian government apparatus played a contributing role, by implementing an official campaign to 'socialize' the autonomy option. Finally, the strategy entailed the mobilization of new pro-Indonesian political groups, such as the FPKD and the BRTT, and various specialized government agencies, which together provided a cover for official efforts to influence the outcome of the vote by peaceful as well as violent means.

### 2.1 The Indonesian Armed Forces

Under the terms of the May 5 Agreements, the Indonesian Armed Forces (TNI) were enjoined to maintain a strict neutrality with regard to the Popular Consultation. However, given the deeply entrenched political power of the TNI in Indonesia and in East Timor, the long established patterns of behavior of military forces, and the strong feelings of officers and men on the issue, that was an implausible expectation.

The TNI had never been purely 'professional' in the sense of being an apolitical institution that implements orders from a civilian political leadership. From its origins during the Indonesian struggle for independence from the Dutch colonial authorities (1945-1949), the Indonesian military – and in particular the Army – had always played an important role in the political, social, and economic life of the state. The political power of the military became more deeply entrenched during the New Order regime of President Suharto (1965-1998). Even after Suharto's resignation in 1998, the TNI remained by far the most powerful institution in the country, and in East Timor.

At the heart of the TNI's power, both in Indonesia and in East Timor, were certain unique features of its command structure. One of these was its territorial organization. In 1999, roughly two thirds of TNI forces were dispersed throughout the country in a structure that descended all the way to the village level. Thus, the country was divided into ten Regional Military Commands (*Komando Daerah Militer* – Kodam). Each Kodam was further divided into a series of successively smaller geographical command units known as: Sub-Regional Military Commands (*Komando Resor Militer* – Korem); District Military Commands (*Komando Distrik Militer* – Kodim); and Sub-District Military Commands (*Komando Rayon Militer* – Koramil). At the village level, the TNI was represented by a Non-Commissioned Officer, known as a Babinsa.

In 1999 East Timor fell under the authority of Regional Military Command IX (Kodam IX/Udayana), which had its headquarters in Bali. Kodam IX was commanded by Maj. Gen. Adam Damiri. East Timor itself was under the authority of SubRegional Military Command 164 (Korem 164/Wiradharma), commanded by Col. Tono Suratman and, after August 13, by Col. Noer Muis. Beneath the Korem, East Timor was further divided into 13 District Military Commands (Kodim 1627 through 1639), each of them commanded by a 'Dandim', usually of Lt. Colonel rank. The Kodims were in turn each divided into several Sub-District Military Commands (Koramil), each of them commanded by a 'Danramil.'

It was through this structure of territorial military command that much of Indonesia's basic military policy was carried out in East Timor. Indonesian military strategy in 1999 was framed by a strategic plan called 'Operation Tatoli IV Korem 164/WD' (*Operasi Tatoli IV Rem 164/WD*).<sup>\*</sup> Other operational plans framing military action in East Timor were the Sub-Regional Military Command's plan for the referendum, 'Operation Wira Dharma-99' (*Operasi Wira Dharma-99*); the Regional Military Command's post-ballot evacuation plan, 'Operation Pull-Out' (*Operasi Cabut Kodam IX/UDY*); and an overall 'Contingency Plan 1999-2000' (*Rencana Kontingensi 1999-2000*) developed at TNI headquarters to address the possibility of Indonesian defeat in the referendum.<sup>†</sup>

The system of territorial military command ran parallel to the structures of civilian political authority down to the village level – the Korem Commander shadowed the Governor; the 13 Kodim Commanders looked over the shoulders of the 13 District Heads (Bupati); the 62 Koramil Commanders supervised the 62 SubDistrict Heads (Camat); and the 442 Babinsas operated alongside an equal number of Village Heads (Kepala Desa). In this way, the territorial military command effectively ensured military involvement in and dominance over, the formulation and implementation of policy at every level. Thus, even if civilian authorities such as the Governor and the Bupatis were formally in charge, in the final analysis military officers within the territorial command exercised greater power.

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<sup>\*</sup> The title indicated that the operation was controlled by the Korem Commander, while the designation 'IV' suggested that 1999 was the fourth year of the operation. See: Dan Sat Gas Pam Dili to Danrem 164/WD and others. Secret Telegram STR/199/1999, August 24, 1999 (Yayasan Hak Collection, Doc #40).

<sup>†</sup> In some TNI documents, the 'Contingency Plan' was referred to as "Rencana Tindakan Menghadapi Kontinjensi Purna Penentuan Pendapat di Timtim [Jika] Opsi-1 Gagal." See: Menteri Pertahanan Keamanan/Panglima TNI (Gen. Wiranto), "Direktif Panglima TNI, Nomor: 02/P/IX/1999, tentang Komando Penguasa Darurat Militer Wilayah Timor Timur," September [8], 1999 (HRU Collection, Doc. TNI #9). For further discussion of the various post-ballot plans, see Chapter 5.

In addition to the territorial command system that was a feature of Indonesian rule everywhere, in 1999 military power in East Timor had a number of unique features that stemmed from its long history as an area of active military operations. It had, for example, two ‘organic’ infantry battalions permanently based in East Timor. Battalion 744, with its headquarters in Dili, and Battalion 745, based in Los Palos, had been formed in the late-1970s, shortly after Indonesia’s invasion. Though many of the soldiers in these units were East Timorese, the officers were predominantly Indonesian. Both units, moreover, were formally answerable to the Korem commander.\*

These ‘territorial’ and ‘organic’ units were supplemented by combat forces drawn from other parts of the country to perform tours of duty in East Timor. The number of combat forces deployed at any time in East Timor varied, but in the first half of 1999 there were at least ten combat battalions, bringing the total estimated TNI force there to something in excess of 15,000 men. The number of combat battalions, and the overall force strength, increased substantially with the President’s declaration of Martial Law in East Timor on September 7, 1999.

Military power in East Timor and government strategy in 1999 also rested crucially on two elite counter-insurgency units: the Special Forces Command (*Komando Pasukan Khusus* – Kopassus), and the Army Strategic Reserve Command (*Komando Strategis Angkatan Darat* – Kostrad).† Crucially, both units operated outside the normal territorial chain of command, and often without the knowledge of territorial officers.

Established before the 1965 coup, Kostrad evolved into a formidable mobile strike force, its units deployed in response to perceived major threats to internal security in Aceh, Irian Jaya/West Papua, East Timor, and elsewhere. Despite their reputation for professionalism and *esprit de corps*, however, Kostrad units were accused of serious human rights violations. Nevertheless, with the declaration of Martial Law in East Timor, on September 7, 1999, Kostrad forces were among those deployed to restore order.‡

It is noteworthy that many of the highest-ranking TNI officers, who shared command responsibility for East Timor in 1999, had Kostrad backgrounds. They included: TNI Commander, Gen. Wiranto; TNI Chief of Territorial Affairs, Lt. Gen. Bambang Yudhoyono; Head of the national intelligence agency (BIA/BAIS), Lt. Gen. Tyasno Sudarto; TNI Chief of General Staff, Lt. Gen. Sugiono; Operations Assistant to the Army Chief of Staff, and later Martial Law Commander in East Timor, Maj. Gen. Kiki Syahnakri; Assistant for Operations to the Armed Forces Chief of General Staff, Maj.

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\* See: Dan Yonif 744/SYB (Maj. Yakraman Yagus) to Danki Yonif 744/SYB and others. Secret Telegram No. TR/74/1999, January 30, 1999 (Yayasan Hak Collection, Doc #5).

† For details of the history, size, and mission of Kopassus and Kostrad, see Lowry, *Indonesian Defence Policy*, pp. 40, 81-84, 93.

‡ One full Kostrad battalion was deployed in Dili at that time, and a full company from that unit was assigned to protect UNAMET headquarters. The commander of the Kostrad troops deployed at UNAMET was Capt. Catur. See: Dandim 1627/Dili (Lt. Col. Soedjarwo), “Data Kekuatan Pengamanan UNAMET dan Objek Vital,” September 1999 (Yayasan Hak Collection, Doc #45). The overall Kostrad Commander in 1999 was Lt. Gen. Djarni Chaniago.

Gen. Endriartono Sutarto; and the Commander of Regional Military Command IX, Maj. Gen. Adam Damiri\*

Like Kostrad, Kopassus had a reputation for expertise in methods of unconventional warfare, but also for brutality and abuse of authority, especially in East Timor. In early 1999 Kopassus formed a special task force in East Timor, called *Satgas Tribuana VIII* (Task Force Tribuana VIII), under the command of Lt. Col. Yayat Sudrajat.<sup>†</sup> Satgas Tribuana VIII controlled a network of officers and soldiers deployed in small units across the territory.<sup>‡</sup> Although Kopassus maintained some fixed posts, most Kopassus officers and men operated covertly, often in plainclothes, and were engaged mainly in intelligence gathering and counter-intelligence operations. There were credible allegations, discussed in greater detail elsewhere in this report, that some militia members were in fact highly trained Kopassus soldiers, whose job it was to command, and to stiffen the resolve, of local militia members.

In addition to those actively serving with Kopassus units in East Timor, a number of senior military officers with command responsibility for East Timor in 1999 had Kopassus backgrounds.

They included: Army Chief of Staff, Gen. Subagyo Hadisiswoyo; Territorial Assistant to Armed Forces Chief of General Staff, Maj. Gen. Sjafrie Sjamsuddin; Deputy Assistant for Security to the Army Chief of Staff (and later Deputy Martial Law Commander in East Timor), Brig. Gen. Amirul Isnaeni; Chief of Staff of Kodam IX, Brig. Gen. Mahidin Simbolon; East Timor Korem Commander until mid-August 1999, Col. Tono Suratman; and his successor in that post, Lt. Col. Noer Muis.<sup>§</sup>

Also closely linked to Kopassus were many of the key Cabinet ministers with responsibility for East Timor in 1999. They included: the powerful Coordinating Minister for Political and Security Affairs, Lt. Gen. (ret.) Tanjung; the Minister of Transmigration and Resettlement, Lt. Gen. (ret.) Hendropriyono; the Minister of Information, Lt. Gen. (ret.) Yunus Yosfiah, and a close military adviser to President Habibie, Maj. Gen. (ret.) Sintong Panjaitan.<sup>||</sup>

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\* For details on the career backgrounds of these officers, see Hamish McDonald *et. al. Masters of Terror*, Canberra: Strategic and Defence Studies Centre, Australian National University (Canberra Paper #145), 2002. Also at: <http://yayasanhak.minihub.org/mot/booktoc.htm>

† Speaking to Indonesian investigators in September 2000, Lt. Col. Sudrajat said that he had received orders for deployment to East Timor from the Kopassus Commander on January 27, 1999. See: Yayat Sudrajat, statement to the Office of the Indonesian Attorney General, Investigations Team for Gross Violations Against Human Rights in East Timor, September 12 and 20, 1999. See: Yayat Sudrajat, statement to the Office of the Indonesian Attorney General, Investigations Team for Gross Violations Against Human Rights in East Timor, September 12 and 20, 1999. Translation (SCU Collection, Doc #C).

‡ In a September 2000 statement to Indonesian investigators, Satgas Tribuana VIII Commander, Lt. Col. Sudrajat, identified by name the Kopassus commanders in 8 of East Timor's 13 districts: Lt. Rahmat Zulkarnaen in Lautem; Capt. Alfi Shari Lubis in Baucau; Lt. Aminton Manurung in Viqueque; Capt. Sugiyono in Manufahi; Sgt. Tukiran in Ainaro; Lt. Masgen Abas in Ermera; Sgt. Mulyono in Bobonaro; and Lt. Kawan in Dili. See: Yayat Sudrajat statement, SCU Collection, Doc #C. According to a media report about leaked Australian intelligence, in September 1999 Kopassus had formed special hit squads, named 'Kiper-9' to hunt down proindependence leaders and pro-Indonesian figures who had changed sides. See Hamish McDonald, "Australia's bloody East Timor secret," and "Silence over crime against humanity," *Sydney Morning Herald*, March 14, 2002.

§ See *Masters of Terror*: <http://yayasanhak.minihub.org/mot/booktoc.htm>

|| See *Masters of Terror*: <http://yayasanhak.minihub.org/mot/booktoc.htm>



The various combat forces deployed in East Timor, including Kopassus and Kostrad, appear to have had a distinct command structure related to their combat function. Unlike the territorial forces, which were divided into 13 District Commands, combat forces deployed in East Timor were grouped into two Sectoral Commands, known as ‘*Sektor A*’ which covered the eastern part of the territory, and ‘*Sektor B*’ which covered the western districts.\* Each Sector was commanded by an officer of Colonel rank. Significantly, these Sectoral commanders, and their deputies, all had backgrounds in Kopassus or Kostrad, and in military intelligence.† The Sectoral command structure was a legacy of East Timor’s long history as a military operations area, and was evidently maintained to facilitate counterinsurgency operations there. There are indications that it played a key role in mobilizing and coordinating the militias in 1999.

Finally, military power and strategy in East Timor rested on a pervasive intelligence network. Military intelligence officers and units were attached to, and often played a dominant role at, each level of the territorial command hierarchy (Kodam, Korem, Kodim, and Koramil). Complementing, and often superceding, those normal intelligence operatives, however, was the ‘Intelligence Task Force’ commonly referred to as SGI (*Satuan Tugas Intelijen*). In 1999, it maintained posts throughout the country but much of its work – including the mobilization and coordination of militia groups – was covert.‡ Formally, SGI was under the authority of the Korem.§ In practice, however, it appears to have been controlled and coordinated by Kopassus officers. The SGI commander in 1999, for example, was Lt.Col. Yayat Sudrajat, who was also the commander of the Kopassus unit in East Timor, Satgas Tribuana VIII.||

Each of these units, and in particular SGI, mobilized an extensive network of spies and informants. This system permitted the armed forces, and especially Kopassus, to engage with considerable ease in continual surveillance or intelligence gathering, and also to carry out covert counter-intelligence operations, including the mobilization of militia groups.

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\* Combat Sector A apparently covered the Districts of Baucau, Viqueque, Lautem and Manauto. Sector B covered the Districts of Aileu, Ainaro, Bobonaro, Covalima, Ermera, Manufahi, and Oecussi

† The Commander of Sector A (until June 21, 1999) was Col. Sunarko, who had a background in Kopassus and military intelligence. He was replaced by Col. Irwan Kusnadi, whose career had been spent with Kopassus and Kostrad. Sector B was commanded by Col. Tatang Zaenuddin, whose background was in Kopassus and military intelligence. The Deputy Commander of Sector B was Lt. Col. Nyus Rahasia, another career Kopassus officer. Some documents suggest that the Sector A Commander during the period of Martial Law in September 1999 was Col. Gerhan Lentara.

‡ One known SGI post was ‘Post Nanggala-13’ (*Pos-Nanggala13*) in Baucau. A secret list of Sera militia members, issued by that post in January 1998, confirms the long-standing links between SGI and militia groups. See: Komandan Pos Nanggala-13, Satuan Tugas Intelijen (Sgt. Mudji Maulani), “Daftar Nama Nama Anggota Sera (Surwan) Kec. Baguia,” January 2, 1998 (Yayasan Hak Collection, Doc #2). Another SGI post was ‘SGI Post Kresna 12’ (*Pos SGI Kresna 12*) in Atsabe Sub-District, Ermera. The Commander of that Post, Amran Odhe, co-signed a document listing 62 Aitarak members in the village of Atudame, again confirming the link between SGI and militia groups. See: Kepala Desa Atudame, Danramil 04/Atsabe, Dan Pos SGI Kresna 12/Atsabe, and others. “Daftar Nama-Nama Dari Markas Besar Komando Pasukan Aitarak Sektor B,” August 22, 1999 (SCU Collection, Doc #20).

§ See: Kepala Bagian Intelijen (Capt. Sarengat) for Komandan Satuan Tugas Intelijen, Korem 164/WD to Koordinator Judi, concerning “Surat Panggilan,” May 28, 1998 (SCU Collection, Doc #221).

|| Lt. Col. Sudrajat’s predecessor as SGI Commander in East Timor was Lt. Col. Wioyotomo Nugroho.

## 2.2 The Militias

Among the most conspicuous elements of the government's strategy, and an element with immediate consequences for human rights, was the mobilization of new armed militia groups dedicated to maintaining the tie with Indonesia. Militia groups had always been an integral element of Indonesian counter-insurgency strategy in East Timor and elsewhere, so their sudden proliferation at this time pointed strongly to military involvement.

Although they had deep historical roots, militia groups began to mobilize anew in mid-1998, shortly after President Habibie first floated the 'autonomy' option for East Timor.<sup>\*</sup> News of the new militia groups began to trickle out of the country in late 1998 as the UN-sponsored negotiations over special autonomy for East Timor gathered steam. With President Habibie's announcement in late January 1999 that East Timorese would be free to choose autonomy or independence, the trickle became a flood. Within a few months, more than twenty militia groups had formed, and they quickly became the main conduits for pressuring the population to vote for autonomy, and the main perpetrators of human rights violations.

Some of the groups that came to light at this time had existed for several years, such as *Halilintar* in the district of Bobonaro, *Team Saka* and *Team Sera* in Baucau, and *Team Alfa* in Lautem. But others were new, including: *Besi Merah Putih*, based in Liquica, *Aitarak* in the District of Dili, *Dadurus Merah Putih* in Bobonaro, *Mahidi* in Ainaro, *Laksaur* in Covalima, *Ahi* in Aileu, and *Ablai* in Manufahi (See Table 3: Pro-Indonesian Militia Groups in East Timor, 1999).

Reflecting their close ties to the TNI, the militia groups adopted military rhetoric and modes of organization. They were organized into 'companies' and 'platoons' and their members were described as soldiers, or freedom fighters. The headquarters of one of the most notorious groups, *Aitarak*, adopted the title 'Aitarak Troop Command' (*Komando Pasukan Aitarak*).<sup>†</sup>

By early 1999 the different militia groups had been drawn together under a single military-style structure, called the 'Integration Fighters Force' (*Pasukan Pejuang Integrasi* – PPI). The PPI was led by a long-time pro-Indonesia figure, João Tavares, who was given the military-style title of *Panglima* or 'Commander.' In a further imitation of military organization, the PPI was made up of three 'Sectoral Commands,' each of which was under the control of a 'Deputy PPI Commander.'<sup>‡</sup>

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<sup>\*</sup> A former Secretary General of Apodeti, Francisco Carvalho, reportedly showed Australian journalists a document, dated June 24, 1998, said to be an Apodeti report on a meeting with military officers at which plans for creating a militia force were laid out. See *ABC, Four Corners*, "A License to Kill," March 15, 1999, transcript, p. 11.

<sup>†</sup> For details of *Aitarak*'s structure, see: Wakil Panglima, Komando Pasukan Pejuang Integrasi (Eurico Guterres) to Governor of Nusa Tenggara Timur. Letter No. 55/SP/MKAT/VI/1999, June 30, 1999 (SCU Collection, Doc #39).

<sup>‡</sup> The different militia sectors are outlined in: Wakil Panglima, Komando Pasukan Pejuang Integrasi (Eurico Guterres) to Governor of Nusa Tenggara Timur. Letter No. 55/SP/MK-AT/VI/1999, June 30, 1999 (SCU Collection, Doc #39).

- Sector A of the PPI covered the easternmost districts of Baucau, Lautem, Viqueque and Manatuto, and was commanded by Joanico Cesario Belo who was also commander of the Team Saka militia. A Kopassus officer with the rank of 1st Sergeant, Belo was a protégé of the notorious Kopassus officer, Prabowo Subianto.\*
- Sector B covered the central districts of Dili, Liquica, Ermera and Aileu, and was under the command of Eurico Guterres, who was also the commander of Aitarak. Once a supporter of independence, Guterres emerged in 1995 as the head of Garda Paksi, a pro-Indonesian youth organization established by Kopassus, and deployed to harass and intimidate members of the independence movement.
- Sector C covered the western districts of Bobonaro, Covalima, Ainaro, Manufahi, as well as the enclave of Oecussi. It was commanded by Cancio Lopes de Carvalho, who was also the commander of the Mahidi militia group. Carvalho had close ties to Brig.Gen. Mahidin Simbolon, a Kopassus officer who was Chief of Staff of Kodam IX in 1999.

The stated aims of the militias reflected a preoccupation with the outcome of the popular consultation, and an approach that was both dogmatic and bellicose. In a letter to his Post Commander, dated March 30, 1999, for example, an Aitarak member spelled out his vision for the coming months:

“Aitarak, which now has 400 men, is going to answer and destroy all threats from the pro-independence side...If in spite of that there are still those who insist on asking for independence, they are welcome to it but they should beware that independence will, without a doubt, end with the spilling of blood...This is the foundation on which Aitarak has been created, under the leadership of Eurico Guterres.”†

Indonesian authorities asserted that these groups were spontaneous reflections of local support for integration, and that the violence was the result of conflict among pro-independence and pro-integration East Timorese. Accordingly, they argued, the TNI and Police were more than ever needed to preserve the peace. As discussed in detail in later chapters, that claim disguised the central role of the TNI in creating and supporting the militias responsible for the violence. Thus, it helped to ensure that the relationship with the militias remained intact, and that the systematic pattern of human rights violations that stemmed from it would continue without serious interruption.

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\* Joanico was also said to be the adopted son of a career Kopassus officer, Lt. Gen. Luhut Panjaitan. See Don Greenlees and Robert Garran, *Deliverance: The Inside Story of East Timor's Fight for Freedom*. Crow's Nest, NSW: Allen & Unwin, 2002, p. 132.

† The author of the letter was Mário Pinto da Costa. See: Letter from Mário Pinto da Costa to Komandan [Aitarak], March 30, 1999 (SCU Collection, Doc #262).

## 2.3 The Indonesian Police

Under the May 5 Agreements, the task of maintaining security during the popular consultation was entrusted to the Indonesian national police force (*Polisi Republik Indonesia* – Polri). The key figure on the ground in East Timor was the Regional Police Commander (*Kepala Polisi Daerah* – Kapolda), Col. Timbul Silaen. Beneath him were 13 Police Resort Commanders (*Kepala Polisi Resor* – Kapolres), one for each of East Timor’s administrative districts; and a larger number of Police Sector Commanders (*Kepala Polisi Sektor* – Kapolsek).

As part of its responsibility for maintaining law and order, in August 1999 the Regional Police Command developed a detailed plan, called ‘*Operasi Hanoin Lorosae II*’ (Operation Hanoin Lorosae II), which included plans for a post-ballot evacuation.\* Some observers have argued that the existence of this plan is evidence that the post-ballot violence, and in particular the forcible relocation of civilians, was planned in advance at the highest levels. A close examination of the document, however, does not support that conclusion. As discussed in greater detail in Chapter 5, whatever one may say about the behavior of the Police, the document itself reads as a fair attempt to plan for the widely predicted violence in the post-ballot period.

Faced with accusations that they were not doing enough to stop militia violence, Polri officials sometimes complained that they were seriously understaffed, and that maintaining order with so few men was a ‘mission impossible.’ But the reality was that Polri had a substantial number of officers on the ground in East Timor, and their numbers grew significantly as the ballot date drew near. The evacuation plan cited above, for example, indicates that there were 6,704 Police officers stationed in East Timor in August 1999. That number included 3,876 organic Police forces and 2,828 who had been seconded from other units.†

A more plausible explanation for the ineffectiveness of the Police in containing militia violence was that Polri was subordinate to the TNI and, at the same time, shared much of the latter’s institutional culture. Polri had been part of the armed forces until April 1999, when it was formally separated. Even after the separation, however, Polri maintained its character as a highly militarized police force, and it remained under the authority of the Minister of Defense, Gen. Wiranto, who was simultaneously TNI Commander.

The militarized character of the Indonesian Police was especially evident in its elite unit, the Mobile Brigade (*Brigade Mobil* – Brimob), deployed in substantial numbers in East Timor. According to the Police document cited above, 2,497, or almost half, of the Police deployed in East Timor in August 1999 were from Brimob. Armed with automatic weapons, and with counter-insurgency training and field experience, Brimob was and is a paramilitary unit, with a record of serious human rights abuse across the country.

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\* Kepolisian Negara Republik Indonesia, Daerah Timor Timur, “Rencana Operasi Hanoin Lorosae II,” Secret Plan No. Pol: Ren Ops/04/VIII/1999, August 1999 (Yayasan Hak Collection, Doc #39).

† Ibid.

In response to criticism of the deteriorating security conditions, Indonesia deployed more and more Brimob units to East Timor as the Popular Consultation approached. Indonesian authorities argued that these deployments would help to control the situation, but they did not. By some accounts, the growing number of Brimob forces only made it worse. As discussed in more detail in Chapter 3, Brimob officers committed most of the violations of human rights committed by Police in East Timor in 1999.

## 2.4 The Civilian Government and the ‘Socialization’ Campaign

A central component of Indonesian strategy in 1999 was a campaign to ‘socialize’ the proposed autonomy package. As depicted by government authorities, ‘socialization’ was a community education effort aimed at explaining the advantages of the autonomy option to the people of East Timor. In practice, it was a concerted propaganda offensive involving a combination of inducements, threats, and acts of violence designed to pressure civil servants and ordinary citizens to vote for continued Indonesian rule.

Under the auspices of the ‘socialization’ campaign, civilian government officials used the authority of their office to pressure civil servants and others to support the autonomy option, and to persecute those who favored independence. In some cases, the names of independence supporters were recorded and submitted to military intelligence authorities.

The Governor of East Timor, Abílio Osório Soares, had started to issue such demands and threats against disloyal civil servants as early as mid-1998. A secret Indonesian military intelligence report, dated June 23, 1998, reporting on his remarks to a meeting of the pro-integration group, Garda Paksi, quotes him saying:

*“On June 23, 1998, I am going to call together all government servants of Echelon IV and above, and tell them that if they do not support integration, they must resign immediately.”*

Such measures were explicitly ordered by the Governor in a circular, dated May 28, 1999, distributed to the heads of all government bodies in East Timor, and copied to the Indonesian Minister for Home Affairs. The circular stated that any civil servant who supported independence would be “terminated.” The circular further stated that civil servants suspected of harboring pro-independence sympathies, would be made to sign oaths of loyalty to the government, and threatened with dismissal should they later engage in pro-independence activities.<sup>†</sup>

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\* The Governor’s demands were echoed by the head of East Timor’s Provincial parliament (DRRD I), Armino S. Mariano, who said that disloyal civil servants would be fired. See: Dandim 1627 (Lt. Col. Endar Priyanto) to Danrem 164/WD and others, “Laporan hasil pertemuan di Gada Paksi,” June 23, 1998 (Yayasan Hak Collection, Doc #3).

† See: Governor of East Timor to Para Kepala Instansi Vertikal dan Otonom Propinsi Dati I Timor Timur. Circular No. 200/827/Sospol/V/1999, concerning “Tindakan terhadap PNS yang terlibat organisasi/ kegiatan yang menentang Pemerintah RI,” May 28, 1999 (SCU Collection, Doc #10). Copies of such loyalty oaths are held by UNMISSET’s Human Rights Unit, in Dili.

These were not idle threats. Known or suspected supporters of independence were indeed forced from their jobs, and their homes, under the auspices of the ‘socialization’ campaign. The agents of enforcement, more often than not, were the militias. A letter from an Aitarak militia member to his Post Commander shows that the militias regarded this as one of their main purposes:

“We members of Aitarak are going to take a tough stance in investigating and rooting out civil servants who support independence. We will oust them from their positions, we will strip them of the official uniforms they are wearing, and we will confiscate from them any official vehicle they may be using. This is the concept behind the operations we plan to undertake in April 1999.”

In keeping with its status as an element of government policy, the ‘socialization’ campaign was amply funded by the Indonesian treasury (see Chapter 8). Public ‘socialization’ meetings and rallies were organized throughout the country, at which civilian and military authorities spoke at length about the benefits of autonomy. Buttressed by the government’s largesse, official speakers underlined their case by distributing rice, T-shirts, and other goods, and by promising more of the same to those who supported Indonesian rule. A UN-accredited observer, commented:

*“We went to one autonomy rally...where two big trucks came in with bags full of T-shirts, hats, bandanas, flags...and then they were thrown to them and the people were grabbing at them. Nobody in the pro-independence campaign had those sorts of resources.”*<sup>†</sup>

The distribution of rice to the population was an especially important element of the government’s ‘socialization’ campaign. Secret military documents reveal that the explicit aim of distributing rice was to influence the opinion of the population with regard to the popular consultation. The documents also indicate that substantial resources were devoted to this effort, and that the highest-ranking military officers in the country were involved. In a secret telegram to Gen. Wiranto, dated July 6, 1999, Brig.Gen. Mahidin Simbolon (Chief of Staff, Kodam IX) requested the immediate deployment of a Frost-type Navy vessel to transport rice to East Timor. The telegram explained that “the government must distribute rice to the population” because food distributions by some 35 NGOs were bound to affect the outcome of the referendum.<sup>‡</sup>

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<sup>\*</sup> Letter from Mário Pinto da Costa to Komandan [Aitarak], March 30, 1999 (SCU Collection, Doc #262).

<sup>†</sup> ABC, *Four Corners*, “Silenced Majority,” transcript, p. 4.

<sup>‡</sup> Secret telegram from Chief of Staff, Kodam IX/Udayana (Brig. Gen. Mahidin Simbolon) to Armed Forces Commander (Gen. Wiranto), July 6, 1999 (HAK Collection).

Such inducements were supplemented by open and veiled threats of violence should the autonomy option fail.\* Among the threats commonly reported from ‘socialization’ meetings was the following: “If autonomy wins, blood will trickle. If independence wins, blood will flow!” Such threats were reinforced by the public statements of pro-autonomy leaders, and further underlined by the menacing presence of armed pro-autonomy militiamen. Indeed, the militias effectively served as enforcers of the ‘socialization’ campaign – ensuring that people came to meetings and threatening or physically abusing those who refused.

## 2.5 Pro-autonomy Political Parties

A related element of the government’s strategy was the encouragement, and funding, of a number of new pro-integration political parties and organizations, led and staffed by East Timorese. The two principal groups were the Forum for Unity, Democracy and Justice (*Front Persatuan, Demokrasi dan Keadilan* – FPDK), and the East Timor People’s Front (*Barisan Rakyat Timor Timur* – BRTT), both of which were established in the first half of 1999.†

The two parties adopted slightly different tactics, with BRTT reaching out to older members of the political elite, and the FPDK seeking to mobilize a somewhat younger element.‡ The FPDK was also more closely linked to the militia groups – with which it claimed an ‘advisory’ relationship – than was the BRTT, some of whose leaders were concerned that militia violence was counter-productive.§ Despite these differences, the FPDK and the BRTT both represented the East Timorese face of the Indonesian government position. And as ballot day approached, the two groups were merged into a single party, known as the United Front for East Timor Autonomy (UNIF) which advocated the pro-Indonesian position without question.||

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\* Like the demands for the removal of disloyal civil servants, the implied threats of violence date at least to mid-1998. Addressing a Garda Paksi meeting in June 1998, for example, the Speaker of East Timor’s Parliament, Domingos S. Mariano, reportedly said: “In my opinion, if there is a referendum, there will certainly be an even greater blood-letting than we had in 1975.” See: Dandim 1627 (Lt. Col. Endar Priyanto) to Danrem 164/WD and others, “Laporan hasil pertemuan di Gada Paksi,” June 23, 1998 (Yayasan Hak Collection, Doc #3).

† 29 The FPDK was formally established on January 27, 1999, and BRTT was set up in April 1999. See Ian Martin, *Self-Determination in East Timor: The United Nations, the Ballot, and International Intervention*, London: Lynne Rienner Publishers, 2001, p. 43. Another organization, the East Timor Unity Form (*Forum Persatuan Timor Timur* – FPTT) was established on December 7, 1998, under the leadership of Eurico Guterres. It appears to have been dissolved some time in January 1999, and replaced by FPDK and Aitarak. See: Forum Persatuan Timor Timur (FPTT) to Danrem 164/WD. Handwritten (draft?) letter, requesting TNI funding for FPTT activities, [December] 1998 (SCU Collection, Doc #233); and Ketua Umum Forum Persatuan Timor Timur (Eurico Guterres) to Kepala Biro Keuangan Pemda Tk I Timor Timur, January 1, 1999 (SCU Collection, Doc #159).

‡ *Far Eastern Economic Review*, May 27, 1999.

§ Some of the older group did associate with the FPDK, but there were signs of tension. In July 1999, the long-time proIndonesia advocate Herminio da Silva da Costa resigned from the FPDK Board of Advisors. In announcing his resignation he drew attention to the important role of the older generation of pro-integration activists. *Suara Timor Timur*, July 15, 1999.

|| UNIF’s formation was made public in a joint declaration by the FPDK, BRTT, and PPI, on June 23, 1999 (Yayasan Hak Collection).

The formation and encouragement of these political parties may have been intended to substantiate the official Indonesian position that the conflict was among East Timorese, with the government serving as neutral arbiter. That claim was weakened, however, by the fact that FPKD, BRTT, and UNIF leaders were overwhelmingly Indonesian government officials. The leader of the BRTT, for example, was the Indonesian Government's Ambassador-at-large for East Timor, Mr. Francisco Lopes da Cruz. That relationship was symptomatic of a more general phenomenon. As Ian Martin writes:

“The links between the local administration, the FPKD, the militia, and the TNI were so close that they constituted a single operation to counter pro-independence activities and ensure a pro-autonomy vote.”

In addition to their overt political goals, there is some evidence that these pro-autonomy political organizations also served a more covert purpose – as a conduit for the disbursement of funds and materials to the militias. As detailed elsewhere in this report, the FPKD and the BRTT both received substantial funding and resources from official sources, both civilian and military (see Chapter 8).

## 2.6 Specialized Government Bodies

A final vital element of the government's strategy was the creation of a number of specialized political bodies in East Timor. These bodies – most notably the Commission on Peace and Stability (*Komisi Pengamanan dan Stabilitas* – KPS) and the Task Force for the Implementation of the Popular Consultation in East Timor (*Satuan Tugas Pengamanan Penentuan Pendapat mengenai Timor Timur* – Satgas P3TT) – served as public relations machines.<sup>†</sup> The latter also served as a cover for the coordination of covert Indonesian government and military strategy.

The Commission on Peace and Stability (KPS) was a product of a 'peace agreement' brokered by TNI commander Gen. Wiranto and signed by pro-independence and pro-Indonesian groups in East Timor on April 21, 1999. Ostensibly established to facilitate dialogue among the different parties in East Timor, in practice the KPS almost invariably served as a mouthpiece for the Indonesian government position. This was partly the consequence of its composition, which was heavily weighted toward the Indonesian and pro-autonomy side.<sup>‡</sup> It also stemmed from the deeply partisan position adopted by representatives of Indonesia's Human Rights Commission (*Komisi Hak Asasi Manusia* – Komnas Ham) which had been drawn in to convene the KPS.

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<sup>\*</sup> Ian Martin, *Self-Determination in East Timor*, p. 43.

<sup>†</sup> The English here is not an exact translation of the Indonesian. However, these were the titles used in official correspondence and documents.

<sup>‡</sup> Representatives from the government, the TNI, the Police, and each of the two pro-autonomy parties, were ranged against just two delegates from the CNRT/Falintil. The sole CNRT representative present at the signing of the agreement, Leandro Isaac, was brought to the venue from a Police station where he had taken refuge after his house had been attacked. UNAMET was entirely excluded from the KPS as were local non-governmental organizations and other civil society groups. On the composition and weaknesses of the KPS, see Ian Martin, *Self-Determination in East Timor*, pp. 30-31, and 70.



The public relations antics of the KPS were part of a broader government effort to present its version of events, and its preferred option, to East Timorese and Indonesian audiences. It was assisted in this effort by a generally compliant domestic media – including radio, TV, and print. The government’s campaign included what appeared to be deliberate efforts at dis-information by the KPS designed to discredit UNAMET and to lay the foundation for a future challenge to the credibility of the process.

In addition to their general hostility toward UNAMET, Indonesian and pro-autonomy spokesmen claimed that UNAMET had deliberately hired only supporters of independence. Despite the absence of evidence, they repeated this claim with increasing frequency as ballot day approached, and in its immediate aftermath. Government and military officials, as well as pro-autonomy leaders, also issued direct and veiled threats against local staff members, causing some of them to resign and flee to the mountains.

A less visible but significantly more influential body established by the government in 1999 was the Task Force for the Implementation of the Popular Consultation in East Timor (Satgas P3TT). The Task Force, as it was commonly known, represented a national ministerial group (TP4 OKTT) headed by the Coordinating Minister for Political and Security Affairs.<sup>\*</sup> The Task Force was headed by a former Indonesian permanent representative to the UN in Geneva, Ambassador Agus Tarmizi, and, like its parent body (the TP4 OKTT), included representatives from several central government Ministries and bodies.

Formally, the Task Force represented Indonesian government interests in East Timor, and served as a direct point of contact with UNAMET, in the context of the Popular Consultation. However, because it reported directly to the Coordinating Minister for Political and Security Affairs in Jakarta, the Task Force also constituted a crucial channel of authority directly under the control of the Minister, Lt. Gen. (ret.) Feisal Tanjung.

Moreover, the Task Force leadership included a number of high-ranking military officers, active and retired, with long experience in East Timor, and backgrounds in military intelligence or Kopassus, or both. They included: H.R. Garnadi, a retired Army Major General, with a background in military intelligence; and Brig.Gen. Glenny Khairupan, who had served as Deputy Korem Commander in East Timor in the mid-1990s, and who reportedly had a Kopassus background.<sup>†</sup>

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<sup>\*</sup> TP4 OKTT probably stands for *Tim Pengamanan Pelaksanaan [or Penuksesan] Penentuan Pendapat Otonomi Khusus Timor Timur* – Team for the Security and Implementation [or Success] of the Popular Consultation on Special Autonomy in East Timor. It would appear to have been established on the authority of Presidential Decision No. 43, dated May 18, 1999. See: Armed Forces Chief of General Staff (Lt. Gen. Sugiono) for Panglima TNI (Gen. Wiranto), “Surat Perintah No. Sprin/1096/VI/1999,” June 4, 1999 (Yayasan Hak Collection, Doc #28); and Panglima TNI (Gen. Wiranto), “Surat Perintah No. Sprin 1180/P/VI/1999,” June 16, 1999 (Yayasan Hak Collection, Doc #29). The TP4 OKTT ministerial team comprised: the Minister of Foreign Affairs, the Minister of Home Affairs, the Minister of Defense, the Minister of Justice, the National Chief of Police, and the Head of the National Intelligence Agency (BAIS). Ian Martin, *Self-Determination in East Timor*, p. 42.

<sup>†</sup> A third member, Col. (Pol.) Andreas Sugianto, had served as Chief of Police in East Timor in 1994-96. As such, he had worked closely with a number of TNI officers who played key roles in 1999, including Mahidin Simbolon and Kiki Syahnakri, who were Commanders of Korem 164 in the mid-1990s, and Glenny Khairupan, who served as Deputy Danrem at that time.

The key figure on the Task Force, however, was Maj. Gen. Zacky Anwar Makarim. A career intelligence officer, Zacky had served until January 1999 as head of the national intelligence agency, BIA (renamed BAIS in April 1999). Officially appointed to his post in East Timor in early June, he had been involved in military and political operations there for some time before that.<sup>†</sup> In the early 1990s, he had been a military intelligence officer in Aceh, at the height of a counter-insurgency campaign in which the army mobilized militia groups to assist in their effort to crush a local independence movement.

The most senior military officer in East Timor until the declaration of Martial Law in September 1999, Maj. Gen. Zacky is the most likely candidate for the role of overall field coordinator of military and government strategy in East Timor. To the extent that that strategy entailed the mobilization of armed militia groups, and the commission of systematic acts of violence against the civilian population, he is also a leading suspect among those aiding and abetting crimes against humanity.

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\* Maj. Gen. Zacky was formally ordered to deploy to East Timor as a member of TP4 OKTT on June 4, 1999. The order (Surat Perintah No. Sprin/1096/VI/1999) was issued under the authority of TNI Commander, Gen. Wiranto, but signed by the Armed Forces Chief of General Staff, Lt. Gen. Sugianto (Yayasan Hak Collection, Doc #28).

<sup>†</sup> He and Maj. Gen. Kiki Syahnakri were members of a team sent by TNI headquarters to investigate the Liquica church massacre in April 1999. See Greenlees and Garran, *Deliverance*, p. 126-127.

### 3. Violations, Victims, and Perpetrators

There is no doubt that the Indonesian authorities sought to influence the outcome of the popular consultation in favor of ‘special autonomy.’ Nor is there any doubt that egregious acts of violence were committed in the context of that plan. The real question is whether that violence was the spontaneous work of local militiamen and ‘rogue elements’ of the TNI, as Indonesian authorities have claimed, or an integral part of an operation planned and carried out by Indonesian officials.

A fair answer to that question requires a careful description of the violence, and an analysis of the underlying patterns and variations in that violence. This chapter is the first of three in this report that undertake that task. It describes and analyzes the most basic patterns of the violence in 1999, asking the following questions: What kind of violations were committed? When did they happen? Who were the victims? And who were the perpetrators?

The answers point to one central conclusion: the acts of violence committed in 1999 were undertaken as part of a widespread and systematic attack directed against the civilian population of East Timor, targeting those who were believed to be supporters of independence. As a matter of international law, then, those acts constitute not only grave violations of human rights but also crimes against humanity.

#### 3.1 Types of Violation

The principal crimes committed in East Timor in 1999 included extra-judicial killing, torture and ill-treatment, sexual violence, forcible transfer of population, and destruction of property. These acts infringed a wide range of fundamental human rights recognized in international law, including the right to life, the right to personal security, the right to physical integrity, freedom of thought, freedom of association, and the right to own or hold property.

##### **Extrajudicial killing:**

The most notorious of the crimes committed in 1999 were extra-judicial killings (murders) of which there were at least 1,200 and perhaps as many as 1,500 during the year. These killings were typically committed by multiple assailants, armed with an assortment of weapons, including knives, machetes, swords, home-made firearms, and automatic weapons.

Many of the victims were individually targeted, but a significant number – perhaps as many as 400 – died in mass killings. Many of these mass killings occurred in places of worship and/or refuge, including Catholic churches and the homes of prominent citizens (See Case Studies: Liquica Church Massacre; Carrascalão House Massacre; and Suai Church Massacre). They also took place on the premises, or in the custody of Indonesian Army and Police forces (See Case Studies: Cailaco Killings; and Maliana Police Station Massacre).

As a rule, the method of killing was cruel. Victims were commonly beaten, hacked with machetes or swords, and their bodies sometimes deliberately mutilated, both

before and after death. An especially common form of mutilation was the removal of one of the victim's ears, but other body parts were sometimes also removed, and several victims were deliberately decapitated. In some cases, the mutilated bodies (or body parts) of the dead were left in public places, in an apparent effort to terrorize the population. In other cases, especially where large numbers had been killed, the authorities took pains to dispose of the bodies, and other evidence.

### **Torture and ill-treatment:**

Torture and ill-treatment, like extra-judicial killing, had for years been part of standard Indonesian counter-insurgency strategy in East Timor and elsewhere. It was not surprising, therefore, that the practice was commonly reported in 1999. The torture of detainees typically took the form of beatings and the infliction of wounds with sticks, machetes, knives, swords, and rifle butts.

As noted in the joint report of the UN Special Rapporteurs, in 1999 torture in East Timor commonly occurred as a prelude to murder or attempted murder.<sup>\*</sup> More recent evidence indicates that torture and ill-treatment were also used, as they had been for many years, as methods for extracting information about the pro-independence movement.

As in the past, torture and ill-treatment in 1999 were also part of a strategy aimed at intimidating and terrorizing the population. The purpose of that intimidation varied over time. In the pre-ballot period, it was intended primarily to silence pro-independence voices in the context of the registration and campaigning, and to force recruitment into the pro-Indonesian militia groups. In the post-ballot period, it was used to force or 'convince' the population to flee.

### **Gender-based violence:**

As the UN Special Rapporteurs noted in their report, torture and ill-treatment also took the form of sexual violence, including rape, sexual slavery, and sexual harassment.<sup>†</sup> By 2001, the local non-governmental organization Fokupers had documented some 182 cases of gender-specific violations committed in 1999. These included 46 cases of rape, five cases of attempted rape, and 16 cases of sexual assault. More than half of the 46 rape victims were raped repeatedly, or by more than one attacker. In addition, many women were raped over a period of months, and sometimes years, after being forced into a relationship of sexual slavery by TNI soldiers and militiamen.<sup>‡</sup>

Given the understandable reluctance of most East Timorese women to speak about such experiences, it is very likely that the actual number of cases of rape and sexual slavery in

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\* United Nations, *Situation of Human Rights in East Timor*, December 10, 1999, paragraph 42.

† United Nations, *Situation of Human Rights in East Timor*, December 10, 1999, paragraphs 42 and 46-58.

‡ They included at least 20 women taken to West Timor after the Suai Church massacre of September 6. UNTAET, "Investigations by the Serious Crimes Unit on cases of abduction of East Timorese women during the 1999 conflict," Dili, May 2001.

1999 was significantly higher than thus far reported.\* The problem of under-reporting has been compounded by social, legal, and logistical barriers to documentation and redress. East Timorese women, like women elsewhere, have suffered guilt, shame, and isolation in the aftermath of these attacks. Some have also been abandoned by their husbands, who have claimed or implied that their wives had consented to their own rape and or sexual slavery.†

The perpetrators of crimes of sexual violence were predominantly militiamen, but almost half were TNI soldiers and officers.‡ In some cases, militiamen and TNI soldiers entered the home of a young woman and, brandishing their weapons, threatened to kill family members if she refused to have sex. In other cases, TNI officers and militiamen connived to abduct women, and then shared them like chattel.

Apart from the identity of the perpetrators, certain details of these assaults make it clear that rape and sexual violence were not random acts, but were planned by or with the approval of military authorities. For example, military authorities also appear to have designated those women considered 'fair game' for rape or sexual assault. Some attackers, moreover, had access to relatively sophisticated contraceptive technology, including medication that they injected into their victims prior to raping them (See Case Study: Arbitrary Detention and Rape in Lolotoe).

### **Forcible transfer of population:**

In addition to constituting crimes in their own right, sexual violence, torture, and extra-judicial killing also formed the essential underpinning for the further crime of forcible transfer of the population. Such forcible transfers occurred in East Timor in two broad waves. The first, which took place before the ballot, saw as many as 60,000 people displaced from their homes to other parts of East Timor. The second, which occurred in the immediate aftermath of the August 30 vote, resulted in the displacement of an estimated 400,000 people – or about half the total population. More than 250,000 of that number were forced across the border into Indonesian West Timor, and neighboring islands, while the remainder took refuge in the hills and forests of East Timor.

In the pre-ballot period, forcible displacement stemmed primarily from a campaign of violence and terror by pro-Indonesian forces in perceived pro-independence strongholds. The campaign took a variety of forms, including the burning of houses, and the detention, torture, and execution of alleged pro-independence leaders. Starting in late 1998, and reaching a crescendo in April 1999, that campaign caused residents of entire villages to flee to the mountains, or to neighboring towns. Many took refuge in places of worship, including churches in the towns of Liquica, Suai, and Maliana.

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\* Fokupers notes that "...barriers such as social isolation, trauma from the incident, and fear of public judgment...make the process of documentation...extremely difficult." Fokupers, "Progress Report 1 – Gender-based Human Rights Abuses," Dili, June 2000, p. 3.

† To make matters worse, in early September 1999 the office of Fokupers, the only organization that had seriously documented the problem of gender-based violations in 1999, was burned and looted by militias, and all of its records were destroyed.

‡ Of the 46 cases of rape documented by Fokupers, 18 were committed by TNI soldiers alone or jointly with militiamen. See Fokupers, "Progress Report 1 – Gender-based Human Rights Abuses," Dili, June 2000.

Others sought protection in the homes of prominent citizens in Dili and elsewhere. As noted above, many people were killed in these places of worship and refuge.

Forcible relocation of the population also threatened to derail the popular consultation and deny thousands the right to vote, by disrupting plans for registration, voter education, and voting. Internally displaced persons (IDPs), particularly those in the hills, were understandably reluctant to leave their places of refuge to take part in such activities. Ultimately, UNAMET was able to make special arrangements that permitted all but a small number of IDPs to register and to vote.

Even more serious was the forcible relocation of roughly half of the population, mostly to West Timor, in the days and weeks after the ballot. Some observers<sup>\*</sup> have concluded, on the basis of documentary evidence, that the forced transfer of the population was part of a strategy devised by Indonesian authorities at the highest level. While there is reason for caution in drawing that conclusion solely from the available documents, the pattern of behavior reported by numerous eyewitnesses strongly supports the claim that the forcible evacuation was deliberate and well-organized (See Case Study: Forcible Relocation and Murder of Refugees in Dili).

The pattern of evacuation was virtually identical everywhere in the territory. It began in the days immediately after the vote with a campaign of intimidation and violence carried out jointly by militias and TNI soldiers. Across the territory, bands of militiamen and soldiers roamed freely through villages and towns, setting fire to homes and offices, selectively beating or killing pro-independence figures, and threatening residents that they must leave or suffer the same fate. Police either took part in the violence, or appeared unwilling or unable to stop it.

Victims and witnesses from widely disparate locations in East Timor reported that they were told by TNI and Police officials, as well as militias, that they would be killed, and in the case of women, raped, if they did not board the trucks or boats to West Timor. They also reported consistently that the vehicles used in the evacuation were seized by military officials and militia under duress, and that money was extorted from those being forced to board the trucks.

Faced with the evident collapse of law and order, and imminent danger of death, many citizens felt they had no option but to flee. Their flight was encouraged by military and civilian authorities who told residents their safety could not be guaranteed unless they moved to police and military stations, and other designated gathering points throughout the territory. At these designated sites, refugees were systematically loaded onto trucks or ships, and transported to West Timor and neighboring islands.

The problems did not stop once the refugees left East Timor. On the contrary, they faced perilous conditions in the Indonesian refugee camps where they were placed. The most serious problem was that the militiamen who had terrorized them into

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<sup>\*</sup> For example, the Indonesian Commission on Human Rights, and the International Commission of Inquiry on East Timor, whose reports were both issued in January 2000.

fleeing were also in the camps, where they continued to harass, threaten, and intimidate the refugees. As in East Timor, the Indonesian authorities, including the TNI, made little effort to control the militias inside the camps. The predictable result was that they were free to commit serious violations of human rights against the refugees, including rape, sexual slavery, and murder.

### **Destruction of property:**

The violations committed in 1999 also included the massive destruction of property, and in particular the targeted burning of houses and the killing of livestock. Some of this destruction took place in the context of the campaigns of terror in the pre-ballot period. Most, however, occurred in a period of three weeks immediately after the August 30 ballot. In that brief period, roughly 70% of all buildings in the territory were deliberately burned or otherwise rendered uninhabitable. The buildings destroyed included private homes, shops, government offices, schools and medical clinics. Crucial infrastructure, including water, electricity, and telecommunications facilities were also destroyed or disabled.

Although some parts of the territory were harder hit than others, the pattern of destruction indicated that the violence against property was planned and orchestrated at a high level. Eyewitnesses from disparate towns and villages all reported that the burning and destruction was done systematically, and with either the full participation, or acquiescence, of TNI soldiers and Police (See District Summaries).

Physical destruction on this scale had dire humanitarian consequences. It rendered hundreds of thousands of people homeless, and left a similar number without access to adequate food. It also deprived the vast majority of the population of access to health care and education. In these ways, as the International Commission of Inquiry on East Timor noted in its January 2000 report, the destruction of property also constituted breaches of basic economic and social rights.\*

## **3.2 Chronology of Violations: Three Periods**

The pattern of human rights violations, and crimes against humanity, committed in 1999 varied significantly over time. Three rough periods, each with its own characteristic features, can be discerned: (i) the Pre-UNAMET period (January to late May); (ii) the UNAMET period (early June to August 30); and the Post-ballot period (August 30 to late October).

Pre-UNAMET period (January to late May): Some of the worst human rights violations occurred in the pre-UNAMET period, before East Timor had become the focus of serious

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\* The Commission of Inquiry noted that various economic and social rights "...were violated through the large-scale destruction, including the right to work, the right to an adequate standard of living, including food, clothing, housing and medical care, and the right to education." United Nations, Office of the High Commissioner for Human Rights, "Report of the International Commission of Inquiry on the Question of East Timor to the Secretary General," UN Doc A/54/726,S/2000/59, January 31, 2000. See esp. paragraphs 20, 102-103, and 142.

media and international attention. Militia groups had begun to form in late 1998, and by January 1999, together with TNI units, some had already embarked upon a campaign of violence and intimidation targeting real or alleged supporters of independence.

As more militia groups formed, and as military and civilian authorities lent them political and logistical support, the violence accelerated and spread. Between January and the end of May 1999 several dozen people were extrajudicially killed, and tens of thousands were forcibly displaced from their homes. Many of those who fled their homes sought refuge in nearby churches or in the private homes of prominent citizens. It was against these people, and in these places of refuge, that some of the most egregious human rights violations were committed.

Among the most notorious violations of this period were three mass killings that took place in April 1999. The first, on April 6, 1999, was a massacre of at least 30 people at the parish church in the town of Liquica. The second was the deliberate execution of seven people while they were in the custody of TNI soldiers and officers, in the Sub-District of Cailaco, Bobonaro. The third was the killing of at least 12 people who had taken refuge at the Dili home of a prominent supporter of independence, Manuel Carrascalão on April 17 (See Case Studies: Liquica Church Massacre; Cailaco Massacre, and Carrascalão House Massacre). These massacres coincided almost exactly with the final negotiations taking place in New York that would lead to the May 5 Agreements.

### **UNAMET period (early June to August 30):**

The human rights situation improved slightly after UNAMET and a substantial number of international observers and journalists began to deploy throughout the territory in early June 1999. Measured by the number of people killed in acts of political violence, there was a marked improvement. Nevertheless, serious violations – including ill-treatment, sexual violence, and forcible relocation – continued. By mid-July 1999, UNAMET and other organizations estimated that there were some 60,000 IDPs, in a population of just over 800,000.\*

The most commonly reported violations during the UNAMET period were acts of intimidation, beating, and forcible relocation of alleged supporters of independence. Among the best documented cases during this period was the June 29 militia attack on the UNAMET headquarters in the town of Maliana, in Bobonaro District. That attack left several people injured and caused considerable property destruction. An internal UN investigation concluded that the attack had been organized and coordinated by local military commanders, including the District Military Commander, and that it had been intended to intimidate UN staff (See Case Study: Attack on UNAMET Maliana). Another well-documented incident typical of this period was the July 4 militia attack on a humanitarian convoy in the town of Liquica (See Case Study: Attack on Humanitarian Convoy).

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\* Ian Martin, *Self-Determination in East Timor*, p. 57.



The human rights situation deteriorated further in late August, during the period of open campaigning prior to the vote. In addition to a greater number of incidents of threat and intimidation, and a new surge in forcible displacement, there was a significant increase in the number of unlawful killings.

The worst single day of violence during the UNAMET period was August 26, the final day of campaigning for the pro-autonomy side. The incidence of human rights violations was especially great in Dili, where pro-autonomy forces from around the country had gathered in large numbers, and engaged in aggressive campaigning. In the course of the day in Dili, at least eight people were killed, all but one of them supporters of independence killed by militiamen or members of the security forces (See District Summary: Dili).

### **Post-ballot period (August 30 to late October):**

The most serious and widespread violations of human rights occurred in the aftermath of the ballot. Between August 30, 1999 and the final departure of the TNI at the end of October, an estimated 900 people were unlawfully killed, and some 400,000, or roughly half the population, fled their homes under extreme duress. Of that number at least 250,000 fled or were forcibly relocated to West Timor, and other parts of Indonesia, while the rest took refuge in the hills and forests.

The opening salvo came at about 5 p.m. on ballot day, when a group of militiamen and TNI soldiers attacked a polling station in the village of Boboe Leten, in Ermera district. Two Timorese UNAMET staff members were killed in the attack, and a third was wounded. Subsequent UN investigations revealed that the attack had been planned in advance with the knowledge of the Sub-District military commander, and that TNI soldiers had participated in the attack (See Case Study: Murder of UNAMET Staff Members at Boboe Leten).

Serious human rights violations were also reported from other notorious centers of pro-autonomy activity. On September 2, for example, militia forces and TNI soldiers in the town of Maliana began to threaten and attack known independence supporters, and to loot and burn their homes. Similar activities were reported from the districts of Covalima and Ermera.

In much of the territory, however, the violence did not begin in earnest until September 4, the day the result of the ballot was formally announced. The announcement was made in the morning, local time, and by early afternoon the militias, TNI soldiers, and Police had taken to the streets in towns and villages across the territory, firing their weapons, attacking supporters of independence, and burning houses and public buildings.

Although it had vowed to remain in East Timor after the vote, UNAMET was rendered powerless in the face of the mounting violence. By September 7, all staff had been evacuated to Dili, where they took refuge in the UNAMET headquarters. They were joined there by several hundred local people who had fled their homes for the relative safety of the compound. By September 8 there were roughly 500 UN staff and 1,500 IDPs inside the compound. Meanwhile, armed militia gangs had laid siege to the compound, preventing UNAMET staff and refugees from venturing outside. With

UNAMET under siege in its main headquarters, and virtually all observers and journalists having fled the country, the violence began in earnest.

It was against this background that the TNI took two initiatives ostensibly aimed at restoring order. On September 4, the TNI assumed responsibility for law and order from the Police, under the auspices of a special command headed by Maj. Gen. Damiri, called 'Nusa Tenggara Military Operations Command' (*Ko-Ops TNI Nusra*). Then, on September 6, President Habibie declared Martial Law in East Timor, with effect from 00:00 hours, September 7. Indonesian military authorities gave assurances that these measures would bring the violence under control. In reality, however, it was during this period that the most egregious violations of human rights took place.

A sense of the pattern can be glimpsed by noting just a few of the major violations that occurred in the immediate post-ballot period, and after the military took charge.

- On September 6, TNI and Brimob troops backed militias as they executed scores of people, including three Priests, who had sought refuge in the Cathedral in the town of Suai (See Case Study: Suai Church Massacre).
- On the same day, soldiers and police stood by as militias forcibly evacuated thousands of people who had taken refuge in the Dili residence of Bishop Belo, and at the International Committee of the Red Cross and the Canossian Convent nearby (See Case Study: Forcible Evacuation and Murder of Refugees in Dili).
- Two days later, on September 8, militias and TNI soldiers massacred as many as 14 people who were among hundreds who had taken refuge at the Police station in Maliana. Another 13 who fled the massacre were hunted down and killed the next day (See Case Study: Maliana Police Station Massacre).
- At least 21 people, including a foreign journalist, were killed in September, by elements of TNI Battalion 745 as it withdrew from its base in Los Palos through Baucau and Dili, en route to West Timor (See Case Study: Battalion 745 Rampage).
- In the enclave of Oecussi, almost one hundred people were massacred by militiamen and TNI soldiers in two separate incidents in September and October, bringing the total number killed in the district to 170 people (See Case Study: Passabe and Maquela Massacres).

These incidents, and many others, formed a critical backdrop to the pattern of systematic threat, intimidation, and terror that, by a conservative estimate, led to the forcible relocation of half of the entire population in a space of two to three weeks. The mass killings were arguably an essential part of a deliberate campaign of terror. They more or less guaranteed that virtually all who could do so would flee their homes, even go into exile, to avoid a similar fate.

## 3.2 The Victims

The victims of human rights violations in 1999 were overwhelmingly real or alleged supporters of independence, and their close relatives. Some of those targeted were well-known political leaders or prominent members of society, but most were ordinary men and women, more often than not farmers or fishermen. Important sub-categories of pro-independence victims included: CNRT leaders; local authorities; alleged traitors; villagers in pro-independence base areas; members of the Catholic clergy; students and young people; locally employed UNAMET staff; women and girls; and small children.

Non-Timorese – including UNAMET staff, journalists and observers – were also subjected to threats, intimidation and harassment, and some were physically attacked and injured. It was notable, however, that international staff and observers were very seldom the target of lethal violence, and only two foreigners were killed during the year.\* As discussed below, that pattern appears to have been part of a deliberate strategy on the part of Indonesian authorities, rather than simply a matter of good fortune.

A small number of the victims of violence were members of pro-autonomy groups, or known supporters of Indonesia. The total number of pro-autonomy supporters killed in 1999 was not more than 20 out of a total death toll of at least 1,200. This disparity belies claims by Indonesian authorities that pro-autonomy forces were the chief victims of violence, and that the mobilization of militias was a matter of self-defense.

Taken together, these patterns make it clear that the violence in 1999 was not random, but targeted, and that it was designed to achieve a particular political purpose: victory for the pro-autonomy option in the Popular Consultation.

### **CNRT leaders:**

Known leaders of the CNRT were conspicuous among the victims of human rights violations in 1999, both before and after the ballot. In the pre-UNAMET phase, several such leaders were unlawfully killed, and dozens of others were forced to seek protection in Police stations or to flee to the mountains or other towns. The situation became even more dangerous in the post-ballot period. In virtually every district of the country, militiamen and TNI soldiers deliberately targeted CNRT leaders for execution.†

### **Local authorities:**

Also targeted, both before and after the ballot, were local authorities – including village heads, Sub-District heads, and civil servants – who had not shown sufficient enthusiasm for the pro-autonomy option, or who had resisted it altogether. Such local

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\* The two were an elderly German priest, Carolus Albrecht, and a Dutch journalist, Sander Thoenes (See Case Study: Battalion 745 Rampage).

† There is no doubt that CNRT leaders were deliberately targeted. In addition to the abundant circumstantial evidence outlined in this report, there is also some documentary evidence to that effect. For example, in an order dated September 3, 1999, Aitarak Commander, Eurico Guterres instructed his Deputy, Inacio de Jesus, and ten other militia members to coordinate with Aitarak and BMP members inspecting people trying to leave East Timor. The order states explicitly that they should “arrest and detain CNRT and Falintil leaders, and await further instructions from the Commander of Aitarak Forces.” See: Komandan, Komando Pasukan Aitarak, Sektor B (Eurico Guterres). Order No. 39/SPT/MK-AT/IX/1999, September [3], 1999 (SCU Collection, Doc #27).

officials were subjected to intense pressure not only from militias but also from TNI soldiers and officers, and from civilian authorities. The forms of pressure included public denunciation at meetings, physical threats, and assault on family members, the burning and looting of the victim's house and, in some cases, killing.

### **Alleged traitors:**

An important sub-category of independence supporters targeted in 1999 were those who had once been supporters of Indonesian rule. Such figures were regarded as traitors by Indonesians and pro-Indonesian Timorese, and were singled out for attack or murder.

One clear example of that pattern was the murder of the Liurai of Los Palos, Verissimo Dias Quintas, on August 27, 1999. Formerly a supporter of Indonesian rule, he had recently changed sides and in 1999 made his home available to the CNRT for use as their office. His murder, committed by militias and BRTT members, under the direction of Kopassus officers and the Bupati, was widely understood as payback for his 'treachery.' Likewise, the violent attack on the home of Manuel Carrascalão on April 17, 1999, which resulted in the death of at least 12 people, appears to have been motivated by animosity toward the Carrascalão family, which had undergone a similar change of political heart.

### **Ordinary villagers:**

While some of the victims of human rights violations in 1999 were prominent local or national figures, most were ordinary people living in villages thought to be pro-independence strongholds. Some were suspected of being active members of the resistance, while others were accused of supplying the resistance with food. Still others were targeted as proxies for family members who had fled.

Whatever the reasons, it was overwhelmingly these people, typically farmers and fishermen, whose homes were looted and burned to the ground, and who were forced to flee to the mountains or to nearby towns, both before and after the ballot. Difficult to access by road, without telephones, and with few outside visitors, the villages were vulnerable to the depredations of militia groups and TNI soldiers. The massacre of almost 100 people in several villages in Oecussi in mid-September 1999 is a case in point (See Case Study: Passabe and Maquelab Massacres).

### **Members of the clergy:**

One of the most shocking aspects of the violence by pro-autonomy forces was the deliberate targeting of Roman Catholic clergy and places of worship. The massacres at the churches in Liquica and Suai, in April and September respectively, the attack on Bishop Belo's residence in September, and the execution-style killing of a group of clergy along the road to Baucau on September 25, seemed deliberately calculated to terrorize a population that was (and still is) 80% Roman Catholic.

Some observers have suggested that the targeting of Catholic clergy and places of worship implied a religious motive to the violence, perhaps encouraged by Muslim Indonesians. The available evidence does not support that claim. Rather, it appears

that the assault on religious figures and faithful was rooted in a perception that the Church had supported, and even encouraged, the cause of independence. Violence against church leaders and followers, then, was motivated, or at least justified, on political rather than religious grounds.

### **Students and young people:**

Students and young people were among those deliberately targeted by the militias and the Indonesian security forces. Like some Catholic church figures, the youth and students had gained a reputation over several years as a focal point of pro-independence activity. It is fair to say that young people had been on the frontlines of the struggle for independence, at least since the early 1990s, and many had already died in that cause. The Indonesian authorities and pro-Indonesian Timorese recognized the danger they posed, and were keen to thwart their efforts.

Members of the various pro-independence student organizations were especially vulnerable. One group singled out in 1999 was the Student Solidarity Council of East Timor (*Dewan Solidaritas Mahasiswa dan Pelajar Timor Timur* – DSMPTT), which had started to conduct vigorous public information activities in August 1998. Many of the DSMPTT's members were threatened, beaten, and killed in the course of 1999 (See Case Study: Killing of Two Students at Hera).

### **UNAMET local staff:**

Timorese working with UNAMET were also singled out for attack. At least 14 local UNAMET staff were killed in 1999, all of them in the post-ballot period. Among those killed were the two men, already mentioned, stabbed to death at the end of polling on August 30, in Boboe Leten, Ermera (See Case Study: Murder of UNAMET Staff Members in Boboe Leten). When militia groups began their rampage of violence in Maliana, on September 2, 1999, two more local UNAMET staff were among the first victims there.

Local UNAMET staff were sometimes targeted because of their real or alleged pro-independence sympathies. That would appear to have been one reason for the attack on Ana Lemos, a UNAMET staff member beaten, raped, and then killed in Ermera in the days after the ballot (See Case Study: Rape and Murder of Ana Lemos). They were also singled out because of a general antipathy toward UNAMET among supporters of Indonesia, that had been fueled by repeated allegations, including some from official sources, of UNAMET bias and unfairness. In other words, these killings were not random acts of violence but politically motivated assassinations.

### **Women and girls:**

Among the victims of gross human rights violations in 1999, East Timorese women and girls warrant special mention. For, in addition to suffering the full range of violations experienced by men – including murder, torture, and forcible displacement – women and girls were also subjected to gender-specific violations of human rights, including rape and sexual slavery.

The political climate in 1999 left women especially vulnerable to such attacks. As the violent campaign against independence gathered pace, many men fled to the mountains or to major towns, leaving their wives and children at home to tend fields and livestock. There, as the local women's rights organization Fokupers has noted, "women and their children became proxy targets of intimidation and terror." Women whose husbands were believed to be Falintil fighters, or who were alleged to have pro-independence sympathies themselves, were especially vulnerable to attack (See Case Studies: Arbitrary Detention and Rape in Lolotoe; and Rape and Murder of Ana Lemos).

### **Children:**

Although very young children do not appear to have been specifically targeted in 1999, a significant number did suffer serious human rights violations. At least a dozen children were killed in political violence during the year. They included a small child and two young teenagers killed in the massacre at the Suai church on September 6, and five children from one family killed, together with their mother, after being abducted by militiamen in September 1999. The mother of the children, Georgina Tilman, was known for her pro-independence views (See District Summary: Ermera).

Children also suffered mental anguish and serious injury when they were caught up in, and became witness to, indiscriminate violence, including attacks on their family members. A number of children witnessed their relatives being beaten or hacked to death. Children were also among the victims of sexual violence in 1999. Of the cases of sexual violence documented by Fokupers, three involved the rape of a minor, and five involved the sexual assault of a minor. Five others were cases of a minor being forced to witness a rape.<sup>†</sup>

### **International staff and journalists:**

A striking feature of the pattern of human rights violations in 1999 was that, in spite of the apparent chaos and the rampaging militias – and notwithstanding some very close calls – not a single member of the UN's international staff was killed. While some considered this to be simply a matter of good fortune, it provides a further indication that the descent into violence was carefully planned, most likely by those in Jakarta conscious of the potential international ramifications of violence against foreigners.

An essential part of the plan, it appeared, was to create an impression of anarchy that was calculated to terrify – but not to kill – UNAMET and international observers and journalists. That approach was evident in the assaults on UNAMET in late June and early July, and in the August 30 attack at Atsabe that left two local UNAMET staff dead, but no international staff killed or even injured.

One near exception to this general rule occurred in the course of the UNAMET evacuation from Liquica, on September 4, 1999. In that case, a UNAMET convoy was ambushed and fired upon by militias, Police, and TNI as it left the compound. One U.S. Civpol was shot and seriously wounded, and several vehicles were riddled with

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\* Fokupers, "Progress Report 1 – Gender-based Human Rights Abuses," Dili, June 2000, p. 7

† Fokupers, "Progress Report 1 – Gender-based Human Rights Abuses," Dili, June 2000, p. 5

bullet holes, but somehow there were no fatalities. A second near exception occurred in Baucau on September 7 when Brimob fired directly on the UNAMET compound, with apparent intent to kill or injure UN staff. In that case, too, there were no injuries.

Notwithstanding these near exceptions, there was clearly a strategy of terrorizing but not killing foreigners. That strategy, it would appear, was based on the recognition – at a fairly high level and most likely in Jakarta – that the death of a foreigner was likely to stimulate a strong and undesirable international response. By contrast, the creation of an appearance of chaos, and even the death of some East Timorese, would provide a plausible pretext to remove all international observers from the countryside, and to call upon the Indonesian army to ‘restore order.’

For a time, in early September 1999, the strategy appeared to have worked. With most international observers having fled the territory, and the rest confined to the UN compound in Dili, Indonesian authorities and the militia were free to take their revenge against East Timorese who had voted for independence. By all accounts, this is when the worst of the violence was unleashed.

### **Pro-autonomy figures and militiamen:**

The victims of political violence in 1999 also included a number of well-known pro-autonomy figures, and members of militia groups. Some were detained, beaten, and interrogated before being released, while others were killed. Indonesian authorities and pro-autonomy leaders alleged that a great many of their supporters were killed in 1999. However, fewer than 20 such murders could be confirmed.

The killings that did occur often stimulated retaliatory violence by pro-autonomy groups and Indonesian troops, thereby contributing to the cycle of violence. For example, the murder of an FPDK officer and civil servant, Manuel Gama, in April 1999 set in motion a major crackdown by Indonesian forces that resulted in several killings in Cailaco, Bobonaro (See Case Study: Cailaco Killings). Likewise, in Manatuto, the murder of a leader of the Morok militia group, Filomeno Lopes da Cruz, in April led to retaliatory killings by pro-Indonesian forces (See District Summary: Manatuto). Similarly, the killing of two Ablai militiamen in Dili in April appears to have contributed to a wave of violence in their home district of Manufahi later that month, in which at least five people were killed.

## **3.4 The Perpetrators**

The direct perpetrators of human rights violations in 1999 were predominantly militiamen, but TNI soldiers and officers were almost always involved, either directly or indirectly. Members of the Indonesian Police and Mobile Brigades were somewhat less frequently identified as direct perpetrators, but they were almost always described as having taken no action to prevent, stop or investigate serious violations of human rights. Falintil soldiers, and possibly members of other pro-independence groups, were responsible for ill-treating and killing a small number of pro-autonomy figures and militiamen.

Beyond these general patterns, the available evidence shows that certain militia groups, TNI detachments, and Police units were more commonly involved in directly perpetrating human rights violations than others.

### **Militias:**

The worst militia groups, from the point of view of the severity and frequency of the violations they committed, were *Dadurus Merah Putih* and *Halilintar* in Bobonaro, *Sakunar* in Oecussi, *Aitarak* in Dili, *Besi Merah Putih* in Liquica, *Darah Integrasi* in Ermera, *Mahidi* in Ainaro, and *Laksaur* in Covalima. Somewhat less conspicuous, but nevertheless responsible for serious violations, were *Team Alfa* in Lautem, *Makikit* in Viqueque, *Saka* and *Sera* in Baucau, *Ablai* in Manufahi, and *Morok* and *Mahadomi* in Manatuto.

### **Military:**

TNI involvement in human rights violations in 1999 took four basic forms. First, the TNI helped to recruit, train, fund, and arm militia groups that committed violations. Second, the TNI led and took part in joint operations with militia groups, in the course of which violations were committed. Third, TNI forces contributed to the commission of violations by deliberately taking no action to prevent or stop planned or continuing militia violence. Finally, in a substantial number of cases, TNI forces directly committed acts of violence amounting to grave human rights violations.

The single most dangerous military unit was the Special Forces Command, Kopassus, and its Intelligence Task Force, known as SGI (*Satuan Tugas Intelijen*). Although relatively few in number, Kopassus and SGI officers and operatives were instrumental in orchestrating and carrying out some of the most brutal and deadly assaults and acts of violence throughout the territory in 1999. The other elite TNI unit deployed in East Timor, the Strategic Army Reserve (Kostrad) appeared to play a less direct role in human rights violations.

The most dangerous of the regular territorial TNI units in East Timor were those attached to Kodim 1636 in Bobonaro, Kodim 1635 in Covalima, Kodim 1638 in Liquica, Kodim 1633 in Ainaro, and Kodim 1639 in Oecussi. Also conspicuous for its systematic violations of human rights, especially in the post-ballot period, was TNI Battalion 745 based in Los Palos. As noted above, elements of this battalion were responsible for killing at least 21 people, including the Dutch journalist Sander Thoenes, as they withdrew from Los Palos to West Timor in September 1999 (See Case Study: Battalion 745 Rampage).

### **Police:**

The Police units most frequently involved in killings and other human rights violations were the paramilitary Mobile Brigades (Brimob), which were deployed in substantial numbers throughout the territory in 1999. Brimob troops were directly responsible, for example, for the unlawful killing of an unarmed pro-independence supporter in Dili on August 26. The young man in question was exhorting the Brimob soldiers to take action against armed militiamen who were attacking unarmed pro-independence



youths. In response, the Brimob soldiers raised their automatic weapons and shot him dead (See District Summary: Dili).

It needs to be noted, however, that in contrast to the other patterns of Police behavior observed, the direct perpetration of violence by Brimob officers appeared to be somewhat sporadic. Thus, there is a possibility that such incidents were not in fact part of an overall plan, but were instead the product of an institutional predisposition to use lethal force. Equipped with high-powered automatic weapons (S-1s), and given military-style training, the Brimob were (and still are) essentially a paramilitary rather than a Police force, and they therefore shared much of the institutional culture of the regular TNI and combat forces.

### **Falintil:**

For the most part, Falintil forces exercised restraint in the face of attacks by pro-Indonesian forces. However, there were exceptions. In late 1998, and again in April 1999, Falintil units in different parts of the country initiated operations in which pro-Indonesia militiamen, soldiers, and civilians were detained, beaten or killed. Such attacks and killings are known to have occurred in Manufahi, Ermera, Manatuto, Bobonaro, Liquica, and Dili. In the post-ballot period, Falintil security bodies, known as *Forças Popular* and *Seguranza*, committed violations of human rights. In a number of cases, known or suspected pro-Indonesian militiamen were detained and tortured while being interrogated.

To sum up, the principal crimes committed in East Timor in 1999 included extra-judicial killing, torture and ill-treatment, sexual violence, forcible transfer of population, and destruction of property. These acts infringed a wide range of fundamental human rights recognized in international law, including the right to life, the right to personal security, the right to physical integrity, freedom of thought, freedom of association, and the right to own or hold property.

The victims of human rights violations in 1999 were overwhelmingly real or alleged supporters of independence, and their close relatives. Important sub-categories of pro-independence victims included: CNRT leaders, local authorities, alleged traitors, villagers in pro-independence base areas, members of the Catholic clergy, students and young people, locally employed UNAMET staff, women and girls, and small children. A very small number of the victims of violence were members of pro-Indonesian groups.

Non-Timorese – including international UNAMET staff, journalists and observers – were also subjected to threats, intimidation and harassment, and some were physically attacked and injured. It was notable, however, that international staff and observers were very seldom the target of lethal violence, and only two foreigners were killed during the year. As discussed in Chapter 4, that pattern was part of a deliberate strategy on the part of Indonesian authorities.

The direct perpetrators of human rights violations in 1999 were generally members of one of the many militia groups, but TNI soldiers and officers were involved in most cases. TNI officers, especially those attached to military intelligence and Kopassus units, led or directed most militia groups, while some TNI officers and soldiers directly committed grave violations of human rights. Members of the Indonesian Police and

Mobile Brigades were also identified as direct perpetrators, though somewhat less frequently than members of the TNI. In addition, the Police seldom took action to prevent, stop or investigate serious violations of human rights. The main perpetrators of the violence against pro-Indonesian figures were Falintil soldiers.

These patterns leave little doubt that the acts of violence committed in East Timor in 1999 were carried out on a scale that was both widespread and systematic, in the context of a deliberate attack against particular segments of the East Timorese population. As such, we can fairly conclude that those acts constituted crimes against humanity, as defined in the Rome Statute and related international treaties and instruments.

## 4. Patterns and Variations

A closer examination of the violence in 1999 reveals yet further patterns and variations in its character and its distribution. These include: systematic variations in the intensity of violence over time; a pattern of routine failure by the Police to take effective measures against acts of violence; marked similarities in the *modus operandi* of militia forces; and a significant variation in the geographical distribution of violence. These patterns and variations provide some of the strongest evidence available that the violence in 1999 was not spontaneous, but was systematic and planned and coordinated by Indonesian authorities.

### 4.1 Temporal Variation - Turning Off the Faucet

As noted in the last chapter, from the perspective of the severity of human rights violations in East Timor, 1999 can be divided into three periods: (i) the pre-UNAMET period, from January to late May; (ii) the UNAMET period, from June 1 to August 30; and (iii) the post-ballot period, from August 30 to late October. Broadly speaking, human rights violations were most frequent and grave in the first and third periods, and somewhat less serious in the second.

That pattern was not random, nor can it be explained by reference to the interests or attitudes of individual militia groups or 'rogue' TNI soldiers. On the contrary, in view of the systematic nature of the variation across the territory, it can only be reasonably explained as the product of a policy decision, taken minimally at the provincial level, and probably higher. More precisely, it appears to reflect a decision to exercise a measure of control over militias and troops during the period of a strong international presence. Both before and after that period of international scrutiny, both the TNI and the militias engaged jointly in systematic campaigns of violence.

Perhaps even more revealing of high level planning was the pattern of variation within each of these three broad periods. A close examination shows that the violence ebbed and flowed rather precisely in accordance with the international political interests of Indonesian authorities. Secret documents from 1999 leave no room for doubt, moreover, that TNI commanders in East Timor sought to exercise direct control over the violent actions of the militias, effectively turning the violence on or off in accordance with broader political objectives.

This pattern began to come into focus in late January 1999, at the height of the first wave of militia violence and shortly before a planned visit to East Timor by a United Nations delegation on February 9, 1999. In anticipation of that visit, Indonesian military authorities - and in particular the Danrem, Col. Tono Suratman - took deliberate steps to ensure that the militia violence would either stop, or would be invisible to the delegation.

A number of secret TNI documents record these initiatives. The first is an order from Col. Suratman, dated January 28, 1999, to all 13 Dandim in East Timor. It opens by referring to "the planned visit by the UN Human Rights Commission to East Timor on

February 9, 1999” and “a number of cases that have occurred in East Timor involving Wanra [*i.e.* militias] that resulted in the loss of life.” It then continues:

“In connection with the foregoing, you are ordered to...withdraw the weapons held by Wanra and Ratih [*i.e.* militia] members when they are not conducting special tasks or combat operations in your respective Kodim areas.”

This document is revealing on several levels. First, as discussed in Chapter 7, it confirms that the TNI had indeed distributed weapons to the militias, and that armed militias were routinely deployed by the TNI to carry out combat operations. Second, it convincingly demonstrates that Indonesian military authorities were in a position to control the flow of militia violence, and did so in accordance with larger political objectives. In this instance, the aim was to hide from the expected UN delegation the facts about TNI-militia collaboration.

Another secret TNI document, dated April 12, 1999, reveals a similar pattern - a well-orchestrated plan by military officers to temporarily control militia violence in order to deceive international observers. The telegram is an order from Col. Tono Suratman to a wide range of operational commanders, including the commander of Kopassus’ Satgas Tribuana, and the commanders of military Sectors A and B. It opens by referring to the violent “clashes” in Liquica on April 5 that had left many dead. The crux of the matter, however, is revealed in the next paragraph of the cable, which refers to “the planned visit by foreign guests – including Military Attaches, Ambassadors and NGOs - to East Timor, and specifically to Liquica” in the coming weeks. In connection with that visit, the recipients of the telegram are given the following order:

“In order to avoid criticism of our territorial operations by these foreign visitors, for the time being activities should be limited to base security operations.”†

The reason for this order was straightforward. TNI authorities understood - or had perhaps been told by their superiors in Jakarta - that it would be politically disadvantageous to Indonesia’s international position if the foreign delegation of military attaches, ambassadors and NGOs saw any evidence of joint TNI-militia co-operation. Accordingly, for the duration of the visit, unit commanders were ordered not to conduct such operations.‡

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\* See: Danrem 164/WD to Dandim 1627-1639 and others. Secret Telegram No. TR/41/1999, January 28, 1999 (Yayasan Hak Collection, Doc #7).

† See: Wakil Danrem 164/WD (Col. Mudjiono) for Danrem 164/WD, to DanSektor A and B, and others. Secret Telegram No. STR/43/1999, April 12, 1999 (Yayasan Hak Collection, Doc #12).

‡ The Danrem’s order was passed on to lower levels in the TNI hierarchy in the following days. In a telegram dated April 16, 1999, the Dandim of Dili, Lt. Col. Endar Priyanto, conveyed the same order to all operational commanders in his command area. See: Dan Sat Gas Pam Dili to Kapolres Dili, Dan Yonif 521/DY, and others. Secret Telegram No. STR/192/1999, April 16, 1999 (Yayasan Hak Collection, Doc #50).

The pattern of official manipulation of violence came into focus again in mid-July 1999, in the week before UN Secretary-General Kofi Annan was scheduled to determine whether the registration process, and the popular consultation as a whole, should continue. Serious concern had been expressed about the poor security situation and there was a real possibility that Annan might issue a negative determination, and blame it on Indonesia's failure to establish the necessary security conditions. That outcome would have been extremely damaging to the Indonesian government's international prestige and to its strategy in East Timor. The government underlined its concern by sending a high-level delegation of cabinet ministers to Dili on July 12 to meet UNAMET and local officials.

It was significant, therefore, that as the day of reckoning approached, there was a marked decline in militia activity. While there were instances of violence, the many threats of major, coordinated militia attacks on local people and UNAMET staff simply did not materialize.<sup>\*</sup> More general indicators of militia activity - roadblocks, shooting incidents, house-burning, and beatings - also appeared to decline during this period. The TNI, the Police, and some Indonesian civilian authorities seemed to be making an effort to behave in accordance with the May 5 Agreements.

UNAMET's Political Affairs Office saw the lull as evidence that the violence was being coordinated at a fairly high level - from TNI headquarters, under pressure from the Foreign Ministry and the President - and that it could resume as quickly as it had ended. The metaphor they began to use was that of a water faucet, which could be turned on and off at will. What was happening in mid-July, they believed, was an example of the violence being turned off, in a carefully calibrated official effort to avoid a negative determination at the halfway point of the registration. If the violence could be turned off, they reasoned, it could just as easily be turned back on.<sup>†</sup>

Documentary evidence discovered since that time provides strong support for those conclusions. The evidence includes a secret telegram from the Dandim of Dili to all Danramil, ordering them to establish tighter security at weapons stores, to assist the Police and government authorities in controlling the militias, and in particular to assist in dismantling road-blocks. The relevant passage of the order reads:

"1.AA. Weapons are only to be used on official duty; afterwards weapons should be returned to the storage area. 2.AA. Unit Commanders are to assist the Government and the Police in controlling the Pam Swakarsa in their respective areas. 2.BB. Coordinate with Police to re-open roads that have been closed by road-blocks..."<sup>‡</sup>

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<sup>\*</sup> These included some that forced the temporary closure of registration centers in four or five locations.

<sup>†</sup> A weekly situation report written by the Political Affairs Office, for the period July 12-18, 1999, noted: "There were signs of modest improvement in the security climate in certain districts during the week, but it is still too early to conclude that the necessary security conditions exist for a free and fair consultation. The main reason for caution is that there has not been any verifiable change in the fundamentals that lie at the heart of insecurity, with the result that any apparent improvements could quickly be reversed." UNAMET, Political Affairs, "Weekly Sitrep #3 (12 July-18 July)." Reprinted in UNTAET, Political Affairs Office, *Briefing Book on Political Affairs and Human Rights in East Timor*, Dili, November 1999.

<sup>‡</sup> See: Dandim 1627/Dili to Danramil 01-04 and others. Secret Telegram No. STR/173/1999, July 20, 1999 (Yayasan Hak Collection, Doc #37).

This instruction was issued as a follow up to an order on the same subject, issued by the Danrem on July 17, 1999.

The timing of these orders leaves little doubt that they came in response to strong UN and international pressure on the TNI to improve the security situation or risk a negative determination that would derail the whole process. Just as importantly, they confirmed the UNAMET analysis that military authorities had the ability to turn the violence on and off, and that they did so in accordance with their political needs.

Events in August provided additional support for that interpretation. As the end of registration neared in early August, there were serious militia attacks on UNAMET staff in Bobonaro and Ainaro and then a sudden spasm of violence in Dili on the final day of campaigning in which at least eight people were killed. The surge of violence in August was followed by an almost complete cessation of militia activity on the day of the vote, August 30, and during the ballot count in the following days.\*

Both of these occasions - the vote and the ballot count - offered ample opportunity for pro-Indonesian militias to completely derail the process, but they did not do so. The only plausible explanation for the sudden lull in violence at such critical moments was that the militias and their Indonesian patrons still believed their side was likely to win. Indeed, in comments to the media after the vote key Indonesian officials - including Ali Alatas and Maj. Gen. Zacky Anwar Makarim - indicated that they had expected the vote to be won or lost by a narrow margin.† If they had believed otherwise, the days of the vote and of the ballot count would have been the ideal times to step up the intimidation and violence, rather than stopping it. The fact that the same pattern occurred across the territory would seem to indicate that the decision not to attack on these days must have been made at a high level.

Finally, it was notable that militia activity, which Police and TNI authorities had consistently claimed was uncontrollable, suddenly stopped on almost every occasion that important high-level delegations visited the territory. As already noted, this had happened in February, in April, and near the mid-point of registration in July. However, the most conspicuous instance came on September 11, 1999 when the UN Security Council delegation, and Gen. Wiranto, visited Dili to investigate reports of militia and TNI violence. Sandwiched between several days of relentless shooting and burning, the day of the visit was almost completely without incident. For those who had been

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\* A handful of polling stations had to be closed down temporarily during the day as a result of threats or acts of violence, but on the whole, voting proceeded much more smoothly than anticipated. The same was true of the ballot count that took place in the government-run museum next door to the regional Police headquarters (Polda) in Dili between August 31 and September 4.

† Speaking to journalists in January 2000, Maj. Gen. Zacky Anwar Makarim said: "In our prediction, we would either lose or win by a slight margin...But only 21 per cent voted in favour of Indonesia's continued rule in East Timor...It was really disappointing." *South China Morning Post*, January 5, 2000.

in East Timor for some time, including analysts in the Political Affairs Office, this came as no surprise. It was further evidence that the violence could be turned on and off like a tap, in accordance with the political interests or needs of senior TNI and government officials.

Given that evidence, the pattern of violence and human rights violations after the declaration of Martial Law on September 7, 1999 is especially revealing. In virtually every district of the territory, TNI forces joined the militia in a systematic campaign of burning and looting, or at least did nothing to stop it (See District Summaries).

In Manatuto, for example, UNAMET Military Liaison Officers witnessed the TNI transporting numerous drums of petrol that were then used in an orchestrated six-day burning operation that decimated the town. Although it is true that that operation began before September 7, the imposition of Martial Law did not appear to inhibit or slow it in any way. The same pattern was observed first hand by numerous UNAMET personnel, including the Chief Military Liaison Officer, who witnessed TNI soldiers burning buildings throughout Dili long after Martial Law had been declared and the TNI had taken full control of the territory.

Perhaps even more striking, it was after the imposition of Martial Law that some of the most notorious massacres occurred, virtually all of them with TNI and/or Police complicity. For example:

- On September 8, militiamen and TNI soldiers killed at least 14 people, and possibly more, who had taken refuge in the Maliana Police station (See Case Study: Maliana Police Station Massacre).
- Between September 8 and 10, militiamen together with TNI soldiers rounded up and executed at least 82 men from three villages in the District of Oecussi, in the most concentrated mass killings in the territory (See Case Study: Passabe and Maquelab Massacres).
- In a systematic campaign of violence, as they moved from their base in Los Palos to West Timor in September, soldiers of Battalion 745 killed as many as 21 people, including a Dutch journalist (See Case Study: Battalion 745 Rampage).
- On September 25, several Kopassus-trained and armed militiamen from Los Palos ambushed and executed five clergy and four lay people as they drove down the road toward Baucau. (See Case Study: Murder of Los Palos Clergy.)

Some observers have suggested that certain senior TNI officers made serious, albeit unsuccessful, attempts to bring the militias and territorial forces under control, shortly before and after the imposition of Martial Law. According to one unconfirmed report, for example, Gen. Wiranto tried to order the withdrawal of the militias to West Timor before the ballot, but was unable to make his order stick in the face of opposition from within the TNI. Likewise, some who had direct dealings with the TNI leadership at the time have claimed that Martial Law Commander Maj. Gen. Kiki Sjahnakri and Col. Noer Muis made an effort to control the violence during Martial Law. If these claims could be demonstrated to be true, they might affect our judgement about the culpability of individual officers. They might also help to clarify whether the post-ballot violence was ordered through the normal chain of command or not. However, they would not alter the more general conclusions drawn here - that very serious acts of violence were committed after the imposition of Martial Law, and that some senior TNI officers coordinated or condoned that violence.

The persistence of apparently coordinated violence after the declaration of Martial Law is especially significant because Martial Law entailed the deployment of Kostrad troops. Unlike the territorial and other forces that had been in East Timor for some time - and who it was thought may have been 'contaminated' by links with the militias - the Kostrad troops were new and centrally commanded. Moreover, they were considered to be loyal to Gen. Wiranto, who had served as Kostrad commander in 1996-97. For these reasons, some observers expected that the Kostrad troops would be more disciplined and that they would break the grip of any 'rogue elements' in the TNI who might have been assisting the militias. But as demonstrated by the evidence just noted, the reality was rather different.

In short, the patterns in the timing of the violence leave little question that the violence was systematic and that it was coordinated to some degree by the TNI and other government authorities.

## 4.2 Police Inaction and Complicity

The view that the violence was planned, and not spontaneous, finds further support in the patterns of Indonesian Police behavior. The most conspicuous pattern was the routine failure of the Police to respond to acts of violence by militia groups while they occurred, or to take adequate measures to investigate or punish them after the fact.

One of the clearest examples of this pattern was the Police response to the militia attack on the humanitarian convoy in Liquica on July 4. Despite clear warnings that the convoy might be attacked, and despite repeated requests by UNAMET for an official Police escort, none was provided. Indonesian Police also failed to intervene once the attack was underway, even though the District Police headquarters (Polres) was only a few minutes away by car. In the immediate aftermath of the attack, moreover, the Police made no effort to detain, or even to interview any of the militia members who had been observed attacking the convoy with weapons. On the contrary, they worked with the militia to round up those who were fleeing from the attack. As UNAMET and NGO personnel drove toward Dili in their damaged vehicles, they encountered a road-block just outside the Liquica District Police station (Polres). The roadblock was manned by two militiamen one of whom was carrying an automatic weapon (See Case Study: Attack on Humanitarian Convoy).

Militiamen known to have committed acts of violence were almost never arrested or charged with any crime. The only known exceptions came in the wake of intense international pressure and political intervention at the highest level. In response to such pressure, several militiamen were detained and charged in connection with the July 4 attack on the humanitarian convoy, and a June 29 attack on UNAMET headquarters in

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\* See, UNAMET, Political Affairs Office, "Weekly Sitrep #4 (26 July - 1 August)," pp. 3-4; "Weekly Sitrep #5 (2 August - 8 August)," p.4; and "Weekly Sitrep #6 (9 August - 15 August), p.4). Reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.



Maliana. However, the cases were not vigorously prosecuted and, after receiving very short suspended sentences of four or five months, all of the accused were set free.\*

The problem was not one of legal ambiguity. Even in East Timor, Indonesian law unequivocally prohibited murder, kidnapping, property destruction, and the carrying of weapons without a license, so there was ample legal foundation for Police action against the militias. Moreover, under the terms of the May 5 Agreements, the Indonesian Police were given sole responsibility for the maintenance of law and order during the Popular Consultation. Nor was it a matter of inadequate training or expertise. On occasion the Police did act assertively and professionally, although this was usually in pursuit of an alleged criminal from the pro-independence side.

The real problem was that the Indonesian Police were politically and operationally subordinate to the TNI.<sup>6</sup> To the extent that East Timor's militias were backed by the TNI - and the Police were under no illusions on that score - the chances were extremely slim that the Police would dare to interfere with them. Indeed, Indonesian Police officers told their UN Civpol counterparts that they were constrained by the TNI. This was not only a matter of following TNI demands or orders. It was also the result of a general perception that some of the militias were actually TNI, perhaps even Kopassus, soldiers. Under the circumstances, the Police were legitimately afraid to intervene forcefully.

The nature of the problem was well illustrated by the experience of a UNAMET team that went to the Sub-District of Atsabe on August 31, 1999 to investigate the murder of João Lopes, one of two local UNAMET staff members killed in the area by militias on ballot day. Approaching the building where Mr. Lopes' body lay, the team saw that it was surrounded by about 50 militiamen - evidently the very men who had killed him - armed with machetes, home-made guns, and rifles. Mingling among them were Police and TNI soldiers. Lengthy discussions with the local Police chief (Kapolsek) and an Indonesian Police officer based in Ermera, produced assurances that the militias would be dispersed and restrained. But no action was ever taken, and the militias remained in the immediate vicinity, weapons in hand. In response to renewed protests, both the Kapolsek and the officer from Ermera explained that they did not dare to order the militias to do anything, because they would very likely turn against the Police (See Case Study: Murder of UNAMET Staff Members at Boboe Leten).

Police also took part in operations that facilitated militia and TNI violence, some of which judging from their scope must have been planned at the provincial level or higher. The most powerful evidence to that effect came from the post-ballot period, and specifically from the behavior of the Police and TNI during the evacuation of UNAMET personnel from district offices in early September. The events leading to the evacuations bore remarkable, indeed chilling, similarities, and had the hallmarks of a well-planned psychological warfare operation. A UNAMET report about the evacuations from five separate district offices on September 3 and 4 concluded that the

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\* Speaking to an Australian journalist in late 1999, for example, a former Indonesian Police officer said: "As for who had ultimate authority, we all know it was the TNI." *ABC, Four Corners*, "The Vanishing," October 18, 1999, transcript, p. 9.

violence had been part of a “deliberate strategy to force UNAMET to withdraw from certain regions back to Dili.” In retrospect, it is evident that an important aim of that operation was to terrorize UNAMET international staff and all other international observers, with a view to making them leave the territory.

In every instance, the sequence of events began with militias roaming freely through the main town, more heavily armed than usual, shooting, setting fire to buildings, and killing. In every case, the Indonesian Police and TNI either made no attempt to restrain the militias, or actively assisted them. Within a matter of hours, the Police in every affected district warned that they could no longer control the situation, and recommended that all UNAMET staff relocate to the District Police station. Once they had gathered UN staff in their stations, Police suddenly announced that they would be leaving, and advised UNAMET to follow. Having no means of guaranteeing their own security, and cut off from all independent sources of information, district UNAMET officials had little choice but to go along. And so, in each case, they joined the Police convoy out of town and back to Dili.

Now and then the Police went beyond their customary failure to act, or their facilitation of militia violence, and actually played a direct role as perpetrators of violence. This was particularly true of the Police Mobile Brigades (Brimob), several thousand of which were deployed to East Timor during the Popular Consultation. In one incident in Dili, on the final day of campaigning (August 26, 1999) a uniformed member of the Mobile Brigade shot a civilian in the back with his automatic weapon, killing him instantly. The victim was a student, Bernardino Augusto Guterres (a.k.a. Bernardino da Costa). The incident was witnessed by several bystanders and captured on video. In a sworn statement to the independent Electoral Commission that oversaw the ballot process, one eyewitness described the incident:

*The crowd shouted to the Police to stop the militias who were shooting. One of them... remonstrated with the Police, directing their attention to the militias. A Policeman who was not wearing a beret like his comrades... told [the youth] that he could shoot him because he was exciting the people. [The youth] turned and ran. The Policeman thereupon shot him at a range of about three paces. I subsequently saw a gunshot wound in the middle of his back and one behind the neck. He died there. When the ambulance attendants lifted the body later I saw a large gaping wound to the throat.<sup>†</sup>*

A local resident who called UNAMET later the same day, claimed that Indonesian Police had been observed handing weapons to militia members before and during

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\* UNAMET, Political Affairs Office, “Incidents on 3 and 4 September which led to the relocation to Dili of UNAMET staff from Aileu, Ainaro, Maliana, Liquica and Same regencies.” Reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

† UNAMET, Electoral Commission, “Statement Minuted on Friday, August 27, 1999.”

the incident. Other bystanders claimed that the Aitarak militiamen were in fact TNI soldiers. These claims were never independently verified, but they were consistent with the well-established pattern of official support for the militia.

To sum up, there is a substantial body of evidence, based on field observation, that the Indonesian Police were unwilling or unable to intervene to prevent or stop unlawful militia activity, and that the reason lay primarily in their subordinate position vis a vis the TNI. This conclusion is not based on any single act or event but on the analysis of clearly patterned behavior.

The fact that virtually the same sort of Police behavior was observed consistently throughout the territory strongly suggests that this was a matter of policy, at least as high as the regional level (Polda). The chillingly similar pattern of Police behavior at the time of the forced evacuations of early September suggests the same conclusion. The documentary evidence also confirms that the Police role in the evacuation was planned at the Provincial (Polda) level. But, since we know (from the documents analyzed in Chapter 5 of this report) that overall strategic planning for the evacuation took place at TNI headquarters in Jakarta, we can be reasonably sure that this observed Police behavior was mapped at that level, and very likely under TNI supervision.

### 4.3 Militia Modus Operandi

The militias' style and *modus operandi* were virtually the same everywhere in the territory. Those broad similarities, across all 13 districts, provide additional indications of planning and co-ordination of the militias by military and government authorities, at least at the provincial level, and possibly higher.

The militia style was designed to deceive. A small handful of militiamen wore Indonesian military uniforms, or parts of one, but most wore 'civilian' clothing - red and white bandanas around their neck or head, and often a T-shirt bearing a pro-autonomy slogan of some sort. Such 'civilian' garb was evidently designed to sustain the illusion that the militias had formed spontaneously, and to provide plausible grounds for denial of official involvement in acts of violence.

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\* For a detailed discussion of the TNI's counter-insurgency repertoire, see Geoffrey Robinson, "Rawan is as Rawan Does: The Origins of Disorder in New Order Aceh," *Indonesia* 66 (October 1998), pp. 127-156.

If the militia style was intended to deceive, the *modus operandi* was designed to terrorize, and intimidate. Significantly, perhaps, none of the methods used were unique to East Timor. Like the very idea of using ‘civilian’ militia forces, they were drawn from the repertoire developed by TNI forces in other counter-insurgency and anti-crime operations conducted elsewhere in Indonesia over more than thirty years.<sup>\*</sup>

The most common elements of the militia repertoire included the erection of road-blocks and check-points, beatings, house-burning, public death threats, the brandishing and firing of weapons, and in the case of women, the threat and reality of sexual violence, including rape.<sup>\*</sup> When not engaged in these activities, most militia units engaged in military-style drilling and marching in formation with real or mock weapons.

Targeted killing, corpse display and mutilation were also part of the repertoire and, again following standard TNI practice, these were intended to be exemplary - to send a message to others in the community of what would happen to those who did not heed the militias’ or the TNI’s warnings. The bodies of the victim were often mutilated in some way - decapitated, disemboweled or hacked into small pieces - and then left in full public view. A report on the militias in Viqueque, prepared by UNAMET Military Liaison Officers (MLOs) in August 1999, noted that: “The methods of killing, as reported, are gruesome. For example, one victim had an animal bone driven through his brain...There appears to be an intention to achieve psychological impact and use the manner of death to intimidate others.”<sup>†</sup>

Other common elements of the militia repertoire that were clearly intended to terrorize the population was the marking of targets for killing. As the UNAMET report from Viqueque explained:

“This is a basic psychological ploy, which can involve issuing threats against a victim to a wide circle of people to ensure it reaches the target. Another tactic noted in our area is the practice of marking houses with a red ‘X’ to denote that the occupant(s) was/were marked for death.”<sup>‡</sup>

In the view of UNAMET analysts, the intention of such tactics was to achieve a psychological objective “...such as demonstrating to the population that the militia has the power to target and kill an individual.”

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<sup>\*</sup> TNI soldiers were also directly implicated in rape and sexual slavery. For further detail see United Nations, *Situation of human rights in East Timor*, December 10, 1999, pp. 9-11.

<sup>†</sup> UNAMET Viqueque, “Outline of Pro-Integration Militia in Viqueque Area,” August 6, 1999, p. 3. Reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

<sup>‡</sup> UNAMET Viqueque, “Outline of Pro-Integration Militia in Viqueque Area,” August 6, 1999, p. 4. Reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

The militia's manner of attacking its targets was evidently intended to produce similar psychological effects. When militias staged an attack, they did not do so with the cool precision of professional hit-men. Rather, they created the impression of men in a state of frenzy, shouting and slashing the air with their weapons. In other words, they behaved as one imagines a man 'running amok.'

The 'amok' style of militia attack was captured in much of the terrifying television footage that came out of East Timor between June and September 1999. One of the earliest, and most shocking incidents of this kind, occurred on July 4, when members of the militia group Besi Merah Putih attacked a humanitarian convoy that had stopped briefly while passing through the town of Liquica\* (See Case Study: Attack on Humanitarian Convoy). A UNAMET report on the attack provided the following account:

About five minutes after the convoy stopped in Liquica, a blue-green mini-van with the word 'Miramar' on the side sped down the hill from the south, and came to a sudden stop near the middle of the line of parked vehicles. As the van stopped, some 20 young men jumped out and began to approach the NGO and UNAMET staff, shouting 'kill them!' Most were carrying machetes, knives or home-made guns. At least one member of the group was carrying an automatic weapon. Without warning or provocation the militia members began to attack, waving their machetes and knives menacingly, pointing their guns at members of the convoy, and smashing the windows of most of the vehicles. The attack continued as people tried to flee..."<sup>†</sup>

The marked similarity in the repertoire of militia violence across East Timor appears to confirm that the militias were trained and their actions orchestrated by the TNI. The militia behavior observed was so widespread, and so consistent, that it can only reasonably be understood as the product of coordinated planning, at least up to the 'provincial' (Korem) level. Even if all militia actions were not the result of direct TNI co-ordination, it is abundantly clear that the militias could not have behaved as they did without the acquiescence and encouragement of the TNI and, to a lesser extent, the Police.

#### 4.4 Geographical Variations

While it is true that human rights violations in East Timor varied systematically over time, and that the perpetrators adopted a very similar *modus operandi* wherever they were, there were significant geographical variations in the intensity and frequency of

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\* The attacks of July 4 did not occur in isolation. In the preceding days, UN staff in Liquica had been subjected to a series of threats and assaults. In most of these incidents, members of the Besi Merah Putih militia had directly taunted UN staff, while brandishing firearms or machetes. Each of several incidents was reported to the Indonesian Police, as a result of which some additional Police officers were posted to protect UNAMET staff. But nothing was done to prevent the militias, still armed, from moving freely about the town and engaging in acts of intimidation.

<sup>†</sup> UNAMET, Political Affairs Office, "Report on the Liquica Incidents of 4 July." July 12, 1999, p. 3. Reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

violations. Paradoxically, those variations provide additional support for the claim that the violence was planned, not spontaneous.

Militia groups did not emerge simultaneously or evenly throughout the territory. Broadly speaking, militias were established first in the western and central districts and somewhat later in the east, and in the enclave of Oecussi. The western and central districts also boasted larger numbers of militia recruits, and a deeper penetration of groups down to the Sub-District and Village level. It was no coincidence that the best known, and most feared, of the militia groups - BMP, Aitarak, Mahidi, Laksaur, Darah Integrasi, Dadurus Merah Putih, and Halilintar - were all concentrated in the western districts.

Similarly, there was some geographical variation in the intensity of the violence. In the pre-UNAMET and UNMAET periods, the worst areas were the western Districts of Bobonaro, Liquica, Covalima, with the Districts of Dili, Ermera and Ainaro occasionally reaching similar levels of insecurity. By contrast the central and eastern-most Districts of Aileu, Manufahi, Manatuto, Baucau, Lautem, and Viqueque together with the enclave of Oecussi, were relatively calm, and the militias far less active, at least until the post-ballot period.

At first glance, those variations appear to lend credence to the claim that the 1999 violence was spontaneous. On closer analysis, however, the variations strongly suggest that the violence stemmed from a pattern of linkages between the militias and the Indonesian authorities that was unique to the western districts. More specifically, militias tended to be stronger and more violent in areas: (i) that shared a border with Indonesia; (ii) where military and civilian authorities played an aggressive role in supporting them; and (iii) where there was a long-established network of pro-Indonesian operatives before 1999.

The first, and arguably the most important, factor explaining the concentration of violence in the western districts was their geographical proximity to Indonesia. The most violent districts - Covalima, Bobonaro, and Liquica - all shared a border with Indonesian West Timor. The shared border offered a number of advantages, logistical, military, and political, that facilitated and encouraged the use of violence there.

For one thing, the common border meant that young men could easily be recruited in NTT and transported across the border to serve as 'East Timorese' militias. Geographical proximity likewise made it easy to infiltrate TNI soldiers into East Timor to undertake covert operations. An investigation conducted by an Indonesian NGO in early August 1999 revealed substantial evidence of such recruitment and cross-border movement by militias, including BMP, Laksaur, Mahidi, and Ablai. One militia member told the investigators that approximately 250 militiamen in Suai were in fact from Belu, NTT. The same report revealed that the supreme militia commander, João Tavares, had rented a house on the NTT side of the border, in Atambua, which he used as a militia headquarters.\*

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\* See "Hasil Investigasi Forum Solidaritas Perdamaian Timor Leste," August [10], 1999, Kupang.

The shared border also facilitated the disposal of the bodies of the victims of human rights violations. In September 1999, TNI and militia forces transported the bodies of at least 27 victims of the massacre at the Suai Church across the border to West Timor, and there was anecdotal evidence that other victims were disposed of in the same way (See Case Study: Suai Church Massacre).

Geographical proximity was also an essential condition for the massive forcible deportation of the population in the post-ballot period. The vast majority of the roughly 250,000 people forcibly displaced to NTT were from the western districts that bordered Indonesia. The displacement of those populations could not have happened on so great a scale had Indonesia not been easily accessible by land. Support for that claim lies in the fact that the vast majority of those forcibly deported lived in towns and villages that lay along the main roads to the border.

The greater intensity of violence in the western districts was also clearly related to the attitudes of the military and civilian authorities serving in these areas. The posture of district and local authorities affected the way in which TNI and Police were deployed, and also the strength and level of activity of the militia groups in the area.

The attitudes of District Military Commanders (Dandim), and military intelligence officers, were particularly important. The Dandim of Bobonaro, Lt. Col. Burhanuddin Siagian, and his chief of intelligence, Lt. Sutrisno, were unusually energetic in their support for the militias, and this was the district with the most persistent human rights problems. Indeed, these officers - and others in Covalima, Liquica and Viqueque - were considered to be so much a part of the problem that UNAMET made formal representations to the Indonesian authorities for their removal less than two weeks before the ballot.<sup>4</sup> Apparently as a result of those representations, the Dandims of Bobonaro and Covalima were removed and replaced shortly before the ballot.

For various reasons, these 11th-hour transfers did not solve the problem. In part, that was because the transfers were not fully implemented. Lt. Col. Siagian was seen in Bobonaro on August 30 and thereafter commanding troops, and his presence coincided with the reported distribution of arms to the militias and a dramatic escalation of violence in the district. It is not clear whether Lt. Col. Ahmad Mas Agus remained in Covalima District after his formal removal. But it is certain that his replacement as Dandim was a military intelligence officer hand-picked by Kodam IX commander, Maj. Gen. Adam Damiri. The new Dandim, Lt. Col. Liliek Koeshadiyanto, presided over some of the worst violence in the country, including the massacre at the Suai Cathedral on September 6. His presence at the scene of the crime reinforces the general point that individual Dandim - and military officers more generally - were singularly important in shaping the pattern of violence.

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<sup>4</sup> Ian Martin wrote to Ambassador Tarmidzi (Head of the Indonesian Task Force for the Implementation of the Popular Consultation) on August 19, 1999, requesting that his concerns be conveyed to the authorities in Jakarta (SCU Collection, Doc #B). Martin later wrote that he had called for the officers' removal because they were "contributing to rather than addressing the impunity of the militias, some of whom were serving members of the TNI." Ian Martin, *Self-Determination in East Timor*, pp. 76-77.

The special importance of Dandims also helps to explain the relatively low levels of violence in certain districts. In Aileu, for example, the Dandim, Maj. Maman Rahman, seems to have played a rather minor role in mobilizing and supporting the militias. That may have been because he was only a Major, outranked by the Bupati and by various Kopassus officers in the area, or because others in the district took the lead. Whatever the reason it is notable that Aileu suffered significantly lower levels of militia violence in 1999 than many other districts.

A similar pattern was evident in the District of Viqueque. By most accounts, the Dandim appointed shortly before the referendum, Lt. Col. Gustaf Hero, exercised a moderating influence on the militias, and worked actively to limit the post-ballot violence in the district. His efforts may help to explain why Viqueque reportedly suffered only two killings in the entire post-ballot period, by far the lowest level of violence in the country.

It was not only military officers, however, whose attitudes affected the geographical distribution of violence. The attitude of Bupatis, Sub-District Heads and Village Heads also made a difference. On the whole, the violence tended to be worst where Bupatis lent their full personal and professional support to the militias. This was most notably the case in Liquica, Bobonaro, and Covalima, where the Bupatis were directly and aggressively involved in organizing militias.

The importance of the Bupati, as a potentially independent power, was also highlighted by the situation in Baucau District, where militias remained relatively quiet, even after the August 30 ballot. There, in spite of strong pressure from the Kodim Chief of Staff, the Bupati actively opposed the formation of new militias. His reasons for doing so remain unclear. There was some speculation that the older militia groups - such as Saka and Sera - were controlled by forces close to him, and that he saw the creation of new militias as a challenge to his own authority. Others have suggested that he was influenced by the Bishop of Baucau, Monsignor Nascimento. Whatever the reasons, the fact is that he managed to impede the mobilization of new militias, at least for a time.

The Bupati of Manufahi appears to have had a similarly moderating effect on militia violence there. Although he served as an Indonesian government official, Nazario José Tilman de Andrade was considered to be a moderate and perhaps even sympathetic to independence. There were signs, moreover, of a rift between him and the leadership of the Ablai militia. It seems likely that his lack of support for Ablai contributed to its weakness, and to the relatively low levels of violence its members inflicted in 1999.

A third, and related, explanation for the somewhat uneven geographical distribution of violence in 1999 is that the western districts had a reliable network of pro-Indonesian power brokers in place long before 1999. The concentration of pro-Indonesian bosses in the western districts had deep historical roots. In the latter half of the 19th century,

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\* On the west's reputation for lawlessness, see Katherine Davidson, *The Portuguese Colonisation of Timor: The Final Stage, 1850-1912*, Ph.D Thesis, University of New South Wales, 1994, pp. 74, 101, 170, and 181.



the Portuguese regarded the kingdoms in the border region as unruly, disobedient, and lawless, and made them the focus of repeated pacification campaigns.\* As Portuguese power began to crumble in 1974-75, many of the powerful local families in the area saw an opportunity to get rid of them, and opted to support the Indonesian invasion and annexation.

That long established pro-Indonesian network was relied upon to mobilize substantial militia forces at relatively short notice. A case in point was João Tavares, the man designated in 1999 as the Supreme Commander of the Pro-Integration Forces (PPI). Tavares had earned his stripes by fighting on the Indonesian side as early as 1975. He was rewarded for his loyalty by being appointed for two terms as Bupati of Bobonaro.\* He was also able to amass substantial landholdings, making him one of the largest landlords in the territory, after President Suharto and a number of his cronies. By 1999, then, Tavares had long been a very powerful local operator, and he was only one of several in the western districts who could be relied upon to organize pro-autonomy militias and activities.

By contrast, the central and eastern districts had a much less solid network of local pro-Indonesian bosses. In part this was because these districts were generally poorer than those in the west, and therefore arguably less conducive to the emergence of wealthy and powerful local power brokers. Just as importantly, the central and eastern districts had historically been important base areas for the Fretilin and Falintil resistance. Some Village Heads in these districts, and even some Bupatis, were sympathetic or at least not hostile to Fretilin, even if they did not show this outwardly. That situation seriously limited the cohort of people likely to join a militia, or to lead one.

Paradoxically, then, the uneven geographical pattern of militia violence does not support the claim that the violence was spontaneous. Rather, it reinforces other evidence that the violence was systematic, and that it rested crucially on the relationship between militia forces and Indonesian authorities. More precisely, the concentration of violence in the western districts was related to three main factors: geographical proximity to Indonesia; the attitude and career background of District and local authorities; and the historically conditioned location of pro-Indonesian networks.

To sum up, this chapter makes the case that discernible patterns in the character and distribution of violence in East Timor indicate that it was not spontaneous, but rather systematic and planned by Indonesian authorities. Four distinct patterns point to that conclusion.

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\* Tavares was appointed Bupati of Bobonaro in 1978 and held the post for the next ten years. Dunn writes that, after the formal 'integration' of East Timor in 1976, "...trusted Timorese, such as João Tavares and Tomás Gonçalves were appointed Bupatis." Dunn, *Timor: A Nation Betrayed*, p. 266.

First, there was systematic variation in the incidence and gravity of violence over time. Three rough periods, each with its own characteristic features, can be discerned: (i) the Pre-UNAMET period (January to late May); (ii) the UNAMET period (early June to August 30); and the Post-ballot period (August 30 to late October). The violence ebbed and flowed in apparent harmony with the political needs and interests of the Indonesian authorities, and there was both circumstantial and documentary evidence that those variations were a matter of official policy.

Second, there was a pervasive failure on the part of the Police, and other responsible authorities, to take effective action against the perpetrators of violence. The consistency of such inaction, and the pattern of impunity to which it contributed, appeared to reflect a policy decision taken at a high level.

Third, there were striking similarities in the *modus operandi* of the militias across the territory. The consistency with which certain styles and behaviors were observed in different locales strongly suggested that the violence was coordinated at least at the level of the Sub-Regional Military Command, and probably higher.

Finally, notwithstanding such broad similarities in behavior across the territory, there were significant geographical variations in the intensity and incidence of violence. Those variations were systematic, and consistent with other evidence of overall planning by Indonesian authorities.

## 5. Six Key Documents

Since early 1999, a number of documents have surfaced that have been portrayed as evidence of high-level TNI planning of violence both before and after the August 30 ballot. That evidence needs to be examined carefully because it may be critical in establishing questions of political and legal responsibility for the crimes committed in East Timor.

Six documents in particular deserve special scrutiny because of the claims that have been made on their behalf. They are: a secret memorandum from a militia leader spelling out plans to conduct an operation against supporters of independence; a circular allegedly issued by the supreme militia commander, João Tavares; a secret report prepared by a high ranking government official, H.R. Garnadi; a telegram outlining plans for the mobilization of a special military unit after the ballot; a Police plan for a massive post-ballot evacuation, called ‘Operation Hanoin Lorosae II;’ and a TNI operational plan for the popular consultation and evacuation, called ‘Operation Wira Dharma-99.’

### 5.1 Operation Clean Sweep

The first of the documents offered as proof of high-level planning of violence is a memorandum dated March 11, 1999, addressed to East Timor’s supreme militia commander, João Tavares, and other militia leaders.’ Issued by the commander of the Darah Merah militia, Lafaek Saburai, the memo announces plans for the start of ‘Operation Clean Sweep’ (*Operasi Pembersihan*) at 00:00 hours on May 1, 1999. According to the document, the operation would “capture and eliminate” key pro-independence supporters, by first moving the entire pro-Indonesian population of Dili to the district of Bobonaro, and then killing all those who remained in Dili as of a certain date.

When the document first surfaced in early 1999 some analysts quickly concluded that it proved the existence of a central plan by Indonesian military intelligence to disrupt the referendum through militia violence and intimidation. Before long, other observers and analysts had accepted this conclusion and had begun to speak and write confidently about ‘Operation Clean Sweep’ as a TNI plan to subvert the referendum.† The East Timor Action Network (ETAN) wrote, for example, that “implementation of the plan [to disrupt the vote] started immediately after President Habibie’s broad

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\* Letter from Lafaek Saburai to João da Silva Tavares, (No. 024/Ops/R/III/1999) concerning “Operasi Pembersihan,” March 11, 1999 (Yayasan Hak Collection, Doc #15). An English translation of this document is appended to the East Timor Action Network’s report “Subject: *Operasi Sapu Jagad* – Indonesia’s military plan to disrupt independence,” Ref. Doc. FAIO-1999/10/21.

† This argument seems to have appeared first in the bulletin of the Indonesian Human Rights Campaign (Tapol), “The Indonesian Army’s ‘dirty war’ in East Timor,” *Tapol Bulletin*, June 1999.

autonomy offer in August 1998, and it came into being formally in March, 1999 under the code name Operation Clean Sweep (*Operasi Sapu Jagad*).”<sup>\*</sup>

In support of this view, analysts noted that the author of the ‘Clean Sweep’ document, Lafaek Saburai (also known as Afonso Pinto) was known to have links to BIA, the military intelligence organization headed until January 1999 by Major General Zacky Anwar Makarim. ETAN wrote that because of Saburai’s known links to BIA, “conclusions can be drawn as to where the orders were originating.”<sup>†</sup>

That may be true, but there are a number of reasons for caution in accepting this reading of the document. For one thing, Saburai’s background as a BIA operative does not in itself constitute evidence that his threatened ‘Operation Clean Sweep’ was a TNI or BIA plan, and there are reasons to doubt that it was. As later events revealed, his militia group Darah Merah was very much a local outfit and by no means among the most influential or powerful groups in the territory.<sup>‡</sup> Compared to Aitarak in Dili, Besi Merah Putih in Liquica, or Mahidi in Ainaro, Darah Merah was small and insignificant. One might reasonably ask why this would be the case if Saburai and Darah Merah really were the main conduit of a central BIA plan.

The value of the ‘Clean Sweep’ document as evidence of a centrally planned military operation is also diminished by the fact that the operation it announced never actually happened. May 1 came and went without any sign of the mass cleansing that the memorandum promised.

In short, the TNI may well have had a plan to terrorize the population and influence the outcome of the vote, but the ‘Clean Sweep’ document does not provide convincing proof of it. Instead, it appears to be the work of a slightly overzealous local militia commander who is boasting about his intentions to fellow commanders and to any TNI officers who might be listening.

Yet if the ‘Clean Sweep’ document does not prove that there was a high level plan for violence by Indonesian military intelligence, it does provide additional evidence of the nature of the relationship between the militias and the Indonesian authorities. It shows, for example, that militia groups at least aspired to broad co-ordination with the TNI. It also reveals the extent to which the rhetoric of terror, a hallmark of the TNI’s own counter-insurgency strategy, had become a standard feature of the militia style by early 1999.

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<sup>\*</sup> East Timor Action Network (ETAN), “Subject: ‘Operasi Sapu Jagad’ – Indonesia’s military plan to disrupt independence.” (Ref doc. FAIO-1999/10/21). It is not clear where the term ‘*operasi sapu jagad*’ originated. The original Saburai letter uses the term “*operasi pembersihan*,” not “*operasi sapu jagad*.”

<sup>†</sup> ETAN, “*Operasi Sapu Jagad*.”

<sup>‡</sup> *Darah Merah* (Red Blood) was reportedly formed on March 21, 1999. East Timor International Support Center (ETISC), “Indonesia’s Death Squads: Getting Away With Murder,” ETISC Occasional Paper No. 2 (Darwin, May 1999), p.18.

## 5.2 The Tavares Document

A second document commonly cited as evidence that pre- and post-ballot violence was planned at high levels is an instruction, dated July 17, 1999, purportedly signed by East Timor's supreme militia boss – formally known as 'Commander of the Integration Struggle Forces' – João da Silva Tavares. The two-page instruction is addressed to the principal militia commanders in East Timor, and copied to various military and Police officers, including Armed Forces Commander Gen. Wiranto and Regional Military Commander for Kodam IX, Maj. Gen. Adam Damiri.

With shocking bluntness, the Tavares instruction directs all militia commanders to: "Continue your terror and intimidation campaign against those who are influencing the public to reject Special Autonomy" and urges them to "pressure and threaten the public not to participate in the campaign being conducted by the pro-independence leaders..." The instruction also promises that the Indonesian authorities will provide the militias with substantial material support. "Before the results of the Popular Consultation are announced," it says:

...weapons will be distributed – 1500 modern weapons that have been made available by ABRI [sic]. You will be supported by TNI elite troops and backed by heavy artillery/tanks and 50 modern fighter jets...When the results of the Popular Consultation are announced, if the pro-Autonomy forces are defeated then Operation Clean Sweep will be simultaneously launched in full strength against the pro-independence forces beginning with those 15 years and older, both males and females, without exception.<sup>†</sup>

The document first appeared in early August 1999 and was immediately seized upon by observers as proof of TNI-militia co-operation in orchestrating violence across the territory.<sup>‡</sup> UNAMET's Head of Mission asked his staff for their opinion of the document. The UN Civilian Police (Civpol) consulted with their Indonesian Police counterparts who quickly concluded, on technical grounds, that the document was a fake. The Political Affairs Office also had doubts about the authenticity of the document, but these were rooted in political, rather than technical or forensic, analysis.

For one thing, Political Affairs noted that several copies of the document had been delivered to UNAMET in a matter of just a few days. This was rather unusual, especially

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\* "Instruksi...Tentang Kesiapan dan Kesiagaan Pasukan Pejuang Integrasi (Milisi) Dalam Menyikapi Perkembangan Situasi dan Kondisi di Timor-Timur," (No. 010/INS/PPI/VII/1999). A copy of this document, and an English translation prepared by UNAMET, are in the author's possession.

† "Instruksi...Tentang Kesiapan dan Kesiagaan Pasukan Pejuang Integrasi (Milisi)."

‡ Several copies of the document came to UNAMET at about the same time, together with a letter addressed to the Vice Secretary of the Internal Political Front (*Frente Política Interna* – FPI), of the CNRT, dated August 3, 1999.

for so sensitive a document, and it made the analysts suspicious of its provenance. How and why had so many copies of such a document become so quickly available? Attention also focused on the use of the term 'Militia' (*Milisi*) in the document's title, a term that Indonesian authorities and pro-integration leaders alike had rejected. Why would the Commander of the Integration Struggle Forces use that term?

Political Affairs analysts thought there were two possible answers to these questions. The first was that the document had been a psy-war fabrication designed by the pro-Indonesian side to sow fear among pro-independence supporters. The second possibility was that it had been created by the pro-independence side in order to discredit the TNI and the militias with one satisfying documentary blow, and at a critical moment in the process.

The content of the document contributed to suspicion. The language in the instruction presented altogether too tidy a package of outrageous threats and claims to be wholly credible. Even if at some stage João Tavares had issued some or all of the orders and promises cited in the document, it seemed very unlikely that he would have put them in writing.

Based on these considerations, the Political Affairs Office concluded that the July 17 Tavares document was probably not authentic. That did not mean that UNAMET considered Tavares and other militia leaders to be innocent of wrongdoing, or that it seriously doubted TNI involvement in the violence. On the contrary, it remained convinced that the TNI and the militia were working very closely together. It was simply that UNAMET did not regard the Tavares document as convincing evidence of that fact.

### 5.3 The Garnadi Document

A third document, which surfaced in Dili in mid-July 1999, is most likely authentic – but like the others already discussed, it does not necessarily prove all that some observers have claimed that it does. This is the so-called Garnadi document, which many have considered the 'smoking gun,' proving both that there was a close official relationship between the government and the militia, and that the post-ballot violence was planned at the highest levels – that is, in Jakarta.

The report, dated July 3, 1999 and entitled "General Assessment if Option I Fails," offers a candid assessment of government strategy toward the Popular Consultation process as of early July; 'Option I' referred to the government's offer of 'Special Autonomy.' The author, Maj. Gen. (ret.) H.R. Garnadi, was Special Assistant I to the powerful Coordinating Minister for Political and Security Affairs, Lt. Gen. (ret.) Tanjung. The fact that the report had been written by an important government official and sent to a senior Minister and ex-TNI General, gave it a singular significance. Here, it seemed, might be the document proving central government and TNI complicity in the violence.

Analysts noted that the document spoke of the government's duty to protect and support the anti-independence militias, whom it described as "heroes of integration." The relevant passage reads as follows: "We cannot ignore the attitude of the East Timorese militias that were recruited from the pro-integration groups. They are the

heroes of integration.” More explosively, media reports and analysts claimed that the document spoke of a central government plan to destroy East Timor in the event of a pro-independence victory at the polls. The key passage stated that “...evacuation routes must be planned and secured, possibly by destroying facilities and other key assets.”<sup>\*</sup>

The fact that East Timor was utterly destroyed after the ballot lent credence to claims that the Garnadi report had spelled out a ‘scorched earth’ plan. However, a closer examination of the document reveals that it does not actually do so. Read in context, the passage about destruction cited above provides little evidence of a scorched earth policy at this stage. In fact, Garnadi’s main point in the report is that, in its confidence of victory, the government had failed to plan for the possibility of defeat, and that it had better start doing so without delay. He writes, for example:

“...we have another six weeks to ensure that Special Autonomy wins. But if it fails, then six weeks is a very short time to prepare an evacuation plan for the pro-integration personnel and their property. Therefore a contingency plan in case of independence must be developed as quickly as possible. The government must allocate a budget to finance such a plan.”<sup>‡</sup>

His comment that vital infrastructure might be destroyed by departing Indonesian troops in the event of the defeat of Special Autonomy is offered as one of several suggestions in the direction of developing such a contingency plan. But it is not an expression of agreed policy at that stage. Indeed, what it indicates most clearly is that, as of early July, contingency and operational planning for a pro-independence victory had not really begun.

In short, the Garnadi document itself does not reveal the degree of official involvement in planning of violence that some have claimed that it does. At the same time, as noted elsewhere in this report, it does highlight important aspects of the relationship between Indonesian authorities and the militias, and of official attitudes toward the latter. It confirms official government support for, and solidarity with, pro-Indonesian militias, and a strong suggestion that they should be taken care of in the event of a pro-independence victory. It also makes clear that high-ranking officials in Dili and Jakarta were at least considering and discussing the destruction of East Timor in the event of a defeat for the autonomy option as early as July. And it confirms that the Coordinating Minister for Political and Security Affairs, Lt. Gen. (ret.) Feisal Tanjung, was very much involved in those discussions as they developed after July 3, 1999.

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<sup>\*</sup> H.R. Garnadi, “General Assessment if Option I Fails,” a confidential report to the Coordinating Minister for Political and Security Affairs, Lt. Gen. (Ret.) Feisal Tanjung, July 3, 1999. (Yayasan Hak Collection, Doc #35). An English translation of the document can be found in UNTAET, Political Affairs Office, *Briefing Book on Political Affairs and Human Rights in East Timor*, Dili, November 1999.

<sup>†</sup> Garnadi, “General Assessment if Option I Fails,” paragraph 8b.

<sup>‡</sup> Garnadi, “General Assessment of Option I Fails,” paragraph 8. In paragraph 8 he also writes that “A contingency plan must be drawn up to deal with the situation in the event that Option I is rejected.” On the matter of budgeting, the CNRT claimed in early August 1999 that Jakarta had set aside Rp. 28 million for the evacuation plan.

## 5.4 The East Timor Integration Savior Brigade Telegram

A fourth document that seems to suggest some degree of TNI planning is a secret telegram apparently of military provenance, dated August 29, 1999, or just one day before the ballot. The telegram is directed to a wide range of TNI officers, including the Commander of Korem 164 and the Commander of Battalion 744, with copies to the supreme militia boss, João Tavares, and to various TNI intelligence officers.

The telegram is signed by Sergeant Henrike Agama, Deputy Commander of the “East Timor Integration Savior Brigade Command.”<sup>†</sup> It calls on all named recipients and their men to be ready to report for duty in the days immediately following the vote and the announcement of the result. The message is worth citing in detail:

“B. In connection with the foregoing, all unit commanders are requested to authorize those of their personnel who are part of the Dili Partisan Battalion to report for duty at the Seroja Barracks in Comoro, Dili, according to the following schedule:

1. Monday to Thursday 14:30 to completion
2. Friday and Saturday 13:30 to completion
3. Sunday 11:00

C. Co-ordination.

1. Brigade Headquarters/Headquarters of Dili Partisan Battalion I are located at the Seroja Barracks in Comoro, Dili.
2. All unit commanders can carry out a crosscheck of their members’ attendance via the Chief of Operations for the East Timor Integration Savior Brigade at headquarters.”<sup>†</sup>

This telegram would appear to indicate the existence of a special military command – the ‘East Timor Integration Savior Brigade’ and of a Dili unit of that command, the ‘Dili Partisan Battalion’ – made up of regular soldiers seconded from normal TNI units, and commanded by TNI officers.<sup>‡</sup> At a minimum, it makes clear that the headquarters of these units were located at a TNI facility, the Seroja Barracks in Comoro, Dili. In other words, these would seem to be officially-sanctioned military units, preparing for action on behalf of integration in the days immediately after the ballot.

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\* In Indonesian, the *Komando Brigade Penyelemat Integrasi Timor Timur* or *Brigade P.I. Tims*.

<sup>†</sup> Telegram, dated August 29, 1999, signed by the Vice Commander of the East Timor Integration Savior Brigade, Sgt. Henrike Agama. A copy of this document is in the author’s possession.

<sup>‡</sup> 14 It is also possible that these units incorporated irregular forces, including militiamen. A letter dated August 23, 1999, from Cancio Lopes da Carvalho (Commander of the Mahidi militia and of PPI Sector C) to Gen. Wiranto, Maj. Gen. Damiri, and Col. Noer Muis, proposes the formation of “Partisan Battalions” throughout East Timor (SCU Collection, Doc #222).



A letter from the CNRT's Internal Political Front (FPI) sent to UNAMET's Political Affairs Office on September 1, together with a copy of the telegram, provided additional information about the plans reportedly obtained from a source at the East Timor military command (Korem).<sup>\*</sup> The letter explained that the Brigade mentioned in the telegram had been recently established by the TNI – with the assistance of key civilian figures including the Bupati of Dili – to take repressive action against pro-independence figures in the event of their victory. More specifically, it said that the unit had been tasked to carry out “an operation to abduct all pro-independence activists, like the operation conducted at the time of the October 1965 coup in Indonesia.” Finally, the letter reported that on August 31, the Korem Commander had presided over the distribution of 600 weapons to militias, and that a further 800 weapons were to be distributed in the near future.

The fact that repressive actions were indeed taken with TNI help after the ballot results were announced on September 4 forces us to take the CNRT letter seriously. Viewed together, the August 30 telegram and the CNRT letter appear to provide some documentary evidence that the post-ballot violence and repression were indeed conducted with the full knowledge of the TNI, at least up to the Korem level, and were perhaps even orchestrated by TNI officers.

But once again there is a need for caution. The telegram may simply prove that the TNI – or some part of it – was preparing for the possibility of disturbances after the vote; not an unreasonable course of action under the circumstances.

## 5.5 Operation Pull-Out

The same ambiguity characterizes two documents that outline the TNI and Police plans for evacuation after the vote. These include a plan developed by the East Timor military command (Korem) in July 1999, for ‘Operation Wira Dharma-99’ (*Operasi Wira Dharma-99*), and a Police plan developed in August, dubbed ‘Operation Hanoin Lorosae II’ (*Operasi Hanoin Lorosae II*).<sup>†</sup>

Both of these documents appear to have been prepared in accordance with a Kodam IX operational plan for post-ballot evacuation, known as ‘Operation Pull-Out’ (*Operasi Cabut*), and with an overall ‘Contingency Plan 1999-2000’ (*Rencana Kontingensi 1999-2000*) developed at TNI headquarters in Jakarta.<sup>‡</sup> Although we do not yet have copies

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<sup>\*</sup> Letter from CNRT, Internal Political Front, Secretariat of Region-4 Command, to Political Section, UNAMET, dated September 1, 1999. A copy of this document is in the author's possession.

<sup>†</sup> Korem 164/WD, “Rencana Operasi Wira Dharma-99,” Dili, July 1999. (Yayasan Hak Collection, Doc #33); and Kepolisian Negara Republik Indonesia, Daerah Timor Timur, “Rencana Operasi Hanoin Lorosae II,” No. Pol: Ren Ops/04/VIII/1999, August 1999 (Yayasan Hak Collection, Doc #39).

<sup>‡</sup> In some TNI documents, the Contingency Plan was referred to as “Rencana Tindakan Menghadapi Kontinjensi Purna Penentuan Pendapat di Timtim [Jika] Opsi-1 Gagal.” See: “Direktif Panglima TNI, Nomor: 02/P/IX/1999, tentang Komando Penguasa Darurat Militer Wilayah Timor Timur,” September [8], 1999 (HRU Collection, Doc. TNI #9).

of these last two documents, we do know something about them.\* ‘Operation Pull-Out’ was prepared in accordance with a May 5, 1999 order from the Army Chief of Staff, Gen. Subagyo Hadisiswoyo, to the Commander of Kodam IX, Maj. Gen. Adam Damiri. In that May 5 order, Subagyo called on Damiri to develop a plan for “evacuation in the event that the Option II [independence] is chosen.”† The plan was developed in July and set in motion in early September 1999.‡ Contingency Plan 1999-2000’ was reportedly prepared, on General Wiranto’s order, by Maj.Gen. Endriartono Sutarto, the Assistant for Operations to the Armed Forces Chief of General Staff. The 13-page document outlined with considerable accuracy what actually happened in the days and weeks after the ballot.§

The two documents we do have (in whole or in part) describe plans for a massive post-ballot evacuation that accord very closely with the evacuation that was actually carried out in September 1999. Those targeted for evacuation in the plans, for example, included about 180,000 East Timorese, and some 70,000 Indonesian civil servants, soldiers and police, and their respective families.¶ The total numbers of evacuees in both plans was about 250,000, or almost exactly the number that were in fact evacuated. The Police document also includes an intelligence assessment that predicts widespread destruction and violence in the event of a pro-independence victory.

At least one analyst who has examined these documents has concluded that “...the military was not planning on overseeing an orderly, peaceful transition to a UN government. It was secretly planning for chaos.”# This is essentially true, and it is damning evidence that the Indonesian authorities were being dishonest in assuring the international community that they would stay in East Timor and maintain order regardless of the outcome of the vote. It is partially confirmed, moreover, by the private and public statements of senior Indonesian officials in the weeks before the ballot. In August 1999, Maj. Gen. Zacky Anwar Makarim and Col. Noer Muis both told UNAMET about official preparations for a large post-ballot evacuation. Col. Muis and Indonesia’s Minister for Justice and State Secretary, Muladi, were also quoted in

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\* On August 31, 1999, Army Chief of Staff Gen. Subagyo Hadisiswoyo said that the TNI had prepared a contingency plan to face any possibility in East Timor. Embassy of Japan, “Political News Round Up,” August 31, 1999. In January 2000 Maj. Gen. Zacky Anwar Makarim further clarified that “TNI headquarters...prepared a contingency plan while the Udayana military commander made an operational plan.” See *Jakarta Post*, January 5, 2000. ‘Operation Pull-Out’ and ‘Contingency Plan 1999-2000’ are both mentioned explicitly in an order (No. Sprin/811/VII/1999) issued by Brig. Gen. Simbolon, Chief of Staff of Kodam IX, on July 14, 1999 (Yayasan Hak Collection).

† Secret telegram (No. STR/172/1999) from the Army Chief of Staff (signed by Deputy Army Chief of Staff, Lt. Gen. Johny J. Lumintang) to Pangdam IX/Udayana, May 5, 1999 (Yayasan Hak Collection, Doc #21).

‡ In a secret telegram from early September, the Dandim of Dili, Lt. Col. Soedjarwo, informed the Danrem, Col. Noer Muis, that ‘Operation Pull-Out’ had officially commenced in Dili District at 1500 hours on September 6, 1999 (Yayasan Hak Collection).

§ Don Greenlees and Robert Garran, *Deliverance*, p. 209.

¶ An appendix (on logistical needs) to the TNI’s ‘Operation Wira Dharma-99’ estimates the total number requiring evacuation at 251,187, broken down as follows: Military personnel and families (26,015), Non-Timorese (43,347), East Timorese (180,000). See: Korem 164/WD, “Operasi Wira Dharma-99, Lampiran-D (Rencana Banmin), Sub-Lampiran-3 (Kebutuhan Angkutan),” Dili, July 1999, n.d. (Yayasan Hak Collection, Doc #33).

# John Roosa, “The Indonesian Military’s Last Years in East Timor: An Analysis of Its Secret Documents.” Unpublished manuscript, May 2000, p. 31.

the press on the issue. Muladi reportedly noted the “strong possibility” of an exodus of some 223,000 people in the event of a pro-independence victory.’

But the question remains whether the documents in question prove that the post-ballot violence that did transpire was planned by TNI and/or Police authorities. The honest answer is that they do not. Indeed, the documents say nothing about the ‘scorched earth’ policy that is often said to have guided TNI and Police actions after the vote. Evidence of such planning might exist in the still missing documents outlining Kodam IX’s ‘Operation Pull-Out’ or in TNI headquarter’s overall ‘Contingency Plan 1999-2000.’ But it is unlikely that even those documents contain an explicit discussion of a post-ballot scorched earth policy. Indeed, it is quite likely that there are no written plans at all, and that the search for a documentary ‘smoking gun’ will ultimately prove to be fruitless.

Nevertheless, these two documents do provide important insights into official attitudes with regard to the popular consultation. They offer strong evidence that Indonesian Police and military authorities formally adopted positions antipathetic to the pro-independence side, to many outside observers, to UNAMET, and also to the Catholic Church leadership.

The intelligence assessment contained in the Police plan ‘Operation Hanoin Lorosae II’ is especially revealing.<sup>†</sup> It describes several international and domestic organizations as having “acted in a way that is offensive to the pro-integration masses and to the government of Indonesia.”<sup>‡</sup> The groups so described include: the United States Agency for International Development (USAID), The Australian Agency for International Development (AUSAID), the US-based Carter Center, and a number of Indonesian and East Timorese non-governmental organizations. The assessment takes a similarly hostile position toward UNAMET which it says is “on a political mission, as evidenced in its biased and discriminatory attitude” toward the pro-integration side, and its encouragement of the pro-independence side.<sup>§</sup> Finally, the document says that the majority of the population are “fanatical” Catholics, and that “the Bishop has taken advantage of that fact for his own political purposes by influencing the population to support the anti-integration group.”<sup>||</sup>

The TNI’s ‘Operation Wira Dharma-99’ provides similarly revealing insights into the thinking of the military authorities. In a section called “Enemy Forces” it lists the CNRT, the DSMPTT (*Dewan Solidaritas Mahasiswa dan Pelajar Timor Timur* – the Student Solidarity Council of East Timor) and Ojetil (*Organisação de Juventude de Timor Leste* – Organization of East Timorese Youth) all of which were civilian pro-independence groups, and all of which were key targets of violence by pro-Indonesian forces. An introductory paragraph to that section of the operational plan clarifies

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\* See *Sydney Morning Herald*, August 24, 1999; *Jakarta Post*, August 26, 1999; and *Media Indonesia*, August 27, 1999. Also see Ian Martin, *Self-Determination in East Timor*, p. 82.

† The full title of the assessment, contained in the ‘Operation Hanoin Lorosae II’ document is: “Perkiraan Intelijen Kepolisian Khusus tentang Menghadapi Kontinjensi Opsi I dan Opsi II di Polda Timor Timur,” (Yayasan Hak Collection, Doc #39).

‡ Polda Timor Timur, “Perkiraan Intelijen,” p. 4, (Yayasan Hak Collection, Doc #39).

§ Polda Timor Timur, “Perkiraan Intelijen,” p. 2, (Yayasan Hak Collection, Doc #39).

|| Polda Timor Timur, “Perkiraan Intelijen,” p. 5, (Yayasan Hak Collection, Doc #39).

that: “Enemy forces are East Timorese who are against integration with Indonesia and who reject the Special Autonomy option that has been proposed by the government of Indonesia.”\*

Thus, while these documents do not prove that the post-ballot violence was planned at the highest levels, they provide other important evidence about military and Police responsibility for that violence. For one thing, they confirm that Indonesian military and Police authorities formally adopted positions that blatantly contravened the pledges of impartiality made by the government in the May 5 Agreements. The documents also prove that hostility to the pro-independence side – to the point that even civilians were described as “enemy forces” – was a matter of policy, and was not limited to a few ‘rogue elements’ driven by Qemotion.’ Finally, by providing details of military and Police attitudes toward particular organizations and individuals, these documents also help to explain the particular pattern of human rights violations in 1999. With such openly hostile positions articulated in key policy documents, it is easier to understand why certain groups – including the CNRT, the DSMPTT and the Catholic Church – were specifically targeted.

To sum up, these documents do not provide definitive proof of direct high level official involvement in planning or carrying out specific acts of violence. In fact, the analysis here suggests that the planning of violence may never have been explicitly stated in writing. Accordingly, the case for or against official responsibility for the violence must instead be established through the analysis of events observed in the field, and a more patient examination of the hundreds of documents that are now available.

Viewed in that light, the six documents can contribute to our understanding of the violence in several ways. First, they help to establish the existence and the nature of links between the TNI and the militias. Second, they show definitively that there was discussion at the highest levels of the TNI of contingency plans, including plans for a massive evacuation, and at least the possibility of physical destruction as part of such an evacuation. Third, they demonstrate beyond any doubt that military and Police authorities formally adopted positions hostile to the pro-independence side (and to the UN), in contravention of their obligations under the May 5 Agreements.

The documents reviewed in this chapter also provide an indication that the key actors responsible for military policy and planning on East Timor included: Army Chief of Staff, Gen. Subagyo Hadisiswoyo; Army Vice Chief of Staff, Lt. Gen. Johnny Lumintang; Coordinating Minister for Political and Security Affairs, Lt. Gen. (ret.) Feisal Tanjung; the Commander of Kodam IX, Maj. Gen. Adam Damiri; the Commander of Korem 164/Wira Dharma, Col. Tono Suratman, and the Regional Chief of Police, Col. Timbul Silaen. Although they are not specifically mentioned in the available documents, we may assume that officers responsible for operations, both at TNI headquarters and at Kodam IX, were also involved.

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\* Korem 164/WD, “Rencana Operasi Wira Dharma-99,” Dili, July 1999, p. 2 (Yayasan Hak Collection, Doc #34).

## 6. Militias: History, Formation, and Legal Recognition

The question of responsibility for human rights violations and crimes against humanity in East Timor hinges critically on the nature of the links between the militias and the Indonesian authorities. If, as Indonesian officials have claimed, the militias acted without official backing or approval, then responsibility for the crimes they committed rests with the militias themselves. If, on the other hand, the militias were created by Indonesian authorities, and received support and direction from them, responsibility for the crimes they committed extends to those authorities.

This chapter is the first of three in this report that examine those links in detail, by drawing together extensive documentary and testimonial evidence. Focusing on three types of evidence – the historical relationship between militias and the TNI, the involvement of senior officials in forming the militias, and the granting of formal legal recognition to the militias – it demonstrates beyond reasonable doubt that the militia groups were created, supported, and authorized by Indonesian authorities. That finding, in turn, means that the Indonesian authorities in question share individual criminal responsibility for human rights violations, even those that were directly perpetrated by the militias.

### 6.1 Historical Patterns

Militias are not a new phenomenon in East Timor. They have existed, in some form, at least since the time of Portuguese rule, and without interruption through the Japanese occupation and the Indonesian invasion. Since 1975, their history has been tightly intertwined with that of the Indonesian army, and especially its counter-insurgency force, Kopassus.

Militias have been a central element of Indonesian counterinsurgency and counter-intelligence strategy at least since the 1950s, and they have been mobilized in every counterinsurgency operation the Indonesian army has ever undertaken. Although justified in terms of the military doctrine of ‘total peoples’ defense,’ the main reason they are used is that they are cheap and effective, they help to establish bonds of loyalty with occupying forces, and they provide plausible deniability for acts of violence committed by soldiers.

That history offers compelling evidence that the militias that emerged in East Timor in 1999 were part of a carefully prepared and directed military intelligence operation. A glance at that history confirms that virtually everything about the organization, language, style, and repertoire of the modern militias derives from well-established Indonesian military doctrine and historical practice. It also helps to explain how the militias could have sprung up as quickly as they did all across the country in 1998-99.

Even before the December 1975 invasion, Indonesian military planners sought to mobilize local people to gather intelligence and to assist in military operations. In September 1975, a U.S. State Department report noted bluntly that “Indonesian

intelligence...has trained, organized and covertly committed 650 Timorese irregular troops into Portuguese Timor to stem the advance of Fretilin forces.” In the period after the invasion, Indonesian forces established local militia forces, known as ‘Partisan,’ wherever they had established a reasonable measure of control. Remnants of these early ‘Partisan’ groups were still evident in certain parts of the country in 1999, and some of their members were active in the new militia groups.

With the start of a major new military campaign in September 1977, the Indonesian army began even more energetically to recruit local people to fight on their side. Thousands of ordinary Timorese were conscripted to join military operations against the pro-independence group Fretilin that the Indonesian authorities portrayed as communists. By the early 1980s, the use of such civilian forces had been institutionalized. Semi-permanent militia forces were now spread throughout the entire territory, a certain number in every village and town; and they were tightly controlled by Indonesian military officers and other government officials, with nominal support from District, Sub-District and Village Heads.

Secret army documents from 1982 provide important details of the original nature of these militia units and their role in the army’s counter-insurgency strategy.<sup>†</sup> They make clear, for example, that the essential starting point for the strategy was the military doctrine of ‘total peoples’ defense.’<sup>‡</sup> They also show that, in practice, this meant that East Timorese could expect to be called upon to fight ‘the enemy’ at a moment’s notice. It is also notable that a number of these documents were signed by the then Chief of Military Intelligence for East Timor, Maj. Willem T. da Costa, who later served as Chief of Staff (1997-98), and Commander (2000-02) of Regional Military Command IX.

Most local conscripts and ‘volunteers’ were grouped into two distinct, but related, official bodies – Ratih and Hansip – and the role of each in eliminating the enemy was carefully spelled out in official documents. Both were village-based auxiliary units, designed to assist the armed forces in detecting and combating the enemy. Like the militias of 1999, they were organized along military lines, divided into Companies, Platoons, and Teams, and were ‘guided’ by an assortment of military figures, including 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).<sup>§</sup> In other words, these were virtual replicas of the militias that emerged in 1999.

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\* U.S. Department of State, cited in James Dunn, *Timor: A People Betrayed*, Sydney, NSW: ABC Books, 2001, p. 193.

† The eight documents in question were prepared by the Intelligence Section of the Sub-Regional Military Command (Korem) for East Timor, and signed by the Korem commander, Col. Rajagukguk, or by the Chief of Intelligence for East Timor, Maj. Willem T. da Costa.

‡ After referring explicitly to this doctrine one document states grandly: “Thus, at root, it is the whole populace that serves as resisters of the enemy.” See, Korem 164/Wira Dharma, Seksi Intel, “Rencana Penyusunan Kembali Rakyat Terlatih,” prepared by Maj. Willem T. da Costa, 1982, p. 2.

§ The presence of SGI and of Battalion 745 soldiers is mentioned in: Korem 164/Wira Dharma, Seksi Intel, “Petunjuk Tehnis tentang Desa” (Juknis/01-A/IV/1982), pp. 6-7.

The most basic units were the Ratih (*Rakyat Terlatih* – Trained Populace). Ratih recruits received rudimentary military training, with an emphasis on discipline and ideology. Although the Village Head was usually their formal commander, they were in reality controlled by military officers.\*

One step up in the militia hierarchy were the Hansip (*Pertahanan Sipil* – Civil Defence). They received somewhat more intensive military training, typically carried firearms, and performed a variety of combat-related functions, including reconnaissance. Hansip was in fact further divided into two sections, one of which (Kamra) served as a police auxiliary, while the other (Wanra) served with the army. In practice, Wanra were far more important than Kamra, so that the terms Wanra and Hansip came to be used interchangeably.

In addition to these basic militia forces, in the late 1970s and 1980s the army also established a number of more highly trained paramilitary units, including: Makikit, Halilintar, Team Saka, Team Sera, 59/75 Junior, Team Alfa, and Railakan. These units performed important reconnaissance, intelligence and combat roles, but they also took part in special operations, including assassinations. Formally coordinated at the level of the District Military Command (Kodim), they had close ties with and often operated alongside the elite counter-insurgency force, Kopassus – and in particular its Intelligence Task Force, the SGI, and operational units known as Nanggala.†

The persistence of close ties between the paramilitary groups and Kopassus/TNI is confirmed by a document, dated January 2, 1998, prepared by ‘SGI Post Nanggala-13.’ The document is a listing of 57 members of the Saka paramilitary unit in the Baguia Sub-District of Baucau District.‡ Apart from indicating that Saka was, in fact, coordinated by SGI, the document also shows clearly that many Saka members were themselves members of Kopassus’ Nanggala-13. In other words, as late as 1998 Saka and very likely other paramilitary units were not only supported by the TNI, they were in fact TNI units.

This network of militia and paramilitary organizations formed an essential bulwark in the Indonesian occupation and counter-insurgency campaign through the next two decades. The Hansip, Ratih and paramilitary infrastructure continued to function throughout this period, and provided the model for the basic repertoire of training, marching, patrolling, and combat that were common throughout the territory in 1999. Moreover, many of the militia units that seemed to appear out of nowhere in 1999 were in fact the remnants of much older militia and paramilitary outfits that had been set

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\* Korem 164/Wira Dharma, Seksi Intel, “Rencana Penyusunan Kembali Rakyat Terlatih,” pp. 2 and 6.

† The Nanggala were special Kopassus units, set up in the late 1970s. A unit called Nanggala 28, commanded by a young Prabowo Subianto, was responsible for killing the Fretilin commander Nicolau Lobato in December 1978.

‡ Komandan Pos Nanggala-13, Satuan Tugas Intelijen (Sgt. Mudji Maulani), “Daftar Nama Nama Anggota Sera (Surwan) Kec. Baguia,” January 2, 1998 (Yayasan Hak Collection, Doc #2).

up starting in the late 1970s and had continued to function in the intervening years.<sup>\*</sup> Indeed, as explained later in this chapter, in 1999 Indonesian authorities commonly referred to the militias using the old terminology.

Nevertheless, these were not the only models for the militias that emerged in 1999. By the 1990s, a new version of the militia forces – more like death squads than citizens' auxiliaries – began to make its presence felt in East Timor. The best known manifestations of the new type were the so-called *Ninja* gangs, first reported abroad in 1991, but very likely in existence a year or two before that.<sup>†</sup> These gangs roamed the streets at night, dressed in black, their heads covered with dark balaclavas, harassing, kidnapping, and sometimes killing supporters of independence, leaving their dead bodies in public places.

For Indonesians, and probably for East Timorese, the Ninjas evoked memories of the terrifying state-sponsored killing of some 5,000 alleged petty criminals in the mid-1980s in Indonesia, known by the acronym Petrus (*penembakan misterius*, or mysterious killings).<sup>‡</sup> Those executions were often carried out by men in plain clothes and balaclavas, and the victims' bodies were usually left in full public view. At the time, officials denied government responsibility. Yet in 1989 President Suharto boasted in his memoirs that the killings had been deliberate government policy – 'shock therapy' to bring crime under control. The admission suggested that there was very likely also an official military hand guiding East Timor's Ninjas.

The military also set about reactivating and recasting its militia forces in the East Timorese countryside at this time. In October 1993, an army spokesman announced that some 3,844 East Timorese men had recently been sworn in as auxiliaries. Rather than calling them Ratih and Hansip or Wanra, however, the spokesman referred to them as 'Traditional Forces' (*Pasukan Adat*). The decision to mobilize these auxiliaries, and the odd choice of name may have been related to the fact that Indonesia was at the time under unusual international pressure to reduce its troop presence in East Timor, and also to show progress on the human rights front.

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<sup>\*</sup> The January 1998 list of Saka members cited above, for example, indicates that many of the 57 members listed had joined the unit more than a decade before. While many of the dates of entry in the document are illegible, most are from the 1980s and at least 11 are from the late 1970s (Yayasan Hak Collection, Doc #2). Similarly, according to a letter from Eurico Guterres to the Dili District Chief of Police, dated June 22, 1999, at least 93 members of the Aitarak militia at that time were members of the police auxiliary, Kamra. See: Komandan, Komando Pasukan Aitarak, Sektor B (Eurico Guterres) to Kapolres Dili, June 22, 1999 (SCU Collection, Doc #244).

<sup>†</sup> Circumstantial evidence suggests that they emerged in the late 1980s, when Abílio Osório Soares, the Apodeti leader and future Governor with close links to Prabowo Subianto, was the Mayor of Dili.



In 1995 a new pro-Indonesian group emerged with many of the hallmarks of the earlier Ninjas – now mixed with characteristics of the notorious politically-connected gangsters of Java (known as *preman*). The new group was called *Garda Paksi* (*Garda Pemuda Penegak Integrasi*, or Youth Guard for Upholding Integration).<sup>\*</sup> *Garda Paksi's* assigned role appears to have been to infiltrate the underground resistance and to provoke disturbances among East Timorese. Dressed in black and armed with knives, they terrorized Dili and other towns, throwing rocks, burning houses, setting up road-blocks, abducting and occasionally killing independence activists.

Like the Ninjas, *Garda Paksi* members and leaders had links to criminal networks and to Kopassus.<sup>†</sup> We know of *Garda Paksi's* historical link to Kopassus/TNI through both anecdotal and documentary evidence. Among the most telling documents is a monthly report, dated November 10, 1995, on the training of *Garda Paksi* recruits in Surabaya, East Java. The report is signed by a TNI officer (Capt. Handy Geniadi) and pays special attention to the intelligence training received by recruits. The report does not say explicitly that the training was coordinated by Kopassus, but that conclusion may reasonably be drawn from the fact that the sole order cited as a basis for the report is a July 1995 order issued by the Kopassus Commander.<sup>‡</sup> Additional evidence of the link between Kopassus and *Garda Paksi* lies in the fact that the SGI commander in Dili from 1996-99 had previously been in charge of training *Garda Paksi* in Central Java and then in Surabaya.

*Garda Paksi* was still active in 1998, and continued to have the strong support of government authorities. A *Garda Paksi* meeting on June 22, 1998 was addressed by, among others, the Governor of East Timor, the Head of the provincial legislature (DPRD) and the Bupati of Lautem. A secret military intelligence report on that meeting, submitted to the East Timor military commander, Col. Suratman, on June 23, 1998, quoted the Governor as saying: “I formally declare myself to be a member of *Garda Paksi*.”<sup>§</sup>

*Garda Paksi* survived until early 1999 when, almost overnight, it disappeared and the militia group *Aitarak* emerged in its stead. The link between the two groups was personified by the career path of one of the most notorious of East Timor’s militia leaders, Eurico Guterres.

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<sup>\*</sup> *Garda Paksi* (sometimes called *Gada Paksi*) was inaugurated in July 1995. *Reuter*, July 19, 1995.

<sup>†</sup> A senior pro-Indonesia figure who fled East Timor in 1999 told an Australian journalist that the Indonesian authorities had cancelled Eurico Guterres’ gambling debt as an inducement for him to lead *Garda Paksi*. See, “Timor Coup Planned,” *The Age*, June 22, 1999.

<sup>‡</sup> The order referred to was ‘Sprin/489/VII/1995’. See: Komandan Kelompok BLK Surabaya (Capt. Handy Geniadi), “Laporan Bulanan Kegiatan Pelatihan Gada Paksi di BLK Surabaya,” November 10, 1995 (Yayasan Hak Collection, Doc #1).

Between 1995 and January 1999, he was the leader of Garda Paksi.<sup>\*</sup> When the militias were mobilized in early 1999, he was rewarded for his loyalty by being made commander of Aitarak, and overall commander for militia (PPI) Sector B. There is no reason to believe that the link with Kopassus/SGI was affected by the transformation of Garda Paksi into Aitarak.

In short, the militias that appeared to come from nowhere in 1999 were nothing new. Many had been around for years, though often under a different name. That fact helps to explain how the militias were able to organize and mobilize so swiftly in 1999. It also helps to explain their unique style and repertoire of violence. Forged during the 24 years of Indonesian rule, and shaped by Indonesian military doctrine and practice, the militias enacted much of the deliberate brutality that was central to the TNI's own institutional culture. Most importantly, the historical pattern of militia mobilization by the TNI offers compelling evidence that the militias that became visible in 1999 were the product of a standard TNI strategy, of which the acts of violence they committed were an important part.

## 6.2 Militia Formation

There is considerable evidence that the close relationship between Indonesian authorities and militias continued through 1999, and that high-ranking military officials were in fact directly involved in forming and coordinating the militias in that period. The evidence comes both from the statements of former pro-integration figures, and from the secret communications of high-ranking TNI officers and civilian government officials. Given the nature and actions of the groups in question, such official involvement in forming the militias arguably constitutes incitement to commit, and therefore complicity in, serious human rights violations and crimes against humanity.

Some of the information about the role of high ranking TNI officers in forming the militias in late 1998 and early 1999 – and of TNI orders to commit acts of violence – has come from former government officials and pro-Indonesian East Timorese figures. In early 1999 the long-time pro-integration figure Tomás Gonçalves told Australian television how militia formation began in 1998:

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<sup>\*</sup> Guterres was evidently still the head of Garda Paksi until some time in January 1999, when he wrote to the Government of East Timor to request Rp. 7.5 million in support of Garda Paksi activities. See: Ketua DPP Gada Paksi (Eurico Guterres) to Assisten III Kessos Sekwilda Tingkat I Timor Timur, January 1999 (SCU Collection, Doc #205). After that date, Garda Paksi disappeared from sight. For a time, it was replaced by the FPTT (*Forum Persatuan Timor Timur*) a prointegration organization established on December 7, 1998, and headed by Guterres. In that capacity, in January 1999 Guterres wrote to the Head of the Finance Bureau of the Government of East Timor, to request that a staff member in that bureau be seconded to the FPTT. The staff member was Inacio de Jesus Soares, who later emerged as the Deputy Commander of Aitarak. See: Ketua Umum Forum Persatuan Timor Timur (Eurico Guterres) to Kepala Biro Keuangan Pemda Tk-I Timor Timur, January 5, 1999 (SCU Collection, Doc #159); and Forum Persatuan Timor Timur (FPTT) to Danrem 164/WD, [December] 1998 (SCU Collection, Doc #233). The FPTT was apparently dissolved some time in January 1999, and replaced by Aitarak and the FPKD.

*“The order came from the regional commander, [Maj. Gen.] Adam Damiri, to the East Timor commander [Col. Tono Suratman] and the Special Forces commander, [Lt. Col.] Yayat Sudrajat – liquidate all the CNRT, all the pro- independence people, parents, sons, daughters and grandchildren. Commander Sudrajat promised a payment of Rp. 200,000 [US\$ 26.66] to anyone wanting to serve in the militia.”*

Other sources confirm the central role of Damiri, Suratman and Sudrajat in forming the militias, but indicate that higher ranking officers – notably Maj. Gen. Kiki Syahnakri and Maj. Gen. Zacky Anwar Makarim – were also directly involved. Those sources have described a series of meetings that took place from mid-1998 to early-1999, in Dili, Denpasar, and Jakarta, at which high-ranking TNI officers formulated plans for the mobilization of militia forces.

Much of the evidence of those meetings is summarized in an indictment of eight senior Indonesian officials filed by East Timor’s Deputy General Prosecutor for Serious Crimes in February 2003.<sup>†</sup> The passages relevant to the issue of militia formation read as follows:

“11. In or about August 1998 Adam Rachmat DAMIRI arranged for a pro-Indonesian East Timorese leader to fly from East Timor to Denpasar, Bali, for a meeting. At this meeting, DAMIRI told the East Timorese leader to establish a group to promote integration.

12. In or about August 1998 DAMIRI traveled to Dili and met with TNI commanders and pro-integration East Timorese leaders. Suhartono SURATMAN was present at this meeting. DAMIRI told the group that international attention was focused on East Timor and this was a problem for Indonesia. He told them that they needed to come up with a plan for creating organizations that would spread pro-Indonesian sentiment throughout East Timor. He told them they must form a solid civil defense force based on previous TNI-supported models and that this force should be expanded and developed to protect integration.

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\* ABC, *Four Corners*, “The Ties That Bind,” February 14, 1999.

† Timor Leste, Deputy General Prosecutor for Serious Crimes, Indictment of Wiranto *et.al.* February, 2003.

13. In or about November 1998 DAMIRI traveled to East Timor. During his visit he again met with pro-Indonesian East Timorese leaders in Dili, including individuals who later became leaders of militia groups. DAMIRI asked the men to join together and assist TNI to fight the pro- independence group...During this meeting with pro-Indonesian leaders, DAMIRI praised future militia leader Eurico Guterres as being a young man eager to fight for integration and said that he was willing to give Guterres fifty million rupiah to begin his work.

14. In or about November 1998 SURATMAN met with pro-Indonesian East Timorese leaders at his headquarters in Dili. Yayat SUDRAJAT was present at this meeting. SURATMAN told the group that he wanted future militia leader Eurico Guterres to form a new organization to defend integration similar to the pro-Indonesian youth organization *Gada Paksi*.

15. In early 1999 Zacky Anwar MAKARIM received the founding members of the pro-Indonesian East Timor People's Front [*Barisan Rakyat Timor Timur* – BRTT] at his office in Jakarta. During the meeting he said that guerrilla warfare would be necessary to overcome independence supporters if the autonomy option lost at the ballot.

16. In or about February 1999 DAMIRI met with pro-Indonesian East Timorese leaders at Regional Military Command IX headquarters in Denpasar, Bali. DAMIRI told the men that TNI was ready to give secret support to pro-Indonesian forces. He explained that it must be secret in order to avoid international scrutiny and criticism. DAMIRI asked the men to gather East Timorese who had served in TNI. He told them that they should meet with SURATMAN for further instructions.

17. In or about February 1999 SURATMAN met with a pro-Indonesian East Timorese leader in Dili. He told him that because TNI was under a reformist regime, it could not take part in open operations against the independence movement. SURATMAN asked the pro-Indonesian leader to form a militia group. SURATMAN said that TNI was willing to provide any form of assistance required by the militia groups.

18. In or about February 1999 SUDRAJAT met with TNI personnel and pro-Indonesian East Timorese leaders at Intelligence Task Force headquarters in Dili. SUDRAJAT told the group that the Intelligence Task Force had a list of independence supporters that were to be killed. He stated that the Intelligence Task Force and the pro-Indonesian groups would cooperate to carry out these killings. He said that KOPASSUS dressed as thugs would start to carry out murders of pro-independence supporters.

19. In or about March 1999 Kiki SYAHNAKRI met with pro-Indonesian East Timorese leaders at TNI headquarters in Jakarta. SYAHNAKRI told the group that TNI would support their pro-Indonesian efforts and that MAKARIM was responsible for coordinating activities leading up to the popular consultation. SYAHNAKRI told them that firearms had been sent to East Timor, and that when the men returned to Dili they should contact SURATMAN to arrange distribution of the firearms.”

Additional evidence of high-level support for the militias comes from a number of secret documents and radio communications that have come to light since 1999. In a secret report dated July 3, 1999, for example, a senior official of the Coordinating Ministry of Political and Security Affairs referred to East Timor’s militias as “heroes of integration” whose opinions would have to be taken into account in any post-ballot contingency planning.<sup>\*</sup> Likewise, in a secret letter to President Habibie, dated September 6, 1999, the Armed Forces Commander, Gen. Wiranto, explained that TNI forces had found it difficult to control the violence in the post-ballot period because of the “emotional bonds between the security forces and the pro-integration side.”<sup>†</sup>

These remarks by senior officials reflected a widely shared sympathy for the militias within the highest official circles, though they stopped short of confirming a direct TNI role in mobilizing and coordinating militia activity. Evidence to that effect, however, has reportedly been uncovered in a series of secret radio and telephone communications intercepted by the Australian Defense Signals Directorate (DSD) in 1999. The full transcripts of those intercepts have not yet been made public, but excerpts reported in the media appear to confirm the allegations made in the February 2003 indictment. They also add specificity and detail concerning the nature of official backing for the militias, and the identity of those involved.

For example, a telephone conversation between the Danrem, Col. Tono Suratman, and Eurico Guterres, reportedly intercepted on May 5, 1999 appears to confirm Suratman’s direct involvement in militia operations. In that phone call, Suratman asked Guterres where he was massing his militia forces for a show of force in Dili. Guterres reportedly responded that he had some 400 militiamen gathered outside a Dili hotel (the Tropical) which served as Aitarak’s headquarters.

About one month later, on June 1, 1999, Australia’s DSD allegedly intercepted another phone call between the two men. Evidently concerned to conceal his direct involvement

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<sup>\*</sup> The author of the report, H.R. Garnadi, a retired Major General, was writing in his official capacity as Assistant to the Minister, Lt. Gen. (ret.) Feisal Tanjung, with responsibility for Internal Politics (Pol/Dagri) and as a member of the joint ministerial body on East Timor (the P4OKTT) over which Tanjung presided. [HAK # 35] See: Garnadi, “Gambaran umum apabila Opsi I gagal,” July 3, 1999 (Yayasan Hak Collection, Doc #35).

with the militias, Col. Suratman is said to have told Guterres “Don’t deal with me directly. Contact me via Bambang.” The Bambang to whom Suratman referred was also a senior TNI officer in East Timor, the head of military intelligence at the Korem, Maj. R.M. Bambang Wisnumurty. Along with another intelligence officer, Lt. Masbuku, Maj. Bambang became one key point of contact between the TNI and the militias.

Another, more senior, TNI officer who evidently maintained close ties with the militias was Brig. Gen. Mahidin Simbolon, in 1999 Chief of Staff of Kodam IX. A former East Timor military commander (1995-1997), he had long been suspected of involvement in establishing and running militia groups in East Timor. His tie to the militias was apparently confirmed by a February 14, 1999 telephone conversation intercepted by the DSD. The conversation was between militia leader Eurico Guterres and an officer of the Kopassus unit, Satgas Tribuana VIII. Speaking about a Mahidi militia member who had been injured, the Kopassus officer reportedly said: “We know that Brig. Gen. Simbolon is concerned that one of his crew was injured.”<sup>†</sup>

Simbolon is reputed to have had especially close ties to Cancio Carvalho, the commander of the Ainaro-based Mahidi militia, and overall commander of Sector C of the PPI. Indeed, by some accounts the name of his militia group, Mahidi, was a tribute to the general, Mahidin Simbolon. That special link may help to explain Cancio Carvalho’s emergence as one of the most powerful militia leaders in the country, and the peculiarly aggressive character of his militia group.<sup>‡</sup>

The officer most widely suspected as the chief militia coordinator in East Timor – and named in the February 2003 indictment of Gen. Wiranto *et. al.* – was Maj.Gen. Zacky Anwar Makarim. Makarim’s career history made him an ideal candidate for that position, and his appointment as the senior military member of the government’s Task Force in East Timor immediately raised eyebrows among both local and international observers. Until January 1999, he had been head of the Indonesian national intelligence agency, BIA, a body with years of experience in mounting counterintelligence operations in situations of just this sort.

Just as important, in the early 1990s Makarim had served as an intelligence officer in Aceh, in the context of a major counter-insurgency campaign in which thousands of people had been killed. One of the hallmarks of that campaign, though it was little known at the time, was the mobilization of local militia groups, and their deployment in crushing the armed opposition movement, Aceh Merdeka, better known as GAM (*Gerakan Aceh Merdeka*).<sup>§</sup> Maj. Gen. Makarim was widely believed to have been responsible for that operation, so his arrival in East Timor gave rise to concern that a similar strategy would be adopted there.

Makarim’s role as militia boss has not been, and may never be, confirmed. DSD intercepts from early September 1999, however, appear to confirm allegations that he served as a coordinator of the pro-autonomy campaign, of which the militia groups

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\* *Sydney Morning Herald*, “Silence over crime against humanity,” March 14, 2002.

† *Sydney Morning Herald*, “Silence over crime against humanity,” March 14, 2002.

‡ It is also noteworthy that violent militia groups appeared in West Papua at about the time Mahidin Simbolon, by then a Major General, was appointed Regional Military Commander there.

were only one part. Those intercepts, as reported, reveal Makarim contacting several of the key military and political players both in Dili and in Jakarta, and discussing with them the outcome of the vote, and post-ballot plans. Among those with whom he is said to have spoken frequently in the days immediately after the vote were the Coordinating Minister for Political and Security Affairs, Lt. Gen. (ret.) Feisal Tanjung, and two other retired Generals who were cabinet ministers at the time, Lt. Gen. Hendropriyono, and Maj.Gen. Yunus Yosfiah. All three of these men were old East Timor hands, with backgrounds in military intelligence or Kopassus, or both.

In Dili, Makarim reportedly spoke with Brig. Gen. Glenny Khairupan, another Army officer with East Timor experience, and the pro-autonomy leader Basilio Araújo among others. Those conversations, as they have been reported, revealed a preoccupation with the outcome of the vote and the potential defection of key militia leaders. In a conversation with Basilio Araújo, on September 4, 1999 Anwar apparently threatened to have militia leader Eurico Guterres killed if he switched sides at the eleventh hour. After asking Araújo to keep an eye on Guterres, Anwar is reported to have said: "I'll take care of him if he goes over to the other side."<sup>†</sup>

In short, the available evidence lends strong support to the general allegations made in the February 2003 indictment of Wiranto *et.al.* that:

“During the period leading up to the popular consultation, Indonesian officials established and strengthened civilian groups to campaign for the autonomy option...[and that] such groups were established and maintained by the active conduct of officials within the Armed Forces of Indonesia...and the civilian government.”<sup>†</sup>

### 6.3 Political and Legal Recognition

The militias were effectively given formal political and legal status by the Indonesian authorities. The granting of such recognition brought with it certain practical advantages for the militias, and it gave them access to inner circles of power. More importantly, it meant that Indonesian authorities bear legal and political responsibility for their actions, including violations of human rights.

Military, Police, and civilian authorities initially made no secret of their support for the pro-autonomy groups, and for the militias. Starting in late 1998, and with increasing frequency in early 1999, TNI, Police, and civilian officials took part in numerous

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\* *Sydney Morning Herald*, “Silence over crime against humanity,” March 14, 2002.

† Timor Leste, Deputy General Prosecutor for Serious Crimes, Indictment of Wiranto *et.al.* February, 2003, paragraph 10.

ceremonies marking the formation of militia groups, or spurring those already formed to take action against pro-independence forces.’ Those documented included inaugural ceremonies in Cassa, (December 12, 1998), Same (March 11, 1999), Viqueque (March 11, 1999), Dili (April 17, 1999), Maliana (April 1999), Suai (mid-April, 1999), Oecussi (May 1, 1999), Manatuto (May 8, 1999), Lolotoe (May 10, 1999), Laclubar (May 18, 1999) and Gleno (April or May 1999). Without exception, the respective Dandim, Kapolres and Bupati were present at all of these ceremonies. In some cases, the ceremonies were attended by higher ranking authorities, including the East Timor military commander, Col. Tono Suratman.<sup>†</sup>

One of the clearest examples of such public support came on April 17, 1999, when key officials – including the Governor of East Timor, the Bupati of Dili, Col. Tono Suratman, and Maj. Gen. Kiki Sjahnakri<sup>‡</sup> – gathered in front of the Governor’s office for a large pro-autonomy rally, attended by hundreds of militiamen from all over the territory.<sup>§</sup> According to various accounts of the rally, the militia leader, Eurico Guterres, urged those present to “conduct a cleansing of all those who have betrayed integration. Capture and kill them if you need to.”<sup>||</sup> Later that afternoon, an estimated 1,645 militias went on a rampage through Dili, firing their weapons and attacking the home of a prominent pro-independence leader, Manuel Carrascalão, and killing at least 12 people. (See Case Study: Carrascalão House Massacre).

No official voices were raised in protest against Guterres’ inflammatory remarks, and no serious effort was made to prevent the militia violence. On the contrary, powerful officials studiously avoided taking action, and in so doing effectively facilitated and condoned the violence. Among those who failed to act was the East Timor military commander, Col. Tono Suratman. As the militia rampage began, Manuel Carrascalão came to his office pleading for him to intervene. According to the Irish Foreign Minister, David Andrews, who was there, Colonel Suratman was dismissive, and did nothing.<sup>#</sup>

In addition to such *de facto* political recognition, the Indonesian authorities also conferred formal legal status on the militias. In the first few months of 1999, officials characterized the militia groups as Wanra, Hansip and Ratih and sometimes *Surwan* (abbreviation of *Sukarelawan* or Volunteers) – that is, as the officially sanctioned citizen’s auxiliaries that had been in existence for many years. This was not a mere public relations exercise; the same terminology was used in secret TNI reports and

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\* As UNAMET’s head of mission, Ian Martin, has written: “...there was no concealment of the degree of official approval of their existence: military, police, and civilian officials attended inaugural and other functions throughout the territory.” Ian Martin, *Self-Determination in East Timor*, p. 25.

† The ceremony in Manatuto – led by the Bupati and attended by an estimated 5,000 people – was attended by the Danrem, Col. Tono Suratman. See Kodim 1631/Manatuto, Secret Daily Situation Report, May 12, 1999 (Yayasan Hak Collection, Doc #23).

‡ According to unconfirmed accounts, Maj.Gen. Adam Damiri and Maj.Gen. Zacky Anwar Makarim were also in attendance.

§ A TNI intelligence report on the April 17 ceremony estimated that there were 1,645 militia members present. According to the report, the groups in attendance included: Aitarak (760), BMP (400), Laksaur (750), Mahidi (75), Ahi (80), Naga Merah (75), Morok (80), Alpha (50), and Saka (50). See: Dan Sat Gas Pam Dili to Dan Rem Up. Kasi, Intel Rem 164/WD and others. Secret Telegram No. STR/200/1999, April 17 (18?), 1999 (Yayasan Hak Collection, Doc #16).

|| Cited in Amnesty International, *Seize the Moment* (AI Index ASA 21/49/99), June 21, 1999, p. 20.



memoranda. In a letter of March 1999, for example, a Kopassus officer in Baucau described the militia groups Saka, Sera, and Alfa as ‘Ratih.’” The significance of this designation was that it confirmed that militia groups had been granted legal standing by the Indonesian authorities.

Such legal standing implied a privileged relationship with official bodies, notably TNI and Kopassus units. The nature of that special relationship is suggested by various documents from 1999. In a letter of March 1999, for example, a Kopassus officer requested the Baucau office of health services to make medicines available to some 600 Ratih members and their families. There was no immediate medical rationale for the request. Rather, the explicit intention was to reward them for supporting TNI operations, and to improve their morale.<sup>†</sup>

Even the Armed Forces Commander, Gen. Wiranto, evidently regarded the militia groups as an acceptable, and lawful, component of military strategy. In a contingency plan cited by the Indonesian Commission on Human Rights Violations in East Timor, Wiranto described the militias as follows:

“The armed force is about 1,100 people with 546 weapons of various kinds, including assembled [home-made?] weapons; they are joined in pro-integration organizations. The mass of militant supporters is 11,950 people joined in opposition organizations like Besi Merah Putih, Aitarak, Mahidi, Laksaur Meerah Putih, Guntur Kailak, Halilintar, Junior, Team Pancasila, Mahadomi, Abali and Red Dragon.”<sup>‡</sup>

Notwithstanding their view that such groups were legitimate, with the prospect of increased international scrutiny, Indonesian authorities made an effort to garb the new militia groups in a veneer of civilian legality. Starting in April 1999, key militia groups were formally designated as voluntary civil security organizations, or *Pam Swakarsa*. That term had been used to legitimize the gangs of youths mobilized to provide ‘security’ in other parts of Indonesia in preceding years. In discussions with UNAMET, and in public statements, government officials insisted that the groups in East Timor were not militias but Pam Swakarsa, and that their activities were entirely within the law.

The formal status of the militias as Pam Swakarsa is confirmed by two documents. The first is an order from the Governor, Abílio Osório Soares, and the East Timor Commander, Col. Tono Suratman, dated April 23, 1999 calling for the creation of Pam Swakarsa throughout the territory.<sup>§</sup> The second is an instruction from the District

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<sup>\*</sup> See: Komandan Satuan Lapangan-A, Satuan Tugas Tribuana VIII, to Kepala Dinas Kesehatan Tingkat-II, Kab. Baucau, “Permohonan Dukungan Obat Bulanan Pos Dan Kes Satlap-A,” March 1999 (Yayasan Hak Collection, Doc #14).

<sup>†</sup> Ibid.

<sup>‡</sup> Wiranto, cited in Report of the Indonesian Commission on Human Rights in East Timor (Internal), Jakarta, January 2000, paragraph 40.

government of Dili, also from April 1999, formally incorporating the Aitarak militia as integral elements of Pam Swakarsa, and listing a range of civilian and military officials as its leaders.\*

Even after the call to create Pam Swakarsa across the territory, TNI and other officials continued to portray the militias as part of the long-established civil defense apparatus; that is as Wanra, Hansip and Ratih. In a report of August 5, 1999 UNAMET MLOs in the District of Viqueque noted that TNI training with militias “is explained away as legitimate Wanra activity or as civic action on the part of TNI... Similar to the PAM-Swakarsa-isation of militias in Dili we have seen the militias associate with TNI under the guise of Wanra and Hansips.”†

Given the historical connection between these civilian auxiliaries and the new militias, this claim was perhaps somewhat closer to the truth. At the same time, it concealed the fact that, by June 1999, the militias had been formally organized into a single military-type structure, with the explicitly military name of the ‘Integration Fighters Force’ (*Pasukan Pejuang Integrasi – PPI*), and were subject to commands and instructions from the leaders of that organization. That structure, formally acknowledged by Indonesian authorities, adds weight to the claim that the militia groups were officially organized, not spontaneous, and that their actions – including acts of violence – were coordinated.

The official status of the militias, and their close relationship to the TNI, is further confirmed by a secret report, dated June 21, 1999, from the Kodim Dili to the Korem. The report is a response to a request from the head of military intelligence for East Timor for clarification on a number of human rights violations reported by the local NGO, *Yayasan Hak*. By way of checking into these reports, Kodim Dili ran the list past Aitarak, whose members were the principal perpetrators named in the complaint. Not surprisingly, Aitarak’s leadership declared that there was no truth to any of the allegations. It was revealing that that claim was accepted without further examination and was conveyed to the Korem as a Kodim finding. ‡

Militia leaders were also granted quasi-official status within state bodies responsible for security and political affairs. Militia leaders were routinely invited to meetings and briefings with TNI, Police and civilian authorities. Some of these meetings were secret affairs, but many were a matter of public record. When asked about such meetings, government and military officials sometimes claimed that they were intended to urge the militias to desist from unlawful activities. However, participants and witnesses consistently reported to UNAMET that a common purpose of the meetings was to convey strategic and tactical plans for deliberate acts of violence – including house burning, beating, and killing – against supporters of independence.

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\* See: Bupati Dili, “Surat Keputusan Bupati Kepala Daerah Tk. I Dili, No. 33 Tahun 1999, Tentang Pengamanan Swakarsa (Pam Swakarsa) dan Ketertiban Kota Dili,” May 14, 1999 (SCU Collection, Doc #304).

† UNAMET Viqueque, “Outline of Pro-Integration Militia in Viqueque Area,” August 6, 1999. Reprinted in UNTAET, Political Affairs Office, *Briefing Book on Political Affairs and Human Rights in East Timor*, November 1999.

In addition to countless low-level meetings, there were numerous meetings in 1999 between high-ranking military officers and militia leaders. In March 1999, for example, Maj. Gen. Damiri reportedly addressed a gathering of pro-autonomy and militia leaders at a luxury hotel in Bali, telling them that Indonesia was “behind them 100% and would never abandon them.”<sup>\*</sup> At Korem headquarters on June 18, Maj.Gen. Kiki Syahnakri, Maj.Gen. Zacky Anwar Makarim, Brig.Gen. Glenny Khairupan, Col. Tono Suratman, and several militia leaders reportedly met to discuss detailed contingency plans to influence the vote, and to cause mayhem in the event of a pro-independence victory.<sup>†</sup> A further high-level meeting is said to have taken place in Dili in the immediate aftermath of the vote. Attended by Maj.Gen. Zacky Anwar Makarim, Maj.Gen. Sjafrie Sjamsuddin, and several other senior TNI officers, the meeting reportedly discussed plans to destroy vital infrastructure, and to kill key pro-independence leaders, in the event that the ballot result favored independence.<sup>‡</sup>

It should be noted that meetings among key military, police, and civilian authorities were not unique to East Timor. Together, these authorities comprised an institution responsible for security issues that existed at each level of the Indonesian administrative hierarchy. Known as the *Muspida* at the district level, and by different names at lower levels of the administrative structure, these bodies met on a regular basis, in East Timor and in Indonesia itself. What was unusual about the situation in East Timor in 1999, was that militia leaders were invited to take part in such discussions. In effect, notwithstanding their responsibility for serious human rights violations, the militias were incorporated into the formal decision-making apparatus of the Indonesian state.

The official status of the militias, abundantly evident from their participation in such meetings, is further confirmed by a substantial number of official documents that are jointly signed by Indonesian authorities and militia commanders. These include, for example, an order co-signed by a Sub-District Military Commander (*Danramil*) and a Sub-District militia commander instructing on another militia leader and his men to attend a meeting at a designated place and time.<sup>§</sup> They also include scores of ‘travel permits’ (*surat ijin jalan*) co-signed by the militia commander Eurico Guterres and various military, police and civilian officials in early September 1999.<sup>||</sup> Among the most remarkable of these ‘travel permits’ is one co-signed by Guterres and the Chief of Staff for Kodim Dili, Capt. Manafe.<sup>#</sup> The document is remarkable because it grants travel permission to Capt. Manafe himself, and to his family. In other words, in September

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<sup>\*</sup> Dan Murphy, “Spotlight: School’s Out,” *Far Eastern Economic Review*, September 23, 1999.

<sup>†</sup> Douglas Kammen, “The trouble with normal: The Indonesian military, paramilitaries, and the final solution in East Timor,” in Benedict Anderson, ed., *Violence and the State in Suharto’s Indonesia*. Ithaca, NY: Cornell Southeast Asia Program, 2001.

<sup>‡</sup> “Maj.Gen. Zacky Anwar Makrim,” *Masters of Terror*, <http://yayasanhak.minihub.org/mot/booktoc.htm>; and “Sjafrie Sjamsuddin siapkan rencana drurat,” *MateBEAN*, September 1, 1999.

<sup>§</sup> The order (No. 02/HMP/Kec.BB/VII/1999), dated July 30, 1999, is signed by the *Danramil* for Bobonaro, Sgt. Poniran, and the Commander of the Hametin Merah Putih militia in Bobonaro, Alberto Leite (HRU Collection, Doc. BOB #10).

<sup>||</sup> See, for example, SCU Collection, Documents #42, 43, 53, 54, 57, and 283-299.

<sup>#</sup> See: Kepala Staf Kodim 1627 (Capt. Salman Manafe) and Wakil Panglima PPI (Eurico Guterres), travel permit No. SIJ/14/IX/1999, September 3, 1999 (SCU Collection, Doc #53).

1999, even the Kodim Chief of Staff needed and evidently accepted the legal authority of a militia commander in matters of security.

In short, the evidence presented in this chapter offers strong support for the conclusion that the militias were not independent bodies acting outside the purview of the Indonesian state, but were in fact created, supported and directed by Indonesian authorities. It demonstrates, moreover, that support for the militias was not provided simply by a handful of 'rogue elements' in the TNI, but constituted official policy, and had the backing of some of the highest ranking and most powerful officials in the country. These conclusions are based on three main findings.

First, the militias that wreaked havoc in 1999 were not new. On the contrary, they were the continuation of a well-established military and political strategy that had been employed by the Indonesian army in East Timor since the invasion in 1975. In fact, some of the militia forces active in 1999 had been mobilized by Indonesian forces at the time of the invasion, while others had been set up by Army officers in the 1980s and 1990s. Throughout the 24-year occupation of East Timor, such groups were trained, supplied and directed by the Indonesian Army, and used tactics virtually identical to those seen in 1999. This historical pattern provides powerful grounds to doubt the Indonesian claim that the militias emerged spontaneously and acted independently in 1999.

Second, high ranking military officers, in Dili, Denpasar, and Jakarta, were actively involved in forming the new militia groups, and in coordinating their activities, from mid-1998 through 1999. The evidence of continued official involvement comes from the testimony of former pro-Indonesian East Timorese leaders, and from the secret communications between Indonesian civilian and military officials in 1998 and 1999. This evidence points the finger at particular high-ranking officials, including: Gen. Wiranto, Lt. Gen. (ret.) Feisal Tanjung, Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Damiri, Col. Tono Suratman, and Maj. Bambang Wisnumurty.

Finally, there is unequivocal evidence that the militias were granted formal political and legal standing by Indonesian government and military authorities. Public statements in support of the militias, made by numerous officials, constituted expressions of formal state recognition and support for those groups. They may also be viewed as having encouraged, and even incited, militia groups to commit grave human rights violations. On those grounds, the case can be made that the militias were a formal arm of the Indonesian political and security apparatus, and that their actions were thereby the direct responsibility of Indonesian authorities. The militia's legal standing, moreover, was not merely theoretical, but was confirmed by the routine inclusion of militia leaders in the security and political deliberations and decisions of Indonesian officials at all levels. Thus, both in law and in practice, the militias acted with the full sanction of Indonesian authorities.

## 7. Militias: Recruitment, Training, Operations, and Weapons

The link between the militias and the TNI and other Indonesian officials is also clearly evident in the patterns of militia recruitment, training, operations, and access to weapons. Such patterns are significant because they demonstrate that the militias were not independent entities beyond official control, as the authorities have claimed, but rather existed and acted in accordance with TNI guidance and procedures. Moreover, they clearly implicate the TNI, including several high-ranking Army officers, in the commission of serious human rights violations by the militias.

### 7.1 Recruitment and Membership

Direct TNI involvement with the militias is revealed in the patterns of militia recruitment and membership in 1999. TNI soldiers and officers were directly and indirectly involved in the recruitment of militiamen, sometimes under duress. Equally important, TNI soldiers and officers served as militia leaders and falsely posed as militiamen, rendering the distinction between the TNI and the militias virtually meaningless.

Militia members were a varied group, and became involved for many different reasons. Some joined a militia group more or less willingly. They included men who had fought on the Indonesian side at some stage since 1975, who had relatives who had been killed by the pro-independence party, Fretilin, or who had done relatively well under Indonesian rule. Others were recruited directly from criminal gangs involved in gambling rings, protection rackets and so on, or they were seduced by the possibility of wielding a gun and exercising raw power over others.

A considerable number, however, joined under duress as part of the systematic official recruitment effort set in motion in early 1999 in the context of the pro-autonomy 'socialization' campaign. In each district a target was established by government and military authorities for the number of militiamen to be recruited. Typically, the target was about ten men per village. It was the responsibility of the respective Village Heads and Sub-District Heads to ensure that the target was met but, in keeping with the historical pattern described in Chapter 6, TNI officers were invariably involved.

Speaking to journalists in early 1999, the Korem Chief of Staff, Lt. Col. Supardi, said that the military had already recruited roughly 1,200 militiamen, and that recruitment was scheduled to continue until March.<sup>7</sup> The former pro-Indonesian figure, Tomás Gonçalves, has alleged that officers of the Kopassus unit Satgas Tribuana played an especially important role in recruitment efforts. Speaking in early 1999, he said:

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<sup>7</sup> "Lt. Col. Supardi," *Masters of Terror*, <http://yayasanhak.minihub.org/mot/booktoc.htm>

*“It’s these people who are recruiting the militias – they force them. If they don’t, they are picked up at night and killed. [Those who join] are given military training, arms, and indoctrinated.”*

Although it was not the case that all those who refused to join were killed, coercion and threats were common elements of the recruitment effort. At public meetings and in house-to-house campaigns conducted in early 1999, members of existing militias and TNI soldiers pressured men to join. Those who refused or resisted, for whatever reasons, were typically accused of harboring pro-independence sentiments, and were subjected to reprisals. Many had their homes burned and their families threatened, and some were killed. Where Village Heads or Sub-District Heads were themselves unenthusiastic about forming militia groups, they were subjected to threats and reprisals by militia groups, and TNI soldiers, from neighboring communities.

As one former militiaman testified: “They called us, took our names and said, ‘you’ve got to join this group.’ We said, ‘what are we joining it for?’ They said, ‘If you refuse to join, you’ll see what happens.’ So we were scared and we joined.”<sup>†</sup> Similarly, the wife of a man who had fled his village after refusing to join the militias testified that: “They came to our village and destroyed everything. They killed our chickens, they took what they could carry and sold it. And they said, if [they couldn’t] find [my] husband they would come back and beat me and my children to death.”<sup>‡</sup>

In addition to those who were recruited under duress, and those who joined willingly, there were some ‘militiamen’ who were evidently not East Timorese civilians at all, but Indonesian army soldiers dressed up as local militias. Particularly in the pre-UNAMET and post-ballot periods, there were frequent reports that the militiamen were in fact TNI soldiers in civilian clothing. Drawing on the testimony of rape survivors from 1999, the UN Special Rapporteurs reported in late 1999 that:

*“...on many occasions no distinction could be made between members of the militia and members of the TNI, as often they were one and the same person in different uniforms.”<sup>§</sup>*

Film footage, shot in 1999, which shows a TNI soldier changing into militia ‘costume’ and donning a long-haired ‘militia’ wig, lends support to allegations that at least some of the militia were not what they appeared. In some cases, Indonesian authorities acknowledged that militia members were, in fact, TNI officers. In August 1999, UNAMET officials wrote to Task Force chief, Agus Tarmidzi and to Maj. Gen. Zacky Anwar Makarim, to complain about the involvement of TNI officers in militia activities. Among the TNI officers they mentioned by name were Sgt. Domingos dos Santos and Sgt. Juliao Gomes, both attached to the Kodim in Bobonaro.<sup>||</sup> In reply, Makarim

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\* Cited in “Timor Coup Planned,” *The Age*, June 22, 1999.

† Cited in SBS, *Dateline*, “Timor Terror Fund,” February 16, 2000, transcript, p. 34.

‡ Cited in ABC, *Four Corners*, “A License to Kill,” March 15, 1999, transcript, p. 6.

§ United Nations, *Situation of Human Rights in East Timor*, December 10, 1999, p. 12.

|| The two were named in Ian Martin’s letter to Agus Tarmidzi, dated August 19, 1999. Cited in Greenlees and Garran, *Deliverance*, p. 184.

acknowledged that the two men were indeed TNI officers and members of the DMP militia. In an apparent effort to deflect UNAMET criticism, he claimed, incorrectly, that the two officers had been confined to barracks.\*

A number of military and government documents from late 1998 and 1999 confirm that there was considerable overlap in the TNI and militia membership, and that some militia members were in fact enlisted TNI soldiers. For example, a document from late 1998, listing 49 members of the Viqueque-based militia group Makikit, indicates that six of those listed were actually soldiers from TNI Infantry Battalion 328.† A letter from militia leader, Eurico Guterres to the Dandim of Dili suggests that it was a routine matter for TNI officers to be deployed within militia units. The letter, dated June 22, 1999, requests the Dandim of Dili to permit a TNI intelligence officer (1st Sgt. Elizario da Cruz P.) to serve with Aitarak for an indefinite period.‡

Another document confirms these patterns, and also reveals that some ‘militia’ groups were, in fact, formally constituted special TNI units. An official list of 91 members of the militia group Saka (also known as Pusaka), dated February 3, 1999, shows that all were TNI soldiers, with military ranks and serial numbers, and that the unit was officially designated as a ‘special company’ of Kodim 1638/Baucau. In other words, Saka was not a volunteer civilian force at all, but a special TNI unit. The same document shows, moreover, that the commander of the company, Joanico Cesario Belo – who was also Commander of PPI Sector A – was in fact a Kopassus officer, with the rank of 1st Sergeant.

Finally, several internal documents of the Aitarak militia clearly show that TNI personnel were members of the militia, and that they were paid as such. One such document, prepared by the Aitarak treasurer and dated August 24, 1999, is a summary of wages paid out to the group’s members. Among those paid were 96 persons who were either TNI members or government civil servants.§

The direct involvement of TNI forces and officers in the forcible recruitment of militiamen in 1999, and the significant and formally sanctioned overlap between militia and TNI memberships, leaves little room for doubt about the TNI-militia link. It also underlines the case that the TNI leadership bears responsibility for human rights violations committed by militia forces.

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\* Personal communication, Ian Martin, June 1, 2003.

† See: Kodim 1630, “Daftar: Nominatif Pemegang Senjata Team Makikit,” undated, but found at Kodim 1630 on November 28, 1998 (Yayasan Hak Collection, Doc #4).

‡ See: Komandan Komando Pasukan Aitarak Sector B (Eurico Guterres) to Dandim 1627/Dili and others. Letter No. 46/PD/MK-AT/VI/199 concerning “Permohonan Dispensasi,” June 22, 1999 (Yayasan Hak Collection, Doc #31).

§ According to the report, the 96 were each paid Rp.120,000. See: Memorandum from Treasurer to Eurico Guterres concerning Aitarak budget, August 28, 1999 (SCU Collection, Doc #79).

## 7.2 Training

Notwithstanding strenuous official denials, there is no doubt that the TNI provided training to the militias on a regular basis.\* Like the evidence of forced recruitment and overlapping membership with the militias, the evidence of training clearly implicates the TNI in militia violence.

In a rare instance of official candor, in early January 1999 the Korem Chief of Staff, Lt. Col. Supadi, reportedly told journalists that the military had indeed given new militias two-week training courses.† His admission of a TNI role was confirmed by numerous reports by contemporary observers, and by substantial testimonial evidence gathered since 1999. The pivotal role of the TNI in militia training, however, is most convincingly demonstrated by the documentary record.

Four documents are especially revealing. The first is a secret telegram from the Danrem, Col. Tono Suratman, dated April 13, 1999, which orders all Dandim to exercise greater care and discipline in training Ratih (*i.e.* militia) units in their districts. In doing so, it confirms that the training of militia groups was routine, and that it was subject to the oversight and control of one of the highest-ranking military officers in the territory, Col. Suratman. In the relevant passages of the April 13 telegram, Suratman orders all Dandim to:

“Carry out security precautions and activities in the context of each Ratih training session to ensure that such activities proceed smoothly;” and “Insist upon strict order and discipline in order to prevent any losses, physical or non-physical, inside and outside the training unit.”‡

Significantly, the Danrem’s telegram is based on an order from the Regional Military Commander, Maj. Gen. Adam Damiri (No. STR/90/1999, undated), confirming that such training was done with his knowledge, and under his orders. Moreover, the Danrem’s telegram of April 13, 1999 cites for authority a 1996 order of the Army Chief of Staff concerning the appropriate procedures for recruiting and training Ratih. In so doing, the telegram confirms that the militia training in 1999 was regulated by well-established rules and procedures issued at the very highest levels of the TNI. The relevant passages of the Danrem’s telegram orders all Dandim to:

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\* Testifying before the Ad Hoc Human Rights tribunal in Jakarta, in October 2002, Col. Tono Suratman categorically denied that the TNI had ever provided training to East Timor’s militias. “We never educated or trained them,” he said. See “Tono Bantah Keterlibatan TNI dan Polri,” *Media Indonesia*, October 23, 2002.

† “Lt. Col. Supadi,” *Masters of Terror*, <http://yayasanhak.minihub.org/mot/booktoc.htm>.

‡ Danrem 164/WD to Dandim 1627-1639 and others. Secret Telegram No. STR/44/1999, April 13, 1999 (Yayasan Hak Collection, Doc #10).



“Stress the preparation of a Security Plan when putting together any *Ratih* Training Plan, in accordance with Army Chief of Staff directive No. ST/1156/96 of 26 November 1996” and “Pay due attention to the stipulated requirements for all volunteers who are used to ensure that they are consistent with existing requirements/regulations and procedures.”

The second document relevant to the issue of training is a secret telegram, dated April 16, 1999, from the Dandim of Dili to all Danramil under his command. Referring to the Danrem’s telegram of April 13, 1999, his telegram reminds all Danramil of the existing “regulations and procedures” governing the training of *Ratih*. In this way, it provides additional confirmation that the training of militias was a routine TNI task, conducted throughout the territory at least down to the Koramil level, in accordance with established regulations and procedures.<sup>†</sup>

The third document of importance is a secret TNI intelligence report from Kodim Liquica, dated April 18, 1999. It reports, among other things, on a visit to the towns of Liquica and Maubara by the Danrem, Col. Tono Suratman in mid-April. The document confirms not only that the TNI was actively involved in training the BMP militia at that time, but also that Col. Suratman played a direct role in it. The relevant passage of the report reads:

“On April 16, 1999 at 1400 hours, the Dan Rem 164/WD and his entourage arrived at the Kodim headquarters in Liquica. Later he visited Koramil 1638/Maubara in order to offer words of guidance to some 500 BMP members there...”<sup>‡</sup>

It is noteworthy that this address by Suratman to the BMP in Maubara occurred only two weeks after these very militias spearheaded the violent assault on the church in Liquica in which dozens of people were killed. It is also worth stressing that Col. Suratman addressed the militiamen while they were gathered at an official TNI post, the Koramil headquarters in Maubara.<sup>§</sup>

The fourth document is a daily situation report, dated May 20, 1999, from Kodim 1631/Manatuto to the Korem head of intelligence, Maj. Bambang Wisnumurty, copied to the

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<sup>\*</sup> Ibid.

<sup>†</sup> Kepala Staf Kodim 1627 (Capt. Salman Manafe) for Dandim 1627, to Daramil 01-04 and others. Secret Telegram No. STR/198/1999, April 16, 1999 (Yayasan Hak Collection, Doc #13).

<sup>‡</sup> Perwira Seksi Intelijen Kodim 1638 to Kepala Seksi Intelijen Korem 164/WD, Dan Sektor B, and others, “Laporan Harian Seksi Intelijen Dim 1638/Lqs Periode tgl. 16 s/d a7 April 1999,” April 18, 1999 (Yayasan Hak Collection, Doc #11).

<sup>§</sup> It may also be significant that Suratman’s visit took place exactly one day before a team from the Army Inspector General’s office came to the district to investigate the Liquica Church massacre.

Commander of Satgas Tribuana.<sup>\*</sup> Among other things, the report states explicitly that, on May 17, 1999 two senior TNI officers had given “guidance” to militiamen at the Morok militia base in Manatuto. The two officers in question were the Commander of Sector A, Col. Sunarko, and the Commander of “Sub-Sector Manatuto,” who was not identified by name.<sup>†</sup> Thus, in addition to confirming that the TNI was involved in training militias, this report points clearly to the role of high-ranking Sectoral commanders in that effort.<sup>‡</sup> It also shows that senior intelligence and Kopassus officers, notably Maj. Bambang Wisnumurty at the Korem and the Commander of Satgas Tribuana, Lt. Col. Yayat Sudrajat, were fully aware of the situation.

Taken together, these documents confirm abundant testimonial evidence that the training of militias was a standard element of TNI activity in East Timor in 1999. They also show that the training was governed by a set of well-established rules and procedures, and in accordance with orders issued by officers at the highest levels of the military hierarchy, including the Danrem, Col. Tono Suratman, the Pangdam IX, Maj. Gen. Adam Damiri, and the Army Chief of Staff.

### 7.3 Operations

There is also substantial evidence, both testimonial and documentary, that militia groups received direct operational support from the TNI in 1999. Operational support took a variety of forms. In some cases, especially in the pre-UNAMET and post-ballot periods, TNI soldiers were deployed alongside militias in operations that resulted in serious human rights violations. In other cases, most commonly during the UNAMET period, militias were allowed to use TNI bases and posts as staging areas for their operations.

Joint TNI-militia operations had two distinctive features. First, TNI soldiers typically took up positions behind militia forces, firing their weapons only when their militia proxies were in danger. Second, in the case of killings, TNI officers and soldiers generally took the lead in organizing the disposal of bodies.

One of the clearest examples of this pattern was the April 6 massacre in the church at Liquica. In that case, hundreds of BMP and Aitarak militiamen attacked a group of people who had taken refuge in a church compound in Liquica, killing dozens. Present throughout the attack were well-armed TNI, Police, and Mobile Brigade (*Brimob*) troops. Not only did those troops do nothing to prevent the attack, or to stop it once it was underway, by most accounts they helped to carry it out. A BMP member involved in the attack later told UNAMET that the dead bodies had been taken away in at least

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<sup>\*</sup> Perwira Seksi Intelijen (Capt. Dulhadjar) Kodim 1631/Manatuto to Kasi Intel Korem 164/WD, Dan Satgas Tribuana, and others. Secret Daily Situation Report, May 20, 1999 (Yayasan Hak Collection, Doc #24).

<sup>†</sup> This may have been Lt. Col. Nyus Rahasia, a Kopassus officer who was reportedly in Manatuto from mid-May to mid-June coordinating military-style training for the militias there. (See District Summary: Manatuto).

<sup>‡</sup> Other documents confirm the role of the Sectoral commands in training the militias. They include an order, dated April 27, 1999, from the Danrem, Col. Tono Suratman, to the Commanders of Sector A and Sector B, instructing them temporarily to cease regular morning drills of pro-integration forces (*i.e.* militias). See: Danrem 164/WD to Dan Sektor A and B. Secret Telegram, April 27, 1999 (Yayasan Hak Collection, Doc #18).

five military trucks. Notably, a secret Police report on the incident noted that the close ties between the TNI and the militias had been an obstacle to Police investigations\* (See Case Study: Liquica Church Massacre).

With the deployment of UNAMET in June 1999, and the arrival of hundreds of journalists and observers, the TNI made an effort to avoid being seen with militias.† The shift in tactics led to a decline in reports of joint TNI-militia operations after early June and, probably not by coincidence, to a decline in the absolute levels of human rights violations in East Timor. Nevertheless, joint TNI-militia operations did continue. For example:

- In mid-June 1999, UNAMET officials directly witnessed TNI and militia forces forcibly displacing the population of certain villages in Liquica, and burning the contents of their houses.‡
- In late June, officers of the Bobonaro District Military Command were observed coordinating an attack by members the Dadurus Merah Putih militia against the UNAMET headquarters in the town of Maliana (See Case Study: Attack on UNAMET Maliana).
- In mid-August, UNAMET personnel in Viqueque witnessed TNI and Police members coordinate and join local militias in an attack on pro-independence youths that left at least two people dead.§
- On ballot day, August 30, a group of militiamen accompanied by TNI soldiers stabbed and killed two UNAMET staff members near the polling booth in Boboe Leten, Ermera District. Later investigations revealed that the Sub-District Military Commander took part in planning and carrying out the attack (See Case Study: Murder of UNAMET Staff Members in Boboe Leten).

There is also substantial testimonial and documentary evidence that TNI forces allowed militias to use TNI bases and posts as staging areas for their operations. One piece of evidence is a secret telegram, dated April 18, 1999, from the Dandim Dili to, Lt. Col. Endar Priyanto, the Danrem, Col. Tono Suratman. The telegram reports, in a matter of fact way, that up to 250 Aitarak members had gathered inside the 744 Battalion's Company B headquarters in Dili in the course of a 'cleansing' operation that left at least one pro-independence youth dead. The report reads:

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\* In a section called "Obstacles encountered," the report states bluntly that "Army support for the pro-integration group strongly influenced the investigation process." Kepolisian Daerah Timor Timur, Direktorat Reserse, "Laporan Penanganan Kasus Liquisa," April 15, 1999. Reprinted in UNTAET, Political Affairs Office, *Briefing Book on Political Affairs and Human Rights in East Timor*, Dili, November 1999. 22 The shift in approach was confirmed by a radio communication, intercepted by Australian intelligence on June 1, 1999. In that radio exchange, Korem Commander Col. Tono Suratman reportedly told militia leader, Eurico Guterres: "Don't deal with me directly. Contact me via [Korem Head of Intelligence, Maj.] Bambang [Wisnumurty]. *Sydney Morning Herald*, "Silence over crime against humanity," March 14, 2002.

† The shift in approach was confirmed by a radio communication, intercepted by Australian intelligence on June 1, 1999. In that radio exchange, Korem Commander Col. Tono Suratman reportedly told militia leader, Eurico Guterres: "Don't deal with me directly. Contact me via [Korem Head of Intelligence, Maj.] Bambang [Wisnumurty]. *Sydney Morning Herald*, "Silence over crime against humanity," March 14, 2002.

‡ For a detailed report of that incident see UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

§ For further details, see UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

“At 1315 hours on April 18, 1999 one element of the Aitarak forces finished their cleansing operation and returned to Company B of Battalion 744/SYB where they joined the other Aitarak groups who had gathered there earlier. They then returned to the Tropical Hotel.”

It is worth recalling that this degree of TNI cooperation – and acquiescence – occurred just one day after Aitarak had gone on a violent rampage through Dili in which they killed at least 12 civilians who had taken refuge in the home of Manuel Carrascalão (See Case Study: Carrascalão House Massacre).

The same pattern – of TNI facilities and premises being made available to militias – was evident throughout the territory. In Lautem, for example, Kopassus shared its headquarters with the Team Alfa militia group, and provided it with logistical and transportation support (See District Summary: Lautem). In at least two Sub-Districts of Covalima, the Laksaur militia headquarters were located right inside the Koramil.<sup>†</sup> In Liquica, as we have seen, the Koramil in Maubara Sub-District doubled as the BMP militia headquarters (See District Summary: Liquica). Such examples could be cited for virtually every District in the country.

The pattern of TNI-militia joint operations shifted again in the post-ballot period. With UNAMET under siege in its main headquarters, and virtually all observers and journalists having fled the country, the TNI was free to engage in acts of violence, both directly and jointly with militias. It was in this context that some of the clearest examples of joint TNI-militia operations occurred. These included, among many other cases, the massacre of at least 40 and perhaps as many as 200 people at the church in Suai on September 6; the massacre of at least 14 refugees in the Maliana Police Station on September 8; and the systematic execution of at least 82 people in the Sub-District of Oesilo in Oecussi District between September 8 and 10. (See Case Studies: Suai Church Massacre; Maliana Police Station Massacre; and Passabe and Maquelab Massacres).

Witnesses to the post-ballot violence have also testified that TNI soldiers routinely did nothing to prevent or stop the militias from committing acts of violence. A clear example of that pattern occurred right under UNAMET’s nose. On September 10, three days after the declaration of Martial Law, UNAMET staff watched as a group of armed militia approached the school-yard next to the compound and began to attack the people gathered there. Scores of combat-ready Kostrad soldiers and Indonesian Police who were supposed to be protecting the area not only failed to stop the militias, but actually joined them in smashing the windows of UN vehicles and either looting them or stealing them.<sup>‡</sup>

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\* Dan Sat Gas Pam Dili to Dan Rem Up. Kasi, Intel Rem 164/WD and others. Secret Telegram No. STR/202/ 1999, April 18,

† See Timor Leste, Deputy General Prosecutor for Serious Crimes, Indictment against Herman Sedyono, *et.al.* Dili,

‡ According to an internal TNI document, the UNAMET compound was being guarded by a full Kostrad Company (91 soldiers) and 100 Indonesian Police, under the command of Infantry Capt. Catur. See: Dandim 1627/Dili (Lt. Col. Soedjarwo), “Data Kekuatan Pengamanan UNAMET dan Objek Vital,” September 1999 (Yayasan Hak Collection, Doc #45). For a detailed, first-hand account of the September 10 assault, see UNAMET, Political Affairs Office, “Note on Militia Incursion into UNAMET Compound, 10 September 1999,” in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

When a UNAMET staff member asked one of the Kostrad soldiers why he and his colleagues did not shoot at, or at least apprehend, the militias, the soldier replied that his unit had no orders to do so. And when Gen. Wiranto was confronted with these facts by the visiting UN Security Council delegation that same day, he denied that there was a problem and insisted that the security situation in Dili was under control.

## 7.4 Weapons: Testimonial Evidence

Some of the clearest evidence of the TNI link to the militias lies in the fact that military officials supplied the militias with modern firearms, and permitted them to carry a range of other weapons in contravention of the law. TNI involvement in distributing weapons to militias, and their refusal to enforce laws against the possession of weapons, constituted a clear case of official complicity in the acts of violence they committed. This is all the more so in view of the knowledge military commanders had – knowledge that is confirmed by documentary evidence – of the use to which the weapons were being put.

The earliest evidence that weapons were being distributed to the militias came from the public statements of high-ranking TNI officers, and from two key militia leaders. In early 1999 the Korem Chief of Staff, Lt. Col. Supadi, reportedly told journalists that the military had supplied weapons to the militias. “If we don’t arm them,” he said, “there will be more victims on our side. It is better for there to be victims on their side.” In February, the Korem Deputy Commander, Col. Mudjiono, told a journalist that firearms had been distributed to pro-integration groups to allow them to resist Falintil forces.<sup>†</sup> The Regional Military Commander, Maj. Gen. Adam Damiri, also told the media that the TNI had supplied arms to the militias, though he denied that the intention was to support the pro-integration side.<sup>‡</sup> In early February, the Army Chief of Staff, Gen. Subagyo Hadisiswoyo, said that the Army was arming ‘Wanra’ auxiliaries to help the armed forces secure East Timor.<sup>§</sup> In mid-February, the Armed Forces spokesman in Jakarta, Gen. Sudradjat, confirmed that guns had been distributed to the militias, but insisted that “we only give weapons to those we trust.”<sup>||</sup>

At about the same time the leader of the Mahidi militia, Cancio Carvalho, told journalists that the TNI had given his group 20 Chinese-made SKS automatic weapons in late December 1998, which had then been used to carry out a number of deadly attacks on nearby villages.<sup>#</sup> The attacks reportedly included one in Galitas village, in

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\* “Lt. Col. Supadi,” *Masters of Terror*, <http://yayasanhak.minihub.org/mot/booktoc.htm>.

† “Up in Arms,” *Far Eastern Economic Review*, February 18, 1999.

‡ Cited in East Timor International Support Center (ETISC), *Indonesia’s Death Squads: Getting Away With Murder*. Darwin: ETISC Occasional Paper No. 2. May 1999, p. 12. Damiri made a similar remark shortly before the attack on the Liquica church, noting that the military had supplied weapons to a “limited number” of militia groups. See “Timor Needs No Foreign Soldiers,” *Indonesian Observer*, April 5, 1999.

§ “KSAD Jelaskan Soal Sipil Dipersenjatai,” *Media Indonesia*, February 2, 1999.

|| Cited in ETISC, *Indonesia’s Death Squads*, p. 13.

# “Crossbows and Guns in East Timor,” *Economist*, v. 350 n. 8106 (February 13, 1999), p. 40.

Zumalai, on January 25, 1999, in which several people were killed, including a pregnant woman and a 15-year-old boy\* (See District Summary: Covalima).

Speaking to journalists shortly after these events, Cancio Carvalho – who, it may be recalled, had close ties with Mahidin Simbolon, the Chief of Staff of Kodam IX admitted to his personal involvement in the killings: “The attack was like this. I fired like this. I was leading them and we attacked in two lines. I ordered them to fire in a scissor action, like this. The woman was torn apart. I didn’t cut her.” He also sought to explain why the woman and other victims had been targeted: “This woman was the wife of a Falintil commander. I’m not sure if the old man was a trouble maker or not.”†

Cancio Carvalho’s brother, Francisco Carvalho, a former General Secretary of the pro-Indonesian party Apodeti, had little doubt that the TNI had distributed weapons: “Guns have been handed out” he said at the time, “everyone knows that.”‡ Likewise, the Aitarak militia leader, Eurico Guterres, confirmed that weapons had been distributed, but insisted that: “I was given guns not just to protect myself and the other integrationists but to protect opponents of integration as well.”§

The direct involvement of high-ranking TNI authorities in the distribution of weapons in this period has been summarized in the indictment filed against eight senior Indonesian officials by East Timor’s Deputy General Prosecutor for Serious Crimes.¶ The indictment directly implicates Maj. Gen. Kiki Syahnakri, Maj. Gen. Zacky Anwar Makarim, Col. Tono Suratman, and Lt. Col. Yayat Sudrajat in these acts. The relevant passages read as follows:

“19. In or about March 1999 Kiki SYAHNAKRI met with pro-Indonesian East Timorese leaders at TNI headquarters in Jakarta. SYAHNAKRI told the group that TNI would support their pro-Indonesian efforts and that MAKARIM was responsible for coordinating activities leading up to the popular consultation. SYAHNAKRI told them that firearms had been sent to East Timor, and that when the men returned to Dili they should contact SURATMAN to arrange distribution of the firearms...

23. In or about March 1999 SUDRAJAT and other members of the TNI delivered a large number of firearms to a pro-Indonesian East Timorese leader. SUDRAJAT asked the East Timorese leader to give the weapons to pro-Indonesian militia groups.

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\* ABC, *Four Corners*, “A Licence to Kill,” March 15, 1999; and ETISC, *Indonesia’s Death Squads*, p. 12.

† ABC, *Four Corners*, “A License to Kill,” March 15, 1999, transcript, p. 10.

‡ ABC, *Four Corners*, “A License to Kill,” March 15, 1999, transcript, p. 11.

§ ABC, *Four Corners*, “A Licence to Kill,” March 15, 1999, transcript, p. 5.

¶ Timor Leste, Deputy General Prosecutor for Serious Crimes, *Indictment of Wiranto et.al.* February 2003.

24. In or about April 1999 MAKARIM told TNI commanders and pro-Indonesian East Timorese leaders that they should work hard for autonomy because if autonomy lost, more blood would flow. He offered pro-Indonesian East Timorese leaders the use of automatic firearms and ordered SURATMAN to arrange for the collection and distribution of the firearms.

25. In or about April 1999 SURATMAN, after being asked by MAKARIM to provide automatic firearms to pro-Indonesian East Timorese leaders, ordered his subordinate SUDRAJAT to arrange for the collection and distribution of the firearms.”

Faced with widespread international condemnation for the massacres in Liquica and Dili, in April 1999 the Indonesian authorities began to deny that weapons had ever been distributed, and efforts were made to conceal any further distributions.’ But a substantial body of evidence indicates that weapons continued to be made available to the militias after April.

Perhaps the most obvious evidence was the fact that militiamen throughout the country were seen carrying, and using, modern TNI and Police-issue weapons, including M-16s, SKSs, S-1s, and hand grenades, while a larger number had Portuguese-era Mauser and G-3 rifles. Even if one accepts the implausible claim that these weapons were not distributed by the TNI or Police, the fact remains that the authorities took no measures to take the weapons away, or to bring charges against those in possession of them. The only reasonable explanation is that the authorities wished to ensure that the militias had access to firearms.

The same conclusion can be drawn from the actions of officials and militia leaders when the question of disarmament, long a subject of intense discussion, came to a head in mid-August 1999. As noted in Chapter 1, in early August 1999 Falintil began to withdraw its armed units into four ‘cantonment’ areas in different parts of the country. There they remained, in spite of the mounting threat of violence by militias and TNI forces as ballot day approached. UNAMET officials expressed appreciation for Falintil’s evident commitment to avoiding armed conflict through cantonment, and called on the militias, and the TNI, to do the same.

TNI and militia leaders refused categorically to do so, but in the face of mounting international pressure, in mid-August they organized four public ‘cantonment ceremonies,’ at which militiamen handed over an assortment of weapons to local military and Police authorities. Most outside observers, including UNAMET Military Liaison

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\* The denials became even more emphatic after the terrible violence of September 1999. Testifying before the Ad Hoc Human Rights Tribunal in Jakarta, Col. Tono Suratman categorically denied that the military had supplied weapons to the militias. “We never gave them weapons,” he said. See “Tono Bantah Keterlibatan TNI dan Polri,” *Media Indonesia*, October 23, 2002.

Officers (MLOs), expressed deep skepticism that the weapons publicly transferred represented anything more than a small fraction of the arms in militia hands. They also noted that, in view of the fact that militiamen were not in fact in cantonment, there was no guarantee that the weapons returned would not be redistributed to the militias immediately after the ceremonies.

By most accounts that is exactly what happened. As ballot day approached, the distribution of weapons to militias increased substantially, and with the departure of most international observers after September 4, TNI officials were once again free to distribute arms to the militias without inhibition. Credible eye-witness testimony suggests that large numbers – perhaps in the hundreds – of firearms were distributed by the TNI and the Police after the vote. This pattern suggested not only a close relationship between the militia and the TNI, but a degree of planning and co-ordination on the part of the latter, at least at the Korem level and probably higher. That conclusion also accords with evidence that high-ranking TNI officers were involved in the provision of weapons in the pre-ballot period.

It would be misleading, however, to suggest that the militias were fully equipped with sophisticated, modern firearms. While some did have access to such weapons, the average militiaman was armed with so-called ‘home made’ guns (*senjata rakitan*), as well as machetes, swords, knives, and spears. Fashioned from two or more tubes of steel attached to a wooden grip, a *senjata rakitan* was fired by holding a match or cigarette lighter to a fuse on top of the weapon, at the base of the steel tubes. The resulting explosion sent a ball or cluster of metal down the tubes and more or less in the direction of the target. To the untrained eye, they resembled 17th or 18th century firearms, and by all accounts they were just as unreliable.

At first glance, the militia’s reliance on such low-tech weapons does not seem to accord with the claim that they were officially backed by the TNI, or that the violence was carefully planned. If they were serious about using the militias to intimidate the opposition and to create mayhem, surely the TNI would simply have given them all access to sophisticated weapons and let them loose. On closer analysis, however, it is clear that the use of such basic weapons technology is entirely consistent with the evidence of TNI distribution of weapons, and co-ordination of militia violence.

From the point of view of TNI strategists, home-made guns, machetes, knives, spears, swords, and rocks had at least three advantages. First, they made it easier to sustain the illusion that the militias had grown spontaneously from the community. Second, there was much less danger that such rudimentary weapons could be turned against the TNI or Police in the event of a mutiny, or of the weapons’ loss or sale to the other side.\*

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\* UNAMET MLOs in Viqueque suggested this concern in relation to the militia group 59/75 Junior, in an August 1999 report: “We do not believe that TNI or KOPASSUS trust 59/75 Junior rank and file to issue them with weapons and ammunition.” UNAMET, MLO-Viqueque, Sitrep, August 5, 1999, p. 3. This report is reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.



Finally, despite their simplicity, these weapons were extremely effective in spreading terror. Although senjata rakitan were almost as likely to injure their owners as their intended targets, they could inflict serious wounds, and they had a terrifying effect. The same was true of machetes, knives, spears, swords, and rocks.

## 7.5 Weapons: Documentary Evidence

In addition to such testimonial evidence, a number of secret documents have come to light since 1999 confirming direct TNI responsibility in distributing weapons to, and tolerating their possession by, militia groups. These documents demonstrate, moreover, that TNI officers exercised careful control over the flow of weapons, handing them out and calling them back in accordance with their military and political objectives.

One important piece of evidence is a document from the District Military Command in Baucau (Kodim 1628/Baucau) dated February 3, 1999. The document lists 91 members of the Pusaka Special Company, also known as the Saka militia. Titled “List of Members of the Pusaka Special Company, Kodim 1628/Baucau,” the document records the type and registration number of the weapon assigned to all but one member of the group. The weapons listed include: 1 PMI/Pindad, 19 G-3s, 56 SP-IIIs, 10 SP-Is, 1 FNC, 1 M16A1, 1 AK, and 1 Mauser. The document is signed by the well-known militia leader, Joanico C. Belo, who is identified as a First Sergeant and Commander of the Pusaka Special Company.<sup>\*</sup>

A second document relevant to the question of TNI weapons distribution is a list prepared by the Kodim in Viqueque, listing more than 49 members of the Makikit militia. Titled “List of Team Makikit Members Authorized to Carry Weapons,” the document specifies the type and registration number of the weapon assigned to each member. The weapons listed include 3 M16A-1s, 35 SP-1s, and 11 Garands. The document is undated, but a marginal note indicates that it was found at Kodim 1630/Viqueque on October 28, 1998.<sup>†</sup>

A third piece of documentary evidence bearing on the question of weapons is a secret telegram, dated February 2, 1999, from the Danrem to all Dandim and to the Commander of Satgas Tribuana, issued in anticipation of a visit to East Timor by a UN delegation later that month.<sup>‡</sup> The document makes it clear that the TNI had temporarily withdrawn weapons from the militias and then later returned these weapons to them. The telegram orders all Dandim and the Commander of Satgas Tribuana V to prepare reports on acts of violence committed against militias by the pro-independence side, and instructs them to focus on the “period after weapons were withdrawn from the Ratih and Surwan until the weapons were returned to them.”

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<sup>\*</sup> Kodim 1628/Baucau, “Daftar: Nominatif Anggota Kompi Khusus Pusaka, Kodim 1628/Baucau,” February 3, 1999 (Yayasan Hak Collection, Doc #9).

<sup>†</sup> Kodim 1630/Viqueque, “Daftar: Nominatif Pemegang Senjata Team Makikit,” undated, but found at Kodim 1630/Viqueque on November 28, 1998 (Yayasan Hak Collection, Doc #4).

<sup>‡</sup> Danrem 164/WD to Dandim 1627-1639, Dansatgas Tribuana, and others. Secret Telegram No. TR/46/1999, February 2, 1999 (Yayasan Hak Collection, Doc #8). According to the telegram, there was to be a visit by the “Head of the UN Commission on Human Rights” on February 29, 1999.

The fact that this order was copied to the Commander of Satgas Tribuana indicates that Kopassus was integrally – though not exclusively – involved in the distribution and control of weapons.\*

The role of Kopassus in distributing weapons and in training has been confirmed in court proceedings conducted since 1999. In April 2000, a leader of the Sakunar militia group in Oecussi, Laurentino Moko, testified in an Indonesian court that he had been given guns in 1999 by two Kopassus officers† (See District Summary: Oecussi). Similarly, in the trial of several members of the Team Alfa militia convicted of killing five members of the clergy and four other people on September 25, 1999 the militia leader, Joni Marques, testified that he had been trained by Kopassus since 1986, and had received weapons from Kopassus officers after the August 30 ballot.‡ In its judgement in the case, the Dili District Court concluded that: “Kopassus Special Forces provided weapons and training to the members of Team Alfa”§ (See Case Study: Murder of Los Palos Clergy).

It is worth noting that, while demonstrating direct TNI, and Kopassus, involvement in arming the militias, this evidence also confirms that the militias were not given unrestricted access to modern firearms. Rather, the weapons were stored – usually at a military command post – and distributed to militias in advance of particular military operations. After an operation, the weapons would be returned to the military. Speaking to Indonesian investigators in late 1999, Gen. Wiranto made precisely this point: “Sometimes weapons were provided,” he said, “but this does not mean that [militias] carried weapons wherever they went. The weapons were stored at Sub-District military headquarters.”||

This pattern of TNI control over militia access to weapons, often mentioned in witness testimony, is also confirmed by other military documents. One such document is a secret telegram, dated January 28, 1999, from the Danrem, Col. Tono Suratman, to all 13 Dandim in the territory. The telegram orders the Dandims to:

“Collect all weapons held by Wanra and Ratih members when they are not conducting special tasks or combat operations in their respective areas.”#

This order not only demonstrates that TNI officers exercised a significant measure of control over militia access to weapons, it also adds weight to the evidence that military authorities were directly involved in planning and coordinating militia operations, including those that resulted in grave violations of human rights, including murder.

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\* Ibid.

† Karen Polglaze, “Timor militia leader back in court,” *AAP*, April 10, 2000.

‡ Dili District Court, “Judgement,” Joni Marques *et. al.*, p. 58.

§ Dili District Court, “Judgement,” Joni Marques *et. al.*, p. 53.

|| Cited in Kevin O’Rourke, *Reformasi: The Struggle for Power in Post-Soeharto Indonesia*, Sydney: Allen & Unwin, 2002, p. 352.

# Danrem 164/WD to Dandim 1627-1639 and others. Secret Telegram No. TR/41/1999, January 28, 1999 (Yayasan Hak Collection, Doc #7).

On this last point, the telegram provides important evidence. It refers explicitly to several cases in which militia members had used the firearms given to them by the TNI to kill or seriously injure civilians. The cases noted in the order included: the killing of Juliao Gonçalves Sarmiento by Saka militia member Norberto Lopes, in the village of Defauasi, Sub-District of Baguia, District of Baucau, on December 3, 1998; the killing of two proindependence youth, and the wounding of five others, by Mahidi militia members in the village of Manutasi, District of Ainaro, on January 3, 1999; and the killing of Fernando Cardoso by Ratih member Alfredo, in the village of Raiman, Sub-District of Zumalai, District of Covalima, on January 23, 1999.

As early as January 28, 1999 then, East Timor's military commander, Col. Tono Suratman, was aware that militia groups were committing serious acts of violence with the weapons provided by the TNI. That knowledge was shared by all Dandims and by several higher ranking TNI commanders to whom the telegram was sent, including: the Commander of Regional Military Command IX; his Assistants for Intelligence, Operations, and Territorial Operations; the Commanders of Sector A and Sector B in East Timor; and the Commander of the Kopassus Task Force Tribuana.<sup>\*</sup> Moreover, in view of the fact that Col. Tono Suratman's order was issued shortly before an expected visit by a UN delegation in February 1999, it also fits the pattern, discussed in Chapter 4, of TNI officials carefully controlling militia violence in accordance with larger political objectives.

Taken together, the evidence presented in this chapter points conclusively to a powerful TNI role in the recruitment, training, and operations of the militia forces, and to direct TNI complicity in the grave violations they committed. More specifically, it allows the following conclusions.

First, TNI soldiers and officers were integrally involved in recruiting the militias in late 1998 and early 1999, and some actually served as militia members and leaders. The documented overlap between TNI and militia memberships renders meaningless the formal distinction between the two, and directly implicates the TNI in the acts ostensibly committed by independent militia groups.

Second, there is no doubt whatsoever that militia groups received training and guidance from TNI officers. That training was not carried out on the sly, or by a handful of 'rogue elements.' On the contrary, the evidence shows conclusively that militia training was a routine affair, carried out in accordance with well-established rules and procedures originating at TNI headquarters in Jakarta. It was done, moreover, with the full knowledge of high-ranking TNI officers, including at a minimum: the Regional Military Commander, Maj. Gen. Adam Damiri; the Danrem Col. Tono Suratman; the Commander of Kopassus Task Force Tribuana; the Commanders of Sectors A and B; and probably all Dandims and Danramils in the territory.

Third, the TNI routinely conducted joint operations with militia groups, and provided backing and support for operations ostensibly conducted by the militias. Highranking TNI officers, including Col. Tono Suratman and others, knew very well that those

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<sup>\*</sup> See: Danrem 164/WD to Dandim 1627-1639 and others. Secret Telegram No. TR/41/1999, January 28, 1999 (Yayasan Hak Collection, Doc #7).

operations were resulting in serious acts of violence. They also understood that such operational cooperation was in breach of the May 5 Agreements. For that reason, once UNAMET began to deploy in June 1999, the TNI sought unsuccessfully to disguise its operational links to the militias.

Fourth, the TNI provided sophisticated modern weapons directly to some militiamen, and allowed others to keep and use their own weapons, contrary to the law. High-ranking officers, including Maj. Gen. Kiki Syahnakri, Maj. Gen. Adam Damiri, Col. Tono Suratman, and Lt. Col. Yayat Sudrajat knew that these weapons were being used to commit grave violations of human rights, but failed to take action against the perpetrators, or to end militia access to weapons.

Finally, contrary to official claims that the militias were acting on their own, and that the TNI and Police were doing their best to contain the violence, it is clear that the TNI exercised significant control over militia access to weapons. That finding reinforces the argument, made in Chapter 4, that the authorities distributed and withdrew weapons as part of a carefully calibrated effort to influence the rhythm of the violence, in accordance with broader military and political objectives.

## 8. Militias: Funding and material support

Government officials have strenuously denied it, but the militias in East Timor received substantial financial and material backing from the Indonesian government and military authorities.\* Indeed, official largesse provided the essential underpinning for the entire militia operation. Ordinary militia members typically received Rp.200,000 (\$26.66) at the time of enlisting, and between Rp.50,000 (\$6.66) and Rp.150,000 (\$20) per month thereafter. In addition to cash payments and access to weapons, they received regular distributions of rice, vehicles, regular meals when on operation, transport, fuel, office space, communications equipment, posters, clothing, and medical supplies. The provision of such funding and material support implicates civilian and military officials in the violations of human rights that were carried out by militiamen to whom it was channelled.

### 8.1 ‘Socialization’ and Militia Funding

The official funding about which we know most flowed through the civilian government apparatus, mainly under the auspices of the pro-autonomy ‘socialization’ campaign. High ranking government officials have acknowledged that government funds were made available for that campaign. Foreign Minister Alatas, for example, has said: “There was money of course for the efforts towards spreading of information...We agreed with the UN that there would be a socialisation period.”†

The full extent of that funding for ‘socialization’ is not yet known, but Indonesian government documents uncovered to date suggest that roughly Rp.3 billion (\$400,000) was channelled to each of the 13 districts to support the campaign in 1999, for a total of at least Rp.39 billion (\$5.2 million).‡ Although the amount varied somewhat from one district to the next, in every case some part of that total was allocated to pay for the militias.

Evidence and details of official funding for the ‘socialization’ campaign, and through it the militias, is found in several documents uncovered in the course of 1999 and since. The relevant documents include: (i) a letter of May 1999 from the Governor of East Timor to all Bupatis instructing them to prepare budget proposals for the use of government funds for ‘socialization’ activities; (ii) budget proposals for ‘socialization’ activities submitted to the Governor by the Bupatis of Manufahi and Bobonaro in May 1999; and (iii) letters from the Governor to the Bupatis of Lautem and Oecussi in May and June respectively, approving similar budget proposals.§

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\* See, for example, Ali Alatas in SBS, *Dateline* “Timor Terror Fund,” February 16, 2000, transcript, p. 17.

† Cited in SBS, *Dateline* “Timor Terror Fund,” February 16, 2000, transcript, p. 23.

‡ The indictment of Wiranto and seven other senior Indonesian officials, issued by East Timor’s Deputy General Prosecutor for Serious Crimes, alleges that the total figure diverted into the ‘socialization’ campaign was Rp.52 billion, or 60% of East Timor’s Regional Development Budget. See Indictment, Wiranto *et.al.*, paragraph 28.

§ See: Letter from Governor of East Timor to Bupati of Oecussi, June 1999; Letter from Governor of East Timor to Bupati of Lautem, May 21, 1999; Proposal for the socialization of special autonomy in Manufahi, May 1999, (SCU Collection, Doc #2); and Bupati Bobonaro, “Proposal Sosialisasi Otonomi Khusus dan Luas Propinsi Timor Timur,” March 24, 1999 (HRU Collection, Doc. BOB #2).

These documents clearly indicate that all Districts were instructed to submit requests for funds to cover ‘socialization’ activities, that they did so, and that such requests were approved by the Governor. They also demonstrate, beyond any doubt, that some of the money allocated for ‘socialization’ in such budgets was explicitly earmarked for the militias, and for a range of activities that might well have provided a cover for militia activities.

The clearest piece of evidence in support of these conclusions is the May 1999 letter from the Governor of East Timor to all Bupatis. In it, the Governor instructs each Bupati to prepare a budget proposal, in accordance with an outline that includes expenditures for ‘socialization’ and ‘Pamswakarsa’ (i.e. militias).<sup>†</sup> Later that month, the Bupatis submitted their proposals.

The proposals submitted to the Governor by the Bupatis of Manufahi and Bobonaro each requested roughly Rp.3 billion in government funding for ‘socialization’ activities in their respective districts.<sup>†</sup> The letters from the Governor to the Bupatis of Lautem and Oecussi granted official approval for proposals requesting roughly Rp.3 billion for the socialization campaign in each district, making only minor changes to the budget in each case. “We are pleased to inform you,” the Governor wrote to both Bupatis, “that in principle your proposal and funds totaling Rp.3,000,000,000, have been approved.”<sup>‡</sup>

The budget proposals and the Governor’s letters of approval spelled out clearly how the government money was to be spent. As much as 20% of the total was to be allocated for payments to key government and military officials at the District level, collectively referred to as Kodal (*Komando Daerah Lapangan*, District Field Command).<sup>§</sup> According to the Manufahi budget proposal, Kodal payments would include: Rp.100 million (\$13,333) for the Bupati, Rp.50 million (\$6,666) for the Dandim, Rp.50 million (\$6,666) for the Kapolres, Rp.30 million (\$4,000) for the TNI Sector Commander, Rp.25 million (\$3,333) for the Territorial Battalion Commander, Rp.25 million (\$3,333) for the Commander of the Kopassus Task Force Tribuana, Rp.20 million (\$2,666) for each of the four Sub-District Heads in the District and Rp.10 million (\$1,333) for each of the 29 Village Heads.<sup>||</sup>

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\* A copy of the Governor’s letter sent to the Bupati of Liquica is dated May 21, 1999 (Yayasan Hak Collection). Another copy of the letter, addressed to all Bupatis, is signed but undated. See: Governor of East Timor, letter to all Bupatis concerning “Proposal,” May 1999. (SCU Collection, Doc #A).

† The exact amounts requested were Rp. 3.162 billion for Bobonaro, and Rp. 3.0 billion for Manufahi. See: Bupati Bobonaro, “Proposal Sosialisasi Otonomi Khusus dan Luas Propinsi Timor Timur,” March 24, 1999 (HRU Collection, Doc. BOB #2); and Bupati Manufahi, Proposal for the socialization of special autonomy in Manufahi, May 1999 (SCU Collection, Doc #2).

‡ See: Letter from Governor of East Timor to Bupati of Oecussi, June 1999; Letter from Governor of East Timor to Bupati of Lautem, May 21, 1999 (SCU Collection, Doc #2).

§ The figure of 20% for Kodal was stipulated in the revised budgets outlined in the Governor’s letters to the Bupatis of Oecussi and Lautem (SCU Collection, Doc #2).

|| Bupati Manufahi, Proposal for the socialization of special autonomy in Manufahi, May 1999 (SCU Collection, Doc #2). The Bobonaro proposal allocated Rp. 510 million for Kodal payments, with a roughly similar breakdown. See: Bupati Bobonaro, “Proposal Sosialisasi Otonomi Khusus dan Luas Propinsi Timor Timur,” March 24, 1999 (HRU Collection, Doc. BOB #2).

According to the Manufahi proposal, these 'Kodal' expenditures were intended to cover "...expenses associated with the substance of the autonomy plan and other needs linked to socialization activities." That vague formulation ensured that Kodal allocations could easily be used, among other purposes, to finance and supply militia groups. Although it is difficult to confirm, one former official in the Bobonaro District government (Benjamin Barreto) has alleged that the Dandim there received some Rp.800 million (\$106,666), and that he used it to pay bounty for the murder of pro-independence people: "For each person you killed you got 3 million Rupiah (\$400). That was the District Military Commander's plan."

Large portions of the budgets approved by the Governor were also set aside for such amorphous categories as 'socialization' (20%), 'community assistance' (30%), 'mobilization' (15%), and 'infrastructure development' (5%).<sup>†</sup> These broad categories provided ample leeway for funds to be siphoned off by officials and used as they wished. According to the Manufahi proposal, for example, Rp.356 million (\$47,466) in 'Socialization Task Force' funds were "intended to support the work of 150 members of the Socialization Task Force, including provision of clothing, food, training and salaries." The Bobonaro proposal also referred to a 'Socialization Task Force' to which it allocated Rp.150 million (\$20,000).<sup>‡</sup> The precise composition of these 'Socialization Task Forces' was not specified in either proposal, but judging from the actual conduct of the 'socialization' campaigns in Manufahi and Bobonaro and elsewhere, it included militia leaders and members. In a similar fashion, some part of the allocations for 'community assistance,' 'mobilization,' and 'infrastructure development' were almost certainly channeled to the militias.

In addition to such indirect appropriations, all of the socialization budget proposals and the Governor's approvals explicitly allocated funds for militia and paramilitary organizations. In his May letter of instruction to all Bupatis, and his letters of approval to the Bupatis of Lautem and Oecussi, for example, the Governor earmarked 5% of the total budget in each District for Pam Swakarsa, the official term for militia groups.<sup>§</sup>

Additional funds were provided to militia groups under various other categories. Under the rubric 'assistance to organizations,' for instance, Manufahi proposed the disbursement of funds to various pro-autonomy groups and militias. As the proposal explained:

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\* Cited in SBS, *Dateline*, "Timor Terror Fund," February 16, 2000, transcript, p. 31.

† The categories and percentages cited here are from the revised budgets contained in the Governor's letters of approval to the Bupati of Lautem and the Bupati of Oecussi (SCU Collection, Doc #2).

‡ See: Bupati Bobonaro, "Proposal Sosialisasi Otonomi Khusus dan Luas Propinsi Timor Timur," March 24, 1999 (HRU Collection, Doc. BOB #2).

§ See: Letter from Governor of East Timor to Bupati of Oecussi, June 1999; Letter from Governor of East Timor to Bupati of Lautem, May 21, 1999 (SCU Collection, Doc #2).

“In educating the public about autonomy, the role of community organizations is very important. In order to boost the capacity of local organizations, such as BRTT, FPKD, Klibur and ABLAI, funding will be provided to each of these groups.”

The first three of these groups were each to receive Rp.25 million (\$3,333), while Ablai, the principal armed militia group in the District, was allocated Rp.50 million (\$6,666). These funds were in addition to the 5% of the total Manufahi budget allocated for Pam Swakarsa.<sup>†</sup>

The Bobonaro proposal also requested funds for pro-autonomy organizations and militias. Under the category ‘infrastructure development’ the proposal allocated Rp.90 million (\$12,000) for the FPKD, the BRTT, and the paramilitary militia group Halilintar. In a separate category, it allocated Rp.1 billion, or roughly one third of the entire socialization budget, to the District’s Pam Swakarsa (*i.e.* militias). That amount, the proposal clarified, would cover the cost of “wages,” “food,” and “communications equipment” for the militia groups.<sup>‡</sup>

In addition to this evidence that district administrations requested funding for the militias, and that these funds were approved by the Governor, there is evidence that funds and other supplies were actually distributed to the militias. Documents from the militia group Aitarak, for example, provide details of the payments made to militia members in the district of Dili. A document from June 1999, signed by Aitarak Commander Eurico Guterres, indicates that ordinary militia members each received 10 kg of rice and Rp.150,000 (\$20) per month, while members who were civil servants received 10 kg of rice and Rp.50,000 (\$6.66) on top of their normal salary. The document lists 1,355 ordinary members, 107 members who were civil servants, and 60 ‘advisors,’ and indicates that the total amounts disbursed for the month of June 1999 were 15,220 kg of rice and Rp.22,760,000 (\$3,034.66) in wages.<sup>§</sup>

## 8.2 Sources of Government Funding

Government documents and the testimony of former civil servants provide important information about the sources of government funding to the militias and pro-autonomy groups. They show that funds were diverted, with official approval, from the budget

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\* Bupati Manufahi, Proposal for the socialization of special autonomy in Manufahi, May 1999 (SCU Collection, Doc #2).

† Ibid.

‡ Bupati Bobonaro, “Proposal Sosialisasi Otonomi Khusus dan Luas Propinsi Timor Timur,” March 24, 1999 (HRU Collection, Doc. BOB #2).

§ Similarly, an internal Aitarak document shows that the group had a wage budget of Rp. 356,340,000 (\$47,512) of which it had expended Rp.221,104,000 (\$29,480) as of August 23, 1999. See: Komando Pasukan Aitarak, memorandum from Treasurer to Eurico Guterres, August 24, 1999 (SCU Collection, Doc #79).



lines of various government departments (including Education and Culture, Public Works, and Transmigration) to the ‘socialization’ budget from which the militias were paid. They also confirm allegations that some part of the ‘socialization’ budget came directly from Jakarta under the auspices of a development plan funded through the Office of the President.

Some of the key pieces of evidence come from the District of Bobonaro, and include: (i) a document from the Bobonaro District Budget Office, concerning the Regional and District Development Program; (ii) a ledger from the Bobonaro District Budget Office, dated July 5, 1999;<sup>†</sup> and (iii) a letter from the Bupati of Bobonaro to the Governor requesting permission to divert funds from other budget lines for use in the ‘socialization’ campaign.<sup>‡</sup> Together, these documents confirm that funding for the militias, and for the ‘socialization’ campaign more generally, was diverted from normal government budgets, and that some if not all of it came directly from Jakarta.

The first of these documents, which refers to Bobonaro’s ‘Regional and District Development Program,’ indicates that the total budget for that project was Rp.3.162 billion – exactly the amount of the proposed socialization budget submitted by the Bupati to the Governor in late May 1999. This exact match all but confirms that the appropriation for the ‘socialization’ campaign was approved and funded under the name of the ‘Regional and District Development Program,’ and that the ‘socialization’ campaign and this ‘development’ program were one and the same thing

That conclusion is confirmed by the second key document, the ledger from the Bobonaro District Budget Office dated July 5, 1999 that provides a detailed break-down of the ‘Regional and District Development Program’ budget. The items listed in the ledger are precisely the same as those listed in the Bupati’s ‘socialization’ proposal. The document confirms, moreover, that roughly two thirds of the total project budget (Rp.3.162 billion or \$421,600) had been received and disbursed by June 30, 1999, while roughly one third was still being awaited by the District.<sup>§</sup>

The third document, a letter from the Bupati of Bobonaro to the Governor, dated July 27, 1999, provides important information about other sources of funding for the ‘socialization’ campaign in Bobonaro, and insight into the accounting mechanisms that might have been used in other districts. In this letter, the Bupati explained to the Governor that the District was short of funds to pay for the ‘socialization’ campaign, and specifically requested permission to divert some Rp.2.5 billion (\$333,333) from the District Offices of the Department of Education and Culture and the Department of Public Works into the ‘socialization’ campaign.<sup>||</sup> The language of the Bupati’s request is straightforward:

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\* Kabupaten Daerah Tingkat II Bobonaro, “DIPDA [Daftar Isian Proyek Daerah] Proyek Bantuan Pembangunan Daerah Tingkat II Tahun Anggaran 1999/2000” (HRU Collection, Doc. BOB #3).

† Kabupaten Daerah Tingkat II Bobonaro, “Laporan: Keadaan Kas Bendahara Per 30 Juni 1999,” Maliana, July 5, 1999 (HRU Collection, Doc. BOB #4).

‡ Bupati Bobonaro to Governor of East Timor. Secret Letter No. 195/UM/VII/1999, July 27, 1999 (HRU Collection, Doc. BOB #5).

§ Kabupaten Daerah Tingkat II Bobonaro, “Laporan: Keadaan Kas Bendahara Per 30 Juni 1999,” Maliana, July 5, 1999 (HRU Collection, Doc. BOB #4).

|| The precise amounts the Bupati wished to have diverted were: Rp.850,790,000 (\$113,438) from the Department of Education and Culture and Rp.1,165,000,000 (\$155,333) from the Department of Public Works. Bupati Bobonaro to Governor of East Timor. Secret Letter No. 195/UM/VII/1999, July 27, 1999 (HRU Collection, Doc. BOB #5).

“In that connection, I am requesting that funds already allocated for various projects under the 1999/2000 budget, be diverted for activities related to the socialization of autonomy.”\*

An attachment to the letter clarifies that the money to be diverted from the Department of Education and Culture had originally been allocated for building and repairing elementary schools in the District.

Bobonaro was hardly alone, however, in diverting funds from other budget lines to pay for the ‘socialization’ campaign. Indeed, the documentary evidence makes it clear that the diversion of funds for socialization was ordered by the Governor, with the full knowledge of the central government. In a May 1999 letter sent to all provincial Heads of Department (*Kakanwil*) in East Timor, and copied to key ministers in Jakarta, the Governor explicitly instructed that between 10% and 20% of all departmental budgets should be diverted to fund the socialization campaign.† The key passage of the letter reads as follows:

“With this in mind, all available resources in the province should be mobilized in an optimal fashion to ensure the success of the autonomy option. All departments are therefore asked to contribute between 10% and 20% of their 1999/2000 budgetary allocations for the socialization of autonomy.”‡

Testifying before an Indonesian court in June 2002, the East Timor Provincial Secretary, Rajakarina Brahmna, confirmed that between 10% and 20% of the provincial government budget had indeed been diverted to the pro-autonomy socialization campaign, including the militias.§

There is also good evidence that much of the roughly Rp.3 billion made available to each District administration in 1999 was drawn from a World Bank-mandated ‘Social Safety Net’ welfare project (*Proyek Dukungan Jaringan Pengamanan Sosial – JPS*). The clearest evidence to that effect is the May 1999 letter from the Governor to all Bupatis, noted earlier, in which he instructed them to prepare socialization budget proposals. That letter referred explicitly to the ‘Social Safety Net’ project as the source from which funds would be drawn:

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\* Ibid.

† The Governor’s letter was copied to several key officials including: the Armed Forces Commander, the Minister of Foreign Affairs, and the Minister of Finance. [HAK Collection]

‡ Letter from Governor of East Timor to all Provincial Heads of Department (*Kakanwil*) in East Timor, dated May 1999 (Yayasan Hak Collection).

§ “Funding for East Timor Militias Came From State,” *Jakarta Post*, June 14, 2002.

“Further to my letter Number: 915/712/II.BIPRAM/V/1999 of May 5, 1999 concerning the implementation of the Regional and District Development Program, Social Safety Net Project (JPS) in each District, you are hereby requested to prepare a draft outline for the use of these funds, in accordance with the following proposal.”

A number of other documents similarly indicate that ‘Social Safety Net’ funds were used for the socialization campaign. One of the ‘socialization’ budget proposals (from Manufahi), and both of the Governor’s letters of budgetary approval, refer explicitly to that ‘Social Safety Net’ as the project from which ‘socialization’ funds will be drawn.<sup>†</sup>

Testimonial evidence supports the claim that ‘Social Safety Net’ funds were diverted to pay for the ‘socialization’ campaign. In November 1999, a former civil servant told the International Commission of Inquiry on East Timor of a meeting in Lautem at which it had been explained that the funding for socialization in that District would come from monies originally allocated for ‘welfare activities’ – very likely ‘Social Safety Net’ funds. In the words of the Commission:

“A former government official testified that at an official meeting on 5 May 1999 the question of use of funds allocated for welfare activity to meet the cost of securing support for autonomy had been discussed. It had been decided to spend 3.5 million Rupiah for the distribution of rice and other gifts to the people, with a view to manipulating the vote in favour of autonomy.”<sup>‡</sup>

Significantly, the documents show that these funds were not diverted in a clandestine fashion, but in apparent accordance with established bureaucratic procedures.<sup>§</sup> In his letters of approval to the Bupatis of Lautem and Oecussi, for example, the Governor explained that the ‘Control Team’ of the ‘Social Safety Net’ project had vetted and approved both proposals. In his letter to the Bupati of Lautem, dated May 21, 1999, the Governor wrote:

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\* Governor of East Timor to all Bupatis. Circular Letter concerning “Proposal,” May 1999. (SCU Collection, Doc #A).

† Letter from Governor of East Timor to Bupati of Oecussi, June 1999; Letter from Governor of East Timor to Bupati of Lautem, May 21, 1999; Proposal for the socialization of special autonomy in Manufahi, May 1999 (SCU Collection, Doc #2).

‡ United Nations, Office of the High Commissioner for Human Rights, “Report of the International Commission of Inquiry on the Question of East Timor,” January 31, 2000, paragraph 63.

§ A related allegation regarding the use of ‘Social Safety Net’ funds has been difficult to confirm. An Australian documentary has claimed that the ‘Department of Political Affairs’ (sic) [possibly referring to the Coordinating Ministry for Political and Security Affairs] brokered a loan to the East Timor office of the Department of Finance, with an agreement that the loan would be repaid when the ‘Social Safety Net’ money came through. See SBS, *Dateline*, “Timor Terror Fund,” February 16, 2000, transcript, pp. 25.

|| Letter from Governor of East Timor to Bupati of Lautem, May 21, 1999 (SCU Collection, Doc #2).

“I have the pleasure to inform you that the proposal has been studied by the Control Team of the Social Safety Net project...administered by the provincial government, and that in principle your proposal...has been approved.”<sup>¶</sup>

This documentary and testimonial evidence might appear to suggest that the funding of the ‘socialization’ campaign, and of the militias, was organized exclusively at the District and Provincial level, and that the parties ultimately responsible were the Governor and the 13 Bupatis. Yet the reality is that, given the highly centralized structure of the Indonesian bureaucracy, these funding arrangements could not have been made without the approval of government officials in Jakarta. On those grounds alone, it is reasonable to conclude that funding for the militias was done with the approval of central government authorities.

There is also substantial evidence that central government bodies – including several Ministries, the national intelligence agency, BAIS (before April 1999, BIA), and even the Office of the President – were directly involved in diverting funds to the militias, usually under the auspices of the ‘socialization’ campaign. The testimony of former pro-Indonesian leaders and East Timorese government officials suggests that substantial funding was provided, or authorized, among others, by the Ministry of Transmigration, the Ministry of Information, and the Ministry of Foreign Affairs. That evidence places responsibility even more squarely with central government officials.

One former pro-Indonesian figure, Tomás Gonçalves, has claimed that in early 1999 he met several high ranking TNI officers to discuss the provision of funds and weapons to pro-autonomy groups. The officers he met reportedly included the Regional Military Commander for Kodam IX, Maj. Gen. Adam Damiri; the Assistant for Operations to the Army Chief of Staff (and later Martial Law Commander), Maj. Gen. Kiki Syahnakri; the Minister of Transmigration, Lt. Gen. (ret.) Hendropriyono, and the Minister of Information, Maj. Gen. (ret.) Yunus Yosfiah. “The point they made,” Gonçalves said, “was that if we continue[d] to defend the red and white flag, they were ready to provide any funding and all sorts of guns and all the troops here could help us.”

According to Gonçalves, The Minister of Transmigration, Lt. Gen. (ret.) Hendropriyono, Gonçalves said, was especially enthusiastic, and instructed the Head of the Transmigration Department for East Timor to “devote the whole department budget for the use of the militias.”<sup>†</sup> The Minister of Information, Maj. Gen. (ret.) Yunus Yosfiah, was also keen on the militias, according to Gonçalves, and offered to introduce the pro-autonomy leaders to key people in Jakarta in order to obtain government support: “In his conversation on preparing the militia he even called [the Danrem, Col.] Tono Suratman a coward because he was taking too long to act. We should act now because we’re ready to support you with guns or anything else.”<sup>‡</sup>

A former official of the East Timor office of the Department of Finance has stated that money was also made available to pro-autonomy groups by the Ministry of Foreign

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\* Cited in SBS, *Dateline*, “Timor Terror Fund,” February 16, 2000, transcript, pp. 18-19.

† SBS, *Dateline*, “Timor Terror Fund,” February 16, 2000, transcript, p. 19. For a similar allegation, see “Timor Coup Planned,” *The Age*, June 22, 1999.

‡ Cited in SBS, *Dateline*, “Timor Terror Fund,” February 16, 2000, transcript, p. 21.

Affairs. At least Rp.9 billion (\$1.2 million), he has said, was given to the FPKD in early 1999. In view of the evidence detailed below that the FPKD channeled funds and supplies to militia groups, that testimony implicates the Foreign Ministry in the financial backing of the militias. In fact, a second installment of funds to the FPKD was reportedly stopped when the Ministry discovered how the first tranche had been used.\*

Perhaps most significantly, there is documentary evidence that funding for ‘socialization,’ and therefore also for the militias, came directly from the Office of the President. The evidence lies in two of the documents from Bobonaro already discussed. The first of those documents, which refers to the ‘Regional and District Development Program’ for Bobonaro, specified that the source of the money for the project, and thus for the socialization budget, was ‘INPRES DATI II.’ INPRES means ‘*Instruksi Presiden*’ or Presidential Instruction, and DATI II, means *Daerah Tingkat II*, or District.†

What this signifies is that the Rp.3.162 billion (\$421,600) allocated for Bobonaro’s ‘socialization’ campaign, including the money allocated for militias, came directly from Jakarta, under the authority of the Office of the President. It is very likely that the ‘socialization’ budgets in other Districts came from the same source. If that is the case, it means that responsibility for funding the militias in 1999 extends to the Office of the President.

### 8.3 TNI Funding and Material Support

In addition to the substantial resources that flowed directly from, and through, the civilian government apparatus, some funding for ‘socialization’ – and therefore also for the militias – came from, or was distributed through, military channels. In addition, the TNI provided ample material and logistical support to the militias in the form of equipment, clothing, transport, lodging, medical supplies, and weapons. The full extent of military involvement in such funding and material support is not yet known, but the testimony of former TNI officers, and recently discovered documents, show conclusively that it took place, and that it was officially sanctioned.

A document from Ermera, for example, shows clearly the military’s official involvement in the distribution of funds and supplies to the militias. The document is a letter from the Dandim of Ermera to the Bupati, dated April 1999, in which he requests Rp.104 million (\$13,866) to cover the Rp.200,000 (\$26.66) monthly salaries of the newly recruited Pam Swakarsa (*i.e.* militias) in the District. The Dandim also requests 6,405

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\* SBS, *Dateline*, “Timor Terror Fund,” February 16, 2000, transcript, p. 22.

† Kabupaten Daerah Tingkat II Bobonaro, “DIPDA [Daftar Isian Proyek Daerah] Proyek Bantuan Pembangunan Daerah Tingkat II Tahun Anggaran 1999/2000” (HRU Collection, Doc. BOB #3).

‡ Only the newly recruited members, of whom there were then 175 in Ermera, would receive Rp.200,000/month (\$26.66). The rate for old members, of whom there were 136, was set at Rp.125,000/month (\$16.66). Letter from Lt. Col. Muhamad Nur, District Military Commander 1637/Ermera, to the Bupati of Ermera, “Permohonan Uang Saku PAM Swakarsa,” dated June, 1999. A copy of this document is in the author’s possession.

kg of rice for distribution to the new militia members.<sup>\*</sup> As authority for these requests, the Dandim refers explicitly to an April 23, 1999, order from the Governor and the Danrem calling for the creation of Pam Swakarsa.

This document confirms that, while ‘socialization’ funding was formally channeled through the office of the Bupati, in some instances funding for the militias also flowed through the TNI hierarchy. That evidence is consistent with information from TNI and militia sources obtained by international observers in 1999. The Dandim in Baucau, for example, told officials of the Carter Center in July 1999 that the militias in his area were organized, trained, and supplied by the TNI. Likewise, militia members in Baucau told the Carter Center that they went to the Kodim in Baucau each month to collect their pay.<sup>\*</sup>

The TNI also supported ‘socialization’ and the militias by channeling its own funds back to the civilian government. That process is revealed in a letter dated June 23, 1999, from the Dandim of Dili, Lt. Col. Endar Priyanto, to the Bupati. The letter explains that the Dandim was contributing Rp.50 million (\$6,666) to the Bupati as “support for Kodal,” as agreed at a meeting regarding preparations for the Popular Consultation. The money, it further explains, was intended to help “in the creation of conditions that are conducive, peaceful and orderly” in the District of Dili. <sup>†</sup>

Although still limited, there is growing evidence that some of the funding and material support for the militias originated from military sources in Jakarta, including the national intelligence agency BIA (renamed BAIS in April 1999).

An Australian DSD intercept of August 9, 1999 reportedly revealed that Brig. Gen. Arifuddin, ‘Director A’ of BIA/BAIS, had arranged for the production of several thousand pro-autonomy flags and T-shirts to be distributed to militias and others in East Timor.<sup>‡</sup> That evidence confirmed that the military, and especially military intelligence, was directly involved in providing material support to pro-autonomy groups, including the militias. It may be significant, too, that until January 1999, BIA/BAIS had been headed by Maj. Gen. Zacky Anwar Makarim. Given Makarim’s own key role in orchestrating military and militia strategy in East Timor in 1999, it would not be unreasonable to see his hand in these BIA/BAIS militia support operations.

Further indications of TNI and BIA/BAIS support for the militias emerged in 2000, when a number of Army officers were accused of producing and distributing millions of dollars of counterfeit money. One of those implicated was Brig. Gen. Soemaryono, a planning officer under Army Chief of Staff, Gen. Subagyo Hadisiswoyo.<sup>§</sup> According to

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\* Personal communication with the Carter Center, July 26, 1999.

† Dandim 1627/Dili (Lt. Col. Endar Priyanto) to Bupati Dili. Letter No.B/415/VI/1999, June 23, 1999 (Yayasan Hak Collection, Doc #32).

‡ *Sydney Morning Herald*, “Silence Over Crimes Against Humanity,” March 14, 2002.

§ See “Retired General Faces 4-year Term,” *Indonesian Observer*, November 28, 2000; “Two ex-Army Colonels Nabbed Over Fake Money,” *Jakarta Post*, July 3, 2000.

reports, he had helped to organize the counterfeit scheme in order to fund East Timor's militias. Other testimony in the case suggested that the operation had been run by the national intelligence agency, BIA/BAIS, on orders from Gen. Wiranto. After testifying in the case in late 2000, a retired intelligence officer reportedly said that the head of BIA/BAIS, Lt. Gen. Tyasno Sudarto, had told him "that General Wiranto had picked BIA to run the counterfeit money operation to fund the militias."

There is some evidence, too, that Gen. Wiranto may have authorized the diversion of real state funds in order to pay for the pro-autonomy campaign. During a court hearing on a corruption case in late 2001, the Head of the State Logistics Board (Bulog), Rahardi Ramelau, said that he had taken Rp.10 billion from Bulog's funds and 'loaned' it to Gen. Wiranto. He said he was told that the funds were to be used to pay for the pro-autonomy groups in East Timor.†

Finally, there is evidence that other senior military officers promised to deliver substantial funds to militia groups. The indictment of Gen. Wiranto and seven others, issued by East Timor's Deputy General Prosecutor for Serious Crimes alleges, for example, that at a meeting in Dili in November 1998, the Regional Military Commander, Maj. Gen. Adam Damiri offered to give Eurico Guterres Rp.50 million to start the work of forming militia groups.‡

The TNI also had a number of formally established budget lines that were tapped for pro-autonomy purposes in 1999. One of these was the 'Operation Elections-'99 Security Task Force Fund' (*Dana Satuan Ops Pam Pemilu '99*). Though its name suggested it was to be used for activities related to the June 1999 Indonesian elections, it was also used for activities related to the Popular Consultation in East Timor. When the Regional Military Commander, Maj. Gen. Adam Damiri, ordered a delegation of several Kodam IX officers to go to East Timor in early June 1999 to check on plans for the elections and the Popular Consultation, he specified that this fund should be used.§ It is very likely that the same fund – and others about which we do not yet know – were used for other purposes related to the Popular Consultation.

Military involvement in funding and supplying the militias took other forms as well, both formal and informal. It is self-evident that the TNI paid for the weapons and other military gear that they distributed to the militias. Some militia units – such as Halilintar in Bobonaro, and Rajawali and Saka in Baucau – were especially well equipped, and could be seen sporting full or near-complete combat gear (fatigues,

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\* "Two Ex-soldiers Jailed for Counterfeiting," *Jakarta Post*, September 22, 2000; "Alleged Counterfeiter Claims Army Used Him to Finance Timor Militia," *AFP*, September 13, 2000.

† "Wiranto Akui Dana Rp. 10 M. Untuk Jajak Pendapat Timtim," *Detikcom*, October 31, 2001; and "Soal Dana Bulog Rp. 54 milyar: Rahardi – Diserahkan Kepada Akbar Tandjung dan Wiranto," *Kompas*, October 10, 2001.

‡ "During this meeting with pro-Indonesian leaders," the indictment reads "Damiri praised future militia leader Eurico Guterres as being a young man eager to fight for integration and said that he was willing to give Guterres fifty million rupiah to begin his work." Indictment of Wiranto *et.al.*, February 2003, paragraph 13.

§ Panglima Kodam IX/Udayana (Maj. Gen. Adam Damiri). "Surat Perintah No. Sprin/654/V/1999," May 31, 1999 (Yayasan Hak Collection, Doc #27).

boots, etc.). But virtually all militia groups were equipped with, or had access to, a range of expensive materials, including sophisticated radio communications equipment normally used only by military and police authorities.

Military and police authorities in East Timor also made informal financial and in-kind 'contributions' to militia groups. In a report to the Commander of Aitarak Company B, dated August 2, 1999, a local militia commander provided a list of the contributions that had been secured from various official agencies and businesses in support of festivities to be held at his militia post in Dili. The list contained 14 names with signatures, and the amount contributed by each. The offices and officials on the list included the key civilian, police and military figures in the city: the Office of the Mayor of Dili, the Dili Chief of Police, and Kodim Dili.<sup>\*</sup>

Finally, military authorities could and did exert their authority over other government agencies to ensure that funds and supplies were directed to militia groups even where there was no formal budgetary provision for such expenditures. A March 1999 letter from a Kopassus officer to the head of the Baucau District health office, offers insight into the process.<sup>†</sup> The letter requests medical supplies for the explicit purpose of 'mobilizing' the population and 'improving the morale' of local militia members and supporters. After mentioning the militia groups Saka, Sera and Alpha, and referring to some 600 family members and "supporters of the operation," the letter requests medical supplies in order to facilitate "the mobilization of the local population and to improve the morale of militia members and sympathizers."<sup>‡</sup> The letter leaves little doubt that the TNI, and in particular Kopassus, exerted its considerable authority to direct material support to the militias.

## 8.4 FPKD as Funding Channel

In addition to the money and resources that flowed through civilian government and military channels, support was provided to the militias through a variety of indirect means. Much of it was channelled through the FPKD, one of the two pro-autonomy organizations set up in early 1999. Indeed, there is reason to believe that, whatever else it did, the FPKD served a covert purpose – as a conduit for the disbursement of government and military funds and materials to the militias. There is reason to believe that the BRTT also served as a mechanism of support, and perhaps a conduit of funds, for the militias.

Some of the evidence for these claims is circumstantial. For example, by his own account, in early 1999 the FPKD leader, Basilio Araújo, went to Jakarta to ask government and military officials for money and weapons. Interviewed by an Australian journalist at

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\* Komandan Peleton IV, Pos III, Aitarak (Nicolau P. Lobato) to Komandan Kompi B Aitarak. Report No. 03/Pos III/ATK/IV/1999, concerning "Laporan hasil dukungan," August 2, 1999 (SCU Collection, Doc #219).

† The letter is from the head of the health unit of 'Field Unit-A' of Kopassus' 'Task Force Tribuana-VIII.' See: Komandan Satuan Lapangan-A, Satuan Tugas Tribuana VIII, to Kepala Dinas Kesehatan Tingkat-II, Kab. Baucau, "Permohonan Dukungan Obat Bulanan Pos Dan Kes Satlap-A," March 1999 (Yayasan Hak Collection, Doc #14).

‡ Ibid.

§ ABC, *Four Corners*, "License to Kill," March 15, 1999, transcript, p. 6.



the time, he said that he was quite sure that his request would be positively received.<sup>§</sup> On its own, that does not prove much. However, together with the testimony that the Foreign Ministry provided FPKD with Rp.9 billion (\$1.2 million), and documentary evidence that the group soon had access to substantial amounts of money and supplies, which it distributed to the militias, it points the finger of responsibility clearly toward officials in Jakarta.

Some of the clearest evidence that the FPKD distributed money and supplies to the militias comes from Covalima District. A document prepared by the FPKD district office in Covalima, for example, lists the names of 143 members of the Laksaur militia group (Company 2/Tilomar), each of whom had received Rp.800,000 from the FPKD between April and July 1999.<sup>†</sup> A second document from the same FPKD office lists the names of 16 civil servants, also members of Laksaur, who had each received Rp.400,000 from the FPKD in the same four-month period.<sup>‡</sup>

Documents from Dili point to a similar patronage relationship between FPKD and the militia group, Aitarak. In a letter to the provincial head of the FPKD, dated August 18, 1999, Aitarak leader Eurico Guterres requests Rp.117,000,000 to cover the cost of meals for 600 Aitarak members who would be staying at Aitarak headquarters during the 13-day campaign period. Guterres wrote: “I request the General Chairman of the Governing Council of the FPKD to release operational funds to pay the cost of food to support Aitarak Troop Command member activities.” The matter-of-fact tone of this letter, and the fact that it requests the “release of operational funds,” strongly suggest that a budget line already existed within the FPKD for such purposes, and that requests from militias were a routine occurrence.<sup>‡</sup>

Another letter to the provincial head of the FPKD, dated August 21, 1999, confirms that suspicion. In that letter, Guterres requested 120 “additional” pro-autonomy T-shirts, 70 of them for Aitarak members “who have not already received one” and 50 for people in the village of Motael, Dili. The language in the letter – and specifically the word ‘additional’ – leaves no doubt that the FPKD had already provided T-shirts to Aitarak members on previous occasions. Moreover, in referring to 70 militia members who had not yet received a shirt, the letter implicitly but clearly indicates that Aitarak’s other members – who numbered about 1,500 – had already received shirts from FPKD.<sup>§</sup>

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\* See: Ketua FPKD-Covalima (Alberto de Neri), “Daftar: Nama Satuan Tugas Laksaur Merah Putih Kompi-2 Tilomar Yang Menerima Bantuan Biaya Dari FPKD Kabupaten Covalima Bulan April s/d Juli 1999,” [August] 1999 (SCU Collection, Doc #182).

† “Nama Satuan Tugas Laksaur Merah Putih Kompi 2 Tilomar Yang Menerima Bantuan Biaya Dari FPKD Kabupaten Covalima Bulan April s/d Juli 1999 Khusus Untuk Pegawai Negeri Sipil.” (SCU Collection, Doc #182).

‡ See: Komandan, Komando Pasukan Aitarak, Sektor B (Eurico Guterres) to Ketua Umum DPP FPKD Timor Timur, concerning “Mohon Dukungan Dana,” August 18, 1999 (SCU Collection, Doc #47).

§ The relevant passage reads: “Accordingly, I hereby request the General Chairman of the Governing Council of the FPKD to provide 120 additional Pro-autonomy T-shirts...including 70 for Aitarak members who have not already received one, and 50 for people in the village of Motael.” See: Komandan, Komando Pasukan Aitarak, Sektor B (Eurico Guterres) to Ketua Umum DPP FPKD Timor Timur. Letter No. 57/Mk-AT/VIII/1999, concerning “Mohon Dukungan Baju Kaos Otonomi,” August 21, 1999 (SCU Collection, Doc #156).

The letter of August 21 takes on even greater significance when it is viewed alongside the evidence already noted that Brig. Gen. Arifuddin, Director A of the national intelligence agency, BAIS, had arranged for the manufacture of some 5,000 pro-autonomy T-shirts in 1999. That evidence could well indicate that the FPKD was a conduit for the disbursement of funds and material from BAIS itself, or from high-ranking TNI officers, like Maj. Gen. Zacky Anwar Makarim, with close ties to the agency.

## 8.5 Militia Budgets

Some of the evidence pointing to official funding of the militias is in the form of requests and budget proposals submitted to civilian and military authorities by militia groups. On their own, such requests and proposals do not necessarily prove that official support was forthcoming. However, viewed in the context of the pattern of official funding already described – and noting the routine tone and language that is common to these requests – they offer further support for the claim that the militias received official funding and logistical support. They also provide a sense of the range and character of the funding and other material support that may have been provided.

It is noteworthy that many of these requests were addressed to the TNI, and especially the Korem and Kodim commanders. In a letter to the Dandim of Dili, dated August 16, 1999, the Aitarak leader, Eurico Guterres requested that the TNI pay the wages of 76 Aitarak members who had not yet received payment through the normal channels. Only 1,445 of Aitarak's 1,521 members had received their wages, he complained, and the Mayor of Dili had said there was no money left to pay them. In addition to confirming that the militias were normally paid through the civilian administrative apparatus, the letter reveals that the TNI was regarded as a funding source of last resort for the militias.\*

Other documents suggest that militia leaders were accustomed to having the TNI pick up the tab for their routine operating expenses. In a letter to the head of the state electricity agency in Dili, dated August 12, 1999, Eurico Guterres explained in a matter-of-fact tone that the unpaid electric bills for two houses in Dili should be forwarded to the Korem, because the houses in question were being used as Aitarak posts. We do not have proof that the Korem actually paid these bills, but the tone of the letter – and the fact that it was copied to senior officials including the Governor – strongly suggests that it was a routine matter for the TNI to pick up such expenses.†

Militia leaders made similar requests for logistical support from civilian government officials. In late April 1999, for example, the commander of Aitarak Company A and a militia post commander in the village of Vila Verde, Dili, wrote to the head of the East Timor office of the Ministry of Education and Culture requesting office space

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\* See: Komandan, Komando Pasukan Aitarak, Sektor B (Eurico Guterres) to Dandim 1627/Dili. Report No. 148 SL/MKAT/VIII/1999, August 16, 1999 (SCU Collection, Doc #26).

† See: Komandan, Komando Pasukan Aitarak, Sektor B (Eurico Guterres) to Kepala PLN Wilayah IX Cabang Dili Tim-Tim. Letter No. 147/SP/MK-AT/VIII/1999, August 12, 1999 (SCU Collection, Doc #83).

and a vehicle in order to carry out their pro-autonomy activities. The militia leaders helpfully suggested that the vehicle they received should be seized from a civil servant who had been using it for pro-independence activities.\*

Another example of such a request for support came in a letter of August 10, 1999, from Eurico Guterres to the Mayor of Dili. In the letter, Guterres requested Rp.60 million (\$8,000) to cover fuel expenses for Aitarak personnel using 50 vehicles and 100 motorcycles during the campaign period. Like the others mentioned here, this appeared to be a routine request for the 'release' of funds, language that again suggested that there was a budget line already available for such expenditures. †

By far the largest requests for aid so far discovered are two budget proposals prepared by Aitarak, and signed by Eurico Guterres. One was submitted to the Governor of East Timor on May 18, 1999, and the other to the Governor of East Nusa Tenggara (NTT), the neighboring Indonesian province, on June 30. The proposal to the Governor of East Timor requested a total of Rp.477,490,000 (\$63,665), to cover a wide range of needs, including: four vehicles, twenty motorbikes, funds for 'socialization,' two computers, four typewriters, five cupboards, five desks, five fans, two computer desks, and so on. The proposal submitted to the Governor of NTT, for a total of Rp.1,009,990,000 (\$134,665), included a similar list, but added to it: salaries for 1,522 Aitarak members, as well as the cost of telephone, water, electricity, transport, and 'miscellaneous' items. ‡

On their own, these large budget proposals do not prove that official funding was forthcoming. However, like the many smaller requests already described, they do tell us that Guterres, and perhaps other militia leaders, had reason to expect that he would get something from government authorities. Moreover, in view of the fact that Aitarak did eventually acquire vehicles, motorcycles, office space, office equipment, and wages for some 1,500 members, it is not unreasonable to conclude that at least some of these requests did lead to funding from official sources.

The evidence presented in this chapter leaves little room for doubt that Indonesian civilian and military authorities, up to and including the Office of the President, provided the essential financial and material underpinning for the militias, both directly and indirectly under the auspices of the 'socialization' campaign. More specifically, the evidence points to the following conclusions.

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\* See: Danki Kompi A Aitarak, Danpos Aitarak Desa Vila Verde, and Komandan Aitarak, Sektor B (Eurico Guterres) to Kakanwil Depdikbud. Letter No. /PVV/AT/IV/1999, concerning "Permohonan Dukungan Sarana Untuk Pos Aitarak Desa Vila Verde," April 26, 1999 (SCU Collection, Doc #170).

† See: Komandan, Komando Pasukan Aitarak, Sektor B (Eurico Guterres) to Wali Kota Administratif Dili. Letter No. 142/MKAT/VIII/1999, concerning "Mohon Dukungan Biaya Bahan Bakar Kendaraan," August 10, 1999 (SCU Collection, Doc #172).

‡ See: Komandan, Komando Pasukan Aitarak, Sektor B (Eurico Guterres) to Governor of East Timor. Letter No. 16/SP/AT/V/1999, May 18, 1999 (SCU Collection, Doc #38); and Wakil Panglima, Komando Pasukan Pejuang Integrasi (Eurico Guterres) to Governor of Nusa Tenggara Timur. Letter No. 55/SP/MK-AT/VI/1999, June 30, 1999 (SCU Collection, Doc #39).

First, much of the official funding – an estimated Rp. 39 billion or US\$ 5.2 million – was channelled through the civilian government bureaucracy in East Timor, with the explicit approval of the Governor and the Bupati. Some, perhaps most, of those funds were drawn or diverted from existing government budgets and programs, including a World Bank-mandated ‘Social Safety Net’ project, and the Provincial budgets for Education and Culture, and Public Works. Given the highly centralized structure of the Indonesian bureaucracy, these arrangements could not have been made without the approval of central government officials in Jakarta.

Second, there is evidence that several Indonesian government ministries and bodies - including the Ministry of Transmigration, the Ministry of Information, the Ministry of Foreign Affairs, and the national intelligence agency, BAIS – provided enthusiastic support, and funding, for ‘socialization,’ including the militias. There is documentary evidence, moreover, that at least some part of the money used to support the militias in East Timor came directly from Jakarta under the guise of a development program funded directly through the Office of the President.

Third, documentary and testimonial evidence show that some funding for the militias was also channeled, directly and indirectly, through the TNI. In some districts militia members received their monthly wages and rice allotments at the Kodim office. The TNI also provided material support in the form of voluntary ‘contributions’ to militia groups, by exerting its authority to divert supplies to the militia from other government agencies, and by supplying the militias with weapons, combat gear, clothing, radio equipment, medical supplies, transportation and other logistical assistance.

Finally, additional funding and supplies were channeled through the pro-autonomy group, the FPDK. In some districts, such as Covalima, the FPDK paid the monthly wages of local militias. Elsewhere, it provided the militias with T-shirts, flags, and other pro-autonomy paraphernalia. There is evidence to suggest, moreover, that the FPDK served as a covert channel for the distribution of funds and supplies to the militias from various central government agencies, including the Foreign Ministry and the main national intelligence agency, BAIS.

## 9. District Summaries

The examination of the broad patterns of violence in 1999, and of the relationships that underlay them, can create a misleading sense of the uniformity of the situation across the country. This chapter aims to correct that imbalance, and to provide a more nuanced and complex picture of the events of 1999, by examining the human rights situation in 1999 in each of East Timor's 13 administrative districts: Aileu, Ainaro, Baucau, Bobonaro, Covalima, Dili, Ermera, Manufahi, Manatuto, Lautem, Liquica, Oecussi, and Viqueque.

Each district summary consists of two main sections. The first describes the principal militia groups that operated in the district in 1999, and examines the relationship between those groups and the key military, police and civilian authorities in the district. The second section provides an overview of major human rights events and developments in the district in 1999, highlighting both general themes and specific incidents of violence. While they add complexity to the picture of events in 1999, these summaries also illustrate very clearly the general patterns and relationships discussed in the early part of this report.

## 9.1 Aileu (Kodim 1632)

- Dandim: Maj. Maman Rahman
- Bupati: Col. (ret.) Suprpto Tarman
- Kapolres: Lt. Col. (Pol.) Drs. Hermanu, SH
- Militias: Ahi
- Killed: 28

Compared to some other districts, Aileu suffered relatively low levels of political violence in 1999.<sup>\*</sup> Twenty-eight people were killed during the year, the vast majority in one Sub-District (Aileu Kota). On the other hand, the district suffered levels of physical destruction comparable to other districts, and several thousands of people were forced to flee their homes, taking refuge in the mountains or in West Timor. The main perpetrators of the violence in Aileu were TNI soldiers and, to a lesser extent, members of the local militia, Ahi. Members of the Police Mobile Brigade were also directly responsible for some acts of violence.

### Militias and Authorities

The main militia group in the district, Ahi, was formally established in April 1999, and it had an estimated strength of approximately 260 members. Like many of the ostensibly new militia groups that emerged at this time in East Timor, Ahi was formed on the basis of pre-existing militia and paramilitary organizations. The most important of these in Aileu was Garda Paksi, a quasi-military youth group established in 1995. At the time of Ahi's formation, all existing members of those older groups were effectively folded into the new one. Highlighting the continuity, Ahi's leaders in 1999 reportedly included the former commanders of the old groups.<sup>†</sup>

Formally, Ahi had the support of the leading civilian authorities, including the Bupati, Col. (ret.) Suprpto Tarman and local government officials.<sup>‡</sup> It was allocated office space in Aileu town, and in each of the Sub-Districts. The District authorities also provided Ahi with two vehicles, which were used by its key leaders, and like militias everywhere it received funding and rice through the Bupati's office.

Despite these signs of official support, the backing of the authorities was not nearly as solid as it was in some other districts. At least some government authorities were evidently ambivalent about the militias. The Dandim, Maj. Maman Rahman, does not appear to have been a strong militia supporter, and the record of the Bupati, Col. Suprpto Tarman, was mixed. Although he threatened grave violence against pro-independence figures in August, and adopted an extremely bellicose posture in the post-ballot period, he was evidently not a quick convert to the idea of a militia force. In fact, he did not authorize the formation of Ahi until April, and then evidently only

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<sup>\*</sup> Unless otherwise noted, this account is based on UNTAET, DHRO Aileu, "A Profile of Human Rights Violations in Aileu District During 1999," December 2001.

<sup>†</sup> They included Horacio de Araújo, a former Garda Paksi leader, who was Ahi's third in command.

<sup>‡</sup> Col. Tarman had previously served as Dandim in Manufahi, and as Chief of Staff of Korem 164/WD.

to keep other militias – notably the Dili-based Aitarak – from operating in his district. That ambivalence would appear to have limited Ahi’s strength, and it may therefore help to explain the relatively small number of killings in the district.

Certain aspects of Ahi’s leadership and composition probably contributed to the same outcome. For example, Ahi’s commander Tomas Mendonça was said to be reluctant to distribute weapons to militia members. An ex-civil servant and former head of the District legislature, Mendonça was not as aggressive or as inclined to use violence as leaders of militias in other districts. Ahi’s behavior was probably also constrained by the fact that Aileu was a major CNRT and Falintil base area. In fact, by some accounts CNRT and Falintil members had managed to infiltrate Ahi units, and at least one of Ahi’s commanders (the second-in-command, Julio Oscar Galucho) was said to be a clandestine agent of Falintil.

Ahi did, however, benefit from the support of some regular TNI officers, including the Kodim Chief of Staff, Capt. Solapidin Dolok Seribu. In certain areas TNI officers and soldiers were directly involved in mobilizing and coordinating militia activities. The Commander for the SubDistrict of Aileu, Sgt. Maj. Alex Cocoleu, was a strong militia supporter. In the Sub-District of Laulara, Ahi was unofficially coordinated by a Babinsa, Pte. José Aleixo; while in Selo Kraik, it was coordinated by TNI officer, Sgt. Pedro Araújo.

Ahi’s strongest base of support in Aileu was arguably from the Kopassus unit stationed there, and from the Dili-based militia group, Aitarak, itself a Kopassus creation. Aitarak had actually begun to operate in the Laulara Sub-District of Aileu in early 1999, apparently prompting the Bupati to accept Kopassus calls for the formation of a local group. Aitarak was also instrumental in setting up Ahi, and Aitarak members came to Aileu periodically in 1999 to check up on Ahi’s operations.

### **Major Human Rights Events**

Perhaps owing to Ahi’s weakness, and the relative strength of Falintil and CNRT in the district, there were no killings reported through the entire pre-ballot period. However, these months were not completely free of violence. There were frequent reports of arrest, beating and torture of suspected CNRT and Falintil members. Sometimes these beatings took place at Ahi premises, but just as often they occurred at Kodim headquarters or in one or another Koramil. Some instances of sexual harassment and sexual violence, especially against women with CNRT sympathies, were also reported.

As it was throughout the territory, polling day was relatively peaceful in Aileu, and the calm continued at least until September 3 or 4. With the announcement of the result, however, the situation changed dramatically. According to some accounts, the violence began that day with the systematic killing of livestock. TNI soldiers began the slaughter, using high-powered weapons, and then gave guns to militiamen to continue the task. From there, the violence escalated quickly.

TNI soldiers and Police frequently played a direct role in the violence. TNI officers reportedly ordered militia leader Tomas Mendonca to organize the burning of buildings in Aileu town. UNAMET Civpol officers reported that Indonesian Police had stood idly by while militias had burned down the CNRT office in Aileu town. And on September 8, Capt. Seribu and Sgt. Maj. Cocoleu called some 20 TNI soldiers together at the Kodim. Once they had gathered, Sgt. Maj. Cocoleu reportedly told them to go out and burn and kill.

Between September 4 and 14, at least 15 people were killed in the district. Eleven of the 15 were killed in the Sub-District of Aileu Kota, and four were killed in the Sub-District of Laulara. Apparently, none were killed in the Sub-Districts of Lequidoe and Remexio. The available information on the reported killings points again to the direct role of the security forces. TNI or Police officers were directly involved in at least 8 of the 15 killings, and they were the sole perpetrators in at least five. On September 9, for example, Domingos Maukinta was shot and killed near Hohulu village, in Aileu Kota, by a TNI Sergeant, while on operation with several militiamen. The murder took place in the course of a joint TNI-militia campaign of burning and forcible evacuation directed by TNI Sgt. Maj. Alex Cocoleu.

As in other districts, the post-ballot period was also marked by massive destruction of property, intimidation, and forced evacuation. In that regard as well, the leading role of the TNI and Police was conspicuous. The burning of Aileu town began on September 5, and was both deliberate and systematic. TNI soldiers and militiamen arrived at villages with 5-litre cans of petrol or kerosene, which they sprayed on the buildings before lighting them on fire. Villages in the vicinity of Aileu town were burned one-by-one on successive days.

Against this background, TNI and Ahi militiamen began to round up thousands of villagers and transport them, or exhort them to walk, to Aileu town. As in a number of other districts, those living closest to the main roads were most likely to be rounded up. After waiting in Aileu for several days, on September 14th those who had been rounded up were moved from Aileu to Dili. A few days later, they were loaded on to trucks and transported from Dili to Atambua in West Timor.



## 9.2 Ainaro (Kodim 1633)

- Dandim: Lt. Col. Paulus Gatot Rudianto
- Bupati: Evaristo Doutel Sarmento
- Kapolres: Maj. (Pol.) Drs. Rizali, SH
- Militias: Mahidi, Laksaur
- No. Killed: 34

The District of Ainaro suffered significantly higher levels of violence and destruction than Aileu.\* At least 34 people were killed during the year, virtually all of them known or alleged supporters of independence. More than half of these killings (18) occurred in the Sub-District of Ainaro. An estimated 13,000 people were forcibly relocated in the post-ballot period, and some 3,700 buildings were burned or destroyed. Members of the TNI and the local militia group, *Mahidi*, were responsible for the vast majority of human rights violations in the district, including murder, attempted murder, torture and ill-treatment, intimidation, forcible relocation, and destruction of shelter and property.

### Militias and Authorities

The main militia group in Ainaro district was Mahidi (*Mati Hidup Untuk Integrasi* – Live or Die for Integration). Mahidi was formally established at a ceremony in Cassa on December 17, 1998.† The inauguration ceremony was reportedly attended by a number of government officials, including the national pro-autonomy figure Francisco Lopes da Cruz. The principal organizers, however, were said to be elements of the Kopassus-led intelligence unit, SGI.‡ At the time of the inauguration, that group was referred to as ‘Halilintar 612’ and ‘Battalion 612’ suggesting a link with the TNI in Bobonaro.

Over the next few months, Mahidi branches were established in each of the Sub-Districts and villages. By mid-1999, Mahidi had an estimated strength of at least 1,000 men, divided into a military-type structure of Company, Platoon and Cell.§ There were four main Companies (A, B, C and D) plus a headquarters company and a women’s company.

Mahidi was under the overall command of Cancio Lopes de Carvalho.|| His younger brother, Nemesio de Carvalho, was Deputy commander based in Cassa, and had responsibility for operations in the southern part of the district. A second Deputy Commander, Daniel Pereira, based in Manutassi, was responsible for operations in the north.

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\* Unless otherwise noted, this account is based on: UNTAET, DHRO-Ainaro, “Report on Human Rights Violations in 1999, Ainaro District,” May 2001.

† Sources differ on the precise date of the ceremony. Most witnesses say it took place on December 17, but others say December 31, 1999. A detailed, hand-written memo from July 1999 states that Mahidi was first established in Cassa on December 31 (SCU Collection, Doc #268).

‡ They included Lt. Col. Nyus Rahasia, a Kopassus officer – and Deputy Commander of TNI Sector B – who also trained militias in Manatuto in May and June 1999 (See District Summary: Manatuto).

§ In April 1999, some reports estimated Mahidi’s strength at 2,000 members with 500 weapons, but local NGOs said the real figures were closer to 1,000 members and 37 firearms. UNTAET Peace Keeping Force, *Militia Handbook*, Dili, April 5, 2001.

|| “In the wake of the Santa Cruz massacre, [Cancio Carvalho] collaborated with the SGI (Military Intelligence) in their hunt for the pro-independence activists. Since 1996, he has been living in Kupang where, until the fall of Suharto, he worked at the Ministry of Justice.” UNTAET, *Militia Handbook*.

Like many of the militias that appeared in 1999, Mahidi had deep historical roots, and long established links with the Indonesian military. Its antecedents dated at least to 1991, when a militia organization called the 'Volunteers' Organization' (*Organisasi Sukarelawan*) was formed in the district. The leader of that group was none other than Cancio Carvalho, the Mahidi Commander. Like Mahidi, moreover, the 'Volunteers' Organization' base area was the village of Cassa, in Ainaro Sub-District. Along with Manutassi, Cassa had also been one of the key strongholds of the pro-Indonesian Apodeti party in 1975-76. In the mid 1990s, the future leaders and members of Mahidi took part in a military training program run by the SGI in Aileu.

These strong ties to the TNI military were very much in evidence in 1999. TNI officers demonstrated their support for Mahidi by attending its inaugural meetings, and by conducting joint meetings to 'socialize' the autonomy option. Among those who attended such meetings was the District Military Commander, Lt. Col. Paulus Gatot Rudianto.

The TNI was also instrumental in training Mahidi, and in planning and executing its operations. One training session, conducted by Kodim officers, was directly observed by UNAMET officials in June 1999. Militia training is also reported to have been conducted in the District by Kopassus officers attached to Combat Sector B. The TNI was also the main source of supply of weapons to Mahidi. A former Hansip member told UN investigators that, starting in late December 1998, weapons were supplied to Mahidi commanders, who then distributed them to the Sub-Districts (See Chapter 7). Finally, UNAMET officials and others routinely observed TNI and Mahidi members conducting joint patrols.

Mahidi also had the support of the Indonesian Police, or at the very least, they were able to operate without fear of Police interference. As in the rest of East Timor, the Police in Ainaro were conspicuously unwilling to intervene to prevent or stop unlawful actions by the militias, or to investigate them when they were reported. In fact, confirming what had long been suspected, one former Police officer in Ainaro told UN investigators that Police had been given instructions to protect and assist the pro-autonomy groups, and to turn a blind eye to crimes against supporters of independence.

Of course, there were exceptions. A number of East Timorese Police officers were themselves supporters of independence, and did what they could to limit or prevent militia violence. But the consequences of such efforts could be fatal. On September 6, 1999, for example, a Police officer in the Sub-Village of Hatu-fae, in Maubisse Sub-District, was shot and killed after he tried to prevent militias from looting and burning the village. Fearing a similar fate, several Police with pro-independence sympathies fled to the hills or to West Timor as the violence descended.

In addition to the support it received from the TNI and the Police, Mahidi had the effective backing of key members of the civilian government apparatus, and of the

two main pro-autonomy groups, the FPDK and BRTT. In fact, the leaderships of these different groups overlapped so significantly that they arguably constituted a single, tightly-knit entity.

The Sub-District Heads of Ainaro and Hatobuilico, for example, were at the same time coordinators of Mahidi in their areas. The two Mahidi deputy commanders, Nemesio Carvalho and Daniel Pereira, were simultaneously leaders of the FPDK, which had official government backing. The two men, moreover, were respectively President and Deputy President of the District legislature. Finally, the leader of the BRTT in the District was the Bupati, Evaristo Douel Sarmento.

### **Major Human Rights Events**

As in much of East Timor, serious violations of human rights occurred through 1999, but with greatest intensity and frequency in the pre-UNAMET and post-ballot periods. All of the 34 recorded murders occurred in these periods. These periods also witnessed a surge in cases of kidnapping, beating, intimidation, forced dislocation, sexual violence, and destruction of property. The worst of the violence was concentrated in two Sub-Districts – Ainaro and Maubisse – but all Districts suffered serious violations and destruction.

The pre-UNAMET period was characterized by a climate of fear and intimidation. At least five people, all of them supporters of independence, were killed during this period. Two of those killed, in the same incident on January 3, 1999 were evidently targeted because they had protested against the formation of the Mahidi militia in Cassa. Three others were deliberately killed after being detained by TNI soldiers and Mahidi members and badly beaten.

As in the rest of the country, there were fewer serious human rights incidents during the UNAMET period, but beatings, kidnappings, and intimidation by militia and TNI continued. The main targets of these actions included CNRT leaders, student activists associated with the DSMPTT, and UNAMET staff. On August 5, for example, Mahidi militias attacked a meeting in Ainaro town organized by the DSMPTT, injuring a UNAMET Civpol. Police failed to intervene, and refused to investigate the assault on the grounds that UNAMET should not have attended the meeting. Later in August, during the period of campaigning, a Mahidi group burned the CNRT headquarters to the ground.

Ballot day was more tense in Ainaro than in many other districts. In addition to widespread intimidation, and brandishing of firearms, by TNI and militia, there was an unsuccessful attempt to kill a CNRT figure in Cassa.

As in the rest of the territory, however, the worst of the violence and destruction began after the ballot, and took on a special intensity after the announcement of the result on September 4. The pattern was virtually identical in every Sub-District. Joint teams of TNI and Mahidi moved systematically from village to village, first ordering residents to leave, before looting and then burning all houses and buildings. Most were ordered to go to Ainaro town, from where they were transported by truck to West Timor. In all, an estimated 13,000 were forcibly relocated in this way.

The process of dislocation and destruction was accompanied by serious human rights violations, and most notably, by selective or targeted killings. Most of those violations were committed by joint teams of TNI and Mahidi militia. In a handful of cases, mainly in Hato Udo Sub-District, members of the Ablai militia from neighboring Manufahi, were also involved.

In a number of instances, the killings were committed while the victims were in TNI custody. In one such case, on September 6, in Aituto-Rina Sub-Village, in Hatubuilico Sub-District, two men were beaten and then killed while detained at the TNI compound. The men had been among a larger group captured by TNI soldiers and militias on September 5, and detained at a nearby TNI post. The following morning, pro-independence supporters were separated from the others before being beaten severely and killed.

As in the case above, those targeted were mainly known supporters of independence, but the victims also included members of their families. On September 10, for example, a two-year-old girl was shot in the head and killed at her home in Sebalgalau Sub-Village, by militiamen attempting to murder her father.

The worst single case of violence in the District was the massacre at Maununu village, on September 23. Mahidi and the TNI had left Ainaro on September 21, but two days later, a force of about sixty armed men returned to Maununu. In a carefully coordinated and executed military-style operation, the armed men – which may have included TNI soldiers – killed at least 11 people, tried to kill 5 more, burned as many as 165 buildings, and forcibly evacuated roughly 75 villagers.

### 9.3 Baucau (Kodim 1628)

- Dandim: Lt. Col. Hisar Richard Hutajulu
- Bupati: Virgilio Marcal
- Kapolres: Lt. Col. (Pol.) Drs. Sodak C. Marpaung
- Militias: Saka, Sera, Forum Komunikasi Partisan (FKP)
- No. Killed: 43

The District of Baucau, the location of East Timor's second largest city, suffered significant violence and destruction in 1999.\* At least 43 people were killed during the year, about half of them in the post-ballot period. As in other districts, there was widespread physical destruction in the aftermath of the vote, and an estimated 5,000 people were forced to flee their homes. Nevertheless, given the size and political importance of the district, the violence in Baucau was relatively limited.

The vast majority of those killed were supporters of independence, while five were TNI soldiers or supporters of autonomy. The main perpetrators of the violence were the local militia groups, *Saka*, and various TNI units, including Rajawali, and Battalion 745. Other militia groups, including *Sera* and the *Forum Komunikasi Partisan* (FKP) also played a role.

#### Militias and Authorities

The main militia group in the district was Saka (a.k.a. Team Saka). Most of its members had access to weapons, sophisticated communications equipment, and other military gear. Originally formed during the Indonesian army's '*Operasi Kikis*' in 1983, Saka had long-established ties with the TNI. An officer at Kodim Baucau, Sgt. António Monis, was directly responsible for Saka liaison and operations.

The Saka commander, Joanico Cesario Belo, was a Kopassus officer. A protégé of the notorious Kopassus officer Prabowo Subianto, Belo carried a card that bore the Kopassus emblem and identified him as 'Commander of Special Company Pusaka' (*Dan Ki Sus Pusaka*).† Commander of Saka since 1996, Cesario was also the overall militia commander for the eastern region (PPI, Sector A), with responsibility for Makikit and 59/57 Junior in Viqueque, Tim Alfa in Lautem, Moruk in Manatuto, and both Saka and Sera (Tim Sera) in Baucau.

Although it was the largest and the most active militia in the district, and was indeed responsible for many killings and other acts of violence, Saka was generally less aggressive than militia groups such as BMP in Liquica and Aitarak in Dili. One reason seems to have been the lukewarm support it received from the Bupati, Virgilio Marcal

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\* Unless otherwise noted, this account is based on: UNTAET, DHRO-Baucau, "Baucau 1999 Report" [n.d.]

† A copy of Cesario's business card is in the author's possession.

(a native of Baucau and well-regarded in the District), and from the Dandim, Lt. Col. Richard Hutujulu.

Formally, these officials backed Saka. As in other districts, funding flowed to the group from the Bupati's office and through the Kodim. At the same time, both the Bupati and the Dandim expressed to UNAMET their apprehension about the militias, and their desire to ensure a peaceful outcome to the popular consultation. Their posture may have been influenced by the views of the Bishop of Baucau, Basilio do Nascimento, a widely respected and influential figure in Baucau, and indeed in the country.

There was also ambivalence within Saka itself. Some Saka members, it seems, were sympathetic to independence, and secretly assisted Falintil by passing on money and food they received as militias. Even the Commander, Joanico Cesario Belo, appeared to lack conviction. In the pre-ballot period, his public pronouncements were seldom as bellicose as those of Eurico Guterres, Cancio Carvalho, and other militia leaders. And in the post-ballot period, he reportedly assisted many pro-independence people to flee Dili to Baucau, possibly saving many lives.

A second militia group in Baucau was Team Sera. Commanded by Agostino Freitas Boavida (a.k.a. Sera Malik), Tim Sera also dated back to the 1980s, and had close ties to the TNI. However, it was much smaller and less active than Saka.

The last of the militia groups in Baucau, Forum Komunikasi Partisan (FKP), was not formed until July-August 1999. The name alluded to the first ever militia group created by the TNI in 1975-76, the so-called 'Partisan,' and some of its members were said to be former members of that older group. The FKP was set up on the initiative of the Kodim Baucau Chief of Staff, Capt. Karel Pola, despite efforts by local authorities and UNAMET officials to prevent it. The circumstances of its creation clearly indicate that the FKP was a TNI project designed to augment or replace the existing militia groups that were deemed to be insufficiently active.

The controversy over the formation of the FKP – as reported by UNAMET in 1999 – provided further insight into the reasons for the relatively low level of violence in the district. It confirmed, for example, that the Bupati, Virgilio Marcal, the Dandim, Lt. Col. Richard Hutujulu were far less supportive of militia violence than many of their colleagues in other districts. It also confirmed the Bishop's strong opposition to TNI support for the militias, and his willingness to intervene with Indonesian authorities to limit their activities.

All three men expressed to UNAMET their concern that Capt. Pola's efforts would give rise to violence, and they supported efforts to have him removed from the district. All parties expressed relief and satisfaction in mid-July when word was received that Pola had been reassigned. Then, when he reappeared in the District on August 2, the Bishop reportedly commented that he must have the support of one or more Generals in Jakarta. Immediately after Capt. Pola's return, FKP recruitment efforts resumed, and by the second week in August, units of the new militia existed in all Sub-Districts. Commanded by José Manuel do Reis (a.k.a. José Bife), the FKP brought together a mixed bag of ex-Partisans, civil servants, as well as former members of Saka and Sera.

Together with Saka, and with the TNI, they were principally responsible for the human rights violations that occurred in the post-ballot period.

### **Major Human Rights Events**

As in many other districts, the most serious violence in Baucau occurred in the pre-UNAMET and post-ballot periods. Virtually all of the killings in 1999 occurred between January and May, or in September, 1999. The UNAMET period was marked by systematic intimidation, including overt threats of future violence, beatings etc., but apparently no killings.

Many of the serious human rights violations committed in the pre-UNAMET period, including several killings, were perpetrated by TNI and Kopassus soldiers. A number of these killings appeared to be acts of revenge for Falintil or Clandestine attacks. One such case occurred in the area of Uaibeana and nearby Burburaca on March 17, 1999. Apparently in retaliation for the killing of a TNI soldier that month, five young men were detained by the TNI and killed. The bodies of three of the five were later discovered in a shallow grave at Triloka, near the Baucau airport. The bodies of the other two victims had not been located as of early 2003.

Baucau District was calm on polling day, and for the first few days of September. On September 3, however, militias began to appear on the streets of Baucau town, some of them carrying and firing automatic weapons. On the evenings of September 4, 5, and 6 men on motorbikes drove around the town firing their weapons into the air. Others circled or drove past the UNAMET and Civpol houses, throwing rocks, smashing the windows of vehicles, and firing guns.

On September 7, the UNAMET office in Baucau town came under attack. The attack lasted for about an hour, during which time live gunfire rounds entered the building at chest height. MLOs outside reported that shots were being fired by Indonesian Police, possibly Brimob. About two hours after the attack began, a TNI unit appeared on the scene. Later that day, UNAMET evacuated to Dili by helicopter.

The worst of the violence then began in earnest, and it continued until the end of September. Over the next three weeks, six people were killed in the Sub-District of Baucau; five in Venilale; four in Laga; three in Quelicai; two in Vemassee; and one in Baguia. A number of these killings were committed by TNI forces, including several by the 745 Battalion as it passed through Baucau on its way from Los Palos to Dili in late September. (See Case Study: Battalion 745 Rampage).

In addition to these 21 killings, militia and TNI units carried out acts of destruction in much of the district, burning of houses, government buildings, livestock, and food supplies. Some areas suffered relatively minor damage, including Baucau town and the Sub-District of Venilale.

Other areas suffered major destruction, most notably the Sub-Districts of Quelicai, a center of militia activity, and Laga.

In Quelicai, on September 7, Saka militiamen tried unsuccessfully to arrest a number of CNRT leaders. The following day, September 8, militiamen and TNI soldiers joined forces to burn down the CNRT office, and all the houses and buildings along the main road. On September 9, TNI soldiers in Laga together with Saka and Sera militias forced people together at the TNI headquarters for transportation, by boat, to West Timor.

In the course of September, at least 5,000 people, and possibly many more, fled their homes either as a result of direct intimidation by militia and TNI forces, or because of a generalized fear of violence. Interfet forces arrived in Baucau at the end of September, and the violence subsided shortly thereafter.



## 9.4 Bobonaro (Kodim 1636)

- Dandim: Lt. Col. Burhanuddin Siagian
- Bupati: Guilherme dos Santos
- Kapolres: Maj. (Pol.) Drs. Budi Susilo
- Militias: Halilintar, Dadurus Merah Putih, Firmi Merah Putih, Saka Loromonu, Armui Merah Putih, Guntur Merah Putih, Hametin Merah Putih, Harimau Merah Putih, Kaer Metin Merah Putih
- No. Killed: 229

The District of Bobonaro was a major center of pro-autonomy violence in 1999.\* At least 229 people, and possibly as many as 300, were killed during the year. Many others suffered beating, torture, forcible relocation, and property destruction. By one estimate, 8,612 houses were burned, and a further 4,382 were otherwise rendered uninhabitable. Gender-crimes, including rape and sexual slavery, were also commonly reported.

The vast majority of the victims were supporters of independence, though an estimated 20 pro-autonomy supporters or TNI soldiers were among the dead. The perpetrators of the violence were generally members of one of the militia groups operating in the district, but also included TNI soldiers and Police. These groups were almost invariably led or directed by members of TNI intelligence units.

### Militias and Authorities

Bobonaro boasted an unusually well-developed network of militia and paramilitary groups in 1999.† At least nine different groups existed in late 1998 and early 1999, and all of them had the full support of military and civilian authorities.

The principal group was the elite paramilitary unit, *Halilintar* (Lightning/Thunderbolt), formally led by the supreme militia commander João Tavares. First established at the time of the Indonesian invasion in 1975, Halilintar was dormant for several years and was then resurrected in the mid-1990s. Although the unit's total membership in 1999 was only about 120 men, it operated throughout the district and beyond, and had the full backing of the TNI leadership.‡ An elite unit, its members received Rp. 300,000

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\* Unless otherwise noted, this account is based on: UNTAET, DHRO-Bobonaro, "Bobonaro District 1999 Report," September 2002; Deputy General Prosecutor for Serious Crimes, Indictment against Lt. Col. Burhanuddin Siagian, *et.al.*, February 3, 2003; and General Prosecutor of the Democratic Republic of East Timor, Indictment against Lt. Sutrisno, *et.al.*, June 2002.

† Peter Bartu, who served as UNAMET's Political Affairs Officer in Bobonaro, writes that "the militia structure in Bobonaro district was the most developed in terms of organization and funding." Bartu, "The Militia, the Military, and the People of Bobonaro," in Tanter, Selden and Shalom, eds., *Bitter Flowers, Sweet Flowers: East Timor, Indonesia, and the World Community*, Rowman & Littlefield, 2001, p. 78.

‡ On Halilintar's links to the TNI, Bartu writes: "Certainly it had a close relationship with Satgas Intel (Satuan Tugas Intelijen, SGI), the Kopassus intelligence unit that oversaw its reestablishment, tended to its logistic needs, and provided bodyguards to Tavares and training for its senior cadre." Bartu, "The Militia," p. 80.

per month, as well as uniforms and firearms. They were also trusted to join SGI and regular TNI units on combat and counterinsurgency operations.

Beneath Halilintar were several militia units of varying size, most of them formed in early 1999. At least one group was established in each of Bobonaro's six Sub-Districts, and some Sub-Districts had two. Among the most active, and most frequently involved in serious acts of violence, was the DMP (*Dadurus Merah Putih* – Red and White Typhoon) based in Maliana Sub-District. Led by a serving TNI officer, Sgt. Domingos dos Santos, the group played a central role in the attack on UNAMET headquarters in Maliana in late June 1999, the murder of two UNAMET staff on September 2, and the mass killings at the Maliana Police station on September 8.

As in other districts, much of the militia violence in Bobonaro was coordinated by, and carried out with the acquiescence of, District military and civilian authorities. The key officials in Bobonaro were: the District Military Commander (Dandim), Lt. Col. Burhanuddin Siagian; the Head of military intelligence in the District, Lt. Sutrisno; and the Bupati, Guilherme dos Santos. In addition, the leadership of each of the Sub-District level militia groups was leavened with, and in some cases dominated by, active and retired TNI officers. "These men were assisted in their work by a number of local pro-autonomy figures, including the militia commander, João Tavares; the FPKD deputy chief, Natalino Monteiro; the BRTT leader, Francisco Soares; and the Head of the District legislature, Jorge Tavares.

*Table 4: Pro-Indonesian Militia Groups in Bobonaro District*

<b>Militia Name</b>	<b>Sub-District</b>
Halilintar	Maliana, Atabae
Dadurus Merah Putih (DMP)	Maliana
Firmi Merah Putih Saka Loromonu	Balibo
Armui (Harmoi) Merah Putih	Atabae
Guntur Merah Putih	Cailaco
Hametin Merah Putih Harimau Merah Putih	Bobonaro
Kaer Metin Merah Putih	Lolotoe

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\* Bartu writes: "The TNI was heavily involved in all aspects of militia activity in Bobonaro district aimed at ensuring a pro-autonomy vote in the Popular Consultation. At the higher levels the subdistrict militia leaders were coordinated and directed by the *dandim* and his intelligence chief from the *kodim* and from the *bupati's* office. At the subdistrict level the militia was either directly commanded by TNI personnel or directly supported by *koramil* staff. At the village level the militia worked hand in hand with military posts and *babinsas*." Bartu, "The Militia," p. 88.

Official support for the militias took a variety of forms, including mobilization, training, the provision of weapons and logistical support, and funding. Evidence of official financing of the militias, and other pro-autonomy groups, is especially rich in Bobonaro. Documents leaked from the District administration in 1999 reveal, for example, that the Bupati requested some Rp.3 billion from the Provincial Governor for ‘socialization’ activities, and that roughly 35% of that amount was designated for militia groups under various guises. Those documents also indicate that, when finances began to run low in July 1999, the Bupati requested approval from the Governor to divert funds from other budget lines – including education and public works – to cover the costs of the ‘socialization’ campaign. These documents are analyzed in detail in Chapter 8 of this report.

As in other districts, Indonesian Police authorities claimed to be powerless in the face of strong military and government support for the militias. One senior official reportedly described the problem to UNAMET as follows: “If we arrest a militiaman, Dili and Jakarta will tell us to let them go. If we shoot one of them, then we know they will attack our district headquarters.” Whether it was due to their powerlessness, or because of their active support for the pro-autonomy cause, the Police played a supporting role through their failure to intervene to prevent acts of violence, or to take action against those known to have carried out killings and other violations of human rights.

### **Major Human Rights Events**

As in some other districts, violence against pro-independence individuals and villages began even before President Habibie’s announcement of late January 1999. Nevertheless, it was not until March 1999 that anti-independence violence became systematic and widespread in Bobonaro. In that month, TNI and SGI units carried out several raids on suspected CNRT meetings, and on villages deemed sympathetic to Falintil, in the course of which several people were killed.

On March 19, for example, TNI soldiers and Halilintar members, fully armed and wearing ‘Ninja’ masks, raided what they thought was a clandestine pro-independence meeting in the village of Moleana in Maliana Sub-District, killing four people, including two children.<sup>†</sup> A few days later, on March 22, soldiers severely beat a prominent CNRT leader in public and dragged him through town to the local TNI headquarters. The victim, José Andrade da Cruz, was eventually released but his public beating, and the raids on CNRT meetings, had generated widespread fear among supporters of independence. As a consequence, hundreds of people fled their homes for the relative safety of Dili, or nearby churches. The forcible displacement of the population, and the IDP problem that would continue for the rest of the year, had begun.

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\* Cited in Bartu, “The Militia,” p. 75.

† UNTAET, DHRO-Bobonaro, “Background Information Concerning the 19 March attack,” March 20, 2001.

The situation worsened in April with the inauguration of new militia groups and their mobilization in the context of the government's 'socialization' campaign. Just days after the official launch of the campaign, TNI soldiers operating jointly with Halilintar and militia units embarked on one of the most concentrated campaigns of extra-judicial execution in many years. It began with the execution of seven people in a single day in the Sub-District of Cailaco. Witnesses have testified that the executions were ordered by the District Military Commander, Lt. Col. Burhanuddin Siagian, and the District Head of Military Intelligence, Lt. Sutrisno. Over the next two weeks, as many as 20 more people were murdered in the Sub-District. The operation followed the ambush and killing of the District finance chief and pro-autonomy figure, Manuel Gama, on April 12.\* (See Case Study: The Cailaco Killings).

The killings sparked a new wave of internal displacement in Cailaco, as villagers fled to the mountains, or to nearby towns and villages. More than 4,000 people were moved from four villages to rough camps in the Sub-District capital, where they were placed under the 'protection' of militia groups and told they would not be able to return home until after the consultation.† Elsewhere in the district, the homes of two prominent CNRT leaders were burned and looted, and the men were forced to take refuge in the Maliana Police station.

In May, the focus of TNI and militia operations shifted to the Sub-District of Lolotoe, which like Cailaco was considered a pro-independence stronghold. Over the course of several days in late May, TNI forces together with members of the Kaer Metin Merah Putih (KMP) militia conducted sweeping operations in which hundreds of suspected supporters of independence and CNRT leaders were rounded up. Many of those detained were badly beaten, and some were tortured or mutilated by their captors in an effort to extract confessions about their links to Falintil. Several instances of rape and sexual slavery by TNI and militiamen were also reported in the context of the raids (See Case Study: Arbitrary Detention and Rape in Lolotoe).

On June 1, CNRT leaders who had been in protective custody since April were compelled to sign a declaration officially 'dissolving' the CNRT, at a large pro-autonomy rally in Maliana. The declaration was later cited by the pro-autonomy side to prove that the CNRT had ceded its right to campaign for the popular consultation. In the face of such tactics, and threats of violence, the CNRT chose not to campaign publicly.

As in other districts, the level of killing declined with the deployment of UNAMET and other international observers in June. However, UNAMET's presence did not bring an end to the other activities of pro-autonomy groups or the deprivations of the militias. In fact, UNAMET and its local employees became targets of militia violence during this period. On June 29, for example, a gang of militiamen attacked

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\* It is unclear who killed Manuel Gama. Some observers have concluded that it was probably a Falintil unit. On the other hand, Bartu says: "The weight of evidence suggests that Gama was killed by a combined Halilintar/SGI/TNI team, as a pretext for a district-wide crackdown against pro-independence supporters." Bartu, "The Militias," p. 82.

† Bartu, "The Militias," p. 83.

the newly opened UNAMET headquarters in Maliana, seriously injuring several people and causing extensive property damage. A UNAMET investigation into the attack concluded that it had been organized by senior TNI officers in the district, and that the Police response to the attack had been wholly inadequate. (See Case Study: Attack on UNAMET Maliana).

International protests over that attack, and another against a humanitarian convoy in Liquica a few days later, resulted in a temporary improvement in the security situation. Before long, however, armed militias were once more roaming freely throughout the district, threatening supporters of independence and UNAMET staff. To make matters worse, it was clear that they had the full support not only of the Dandim, Lt. Col. Siagian, but also of the Bupati, Guilherme dos Santos. As the ballot approached, both men adopted an increasingly antagonistic attitude toward UNAMET. In mid-July, Guilherme dos Santos threatened to kill Australian UNAMET personnel<sup>†</sup>, and on at least two occasions Lt. Col. Siagian personally told UNAMET local staff members that they would be killed after the popular consultation.<sup>‡</sup>

These tensions came to a head toward the end of the registration period, in early August. Insisting that the registration process was unfair to the pro-autonomy side, the Bupati threatened that UNAMET staff would be detained if a single resident of the district were unable to register. In comments to journalists at about this time, dos Santos seemed also to be threatening UNAMET staff with acts of violence. The immediate crisis was averted through a face-to-face meeting between the Bupati and UNAMET's Head of Mission, Ian Martin, on August 3, and an extension of the registration deadline.

However, the official antagonism toward UNAMET, and overt threats against supporters of independence, continued, and degenerated into serious violence in the final days before the ballot. On August 18, a young pro-independence activist was hauled off a bus in Maliana town by DMP militia, and hacked to death. On 27 August, militias and Indonesian Police attacked residents in the village of Memo, in the Sub-District of Maliana, killing at least two people, and destroying some twenty houses.

In late August, UNAMET's Political Affairs Office reported to UN headquarters in New York that, barring some dramatic turn of events, or the deployment of armed peacekeepers, there would be massive violence in the District of Bobonaro after the vote.<sup>‡</sup> That view was widely shared by the residents of Bobonaro, many of whom fled to the mountains, or other places of sanctuary, within hours of casting their ballots.

By September 2, the widely predicted violence had begun, and when UNAMET evacuated all international staff on September 3, it escalated further. Backed and coordinated by TNI and Police forces, militiamen then began a systematic campaign of violence in towns and villages throughout the district. Thousands of houses were looted and burned, and tens of thousands of people were loaded onto trucks and transported to West Timor.

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\* "Mayor threatens to kill Aussies," *Sydney Morning Herald*, July 17, 1999.

† Bartu, "The Militias," p. 88.

‡ UNAMET, Political Affairs Office, "Weekly Sitrep #7 (16 August – 22 August)." Reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

The total number killed in the District in September 1999 is believed to be at least 111, and some estimates range as high as 200. Given the strong possibility that as many as 40 bodies were thrown into the sea during this period, however, it is unlikely that the precise number of dead, or their final resting places, will ever be known.

As in other Districts, pro-independence leaders and supporters were specifically targeted in the post-ballot violence in Bobonaro. So too were UNAMET local staff members. Among the first victims after August 30 were two members of the UNAMET staff in Maliana, Ruben B. Soares and Domingos Pereira, who were killed in front of their homes on September 2. Their assailants included the chief of military intelligence for the District, Lt. Sutrisno, and a TNI intelligence officer, Asiz Fontes, who doubled as a DMP militia commander in Maliana town.\* With Lt. Sutrisno and Fontes observing, several militiamen dragged Ruben B. Soares from his house before stabbing him repeatedly and smashing his head with a rock. At about the same time the TNI intelligence officer, Asiz Fontes, shot Domingos Peireira and militiamen stabbed him repeatedly. Both men died from their wounds. Lt. Sutrisno and Asiz Fontes were accused, together with eight other men, of individual criminal responsibility for the murders.†

In addition to these and dozens of other deliberate killings of individuals or small groups, Bobonaro witnessed a number of mass killings in September 1999. The most gruesome, and also the most revealing of the links between the militias and the military and Police authorities, was the massacre of refugees at the Maliana Police Station, where an estimated 6,000 people had taken refuge in the days after the ballot.

At about 5:30 p.m. on September 8, while Police stood guard, a joint team of armed militiamen and TNI soldiers wearing 'Ninja' masks assaulted the station, and killed as many as 14 refugees with machetes and knives. The dead included a number of prominent CNRT figures who were evidently specifically targeted for execution. Thirteen people who managed to escape the carnage at the Police station were tracked down and executed by TNI and militia forces the next day in the village of Mulau. On September 10, two Police officers were killed for their alleged pro-independence leanings, and their bodies dumped down a well at the Police station. (See Case Study: Maliana Police Station Massacre).

The key perpetrators of the post-ballot violence in Bobonaro were members of the district's many militia groups. But, to an even greater degree than in the pre-ballot period, in September the militias had the active backing of the TNI, and the acquiescence or full backing of the Police and civilian authorities. Coordinating the violence at the District level were a number of familiar figures: Lt. Col. Burhanuddin Siagian who had ostensibly been removed as Dandim in mid-August; Lt. Sutrisno, the

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\* See Bartu, "The Militias," p. 88

† General Prosecutor of the Democratic Republic of East Timor, Indictment against Lt. Sutrisno, *et.al.* June 2002.

chief of military intelligence for the District; Guilherme dos Santos, the Bupati; and João Tavares, the overall commander of the militia forces. As of early 2003, none of these men had been detained or tried.

## 9.5 Covalima (Kodim 1635)

- Dandim: Lt. Col. Ahmad Mas Agus; Lt. Col. Liliek Koeshadianto
- Bupati: Col. Herman Sedyono
- Kapolres: Lt. Col. (Pol.) Gatot Subiaktoro
- Militias: Laksaur, Mahidi
- No. Killed: 190

The District of Covalima was the scene of widespread human rights violations both before and after the ballot in 1999.\* At least 190 people, and possibly more, were killed during the year, and several thousands were forcibly displaced. Numerous cases of beating, torture and intimidation were reported throughout the year, as well as several instances of sexual violence.

### Militias and Authorities

The main militia group in Covalima was *Laksaur* (a.k.a. Laksaur Merah Putih). The militia group based in the neighboring District of Ainaro, known as *Mahidi*, also operated in parts of Covalima District, and had a branch in the Sub-District of Zumalai. On at least one occasion, in late June 1999, members of the Dili-based militia group, Aitarak, were also reported to be operating in the District.†

Laksaur was set up in January 1999, and formally inaugurated in mid-April. By mid-1999, it was one of the largest militia groups in East Timor, with an estimated strength of between 600 and 1,000 men. As in other districts, Laksaur grew out of earlier paramilitary organizations, and its leadership was closely linked with the military and civilian authorities. Covalima had had a strong 'Partisan' militia group in 1975, and for several years thereafter; and those earlier allegiances were important in the 1999 militia recruitment. The group was formally led by Olivio Mendonça Moruk, a former official in the District administration and a member of the FPDK.‡

As in the case of militias in other districts, Laksaur received funding from official sources, and had the strong support of a range of military and civilian officials in Covalima. Formal funding for Laksaur came from the Governor's office through the office of the Bupati. Additional funds and supplies of rice were made available from the unused salaries and allotments of government officials with pro-independence leanings who went into hiding in early 1999. In some Sub-Districts, moreover, Laksaur salaries were paid out by the pro-autonomy group, FPDK.§

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\* Unless otherwise noted, this account is based on UNTAET, DHRO-Covalima, "Covalima District: 1999 Report," December, 2001; and Deputy General Prosecutor for Serious Crimes, Indictment against Col. Herman Sedyono *et.al.* April 7, 2003, Dili.

† Four truckloads of Aitarak militiamen, some of them armed, appeared in the town of Suai on June 28, 1999. Following UNAMET inquiries, the District Chief of Police confirmed that the militias in question were Aitarak. See UNAMET, Political Affairs Office-Covalima, "Report 7/99," June 30, 1999.

‡ Moruk was killed in West Timor, shortly after Indonesia's Attorney General released a list of suspects on August 31, 2001. There was speculation at the time that he was killed to prevent him from testifying in any future trial, and revealing the role of TNI and civilian authorities. Other sources say that he was killed in a private dispute.

§ The details of FPDK funding to Laksaur are discussed in Chapter 8 of this report.



Among the most ardent backers of Laksaur was the Dandim of Covalima, Lt. Col. Ahmad Mas Agus. Indeed, Agus was so closely involved with Laksaur that he was the subject of explicit complaints by UNAMET, as a result of which he was briefly replaced as Dandim in late August 1999.<sup>\*</sup> His replacement, Lt. Col. Liliek Koeshadianto (a.k.a. Lilik Kushadiyanto) was not significantly different in his approach toward the militias. Another stalwart Laksaur supporter was the Bupati of Covalima, Col. Herman Sedyono, a Catholic from East Java who had spent much of his career in East Timor.<sup>†</sup> Other key backers included the Danramil of Suai, Lt. Sugito, the Kodim Chief of Staff, Capt. Ahmad Syamsuddin, and the District Chief of Police, Lt. Col. (Pol) Gatot Subiaktoro.

### Major Human Rights Events

Serious human rights violations were reported in Covalima throughout 1999, with peaks of violence in the pre-UNAMET and post-ballot periods. The vast majority were killed after August 30.

The first of the killings in the district occurred on January 22, and several other murders followed over the next week. By the end of January at least five people, all of them alleged supporters of independence or their relatives, had been killed. Three of them, including a pregnant woman and a boy aged 15, had been killed in a single incident on January 25 at Galitas village, in Zumalai.

An eyewitness to the killings at Galitas told investigators that about a dozen armed Mahidi militiamen arrived in the village in three vehicles at about 9:00 p.m. on the night of January 25, 1999. Some residents tried to hide in nearby bushes, but the militias found Olandino Pereira (60), his pregnant daughter, Angelica de Jesus (18), and her brother, Luis Pereira (15). The three were reportedly shot and then hacked with machetes. According to one account, so far unconfirmed, the assailants cut off the older man's head (or a part of it) and took it with them to Mahidi headquarters in Cassa, Ainaro.

In April and May, Laksaur militias launched another major campaign of violence and terror against villagers perceived to be supporters of independence.<sup>‡</sup> In the wake of these attacks, which resulted in numerous killings, residents from the targeted villages

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\* Testifying before the Ad Hoc Tribunal in Jakarta in June 2002, the Commander of Kodam IX, Maj. Gen. Adam Damiri said: "It was UNAMET who made Jakarta replace Suai military commander Lt. Col. Ahmad Mas Agus for no clear reason, so I appointed Liliek [Koeshadiyanto] to fill the post." *Jakarta Post*, June 20, 2002. There remains some uncertainty about the precise date of Lt. Col. Agus' removal and reinstatement. Most sources concur, however, that he was replaced by Lt. Col. Koeshadiyanto from August 29 to September 7, 1999.

† One source suggests that Sedyono was a career Kopassus officer, but provides no details. See "Col. Herman Sedyono," *Masters of Terror*, <http://yayasanhak.minihub.org/mot/booktoc.htm>.

‡ For details of the attacks in April and May 1999, see Deputy General Prosecutor for Serious Crimes, Indictment against Col. Herman Sedyono *et.al.* April 7, 2003, Dili, pp. 17-33.

began to flee to the town of Suai, where they took refuge in the Ave Maria Church. On April 12, Laksaur militias overtly threatened CNRT members in Suai town, leading CNRT leaders there to close their office and go into hiding.

UNAMET's arrival in the district in June 1999 led to a marked reduction in the most egregious human rights violations. Only one person was reported killed between June 1 and August 30, 1999, and some who had gone into hiding in April were able to return to their homes. Nevertheless, the Laksaur militia continued to roam freely throughout the district, intimidating and beating real or alleged supporters of independence. As a consequence, the vast majority of IDPs were reluctant to return to their homes, some were unable to register for the referendum, and the CNRT was effectively unable to campaign.

By August, several thousand people had gathered in the Suai church, and it had become a focus of pro-autonomy hostility in the district. On August 19, the Bupati, Col. (ret.) Herman Sedyono, declared that the refugees would not be permitted to remain in the church, and he ordered that both water and food supplies be cut. Notwithstanding strong protests from UNAMET and a visiting U.S. Congressional delegation, and a promise from Maj. Gen. Zacky Anwar Makarim to rectify the matter, the blockade was maintained for several days, before the Bupati finally relented. But official hostility to those in the church did not abate.

On August 29, the last day before the ballot, pro-autonomy and pro-independence leaders and members came together in Suai town for a reconciliation mass, a public ceremony, and the issuing of a joint declaration. Some present seem to have had a genuine desire for reconciliation, but that was not enough to prevent the massive violence in the post-ballot period.<sup>†</sup> In fact, a militia leader from Suai, Rui Lopes, later told journalists that, on the same day, he had taken part in a meeting with the Bupati and the Dandim at which orders were given to burn down Covalima, and to drive the population to West Timor.<sup>†</sup>

As in most other districts, the violence began in earnest after the announcement of the result of the referendum. On September 4 and 5, the burning began – in the villages of Debos, Tabaco, Leogore, and Kampung Baru in Suai – and thereafter spread to the rest of the District. Forced to flee their homes by the violence, as many as 20,000 people were assembled at three school grounds, and in military and police compounds in Suai town, before being transported across the border. By September 20, all Indonesian authorities, including the Police, had also evacuated the District to West Timor. From that point until the deployment of INTERFET troops on October 6 the district was thoroughly looted by militias, some of which had left for West Timor and later returned.

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\* Jim Fox writes: "At the point in the mass when members of the congregation wish each other 'peace,' the front of the church erupted in an outpouring of emotions as members of the two factions left their seats and embraced each other." James J. Fox, "Ceremonies of reconciliation as Prelude to Violence in Suai, East Timor." [unpublished manuscript, n.d.]

† "Indonesia/East Timor: Forced Expulsions to West Timor and the Refugee Crisis," *Human Rights Watch*, Vol. 11, No. 7.

All told, more than 170 people are believed to have been killed in the post-ballot period. Four people were killed in the village of Matai on September 9; at least 14 were killed at Lactos and nearby Raihun, by a joint TNI-militia team on September 12; and three others were killed at Kamenasa on September 24 and 25.\*

The worst single incident of violence, however, was the massacre at the church in Suai on September 6. At least 40 people, but possibly as many as 200, were killed when Laksaur and Mahidi militias, backed by TNI and Brimob troops, stormed the church compound. Of the 40 whose identities had been established by early 2003, three were Catholic priests, ten were minors (under 18 years), and several were women or girls (See Case Study: Suai Church Massacre).

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\* For detail on these and other crimes committed in the post-ballot period, see Deputy General Prosecutor for Serious Crimes, Indictment against Col. Herman Sedyono *et.al.* April 7, 2003, Dili, pp. 35-57.

## 9.6 Dili (Kodim 1627)

- Dandim: Lt. Col. Endar Priyanto; Lt. Col. Soedjarwo
- Bupati: Domingos Soares
- Kapolres: Lt. Col. (Pol.) Drs. Hulman Gultom
- Militias: Aitarak
- No. Killed: 192

The district of Dili was a major center of political violence in 1999.\* As many as 192 people were murdered during the year. The victims included at least 13 people killed in a single day on April 17, another 15 killed or disappeared during an attack on the Dili Diocese office on September 5, and a Dutch journalist killed by TNI soldiers on September 21. Many others were threatened, beaten, tortured, or seriously wounded in attempted killings. In addition, an estimated 7,165 buildings were burned or destroyed, while tens of thousands of people were forced to flee their homes as violence erupted in the aftermath of the August 30 vote.† The perpetrators of these human rights violations included members of the TNI, the Indonesian Police and Mobile Brigades, and militiamen.

### Militias and Authorities

The principal militia group in Dili district was *Aitarak*, led by Eurico Guterres, who was also Deputy Commander of the overall militia force, the PPI. Based in the capital city of Dili, with links to key provincial and district officials, Aitarak was widely regarded as the most powerful and well-connected militia group in the country. It was also among the most violent and, with some 1,500 members, probably the largest. Aitarak was especially active in the vicinity of Hera, the site of a polytechnic college, and strategically located along the main road running east from the town of Dili. The Aitarak unit there, led by the Hera Village Head Mateus de Carvalho, was responsible for numerous grave violations of human rights, including the murder of two college students in May 1999 (See Case Study: The Killing of Two Students at Hera).

Although based in Dili, armed Aitarak units operated in other Districts as well. At one time or another in 1999, there were reports of Aitarak units based or operating in the Districts of Viqueque, Aileu, Liquica, Covalima, Ermera, and Oecussi.‡

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\* Unless otherwise noted, this account is based on: UNTAET, DHRO-Dili, "Key Cases of HRVs/Abuses in Dili District," September, 2002.

† The estimate of buildings burned is from the "Survey of Population Movements and Refugees in Dili District," prepared by the 'Dili District Returns Committee' in August 2000.

‡ A document dated August 22, 1999 lists 62 Aitarak members in a village in Ermera's Atsabe Sub-District. See: "Daftar Nama-Nama Dari Markas Besar Komando Pasukan Aitarak Sektor B," August 22, 1999 (SCU Collection, Doc #20). A letter from an Aitarak member to Eurico Guterres, dated March 30, 1999, indicates that an Aitarak branch had already been established in Ossu, Viqueque before that date. See: Letter from Mário Pinto da Costa to Komandan [Aitarak], March 30, 1999 (SCU Collection, Doc #262).

Internal Aitarak documents, discovered in late 1999, indicate that the group was organized on the model of an Indonesian army battalion. Beneath the ‘Commander’ Eurico Guterres, were a ‘Deputy Commander’ and four staff officers – one each for Intelligence, Operations, Personnel, and Logistics. The main force was divided into four ‘Companies’ (A, B, C, and D). Each Company was divided into ‘Platoons,’ and these in turn were each comprised of several ‘Teams.’

Aitarak was formed in early 1999 but like most other militia groups, its roots can be traced back to much earlier paramilitary formations. As described in Chapter 6, Aitarak grew directly out of a pro-Indonesian ‘youth’ organization, Garda Paksi (*Garda Muda Penegak Integrasi*), established in July 1995. Aitarak’s commander, Eurico Guterres, had been the leader of Garda Paksi until early 1999. Like Garda Paksi, Aitarak had close ties to military intelligence, and in particular to the Kopassus Intelligence Task Force, commonly known as SGI.

Official support for Aitarak was scarcely disguised, at least in the pre-UNAMET period. During the first five months of 1999, senior TNI, Police, and civilian officials openly attended pro-autonomy rallies at which Aitarak groups were established or honored. These included the large pro-autonomy rally at the Governor’s office, on April 17, 1999, that immediately preceded the violent rampage through Dili by Aitarak and other militias, in which 13 people were killed. Two days later the Bupati of Dili, Domingos Soares, appointed the Aitarak Commander, Eurico Guterres, as head of the District’s new community defense body, the Pam Swakarsa.

Secret documents and communications intercepts indicate that a wide range of TNI and civilian officials regarded Aitarak as an ally, and were closely involved in coordinating its activities. According to these documents, and other evidence, the key officials involved included: the Korem Commander (until mid-August), Col. Tono Suratman; the Korem Assistant for Intelligence, Lt. Col. Bambang Wisnumurty; the Commander of Sector A during the period of Martial Law, Col. Gerhan Lentara; the District Military Commander, Lt. Col. Endar Priyanto, and his successor, Lt. Col. Soedjarwo; the District Chief of Police, Lt. Col. (Pol.) Drs. Hulman Gultom; the Governor of East Timor, Abílio Osório Soares; the Bupati of Dili, Domingos Soares, and the Mayor of the city of Dili, Mateus Maia.

As in other districts, the authorities in Dili conspicuously failed to take action against the militias, even when they had flagrantly broken the law. As a resident of Dili complained to an international observer, after an execution-style killing by an Aitarak commander named Julio, in early August 1999:

*“Please, I want to emphasize how important it is that the TNI and their guns be pulled out of East Timor. Men such as Julio will continue to shoot people. Maybe today, tomorrow or the day after, Julio will kill again. People are aware that he is armed, is set out to kill and yet no one does anything to prevent it from happening...not the army, not the police, not anyone.”*

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\* Carter Center, “Killing of Pro-Independence Supporter by Aitarak Militia leader,” unpublished report, Dili, August 1, 1999.

## Major Human Rights Events

Roughly one quarter of all victims in Dili District were killed before June 1, while most of the others were killed in the three weeks immediately after the ballot. One explanation for the high concentration of killing in the pre-UNAMET period is that the town of Dili became a place of refuge for people fleeing the mounting militia violence in neighboring villages and districts. Several thousand such refugees, who came to Dili in a search for shelter and safety, in fact became the targets of militia violence.

Among the most notorious incidents in the district, and indeed in the whole territory, was the April 17 attack on scores of people who had taken refuge in the home of a prominent pro-independence figure, Manuel Carrascalão. The attack, by Aitarak and BMP militiamen, backed by TNI and Police, left at least 12 people dead, including Carrascalão's teenaged son, Manuelito. (See Case Study: Carrascalão House Massacre). In the aftermath of the attack, most of the CNRT leadership went into hiding; some CNRT leaders were placed in protective police custody, along with some 100 other supporters of independence.

There were many other victims of political violence before and after the April 17 killings. At least three supporters of independence were killed in February and March – and in all three cases, the perpetrators reportedly included members of the TNI and/or Indonesian Police. The victims included: Benedito de Jesus, who was killed by shots fired from within a Mobile Brigade post on February 14; Joaquim de Jesus who was shot dead on February 24 by several men carrying automatic weapons wearing TNI uniforms; and João Texeira, who was tortured (with lit cigarettes), killed, and beheaded on March 11 by a group allegedly led by a TNI intelligence officer.

More pro-independence figures were targeted and killed in late April and May 1999. They included: several people killed in Hera in late April;\* a man named Eugenio António Fatima, killed by militias on May 9; nine people killed by Aitarak and TNI forces in the villages of Quintal Kiik and Quintal Boot on May 10; and two students at the Hera Polytechnical Institute killed after being detained and beaten by TNI forces on May 20 (See Case Study: The Killing of Two Students at Hera).

As in other districts, the rate of killings declined significantly after the arrival and deployment of UNAMET in early June. No killings at all were reported in June,

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\* According to a resident of Hera who wrote to UNAMET in July 1999, the dead included: a man named Luis Dias Soares, tortured and killed by militias and soldiers on April 20; two more pro-independence youths killed on April 24 and allegedly buried in front of the TNI post in Hera; a man named Bastian and another named Thomas killed on April 25 and reportedly buried at the Protestant Church in Akanunu-Hera. Letter from Carlos Gabriel Pinto to UNAMET, July 5, 1999.

three were reported in July, and two more in the first three weeks of August.\* Those statistics, however, do not capture the whole story. For while killings declined, other kinds of human rights violations continued. Scarcely a day passed without reports of militiamen threatening, beating, or burning down the house of a suspected supporter of independence. The CNRT office remained under constant threat of attack, and most CNRT leaders were in hiding. By contrast, armed militiamen roamed the towns and villages of Dili with impunity, erecting roadblocks, checking papers, extorting tolls, burning houses, firing their weapons and so on – all without a hand being raised by the Indonesian Police or the TNI.

Any illusion that the violence was under control in Dili – or that the security forces were committed to containing it – was completely dispelled on August 26, the last day of campaigning by the pro-Indonesian side. For several hours, militias fired weapons, burned houses, and attacked supporters of independence. By the end of the day, at least eight people had been killed, two journalists had been shot and wounded, the CNRT office had been ransacked, and several houses had been burned down.

Internal UNAMET reports on the day's events catalogued, and expressed serious concern about, the utter failure of the Indonesian Police to prevent the violence by pro-Indonesian militias, to intervene once it had begun, or to detain or arrest those known to be responsible. One such report noted that the events of the day “highlighted the total inadequacy of the response provided by the Indonesian Police.”† Among the many examples cited in the report, the militia attack on the CNRT headquarters stands out:

“At 15:55 hours, the situation near the CNRT office was volatile. Two truckloads of Brimob were deployed outside the CNRT. Despite this heavy Police presence, a vehicle drove east along ‘Jalan 15 October’ [name of street], with the occupants continuously discharging gunfire. As the offending vehicle approached the Polri road block, the Brimob members moved to allow the vehicle to pass through their lines. The vehicle continued along ‘Jalan 15 October’ and stopped less than 100 metres from the Polri officers. The occupants of the vehicle disembarked and were seen to fire at unknown targets over the course of several minutes. The offenders then got back into the vehicle, turned around and drove the wrong way back down the one way street, through the Polri officers and continued out of sight. At no stage did the Polri or Brimob officers attempt to stop the vehicle, or prevent the occupants from discharging numerous and indiscriminate fire...There were at least 20

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\* José Soares was reported killed on July 25 by unidentified men who shot him from a passing vehicle near Fatu-Ahi. Angelino Amaral (a.k.a. Sabino) was shot dead early on the morning of August 1, just outside UNAMET's district headquarters in Dili. The perpetrators in the second case were identified as Julio do Camaral, an Aitarak Platoon commander, and Zokin, a member of the Mahidi militia from Maubisse. Carter Center, “Killing of Pro-Independence Supporter by Aitarak Militia leader,” unpublished report, Dili, August 1, 1999.

† UNAMET, “Report on the Incidents in Central Dili: 26 of August 1999,” Reprinted in UNTAET, Political Affairs Office, Briefing Book, Dili, November 1999.

Brimob deployed at the road-block in full riot gear carrying semi-automatic assault rifles. They clearly out-numbered the offenders in the vehicle but took no action against them.”\*

One of the many victims of the day’s violence was Bernardino Augusto Guterres (a.k.a. Bernardino da Costa), a university student shot in the back and the neck, and killed by Mobile Brigade troops in the Kuluhun area of Dili. Various eyewitnesses testified that Bernardino had been remonstrating with the Police to stop militias from attacking when he was shot. A photograph of his dead body appeared on the cover of *Time* magazine in December 1999. In a sworn statement to the independent Electoral Commission that oversaw the ballot process, one eyewitness described the incident:

*“The crowd shouted to the police to stop the militias who were shooting. One of them...remonstrated with the police, directing their attention to the militias. A policeman who was not wearing a beret like his comrades...told [the youth] that he could shoot him because he was exciting the people. [The youth] turned and ran. The policeman thereupon shot him at a range of about three paces. I subsequently saw a gunshot wound in the middle of his back and one behind the neck. He died there. When the ambulance attendants lifted the body I saw a large gaping wound to the throat.”†*

The situation deteriorated even more dramatically in the days and weeks after the ballot. As in the rest of the territory, militia groups began an orchestrated campaign of violence. Real and alleged supporters of independence were threatened, beaten and sometimes killed; houses were burned, and property was looted or destroyed. As in other districts, too, the TNI and Police either acquiesced in this violence or helped to carry it out. The imposition of Martial Law, on September 7, made no appreciable difference. By some accounts, in fact, the violence grew steadily worse after that date.

Fearing for their lives, thousands of residents sought refuge in the nearby hills, or in a variety of places that were considered to be safe havens within the city. Tens of thousands, however, were soon rounded up by joint teams of militia, TNI, and Police and transported to West Timor.‡ Some were sent by ship from the port of Dili, but the majority were grouped at Police and TNI stations and then transported by truck.

Within days of the vote, most UNAMET staff were relocated from the outlying offices to the main headquarters in Dili. There they were joined by some 1,500 East Timorese refugees, and the small handful of international observers and journalists who had not already left the territory. For roughly ten days (September 4-14) the UN compound was effectively under siege. Militias threatened violence against those inside, while

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\* UNAMET, “Report on the Incidents in Central Dili: 26 of August 1999,” Reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

† Electoral Commission, E. Timor Popular Consultation, “Statement Minuted on Friday, 27 August 1999.”

‡ A secret telegram from the Dili District Military Commander to the Danrem, from September [7] 1999, reported that 17,620 people were then at different sites in the city, awaiting evacuation. The breakdown by site was given as follows: Koramil East Dili (120), Koramil West Dili (1,000), Museum (3,000), Regional and District Police headquarters (6,000), Dili harbor (3,000), Koramil Metinaro (1,000), and Kodim Dili (3,500). See: Dan Sat Gas Pam Dili to Danrem 164/WD and others. Secret Telegram STR/??/1999, September [7], 1999 (Yayasan Hak Collection, Doc #44).



continuing to burn and loot the city. Eventually, on the early morning of September 14, all those remaining in the compound – including the refugees – were safely evacuated to Darwin, Australia.

But the violence continued. In the space of just three weeks, scores of people were killed in the district. The victims included: a young boy named Marcelino hacked to death and then burned by a group of militiamen on September 1; as many as 15 people killed or disappeared when militias attacked and burned the Dili Diocese office (Camara Eclesiastica) on September 5; a man named Thomas Americo, reportedly tortured and then killed by Aitarak members on September 7; and an elderly German priest, Carolus Albrecht, shot in his own home by soldiers on September 11. One of several witnesses to the killing of the young boy Marcelino, gave the following account:

*“The Militia were in the street with a 16 year old boy. His name was Mercelino, but I don’t know his last name...There were 10 or 20 Militia trying to chop Marcelino’s head off. They were chopping at his neck but he didn’t die right away. We say that was because it wasn’t time for him to die. All of the Militia had knives. The knives were so long. There was lots of blood. It was like killing a cow...Because Marcelino didn’t die immediately, the Militia took some kerosene out of the [nearby] deli. The Militia then set [the] deli on fire and then they tipped kerosene on Marcelino’s body. The Militia then threw Marcelino on that fire...The Indonesian police were behind the Militia, further down the road. They were watching what the Militia were doing. They could see them. They were there the whole time from when the Militia chopped at Marcelino and threw him on the fire.”*

Among the most widely reported cases of post-ballot violence in Dili was the September 6 attack on the compound of Bishop Carlos Felipe Ximenes Belo, where some 5,000 people had taken refuge after the vote. At least one person was killed in the attack and several were injured, including at least one child. However, the attack on the Bishop’s compound was less notable for the number killed than for the fact that it was one of four almost identical assaults launched on places of refuge in Dili in the space of 24 hours. These coordinated attacks, which together left at least 17 people dead, typified the methods deployed jointly by the militias, Police, and TNI throughout the territory to force residents to flee to West Timor (See Case Study: Forcible Relocation and Murder of Refugees in Dili).

While TNI and Police facilitated, and very likely coordinated, these attacks by militia forces, there were other instances in which TNI forces were directly responsible for committing serious human rights violations. One such case was the murder of the Dutch journalist Sander Thoenes on September 21, 1999. There is compelling evidence that Thoenes was killed by members of the TNI’s Battalion 745, which had only just reached Dili from its base camp in Lautem District. According to that evidence, Sander Thoenes was killed by a shot in the back. However, his body was badly mutilated; one ear and part of his cheek were cut off with near surgical precision (See Case Study: Battalion 745 Rampage).

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\* Deposition by Isabel da Conceição, recorded and compiled in Australia, November 11, 1999.

## 9.7 Ermera (Kodim 1637)

- Dandim: Lt. Col. Muhamad Nur
- Bupati: Constantino Soares
- Kapolres: Lt.Col. (Pol.) Ery T.B. Gultom
- Militias: Darah Integrasi,  
Darah Merah,  
Naga Merah,  
Team Pancasila,  
Aitarak
- No. Killed: 82

The District of Ermera was the site of very serious human rights violations in 1999.<sup>\*</sup> At least 82 people were killed during the year. The vast majority of the dead were real or alleged supporters of independence and their families, including a mother and five of her small children. The victims also included 11 pro-autonomy supporters said to have been killed by Falintil. Internal displacement of the population began as early as February 1999, and some 17,000 people were forcibly relocated from their homes in September. Several instances of rape and other forms of sexual violence were also reported during the year.

As in other districts, the worst of the violence in Ermera occurred in the pre-UNAMET and post-ballot periods. Unlike most others, however, the perpetrators of the violence in Ermera, particularly in the pre-UNAMET phase, were just as often TNI soldiers as militiamen. That pattern seemed to stem from early difficulties with the recruitment of militia forces in the district.

### Militias and Authorities

A number of different militia groups operated in Ermera in 1999, including *Darah Integrasi*, *Team Pancasila*, and *Aitarak*. Of these the largest was Darah Integrasi, with a few hundred members. It operated in three of the five Sub-Districts (Ermera, Letefoho and Hatolia) both independently and through two subsidiary groups, Darah Merah<sup>†</sup> and Naga Merah. These latter groups were based in Ermera and Hatolia Sub-Districts respectively. The militia group known as Team Pancasila, was based in the Sub-District of Atsabe in the southernmost part of the District, while Aitarak operated in the Sub-Districts of Railako and Atsabe.<sup>‡</sup>

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\* Unless otherwise noted, this account is based on: UNTAET, DHRO-Ermera, "Report on Human Rights Violations During 1999: Ermera District," [March, 2000]; and Helene van Klinken, "Taking the Risk, Paying the Price: East Timorese Vote in Ermera," in Tanter, Selden and Shalom, eds. *Bitter Flowers, Sweet Flowers: East Timor, Indonesia, and the World Community*. Rowman & Littlefield, 2001, pp. 91-107. Helene van Klinken was the UNAMET Political Affairs Officer posted in Ermera in 1999.

† The leader of Darah Merah was Lafaek Saburai, the author of the 'Operation Clean Sweep' letter of March 1999, discussed in Chapter 5 of this report. Although much was made of that letter, and he was said to have been a bodyguard of Prabowo Subianto, Lafaek Saburai did not emerge as a major player in 1999.

‡ A document dated August 22, 1999 lists 62 Aitarak members in the village of Atudame, in Atsabe Sub-District. See: "Daftar Nama-Nama Dari Markas Besar Komando Pasukan Aitarak Sektor B," August 22, 1999 (SCU Collection, Doc #20).

As in virtually every District, these militia groups had historical and institutional roots dating at least to the early years of the Indonesian invasion. With the assistance of a number of key figures, such as Tomas Gonçalves, the Indonesians had established an early militia force, known as ‘Partisan,’ at the time of the 1975 invasion. In the mid-1990s, Partisan forces received regular military training from the TNI. Together with the Wanra and Kamra groups that had been established in the 1980s, they formed an essential element in the TNI’s counter-insurgency strategy.

These older units – Partisan, Wanra, and Kamra – remained in place through 1999, and were armed and deployed by the TNI to carry out intelligence and security operations. Partisan members were observed in 1999 wearing TNI uniforms and carrying standard issue automatic (SKS) weapons; and they continued to receive wages of Rp.75,000 and some rice every month. The total Partisan strength in 1999 was estimated at 130 men.

Partisan and Wanra groups also provided the foundation upon which new militia groups were mobilized in early 1999. Partisan and Wanra leaders became the leaders of the new militias, and many members followed. The Wanra commander for Ermera, Miguel Babo, became the commander of Darah Integrasi, and a long-time Partisan leader, António dos Santos, became the group’s Deputy, and *de facto*, Commander.

All of these groups – Partisans, Wanra, and the new militias – were closely linked to the authorities and particularly to the SGI. António dos Santos, the Deputy Commander of Darah Integrasi, was said to be the leader of an SGI group and simultaneously Village Head in Letefoho. He was also the main conduit for the distribution of wages and rice to militia members; he reportedly came to Hatolia every month in 1999 to distribute Rp. 100,000 and several kg of rice to militia members. The two main Partisan commanders in Gleno in 1999 were Capt. Abas and Sgt. Heru, both TNI officers attached to SGI. Finally, there is evidence that the Commander of the SGI post in Atsabe Sub-District (SGI Post Kresna 12 Atsabe) was intimately involved in coordinating Aitarak militia groups there.’

The militias also received political, financial, and logistical support from the regular TNI command. A document from Ermera, discussed in Chapter 8, shows clearly the military’s official involvement in the distribution of funds and supplies to the militias. The document is a letter from the Dandim of Ermera, Lt. Col. Muhamad Nur, to the Bupati, dated April 1999, in which he requests Rp.104 million (\$13,866) to cover the Rp.200,000 (\$26.66) monthly salaries of the newly recruited Pam Swakarsa (i.e. militias) in the District. In the letter Lt. Col. Nur also requests 6,405 kg of rice for distribution to the new militia members.†

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\* The Commander of that SGI, Amran Odhe, was one of the cosignatories of a list of 62 Aitarak members in Atudame village, in Atsabe Sub-District. The list of names was also signed by the Danramil for Atsabe, Lt. M. Roni, and the Kapolsek, Sgt. Maj. I Ketut Suriana. See: “Daftar Nama-Nama Dari Markas Besar Komando Pasukan Aitarak Sektor B,” August 22, 1999 (SCU Collection, Doc #20).

† Only the newly recruited members, of whom there were 175 in Ermera, would receive Rp.200,000/month (\$26.66). The rate for old members, of whom there were 136, was set at Rp.125,000/month (\$16.66). Letter from Lt. Col. Muhamad Nur, District Military Commander 1637/Ermera, to the Bupati of Ermera, “Permohonan Uang Saku PAM Swakarsa,” June, 1999. A copy of this document is in the author’s possession.

The Police in Ermera were somewhat less helpful to the militias than they were in some other districts, at least in the first four or five months of 1999. One of the reasons, it appeared, was that the chief of Police for the District, Lt. Col. Ery T.B. Gultom was sympathetic to the independence cause and used his authority to protect and assist CNRT members in danger.

The Police position changed, however, in May 1999 when Lt. Col. Gultom was transferred, and Brimob forces were deployed to the district. Although there were individual Police officers who acted bravely to save lives, as a rule after May the Police played a more passive role, which gave the militias greater freedom of maneuver. Eyewitnesses to the August 30 murder of two UNAMET local staff members at Boboe Leten, for example, noted that armed Brimob forces were in a position to prevent and stop the assault, but did nothing. On the same day, shortly after a UNAMET convoy had come under fire from militias, the Brimob officer in charge told UNAMET electoral staff and Civpols in Atsabe: “We saved you today; Tomorrow we do not know.”

As in some other districts the pro-autonomy organization, FPKD, also played a significant role in supporting the militias, primarily by serving as a conduit for official (and perhaps unofficial) funds. Such funds were channeled through the FPKD Security Chief who, conveniently, was the Deputy Commander of the Darah Integrasi, António dos Santos.

In contrast to several other Districts, most notably neighboring Bobonaro and Liquica, the militias in Ermera did not have the strong backing of the Bupati, Constantino Soares. On the contrary, Soares frequently lent his assistance to CNRT and Clandestine Front members who were in danger. And while he was formally the chair of the district office of the BRTT, he did little more than was required of him by way of supporting the pro-autonomy cause and militia groups. His position, together with the existence of a strong CNRT and clandestine network in the district, helps to explain the slow growth of the militias in Ermera. It also suggests why Soares continued to be well regarded in the District even after the referendum.

### **Major Human Rights Events**

The early months of 1999 in Ermera were marked by the influx of thousands of IDPs from neighboring districts. A campaign of threats and intimidation by militias in Liquica District, for example, prompted thousands to flee to Hatolia SubDistrict for safety in January and February 1999. Others fled from neighboring Bobonaro District and from different parts of Ermera itself. By June, when UNAMET arrived, the number of IDPs in the district was estimated at 3,000-4,000.

Tensions mounted in February 1999 when TNI and pro-autonomy leaders reported that eleven militiamen – possibly Mahidi from neighboring Ainaro – had been detained in Ermera, transferred to Falintil custody in Hatolia Sub-District, and then killed. The bodies were reportedly discovered in Fatubessi, in May 1999, and a CNRT member

was said to have been tried for his role in the abduction. Further details of the alleged killings were difficult to confirm, and Falintil denied involvement, but the reported killings provided added stimulus to pro-autonomy activities, and to the mobilization of new militia groups. So too did the reported detention of six militiamen by Falintil for about one week in early April.

Finally, in early April 1999, the killing of independence supporters began, setting in motion a two-month campaign of intimidation and terror against supporters of independence that left at least 20 people dead. In contrast to the pattern in many other districts, many of these killings were not committed by militiamen but by TNI units – including Kodim and combat troops – acting alone or in concert with militia forces. Moreover, the circumstances in which this wave of killings began strongly suggested that it was part of a campaign coordinated by the TNI.

On April 9, 1999, the Dandim Lt. Col. Muhamad Nur met leaders of Darah Integrasi, FPDK and BRTT in the district capital, Gleno. The following day, April 10, TNI and militiamen together burned down the CNRT headquarters in Gleno, and killed a well-known CNRT supporter and local parliamentarian, António Lima. Further killings followed over the next few weeks, including four people killed in the village of Talimoro in two days. The violence continued unabated through May 1999. Three people were killed by TNI forces in Poerema village, Hatolia Sub-District, on May 10. Six more were killed by a combined TNI/militia force in the village of Atara, Atsabe Sub-District, on May 16.

With the arrival of UNAMET in the district in June, the overt physical violence subsided, but the atmosphere of intimidation remained, and grew steadily worse as the ballot date drew near. Villagers and humanitarian workers who sought to assist IDPs in the district were a special focus of hostility by pro-autonomy groups. So too were student activists who arrived in the district in July to carry out

voter education and, in reality, to campaign for independence. To an extent seen in only a handful of other Districts, UNAMET local staff members were also major targets of anger and intimidation by militia and TNI forces.

Within hours of the ballot, this pattern of intimidation erupted again in overt violence. Between August 30 and September 22, at least 67 people were killed in the district. Of those, at least five were UNAMET local staff members. In addition to those killed, roughly 17,000 people fled or were forcibly displaced from their homes in this period, as a result of a systematic campaign of terror and violence. The homes of those who had left, as well as most public buildings, were looted and burned.

As in other districts, the post-ballot campaign of violence in Ermera was conducted jointly by the TNI, Police, and militias. As in other districts, too, the evacuation and destruction was concentrated in certain areas – notably those closest to major roads leading to West Timor. Hardest hit was the Sub-District of Atsabe, from which some 50% of the population was forcibly evacuated. Areas further from the main roads, and with a sizeable Falintil presence, such as parts of Hatolia, were much less seriously affected.

The first victims of the post-ballot violence, in Ermera and in the country as a whole, were two UNAMET local staff members. João Lopes and Orlando Gomes were beaten and stabbed to death as they carried ballot boxes from the polling station at Boboe Leten to the UNAMET vehicles. A third local staff member, Alvaro Lopes, was seriously wounded in the same attack, and left for dead, but survived. Later investigations revealed that the attack was carried out with the prior knowledge of the Sub-District military commander for Atsabe, and that TNI and Brimob forces were at the scene but had done nothing to stop the attack. (See Case Study: The Murder of UNAMET Local Staff in Boboe Leten)

The attack at Boboe Leten was not an isolated incident. In the hours and days after the ballot, militias threatened and attacked UNAMET staff and installations throughout the district. As a result, all UNAMET staff were called back to the regional headquarters in Gleno. Even there, however, their safety could not be guaranteed, as militiamen wandered the streets firing their weapons, setting fire to buildings and pulling suspected independence supporters from their vehicles at road-blocks.

In a number of instances, notably at Boboe Leten, armed militias accompanied by TNI and Police prevented UNAMET staff from leaving their polling stations, or sought to keep them from taking the ballot boxes with them. On August 31, militias threw stones and fired weapons at the UNAMET helicopter that had landed at Gleno to retrieve the ballot boxes for the district. Police did not act to prevent the attack. In fact, an MLO reported seeing a policeman handing a weapon to a militiaman at the scene shortly before the attack.

In the face of the mounting violence, UNAMET staff evacuated to the relative safety of Dili. With UNAMET's departure, the situation in Ermera deteriorated further, and the targeted killings began in earnest. One of those singled out was Ana Xavier da Conceição Lemos. An active member of the proindependence women's organization, OMT, she had served as a UNAMET queue-controller on polling day. With the assistance of a Brimob officer, she had made her way to Gleno shortly after the close of balloting. Later that night, she was accosted and beaten in her home by a TNI officer, Sgt. Melky and several other men. She eventually made it to UNAMET headquarters in Gleno and she accompanied the UNAMET convoy to Dili. A few days later, however, she returned to Gleno to see that her children were safe. Upon her return she was detained first at the Kodim, and then handed over to militiamen, who raped and killed her (See Case Study: Rape and Murder of Ana Lemos).

These were only some of the better-known examples of the terrible violence that gripped Ermera in September. Less well known is the case of Georgina Imaculada Tilman Ribeiro, who was killed together with five of her children (ages 2 to 12), after she had fled to the apparent safety of West Timor. Like Ana Lemos, Georgina Tilman was a member of the OMT (*Organizacao da Mulheres Timorenses* – Organization of

Timorese Women), and her husband was an active member of the Clandestine Front. Having made it to the other side of the border, on September 18 she and her children crossed back into East Timor with men who said they had been sent by her husband. All six of them subsequently disappeared. Georgina's remains, and those of her five children, were discovered in February 2000, rudely buried in a dry creek bed, in Kampung Mahir about 13 km from the town of Atabae in Maliana district. Among the suspected perpetrators of this crime was Sgt. Melky, the TNI officer also accused of raping and killing Ana Lemos.

## 9.8 Lautem (Kodim 1629)

- Dandim: Lt. Col. Sudrajat A.S.
- Bupati: Edmundo da Conceição Silva
- Kapolres: Lt. Col. (Pol.) Drs. Irsan Wijaya
- Militias: Team Alfa
- No. Killed: 53

Lautem suffered serious human rights violations in 1999, the vast majority of them in the post-ballot period.\* At least 53 people were killed during the year, and of that number 51 died during a three week period in September. In that same period, an estimated 6,000 people fled to West Timor, and thousands of others to the hills, in the face of mounting violence and destruction.

### Militias and Authorities

The main perpetrators of human rights violations in Lautem district were members of the local militia group, *Team Alfa*, and soldiers from various TNI units, notably Kopassus and Battalion 745, which had its headquarters in Los Palos. Team Alfa had especially close ties to Kopassus, and operated under its command. Battalion 745 was less well connected to Team Alfa, and more often committed human rights violations independently.

Team Alfa had been set up by Kopassus in the mid-1980s, to infiltrate the clandestine movement and to assist in combat operations. That institutional tie remained in 1999. Team Alfa operated out of the Kopassus headquarters in Laurara in Los Palos town, and shared logistical support and transportation with Kopassus personnel. Team Alfa was directly controlled by the Kopassus officer Sgt. Syaful Anwar and by the Kopassus commander for Lautem District, Lt. Rahman (a.k.a. Rahmat) Zulkarnaen.

The direct link between Team Alfa and Kopassus was confirmed by a former Team Alfa leader, Joni Marques during his trial in 2001. Testifying under oath, Marques said he had been trained by Kopassus, and that he had been invited in 1993 to take part in military training with Australian forces in Bandung, Indonesia, under the guise of being a TNI soldier.† He also told the court that, in 1999, Team Alfa reported to the Kopassus headquarters in Los Palos: “As a Team Alfa member,” he said, “I had to go there.”‡

Team Alfa also had the strong backing of the Bupati of Lautem, Edmundo da Conceição Silva. The Bupati’s support was unsurprising given his own close tie with Kopassus, of which he was an honorary member. As in other districts, the funding for the militia

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\* Unless otherwise noted, this account is based on UNTAET, DHRO-Lautem, “Lautem District Events of 1999 Report,” March, 2002; Dili District Court, Special Panel for Special Crimes, “Judgement” in the case of Joni Marques et al., December 11, 2001; and General Prosecutor of the Democratic Republic of East Timor, Indictment against Edmundo da Conceição Silva, et al. November 15, 2002.

† In the same testimony, Marques said he had received military training from Kopassus as far back as 1986. Dili District Court, “Judgement,” Joni Marques et al., p. 55.

‡ Dili District Court, “Judgement,” Joni Marques et al., p. 53.



was channeled first through the Bupati's office, but then passed on to other agencies, including the TNI, for distribution to the militias. The Bupati was also the General Chairman of the BRTT, and its members provided security at his residence. There are unconfirmed allegations that the Bupati distributed 117 guns to militias and/or the BRTT in early 1999.

Operating independently from Kopassus, and sometimes in conflict with it, was Battalion 745, based in Fuiloro village. Members of Battalion 745 were directly involved in widespread violations of human rights in 1999, including house burning, intimidation, beatings, and at least 21 arbitrary killings. Many of those killings were committed as the Battalion withdrew from Lautem to Dili and on to West Timor in late September. Most notoriously, members of the Battalion were responsible for the murder in Dili of Dutch journalist Sander Thoenes on September 21, 1999 (See Case Study: Battalion 745 Rampage).

Established in 1976, Battalion 745 was one of two so-called 'organic' combat battalions in East Timor. A substantial proportion of its soldiers were East Timorese, while most of its commanding officers were Indonesian. In the lead-up to the 1999 referendum, there were indications that some of the East Timorese soldiers were sympathetic to independence. The unit's commanders therefore took measures to ensure that those soldiers were not included in military operations, and were kept out of the loop with regard to planning. In the post-ballot period, some of those soldiers were targeted and killed. At the same time, the Battalion cooperated closely with Team Alfa members, even permitting them to review the Battalion's lists of displaced persons to check for possible supporters of independence.

Other military units and officers in the district were also involved in violence, though somewhat less conspicuously. The Kodim headquarters, under the command of Lt. Col. Sudrajat, was reportedly used as a site for the detention and beating of suspected supporters of independence. Witnesses, including the militia leader Joni Marques, have testified under oath at trial that a number of people were tortured and killed there, and that their bodies were discovered nearby.\* Two 'non-organic' combat battalions, Battalion 621 and Battalion 623, based temporarily in Lautem, appear less frequently in testimonies of violence.

### Major Human Rights Events

Apart from two killings in April 1999, there were relatively few serious human rights incidents in the pre-UNAMET and UNAMET periods.† However, as in other Districts, there was a great deal of intimidation in connection with the government's pro-autonomy 'socialization' campaign.

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\* Dili District Court, "Judgement," Joni Marques *et al.*

† One important exception was the torture and murder of Evaristo Lopes in April 1999. Witnesses, including militia leader Joni Marques, have testified that Lopes' was tortured and executed while in custody, and under the direct supervision of local Kopassus officer, Sgt. Syaful Anwar. See Dili District Court, "Judgement," Joni Marques *et al.*, pp. 53-57.

Public ‘socialization’ meetings were commonly addressed by TNI officers, the Bupati and by BRTT and militia leaders. In the course of these meetings the speakers, some of whom carried weapons, issued threats. A common threat was: “UNAMET will leave on August 30, 1999 and then we will kill you.” UNAMET staff, both international and local, were also subjected to threats and intimidation, including pelting with rocks.

The most conspicuous incident of violence in the pre-ballot period was the murder of the Liurai of Lautem, Verissimo Dias Quintas, on August 27, 1999. At one time a strong supporter of Indonesia, in 1999 Verissimo Dias Quintas had changed his position, and in early August he allowed the CNRT to establish their district office in his residential compound. That decision seems to have made him a particular target of the pro-autonomy camp.

Reports at the time strongly suggested official complicity in the murder. Indonesian Police established a roadblock prior to the incident, and neither Police nor TNI troops nearby moved to halt the attack once it was underway. Kopassus forces reportedly provided transport for the attackers. As in virtually every killing in 1999, Indonesian Police conducted only perfunctory investigations, and brought no charges against the alleged perpetrators.

Later investigations into Quintas’ murder confirmed that the assailants had included members of the BRTT and the Team Alfa militia group. They also demonstrated that the attackers had been directed and assisted by Kopassus, Police, and civilian authorities. An indictment issued by East Timor’s Deputy General Prosecutor for Serious Crimes in November 2002 explicitly implicated the Kopassus commander for Lautem, Lt. Rahman Zulkarnaen, Kopassus officer Sgt. Syaful Anwar, the Bupati, Edmundo da Conceição da Silva, as well as members of Team Alfa and the BRTT.\*

Ballot day was tense in Lautem, and armed militias moved freely about the district. As in the rest of the territory, however, there were no serious acts of violence during balloting. While tensions continued to rise in the immediate post-ballot period, and the church in Los Palos was burned on September 5, the violence did not begin in earnest until after UNAMET and other international observers left the district on September 7.

Over the next three weeks more than 50 people were killed by Team Alfa and TNI soldiers. The killings occurred almost entirely in the Sub-Districts of Los Palos and Muro. No killings were reported the Sub-Districts of Iliomar, Tutuala, and Luro, although these latter areas were extensively burned. Virtually all of the victims were wellknown supporters of independence.

The worst single incident in the post-ballot period occurred on September 25, near Verokoco village, on the main road from Lautem to Baucau. There, Team Alfa members

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\* General Prosecutor of the Democratic Republic of East Timor, Indictment against Edmundo da Conceição Silva, et. al. November 15, 2002.

ambushed and executed a group of five clergy and four lay people.\* The victims included a nun who was hacked with a machete as she knelt praying by the roadside, then thrown into a river and shot dead.† Although the immediate perpetrators were members of Team Alfa, the local Kopassus officer, Sgt. Syaful Anwar, was also implicated in the massacre (See Case Study: Murder of Los Palos Clergy).

Members of Battalion 745, including the Battalion commander, Maj. Jacob Sarosa, and a Platoon commander, Lt. Camilo dos Santos, were also directly implicated in serious human rights violations in the post-ballot period, including as many as 21 extrajudicial executions. Several of those killings took place in the immediate vicinity of the Battalion's compound (e.g. in Asalaino, Home Baru and Motolari). The bodies of some of the dead were found in wells inside the compound.

On September 20, after most of the battalion had left by ship for Indonesia, some 120 soldiers and officers, including Maj. Sarosa and Lt. Camilo, formed a convoy and prepared to depart for Dili and onward to West Timor. Before leaving, Lt. Camilo reportedly briefed the soldiers. An East Timorese officer who was there, later told UN investigators that Lt. Camilo had told the soldiers: "If you find anything on the way... just shoot it."<sup>‡</sup> That order, the witness said, was issued within earshot of the Battalion Commander, Maj. Sarosa. The same day TNI soldiers beat and then killed three men near a rice warehouse in Lautem. Maj. Sarosa and Lt. Camilo were reportedly at the scene, but did not intervene. The next day, the convoy moved out of Lautem toward West Timor, leaving a path of killing and destruction in its wake. By the time it reached Dili, two days later, at least 13 more people had been killed by members of the Battalion (See Case Study: Battalion 745 Rampage).

In addition to killing, in the post-ballot period members of Team Alfa, Kopassus, and Battalion 745 conducted a systematic campaign to destroy the infrastructure of the territory, and to deport a large part of the population. Although there was some variation in the extent of destruction – with the Sub-District of Luro being worst hit – most buildings in the district, including government buildings, shops and private homes, were burned or destroyed. Livestock was killed and communications systems were disabled. In the face of this destruction and violence, many people fled to the hills and some 6,000 went to West Timor.

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\* See Dili District Court, "Judgement," Joni Marques *et.al.*

† The deceased were identified in trial proceedings as: Sister Emilia Cazzaniga, Sister Celeste de Carvalho, Brother Jacinto Xavier, Brother Fernando dos Santos, Brother Fernando da Conceição, Agus Muliawan, Cristovao Rudi Barreto, Titi Sandora Lopes, and Izinho Freitas Amaral. See Dili District Court, "Judgement," Joni Marques *et.al.*

‡ Cited in Cameron W. Barr, "A Brutal Exit: Battalion 745," Part 3 of 4, *Christian Science Monitor*, March 16, 2000.

## 9.9 Liquica (Kodim 1638)

- Dandim: Lt. Col. Asep Kuswadi
- Bupati: Leoneto Martins
- Kapolres: Lt. Col. (Pol.) Adios Salova; Maj. (Pol.) Drs. Joko Irianto
- Militias: Besi Merah Putih (BMP), Pana
- No. Killed: 183

The District of Liquica was a notorious center of militia and TNI violence in 1999.\* As many as 183 civilians were reportedly killed there during the year, the vast majority of them leaders or supporters of independence, and their relatives. In addition, some 20,000 residents were forced to flee their homes, both before the vote and afterward, in the face of systematic intimidation and violence.

### Militias and Authorities

The main militia group in the district was the BMP (*Besi Merah Putih* – Red and White Iron).† First formed in January 1999 in the Sub-District of Maubara, the BMP soon established command posts (*pos commando*) throughout the district. By June 1999, it had an estimated strength of 600 men. Most were armed with so-called ‘traditional’ weapons, such as machetes and knives, but some carried firearms including high-powered automatic weapons of the sort used by the TNI.

Like the Aitarak militia in Dili, the BMP did not confine its operations to one district. With the evident approval of district and provincial authorities it took part in serious acts of violence in Dili, including the attack on the home of Manuel Carrascalão in April that left at least 12 people dead. Members of the BMP also traveled as far as Oecussi, where they are reported to have operated alongside the Sakunar militia in September 1999.

Although nominally led by Manuel Sousa, the BMP was created, trained, and coordinated by the highest-ranking military and civilian authorities in the District and the Province. The group was formed in late 1998 following a meeting called by the Bupati, Leoneto Martins. An honorary member of Kopassus, Martins remained one of the BMP’s principal backers throughout 1999. Before becoming Bupati in 1995, Martins had served as Sub-District Head in Maubara, which was also the location of his home village. It was probably not a coincidence that the first BMP posts were established in that Sub-District, and that it remained the group’s main base area through 1999.

The BMP, like other militias, also had the solid backing of the TNI and Kopassus at the District level. In fact, the BMP grew directly out of an earlier group, Garda Paksi,

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\* Unless otherwise noted, this account is based on the following sources: UNTAET, UNMO-Liquica, “History of Liquica District Through 1999,” December 1999; UNTAET, DHRO-Liquica, “Narrative Report on Events in Liquica District During 1999”; and UNTAET, General Prosecutor, Indictment against Leoneto Martins, *et.al.*, Dili, [n.d.].

† A much smaller group, called Pana, was formed in the village of Vatuboro, the home village of Bupati, Leoneto Martins.

established, funded, and trained by Kopassus beginning in 1995. With the formation of the BMP in early 1999, many of the roughly 200 members of Garda Paksi in Liquica simply moved into the new group. Likewise, TNI and Kopassus backing continued, albeit under a new name and with renewed vigor.

TNI and Kopassus backing for the BMP in 1999 took a variety of forms, including public expressions of support, the provision of military training, the conduct of joint operations, and official inaction in the face of unlawful militia conduct. As discussed in Chapter 7, internal TNI documents demonstrate that the provision of militia training and guidance were a routine matter, carried out with the full knowledge of TNI commanders. One such document, from the Liquica Kodim, reveals that the Sub-Regional military commander, Col. Tono Suratman visited Maubara on April 16, 1999, to address and give ‘guidance’ to a group of 500 BMP militias at the Kormail headquarters there.\*

TNI officers also routinely conducted joint military operations with the BMP, or acquiesced in their operations. As described below, several high-ranking TNI officers, including Kopassus personnel, were on the scene when BMP militias massacred between 30 and 60 refugees at the church in Liquica in April 1999. Although such joint operations were more common in the pre-UNAMET period, they continued in some form throughout the rest of the year. A UNTAET report from December 14, 1999 describes the situation in late June 1999:

“At this stage the militia clearly had the run of the town. Large groups of men, armed with machetes and home-made weapons were a common sight throughout the district. It was not uncommon to come across groups of militia, accompanied by TNI, moving through villages and burning houses in broad daylight.”†

In addition to providing training and operational support, TNI officers were effectively integrated into the BMP’s leadership and command structure. The most notorious BMP commander was the TNI Sgt. Tome Diogo. A local man who had served in the TNI for many years, Sgt. Diogo had a fearsome reputation in the District, and was an intelligence officer.‡ The Sub-District Military Commander (Danramil) for Maubara, the center of BMP operations, was a Kopassus officer, Sgt. Maj. Carlos Amaral.§

The importance of the link between the TNI and the militias was also evident in the geographical distribution of the main BMP command posts in the district. One of

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\* See: Perwira Seksi Intelijen Kodim 1638 to Kepala Seksi Intelijen Korem 164/WD, Dan Sektor B, and others, “Laporan Harian Seksi Intelijen Dim 1638/Lqs Periode tgl. 16 s/d a7 April 1999,” April 18, 1999 (Yayasan Hak Collection, Doc #11).

† UNTAET, UNMO-Liquica, “History of Liquica District Through 1999,” December 1999.

‡ According to a list prepared by UNTAET Civpol, Sgt. Tome Diogo was one of 27 intelligence officers at the Liquica Kodim. See UNTAET, “Roster of Troops: Kodim 1638 Liquica,” Liquica, [n.d.]

§ According to a list prepared by UNTAET Civpol, there were seven Kopassus SGI members in Maubara alone. See UNTAET, “Roster of Troops: Kopassus SGI Maubara,” Liquica, [n.d.]

|| The BMP camp commander at Vatuboro and his brother were often seen in the Battalion 143 compound, and rice was delivered to the local BMP from the Battalion 143 camp.

the first posts was established in Vatuboro village, where Battalion 143 was based.<sup>||</sup> Three more BMP command posts were set up in the villages of Vaviquinia, Dato, and Fatumasi, where three more Sub-District military commands were located. A fifth post was created in Maumeta village, in Bazartete SubDistrict, which was also the location of a Kopassus base.\*

Finally, the BMP had at least the tacit support of district Police authorities. As in other Districts, the Police in Liquica routinely turned a blind eye to militia activities including serious acts of violence. In some cases, such as the Liquica church massacre, Police officers and troops played a more directly supportive role. The most conspicuous police ally of the BMP was Lt. Col. (Pol.) Adios Salova, who was Liquica Chief of Police until July 1999. His successor, Maj. (Pol.) Joko Irianto, played a somewhat less active role in support of the militia.

In sum, the key authorities involved in organizing and supporting the BMP included, at a minimum: the Bupati of Liquica, Leoneto Martins; the Commander of the Kopassus 'Satgas Tribuana,' Lt. Col. Yayat Sudrajat; the District Military Commander, Lt. Col. Asep Kuswadi; the Kodim Chief of Staff, Capt. Purwanto; the Kodim intelligence officer, Sgt. Tome Diogo; the Maubara Sub-District Military Commander, Sgt. Maj. Carlos Amaral; and the District Chief of Police, Lt. Col. Adios Salova.

### **Major Human Rights Events**

Serious acts of violence – including beating, house burning, and murder – began in Liquica as early as January 1999, forcing thousands of residents to flee their homes. Villages deemed to be sympathetic to Falintil bore the brunt of these attacks. The village of Guico in Maubara Sub-District, for example, was attacked on four separate occasions in January and February. The perpetrators of those attacks included BMP militiamen and soldiers of Battalions 143 and 144 based in nearby Kaikassa and Vatuboro.

The violence escalated further in early April, as a result of which thousands more fled to the mountains or to the Catholic church in Liquica town. By some estimates there were now as many as 6,000 internally displaced people in the district, in a total population of only 50,000. A large number of IDPs gathered in the vicinity of Loes, in Maubara Sub-District, an area with a strong Falintil presence, and therefore considered relatively safe. Nevertheless, the people there remained vulnerable to attack, and lacked access to sufficient food, housing, and medical care.

Against this background, BMP militias and TNI soldiers began a concerted campaign of violence against the IDPs. The campaign, which reached its peak in early April 1999, revealed the intimate links between the BMP and both military and civilian authorities.

One of the victims of this wave of violence, Ilidio dos Santos, was killed by militiamen near the Liquica Sub-District Military Command on April 5.<sup>†</sup> Dos Santos had sought

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\* Kopassus had additional posts in Dato (in the official residence of a government official), in Maumete, and in Lunturi.

† See UNTAET, General Prosecutor, Indictment against Leoneto Martins, *et.al.*, paragraphs 94-95.

refuge there but rather than finding protection, he was confronted by six militiamen who announced their intention to kill him. He attempted to flee but was soon captured, and killed with a machete. TNI and SGI officers at the Koramil post reportedly made no attempt to stop his assailants.

Another victim, Fernando da Costa, was arrested on April 5, and killed in TNI custody two days later.<sup>\*</sup> Da Costa, a CNRT supporter, was detained in Liquica town by a group of TNI, BMP militiamen and Police who had been moving house to house in search of known CNRT leaders. Outside his house, he was badly beaten by TNI soldiers. He was then taken to the Liquica District Police Station, where he was detained for two days, during which time he reportedly suffered further beatings by a TNI soldier. On April 7, he was taken from his cell to the Liquica Sub-District Military Command (Koramil) by TNI soldiers. From there he was transported to the Maubara Sub-District Military Command, accompanied by Sgt. Tome Diego and BMP leader, Zacharia Alves. Shortly after arriving there, he was stabbed repeatedly and killed.

The violent events of early April culminated in the massacre of as many as 60 people in Liquica church on April 6, 1999. Those killed had taken refuge in the church in the face of the escalating militia violence. Although the attack was carried out mainly by BMP militiamen, eyewitnesses have testified that TNI (including Kopassus) and Brimob troops backed up the militias and fired their weapons during the attack. Those involved were said to include soldiers from Kopassus 'Satgas Tribuana,' Battalion 143; the Liquica District Military Command (Kodim); the Maubara Sub-District Military Command (Koramil); and the Police Mobile Brigades (Brimob).

Several eyewitnesses have testified that senior TNI officers and civilian officials were in the immediate vicinity at the time of the attack. They included: the Dandim, Lt. Col. Asep Kuswadi; the Commander of the Kopassus unit Satgas Tribuana, Lt. Col. Yayat Sudrajat; the Bupati, Leoneto Martins; and the Chief of Police, Lt. Col. (Pol.) Adios Salova. Those authorities took no effective measures to prevent the attack, to stop it once it had begun, to investigate the incident, or to bring the suspected perpetrators to justice. Indeed, there was circumstantial evidence that these authorities had prior knowledge of, and may even have planned, the attack (See Case Study: Liquica Church Massacre).

In the days and weeks after the massacre, the attacks on independence supporters spread throughout Liquica. At least six more people were killed in different parts of the district in April, and houses were burned and looted. In the face of the mounting violence, thousands more residents fled to the forest around Loes, Hatuquesi, and Dare. Some also went to Dili, and environs, bringing the total estimated number of people dislocated from their homes in the district to more than 10,000. In Dili, some 150 IDPs took refuge in the home of the respected pro-independence figure Manuel Carrascalão. Less than two weeks later, on April 17, the IDPs in that house were also attacked by militias and TNI, and at least 12 were killed (See Case Study: Carrascalão House Massacre).

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\* See UNTAET, General Prosecutor, Indictment against Leoneto Martins, *et.al.*, paragraphs 80-84.

Overt violence diminished somewhat with the deployment of UNAMET to the district in late June, but systematic intimidation continued and BMP militias, often bearing arms, continued to roam freely about the district. The main difference was that the targets of militia and TNI intimidation now included UNAMET staff and humanitarian workers. Local UNAMET staff in particular were repeatedly threatened, and on occasion assaulted, by BMP militiamen. There were also several incidents in which militiamen pointed weapons at UN vehicles and personnel as they drove by in trucks and minibuses. No action was taken against the perpetrators, indicating that their behavior was officially condoned.

The complicity of TNI and Police officials in the pattern of intimidation and violence was highlighted by an attack on a humanitarian convoy on July 4. The convoy, which was accompanied by UNAMET's Humanitarian Affairs Officer and escorted by UNAMET MLOs, had stopped in Liquica town after delivering food and medicine to IDPs in the vicinity of Loes. Shortly after the convoy stopped, it was attacked by about a dozen BMP militiamen, swinging machetes and firing home-made guns. One person was seriously injured in the attack and the vehicles were badly damaged. Indonesian Police and TNI in the immediate vicinity did nothing to stop the attack. Their inaction contributed to UNAMET's decision to conduct an emergency evacuation of all personnel later the same day. Suspicions of official complicity were confirmed by later events, most notably by the wholly inadequate Police investigation of the incident (See Case Study: Attack on Humanitarian Convoy).

The intimidation and low-level violence intensified during the campaign period in August and continued until ballot day. On August 8, a UNAMET employee named Mariano da Costa was detained and beaten by BMP militiamen who suspected him of being a CNRT member. On the decision of TNI Sgt. Tome Diogo and BMP commander Zacharia Alves, he was driven away, and never seen again. Militiamen later reported that Mariano da Costa had been stabbed to death.<sup>\*</sup> Also in August, a group of six CNRT activists was arrested by Police and militia as they entered Liquica. They were beaten and held in custody for six days 'for their own protection.'

The violence and intimidation made it virtually impossible for the CNRT to campaign openly. It also inhibited the return of IDPs to their home villages. Despite these problems, and a legitimate fear of further violence, voter turn-out on August 30 was high; a special polling center established near one of the main IDP concentrations ensured that most IDPs were able to cast a vote.

As in other districts, polling day was relatively quiet. However, tension mounted in the days after the vote and, with the announcement of the result on September 4, a systematic campaign of violence began. Within hours of the announcement, houses in Liquica town started to burn, automatic weapons fire could be heard, and armed militias began to roam freely around the towns and villages. Over the next three weeks, thousands of people were placed on trucks and driven across the border, and an unknown number were killed. An UNTAET report from December 1999, noted that 77 bodies had already been recovered in the district, and that another 61 inquiries

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\* See UNTAET, General Prosecutor, Indictment against Leoneto Martins, *et.al.*, paragraphs 141-146.



were still under investigation.\* By early 2003, the number of reported killings in the district had reached 183.

The dead included three men, all suspected supporters of the CNRT, who were detained by TNI soldiers and BMP militiamen in Metagou village on September 3. The three men were severely beaten and then killed the following day, September 4, immediately after the results of the ballot were announced.† Other victims included three men, all suspected CNRT members, who were deliberately killed on September 7 in the village of Buka Mera by a combined team of TNI soldiers and BMP militiamen.‡ In each case, the soldiers and militiamen went to the homes of the victims and asked for them by name before killing them.

The operation to forcibly relocate the population reportedly began in Fatumasi village, in Bazartete Sub-District. People were taken from their homes to the church compound in Liquica and the beach in Dato. From there, they were loaded onto several vessels bound for West Timor. After the forcible evacuation of its residents, Fatumasi was burned to the ground. The same process was then repeated in Mataulun, Ipelu, and Liquica town. A similar pattern of forcible evacuation and destruction was observed in Maubara Sub-District, except that the bulk of the population there was loaded onto trucks and transported overland. Highland villages were less seriously affected, perhaps because access was difficult, and perhaps because the militia and TNI were reluctant to venture into areas traditionally controlled by Falintil forces.

All told, an estimated 20,000 people were forcibly relocated from their homes in Liquica and up to 80% of the buildings were destroyed or damaged.§ In every known instance, the relocation operation and destruction were carried out jointly by TNI soldiers, Police, and BMP militias, assisted in some cases by Aitarak members sent from Dili. In short, the general pattern of post-ballot violence in Liquica provided strong evidence that the campaign was conducted with the knowledge and approval of Police and TNI authorities.

One particularly revealing incident was the armed attack on UNAMET staff as they attempted to evacuate Liquica town on September 4. As the convoy left the UN compound, it came under sustained weapons fire from several attackers, including some who were identified as Indonesian Police and TNI officers. Each of the six vehicles was hit an average of 15 times, with single and automatic shots. One Civpol officer, Earl Candler, was gravely wounded in the attack, receiving two rounds in the stomach and one under the arm. At the Liquica District Police station, in the immediate aftermath of the attack, militia leaders were seen together with TNI liaison officers and Police. The militia leaders, moreover, were holding two-way radios and were judged to be

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\* UNTAET, UNMO-Liquica, "History of Liquica District Through 1999," December 1999.

† The three killed in Metagou were: Jacinto dos Santos, Pedro Alves, and Francisco da Silva. See UNTAET, General Prosecutor, Indictment against Leoneto Martins, *et.al.*, paragraphs 148-157.

‡ The three killed in Buka Mera were: Paulo Gonçalves, Guilherme Alves, and Clementino Gonçalves. See UNTAET, General Prosecutor, Indictment against Leoneto Martins, *et.al.*, paragraphs 158-166.

§ These are approximate figures. UNTAET's DHRO-Liquica estimated that 25,000 were displaced, while an UNTAET report of December 1999 said that roughly one third of the population (*i.e.* c.18,000) were forced to flee.

coordinating militia activity. As the UN helicopter came in to evacuate the wounded Civpol officer, the Police, and TNI officers present also allowed militiamen to fire their weapons at it.

The BMP militia and TNI began to leave Liquica on about September 20. By the time INTERFET forces arrived there on September 28, there were only a handful of militiamen remaining, and they departed the same day.

## 9.10 Manatuto (Kodim 1631)

- Dandim: Lt. Col. Sulastiyo; Lt. Col. Gerson Ponto
- Bupati: Vidal Doutel Sarmento
- Kapolres: Lt. Col. (Pol.) Drs. Johan A. Sumampow
- Militias: Morok, Mahadomi
- No. Killed: 32

At least 32 people, and probably more, were arbitrarily executed in Manatuto in 1999.\* As in other districts, most of the victims were real or alleged supporters of independence, and most were killed in April-May, or in the immediate aftermath of the August 30 ballot. In the pre-UNAMET period, the main perpetrators of serious human rights violations were TNI soldiers, while in the post-ballot period, militia members played an equally prominent role. The district also suffered extensive property destruction, looting and forcible evacuation in the post-ballot period.

### Militias and Authorities

The two principal militia groups in Manatuto were *Morok* and *Mahadomi* (*Manatuto Hatomi Otonomi* – Manatuto Loves Autonomy). *Morok* was the older of the two, having been established several years earlier. Based in the central-western Sub-Districts of Laclubar and Soibada, *Morok* was led in early 1999 by TNI officer Filomeno Lopes da Cruz. With his murder in mid-April, allegedly by Falintil forces, the field leadership of *Morok* passed to Domingos Metan.† *Mahadomi* was a newer group, created in early 1999 as part of the government’s plan to ‘socialize’ the autonomy option. Based in the Sub-District of Manatuto, *Mahadomi*’s main field commanders were Aleixo de Carvalho and Filomeno Barreto.

Despite differences in age and base of operations, the two groups worked closely together in 1999. In fact, according to some observers, the two groups were formally amalgamated as a single unit, under the name *Mahadomi* in May 1999.

The principal backer of the militias in the district, and formally their overall commander, was the Bupati, Vidal Doutel Sarmento. Witnesses who attended official meetings with him in 1999, said that he frequently remarked that, if the autonomy option did not win, Manatuto would burn. Although a civilian official, the Bupati was known to have close ties with the TNI and particularly with Kopassus. Indeed, like a number of senior East Timorese government officials, he had been designated an honorary Kopassus officer. As tensions rose in the aftermath of the vote, Sarmento is reported to have donned his Kopassus officer’s uniform.

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\* Unless otherwise noted, this account is based on the following sources: UNAMET, Civpol Manatuto, “Regional Report,” September 21, 1999; UNTAET, DHRO-Manatuto, “Report of the District Human Rights Officer for Manatuto covering the period 11-28 September 2000”; UNTAET, Manatuto District Civpol, “History of Manatuto District 1999,” October 26, 2000; and João Soares Reis Pequinho, “Situasi keamanan di Manatuto kota berubah drastis dari keadaan yang aman ke keadaan yang menyeramkan,” Dili, October 16, 2002.

† Other sources say that the leader of *Morok* was Thomas de Aquino Kalla. See “Lt. Col. Sulastiyo,” in *Masters of Terror*, <http://yayasanhak.minihub.org/mot/booktoc.htm>

Mahadomi and Morok also had the backing of virtually the entire military and civilian apparatus at the district and provincial level. That backing was openly expressed in a series of official ceremonies for the inauguration of the militias, and the disbanding of the CNRT, that took place throughout the district in May 1999.

One such ceremony, held in Manatuto town on May 8, 1999 was led by the Bupati, and attended by the District Military Commander, Lt. Col. Sulastiyo, the Sub-regional Military Commander, Col. Tono Suratman, and a variety of pro-autonomy figures from Baucau, Dili and Lautem. The keynote speaker at the ceremony was Indonesia's Ambassador at large for East Timor, Francisco Lopes da Cruz, who happened also to be the brother of the recently killed militia leader, Filomeno Lopes da Cruz. A secret military intelligence report, dated May 12 1999, reporting on the event, claimed that some 5,000 local people attended.\*

A similar ceremony was held in the Sub-District of Laclubar on May 17. According to a situation report from the Military Intelligence staff of the Manatuto Kodim to the Korem Head of Intelligence, that ceremony was attended by the District Military Commander, by officers and soldiers of Infantry Battalion 301/PKS, and Brimob troops.†

In addition to such public displays of official support, the militias in Manatuto also had practical backing from TNI officers and soldiers. The public face of TNI support for the militias was the District Military Commander, Lt. Col. Sulastiyo. With his transfer in July or August 1999, that role was assumed by his successor, Lt Col. Gerson Ponto.‡ By most accounts, however, Lt. Col. Ponto was not a strong supporter of the militias, and indeed may have helped to limit militia violence during his brief tenure.

In any case, the District Commanders were not acting alone. Testimony from a former TNI member in Manatuto indicates that officers and soldiers associated with Kopassus and military intelligence played a crucial role in the mobilization and training of the militias there. A central Kopassus figure in the district was Lt. Col. Nyus Rahasia, the Deputy Commander of Combat Sector B, who was reportedly in Manatuto from mid-May to mid-June coordinating military-style training for militias.

At least four other Kopassus officers remained in the District, training and operating with militias in Manatuto in 1999. Three of these officers – identified only as Wayan, Ipon, and Agus – reportedly delivered weapons to the Bupati's residence on September 4, 1999. Those weapons were subsequently distributed to Mahadomi militia members

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\* Kodim 1631/Manatuto, Perwira Seksi Intelijen to Kasi Intel Korem 164/WD and others. Secret Daily Situation Report, May 12, 1999 (Yayasan Hak Collection, Doc #23).

† Kodim/1631 Manatuto, Perwira Seksi Intelijen to Kasi Intel Korem 164/WD and others. Secret Daily Situation Report, May 20, 1999 (Yayasan Hak Collection, Doc #24).

‡ According to some sources, Lt. Col. Sulastiyo was replaced in July 1999 by Lt. Col. Gerson Ponto (a.k.a. Lexi Herson Ponto). Other sources suggest that Sulastiyo remained as Dandim until mid-August 1999.

and used in committing serious human rights violations, including arbitrary killings in the ensuing weeks.

The claim that Kopassus and intelligence officers played a central role in Manatuto is supported by documentary evidence. A crucial piece of evidence comes from the military intelligence report of May 20, mentioned above. Prepared by a Military Intelligence officer at the Kodim for the Korem Head of Intelligence, Maj. Bambang Wisnumurty, and copied to the Commander of Kopassus Satgas Tribuana, the report states explicitly that, on May 17, 1999 two senior TNI officers had given “guidance” to militiamen at the Morok militia base in Manatuto. Although not mentioned by name, the two officers in question were described as the “Commander of Sector A” and the “Commander of Sub-Sector Manatuto.” The Commander of Sector A was Col. Sunarko, and the Commander of Sub-Sector Manatuto was probably Lt. Col. Nyus Rahasia.

These men, both Kopassus officers, were among the highest ranking and most powerful TNI officers in the territory. The fact that their actions were reported routinely, and without censure, in an intelligence report to the Korem Head of Intelligence, indicates that they were not considered ‘rogue elements’ and that their actions were in fact consistent with established TNI norms and procedures.

### **Major Human Rights Events**

The first victim to fall in Manatuto District in 1999 was not a pro-independence figure but the Morok militia leader, Filomeno Lopes da Cruz. He was shot and killed in mid-April, allegedly by Falintil forces, in Seur Tulan village, Laclubar Sub-District. In the following days, at least three pro-independence activists were killed by TNI troops, and a village was burned, in apparent retaliation for his murder.

Among those killed were Marcelino Soares and Mateus. The two were reportedly killed on the night of April 24 by Rajawali troops and soldiers of the Koramil Laclubar in the vicinity of Orlalan village. According to witnesses, the two men were decapitated, and their heads were placed atop their makeshift graves. The same night, Rajawali and Koramil troops reportedly burned the neighboring village of Manelima, and killed a young man named Manuel Almeida, also in retaliation for the death of the militia leader Filomeno Lopes da Cruz. Manuel Almeida had been the driver for the Catholic priest in Soibada, Father Julio, but TNI soldiers evidently suspected him of involvement in Filomeno’s murder.

At least one more killing and a number of instances of serious ill-treatment or torture were reported in mid-May. This time the chief perpetrators were Moruk and Mahadomi militia members, though they were clearly acting with the acquiescence of the highest civilian and military authorities. On May 13, for example, militiamen seized two men (João da Costa and Paulino Soares) and took them to the Bupati’s residence, which also served as a militia headquarters and detention center.\* The two men, who were

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\* One account of these events suggests that the two men were handed over to SGI.

suspected of supplying food to Falintil, were held for two weeks and severely beaten before the Catholic Church and the Red Cross intervened and secured their release.

Militia harassment and intimidation continued through the UNAMET period. In mid-August, militiamen and TNI soldiers roamed through the town of Manatuto tearing down CNRT posters. On August 19, again assisted by soldiers, militias destroyed the CNRT office. UNAMET officials lodged formal protests with the Bupati and other officials over their support for the militias, and about the patently unfair political climate in the district. Those protests appeared to keep the most extreme forms of violence in check, but they did not change the underlying relationship between the authorities and the militias.

With the announcement of the vote on September 4, and the departure of UNAMET staff a few days later, the stage was set for open violence to resume. Over the next two weeks, at least 18 people were killed, thousands of people were forcibly displaced from their homes, and much of the physical infrastructure in the district was destroyed.\*

Efforts by the Catholic Church and by leaders on both sides went some way toward delaying the violence, thereby giving the population an opportunity to flee to safety. In the days immediately after the result was announced, for example, pro-independence and pro-autonomy leaders seemed to reach an agreement to avoid acts of violence. According to one account, there was even an agreement to disband the militia, in exchange for a promise that Falintil would not attack.

There were key figures, however, who chose to ignore those agreements. One was the Bupati, Vidal Doutel Sarmiento, who refused to allow the militia to be disbanded, and played a critical role in distributing weapons to them after September 4. As noted above, those weapons were reportedly brought to Sarmiento's house by Kopassus officers on September 4, and then distributed to Mahadomi militia members. An honorary Kopassus officer himself, the Bupati is reported to have donned his military uniform in the days after the ballot.

On September 6, the burning began in the town of Manatuto. According to residents watching from the hills behind the town, the first buildings targeted appeared to be the homes of known CNRT leaders, such as the First Deputy Secretary for Manatuto, Boaventura Soares. Within a few days, virtually every structure in the town had been burned or otherwise destroyed. As in the rest of the country, TNI soldiers played an active role in organizing and carrying out the burning. On September 7, UNAMET MLOs in Manatuto directly witnessed TNI soldiers spraying buildings with petrol and then lighting them on fire.

The killings followed soon after. Among those killed was Abílio Amaral, a university student and independence supporter who had worked with the District administration.

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\* The severity of the dislocation varied among SubDistricts. In the Sub-District of Manatuto, virtually the entire population fled or was displaced. In Laclubar, roughly half fled, while in Soibada very few were forced from their homes. Personal communication with former UNAMET Manatuto staff, João Pequinho, October 2002.

Amaral was reportedly killed at or near a TNI base in the village of Ailili in Manatuto Sub-District, some time after being detained by soldiers on September 10. Two witnesses who saw him at the TNI base some time after September 10, said his face was severely bruised and swollen, apparently as a result of being beaten. On October 4, 1999 another witness saw a dead body lying behind the TNI base camp, and believed that it was the body of Abílio Amaral.\* In September 2000, UNTAET Civpol officers reportedly discovered one grave, and possibly more, behind a TNI barracks in the same vicinity.†

Another victim of the post-ballot violence was António (Pinto) Soares, a member of a clandestine youth group, shot and killed by soldiers of Kodim Manatuto on September 11. Immediately after the announcement of the ballot result, Soares had fled to the hills outside Manatuto with his wife and small child. Early on the morning of September 11, he had returned to the town with a group of clandestine youth to find food for those hiding in the hills. Returning later that day Soares and two others (João Pequinho and Marito Lay), all carrying large sacks of rice, were ambushed from behind by three soldiers of Kodim Manatuto. António Soares was felled with a single bullet to his head.‡

Manatuto also suffered the wrath of members of TNI Battalion 745, as they headed in convoy from their base in Lautem toward Dili on September 20-21. (See Case Study: Battalion 745 Rampage). In the first weeks of September members of the Battalion killed at least 21 people. Several of those killings took place near the village of Laleia, in the District of Manatuto.

The dead included three men, apparently unarmed, who were killed in the course of an assault on the eastern side of Laleia bridge, and one man, an alleged Falintil fighter, who was stabbed and shot by soldiers who then cut off one of his ears. Three other people, including one woman, were reportedly detained near Laleia, beaten then handed over to soldiers of the Manatuto Kodim. They were not seen again and it is thought that they were killed.§

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\* UNTAET, Manatuto District Civpol, "History of Manatuto District 1999," October 26, 2000.

† UNTAET, DHRO-Manatuto, "Report of the District Human Rights Officer for Manatuto covering the period 11-28 September 2000."

‡ João Soares Reis Pequinho, "Situasi keamanan di Manatuto kota berubah drastis dari keadaan yang aman ke keadaan yang menyeramkan," Dili, October 16, 2002.

§ UNTAET, SCU, "Synopsis in Respect to TNI 745 Battalion and the Murder of Sander Thoenes," September 9, 2001.

## 9.11 Manufahi (Kodim 1634)

- Dandim: Maj. Drs. H.M. Sinaga
- Bupati: Nazario José Tilman de Andrade
- Kapolres: Lt. Col. (Pol.) Drs. Abdul Rachim
- Militias: Ablai
- No. Killed: 27

Manufahi suffered somewhat less than many other districts in 1999, but the violations of human rights there were still significant.\* At least 27 people were killed during the year, thousands were forcibly relocated to West Timor, and there was major destruction of property.

### Militias and Authorities

The perpetrators of the violence in Manufahi were predominantly members of the local militia group, *Ablai*, formed in March 1999. However, TNI forces were directly responsible for at least three killings and they were indirectly involved in other grave violations of human rights. Most of those killed were known supporters of independence, but two were pro-autonomy militiamen. All but three of the known killings happened in Same Sub-District, so much of the District was not subject to the most severe forms of violence.

Serious violence was reported in Manufahi as early as November 1998, some time before it began in the rest of the territory. The trouble began in Alas Sub-District when Falintil fighters killed seven TNI soldiers in a two-week period. In an operation that foreshadowed the violence of 1999, TNI forces (including elements of Battalion 744, Kodim, and Koramil) joined militia forces and auxiliaries in launching a major retaliation campaign against the alleged perpetrators, and on the communities deemed to be supporting them. In the course of the initial operation, roughly two dozen people were arrested, nine were beaten or tortured, two were beaten to death, and about 1,000 residents were displaced. In the following weeks, a further 13 people are believed to have been killed, all of them known members of the resistance.

The groups that joined the TNI in the November 1998 operation were the forerunners of Ablai, the militia formed in early 1999. Many of Ablai's key leaders had been members of Garda Paksi, formed in 1995, or of army auxiliary units that had been in existence for many years. These auxiliaries were known colloquially as the 'Three-Week Army' (*Tentara Tiga Minggu*), a reference to the fact that its members had undergone a three-week training course led by Kopassus at the Battalion 744 base in Aileu in 1995.

Like other militias in the country, Ablai had close links with Indonesian military and civilian authorities. The upper echelon of the Ablai leadership had long-established

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\* Unless otherwise noted, this account is based on the following sources: UNTAET, DHRO-Manufahi, "Manufahi," June, 2002; UNTAET, DHRO-Manufahi, "Manufahi Human Rights Events Timeline," February, 2001; and UNTAET, DHRO-Manufahi, "The Situation in Turiscai," February, 2001.



ties with Kopassus and other TNI units and officers. The overall Ablai Commander, Nazario Corte Real, for example, had worked for Kopassus for years, and had undergone 'Three-Week Army' training in 1995. Ablai's second-in-command, Francisco Capella Ferrao, had worked with the TNI even longer, by some accounts since the late 1970s.

In 1999, the key link between Ablai and Kopassus was said to be a militiaman (possibly a Kopassus officer) named Nelson de Araújo. Apart from his involvement in numerous acts of violence in 1999, de Araújo was accused of involvement in the killing of a Nepali peacekeeper in Suai in August 2000.<sup>\*</sup> A key figure on the TNI side was the Sub-District Military Commander (Danramil) in Alas, António Perreira.

Ablai also had links with militias in other parts of the country, and through them with other military officials. The Ablai inauguration ceremony held in March 1999, in Same, was addressed by the notorious Aitarak (and ex-Garda Paksi) leader Eurico Guterres well known to have close ties to the military leadership.

Ablai also had the active support of some local civilian authorities, including Mattius da Silva, the Village Head of Taitudak, and Baltazar Doutel Sarmiento, the Village Head of Mahaquidan, both in Alas Sub-District. But the link between Ablai and the authorities was not a seamless one. In particular, there were signs of a rift between the Bupati, Nazario José Tilman de Andrade on the one hand, and the Ablai leadership on the other.

Despite working for the Indonesians, de Andrade was considered to be a moderate, or even pro-independence, and opposed to the militia's use of violence. By some accounts, Ablai commanders wanted to kill him, and the BRTT head Jaime da Costa; and it is almost certain that the head of the FPKD hid a Fretilian leader, thereby saving his life. Whatever the reasons for the rift, it seems to have imposed some limits on Ablai's strength and freedom of operation. That may help to explain why the violence in 1999 was relatively less serious in Manufahi than in some other districts. The interventions of other local officials, such as the Sub-District Head of Same, Filomeno Tilman, may also have helped to limit the violence.

### **Major Human Rights Events**

The violence in Manufahi occurred in two distinct waves, and in different parts of the District. The first wave, in April 1999, was in the Orema area. The second, in September, was concentrated in the Datino and Betano areas.

The first serious violations in the district, in 1999, came on February 21 when three men disappeared after being taken to a TNI post near the market in the town of Same. Tension mounted in March, especially after Eurico Guterres visited the area on March 11. From that point on, militiamen as well as TNI officers and some civilian officials frequently addressed community meetings, and issued threats and warnings against

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\* As of March 2003, Serious Crimes investigators had found little evidence to support these allegations, and had released Nelson de Araújo from custody. However, the failure to find evidence may have been related to the fact that investigations in the Manufahi District, to that date, had been extremely limited.

voting for independence. A threat commonly voiced throughout the run-up to the vote was that if the vote favors independence “blood will flow from west to east.”

On April 10, a student leader was detained by Ablai members and badly beaten.\* About one week later, two Ablai militiamen from Orema were killed while in Dili. The precise circumstances of their deaths are unclear, but militia leaders in Manufahi accused the pro-independence side of killing them. Their bodies were returned to Same by the TNI and buried at the TNI cemetery in mid-April.

The killings and burial occurred just days before Eurico Guterres addressed a large pro-autonomy crowd in front of the Governor’s office in Dili, and urged the crowd to take action against supporters of independence. Guterres’ speech, on April 17, was followed not only by a violent militia rampage in Dili, but by an escalation of militia violence in Manufahi District. The homes of most pro-independence figures in the district were burned. Terrified, many residents fled to the church in Same, to the hills or to the relative safety of Dili.

At least five people were killed in the course of this wave of violence (April 17-25). Residents of Orema, the main area of the militia activity, also reported that Ablai members forced them under threat of violence to hand over pigs, horses, and women. One man was reportedly killed when his daughter refused to go with the militiamen. After killing him, the militias took the woman against her will. She subsequently reported that she had been forced to serve as a militia slave, and that she had been raped by militiamen.

The second major wave of violence in Manufahi began on the day of the ballot, August 30, and continued for roughly three weeks. During this period, at least 15 people were killed, and thousands were forcibly displaced. The violence began with the torture, murder, and decapitation of two men on August 30. The severed heads of the two men were displayed in public, with the evident intention of terrorizing others into leaving for West Timor.

That tactic, together with the systematic burning of houses and public buildings by militia, Police, and TNI forces (including Battalion 301), drove many villagers to flee their homes. The pattern varied slightly from one area to the next, but one pattern common throughout the district was that the worst destruction, and the greatest number of displacements, occurred along the main roads linking the district to the border. The most remote villages in the district were spared major destruction, either because the militia could not be bothered to go there, or because they were Falintil strongholds.

The violence ended with one final killing spree. Near Betano, just before their departure from Manufahi, Ablai militia killed up to ten people in a single day, September 24. By the time INTERFET forces arrived, the militias had left, as had the TNI, the Police, and most civilian authorities.

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\* By some accounts he was hacked with machetes.

## 9.12 Oecussi (Kodim 1639)

- Dandim: Lt. Col. Kamiso Miran; Lt. Col. Bambang Sungesti
- Bupati: Filomeno Misquito da Costa
- Kapolres: Lt. Col. (Pol.) Drs. Wilmar Marpaung
- Militias: Sakunar
- No. Killed: 170

The District of Oecussi suffered among the most serious human rights violations of any District in East Timor in 1999.<sup>\*</sup> At least 170 people were killed during the year, the vast majority of them in the weeks after the ballot. As in other Districts, thousands of people fled their homes during this period in the face of systematic intimidation and violence.

### Militias and Authorities

The District's main militia force, *Sakunar*, was created and strongly supported by TNI, Police, and civilian authorities. It was formed in April 1999 with the full backing of the Governor of East Timor, Abílio Osório Soares, the Bupati of Dili, Domingos Soares, and the two principal militia commanders for East Timor, João Tavares and Eurico Guterres.

From the time of its formation, moreover, it received the full political and financial backing of the Bupati of Oecussi, Filomeno Misquito da Costa, the Kapolres, Lt. Col. (Pol.) Wilmar Marpaung and, most importantly, the Dandim (until August 1999), Lt. Col. Kamiso Miran and his successor, Lt. Col. Bambang Sungesti.<sup>†</sup> All of these officials attended a ceremony on May 1, 1999 at which Sakunar was formally inaugurated, and at which supporters of independence were publicly threatened and beaten by militiamen.

Sakunar's links with officialdom did not stop there. Testifying before a Jakarta court in April 2000, a former Sakunar leader said he had received weapons from two senior Kopassus officers, whom he identified as 'Bambang' and 'Tatang.'<sup>‡</sup> Although the court did seek to clarify the officers' identity, it is likely that they were Maj. Bambang Wisnumurty, the Korem Head of Intelligence, and Col. Tatang Zaenuddin, Commander of Combat Sector B. Both men were involved in mobilizing and coordinating militias elsewhere in East Timor.

Moreover, the principal organizers and leaders of Sakunar, and the key instigators of the post-ballot violence, were themselves active military and Police officers and civil servants. They included the Danramil of Passabe, Anton(io) Sabraka; the Babinsa and militia trainer in Passabe village, Sgt. Andre Ulan; the civil servant and overall Sakunar

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<sup>\*</sup> Unless otherwise noted, this account is based on the following sources: UNTAET, DHRO-Oecussi, "Report on Human Rights Violations During 1999: Oecussi District," November, 2001; UNTAET, General Prosecutor, Indictment of Simao Lopes *et. al.* (Case No. OE-12-99-SC), Dili, September 2001.

<sup>†</sup> Lt. Col. Sungesti replaced Lt. Col. Miran on August 9, 1999.

<sup>‡</sup> The militia leader was Laurentino Moko. Karen Polglaze, "Timor militia leader back in court," AAP, April 10, 2000.

commander, Simao Lopes; the Head of Passabe village and Police officer, Gabriel Kolo; and the Head of Cunha Village, Laurentino Soares (a.k.a. Moko).

This web of official linkages, and overlapping memberships between the militias and state agencies, allowed Sakunar to operate with impunity, and ensured that its members had the operational and logistical means to commit systematic violations of human rights.

### **Major Human Rights Events**

At least 12 people, and possibly more, were killed in Oecussi in the pre-ballot period, and numerous instances of physical assault, intimidation, and property destruction were reported. As in other Districts, CNRT leaders and activists were subjected to acts of intimidation and violence by pro-autonomy forces, and they numbered among the dead.\* Compared to some other districts, however, Oecussi was not a major center of military or militia activity in the pre-UNAMET and UNAMET periods.

That situation changed dramatically in the final days before the ballot and in the immediate post-ballot period, especially after the departure of UNAMET personnel and other international observers in early September 1999. Over the next several weeks more than 150 civilians were murdered, some in very gruesome fashion, bringing the total number killed in the District in 1999 to at least 170. In addition, thousands of people fled their homes in the face of systematic intimidation and violence.

The so-called Passabe massacre of September 1999 was among the most systematic of all the acts of violence committed in the post-ballot period in East Timor. In the course of three days, from September 8 to 10, at least 82 people were killed. All of the victims were residents of four villages in the Sub-District of Oesilo, in the southeastern part of the District. At least another 12 people were killed *en masse* in the village of Maquelab, on the north coast, in October. Virtually all of the targeted villages were known as pro-independence strongholds, and the victims were overwhelmingly independence leaders or supporters (See Case Study: The Passabe and Maquelab Massacres).

The very large numbers of victims and the systematic nature of the killings at Passabe and Maquelab would appear to be attributable to three main factors. First, as already noted, the militia force was strongly supported by all military, police, and civilian authorities in the District.

A second factor was the early departure of UNAMET and other international personnel, and the relatively late arrival of the multinational force. As in other districts, UNAMET personnel came under threat in the early days of September, leading to a decision to evacuate to Dili. That left Oecussi entirely without international observers, a situation in which TNI, Police, and Sakunar militias were free to act with complete impunity. INTERFET troops began to arrive in Dili as early as September 20 and deployed to

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\* At a public ceremony in early May, CNRT leaders were forced to 'voluntarily' dissolve their organization, and to renounce their support for independence.

other districts in the following days, but they did not reach Oecussi until October 22, by which time scores of civilians had already been killed.

A third and related factor was Oecussi's proximity to Indonesian territory, and its geographical isolation from the rest of East Timor. As an enclave surrounded to the east, west, and south by Indonesian West Timor, and bounded by the sea to the north, Oecussi was essentially cut off from the rest of East Timor. Its geographical position meant that TNI and militia forces could move with relative ease across the border into Indonesia, as they did in the course of the so-called Passabe massacre.

## 9.13 Viqueque (Kodim 1630)

- Dandim: Lt. Col. Djoko Sukarsono; Lt. Col. Gustaf Hero
- Bupati: Martinho Fernandes
- Kapolres: Lt. Col. (Pol.) Drs. Abdul Rahman
- Militias: Makikit, 59/75 Junior
- No. Killed: 8-30

The District of Viqueque experienced a lower incidence of serious human rights violations than most other districts, but it did not escape the violence entirely.\* At least 8 people, but possibly as many as 30, were killed during the year, and an estimated 10,000 were forcibly displaced from their homes. In a reversal of the pattern elsewhere in the country, most of the killing in Viqueque occurred before the ballot. Physical destruction varied widely within the District. In some areas, 90% of all buildings were destroyed, while in other areas there was almost no destruction at all.

### Militias and Authorities

The two main militia groups in Viqueque were *Makikit* and *59/75 Junior*. Compared to militia groups in the western Districts, neither was especially strong. In three of the five Sub-Districts – Ossu, Uato Lari and Uato Carabau – they were virtually absent. By one estimate there were fewer than 100 militiamen in the entire District in mid-1999.

The relative weakness of the militias in Viqueque may have been related to the strong Falintil presence there, and the reluctance of Sub-District and Village Heads, as well as ordinary citizens, to take part in them. One of Falintil's four cantonment sites was in Uai Mori on the Viqueque border, and several Sub-Districts were considered to be Falintil strongholds. There were also indications that some TNI officers in the District – with the notable exception of Kopassus and Military Intelligence officers – provided only limited support to the militias, and that both the TNI and the Police had been infiltrated by supporters of independence.† The second Dandim, Lt. Col. Gustaf Hero, adopted a notably moderate posture in the post-ballot period.

Makikit was especially active in the Sub-District of Lacluta, where it was based. In August, for example, it conducted operations against IDPs attempting to return to their homes in the area. The militia group 59/75 Junior – which took its name from the year of an abortive anti-Portuguese uprising in the district (1959), and the year of Indonesia's invasion of East Timor (1975) – was based in Beobe village, in the town of Viqueque. Although active in the pre-UNAMET period, for most of the UNAMET period it kept

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\* Unless otherwise noted, this account is based on the following sources: UNTAET, DHRO-Viqueque, "Human Rights Violations: Viqueque District," [n.d.]; and UNAMET, MLOViqueque, "Outline of Pro-Integration Militias in Viqueque Area," August 6, 1999, reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

† Until some time in August, the Dandim was Lt. Col. Djoko Soekarsono (a.k.a. Joko Suharsoyo). He was replaced by Lt. Col. Gustaf Hero.

a low profile. In mid-August it became more aggressive, intimidating local residents, and attacking recently opened CNRT and DSMPTT offices in Viqueque town.

By all accounts, Viqueque's militias were strongly supported by the Bupati, Martinho Fernandes, who was said to be a former associate of Prabowo Subianto, and an honorary member of Kopassus. Indeed, Fernandes told an international observer delegation in 1999 that he considered the militias to be a legitimate element of the pro-autonomy effort, despite the fact that they were armed. As in other Districts, funding for the militias was channeled through the Bupati's office.

The militias also received training and logistical support from the TNI, and especially Kopassus. According to UNAMET MLOs posted in the District, a small number of Kopassus soldiers operated with each militia unit, serving an essential command and control function, and allowing coordination among militia sub-units and with other militias. Kopassus elements were also reported to have routinely conducted training sessions with 59/75 Junior militias at the militia base in Beobe village, Viqueque town. An MLO report of August 5, 1999, concluded that "59/75 Junior are an instrument of political repression backed and probably controlled by Kopassus."<sup>\*</sup>

Several TNI officers within the territorial command structure, especially those in Kodim Intelligence, were also directly involved in coordinating militia activities. The most prominent and high ranking among them included: the Kodim Intelligence Chief, Lt. Yusuf Tandi; three Kodim Intelligence staff officers, Sgt. Andreas Prawin, Sgt. Abdul Mansyur, and Sgt. Gabriel Tahu; and the Danramil in Lacluta, Sgt. Maj. Nicodemus Y. Y, who had served for seven years with Kopassus before becoming Danramil.

In addition to official funding, and training, there is strong evidence that militias received weapons from Indonesian military authorities. UNAMET MLOs observed militias in Viqueque carrying a variety of modern firearms, including SP-1 self-loading rifles, and handguns. The Bupati admitted to international observers (IFET) that 59/75 Junior had weapons. A former member of the 59/75 Junior militia told investigators that two of the Kodim Intelligence officers named above (Sgt. Gabriel Tahu and Sgt. Andreas Prawin) had arranged for 12 cases of weapons to be delivered to the militias in Beobe on March 8, 1999. Another witness claimed that 60 weapons had been stored at the Koramil headquarters in Dilor, and had been distributed at night by the Danramil, Sgt. Maj. Nicodemus Y.Y.

Finally, the militias in Viqueque had the tacit support of Battalion 406, the combat battalion stationed in the District. While there was little direct evidence of a link between Battalion 406 and the militias, in early August UNAMET MLOs concluded that the unit had probably formed a 'friendly' relationship with them. At the very

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\* UNAMET, MLO-Viqueque, "Outline of Pro-Integration Militias in Viqueque Area," August 6, 1999. Aitarak was reported to have assisted with militia training in Dilor area, and MLOs believed that it probably did so as a front organization for Kopassus/SGI.

least, the report concluded, “it is inconceivable that the CO 406 BTT Lt. Col. Sonny does not at least have visibility of 59/75 Junior activities given his high profile in local affairs.”

### **Major Human Rights Events**

There were a limited number of human rights incidents in the first few months of 1999, but they became more frequent and more serious with the start of militia recruitment in March. On March 20, after gathering at the TNI post in Dilor, in Lacluta Sub-District, newly recruited militias attacked people in surrounding villages, beating and threatening alleged supporters of independence. Roughly 160 people were briefly detained at the Koramil in Dilor by TNI and Makikit militia, and an estimated 500 people from the area fled their homes in fear, taking refuge some 20 km away. The violence escalated further in April, as militiamen carried out campaigns of intimidation against alleged pro-independence figures in Lacluta and Viqueque Sub-Districts. In one incident in Viqueque Sub-District, on April 18, members of 57/75 Junior kidnapped 18 youths whom they suspected of supporting Falintil.

The worst of the violence, however, occurred in May. According to a former militia member, at least 14 people were killed by militias in two separate incidents, on May 2 and 13, and their bodies buried in the Beobe cemetery, in Viqueque town. UN investigators later found as many as 18 gravesites in that cemetery, which they believed to contain the bodies of those killed in May 1999. Examination of their remains revealed that some had been killed in a distinctive, and especially gruesome, way – an animal bone had been driven through the roof of their mouth into their brain.

On May 30, 13 men from Lacluta were detained on allegations of supporting Falintil, then beaten with lengths of pipe and sticks. The beatings were reportedly carried out in the Koramil headquarters, under the supervision of the Danramil of Lacluta, Sgt. Maj. Nicodemus Y.Y.

Militia activities subsided significantly with the deployment of UNAMET and international observers in June, and there was relative calm for most of the next three months. The most serious exception to that rule came on August 10-11 in the town of Viqueque. On August 10, the Student Solidarity Council (DSMPTT) formally opened an office in the town. Later that evening, a group of militiamen arrived at the office on motorbikes and trucks and began to fire shots into the building; as many as 14 bullet holes were later found in the ceiling. On the same day, two student members of the CNRT were accused of stealing a motorcycle and detained by the TNI.

The following day, August 11, the offices of both the CNRT and the DSMPTT were attacked by armed militias. TNI and Police officials failed to intervene. In fact, witnesses reported seeing several TNI soldiers walking with three militiamen in the vicinity of the DSMPTT office. Later the same day a group of armed militiamen, backed by TNI soldiers, took up positions across the river from a group of students. The militiamen

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\* UNAMET, MLO-Viqueque, “Outline of Pro-Integration Militias in Viqueque Area,” August 6, 1999.



(and possibly the soldiers) opened fire, killing one student. Two more young people were killed later that day by militias, and three were wounded.\*

As a result of these events, most DSMPPT and CNRT members fled the town of Viqueque; many residents in nearby villages also fled their homes. The next two weeks saw a further increase in militia intimidation in certain Sub-Districts, with threats of dire consequences should the pro-autonomy side lose. By one estimate, the campaign of terror prompted the displacement of as many as 1,700 people before the end of August.

Despite these threats, and serious attacks of mid-August, the post-ballot period in Viqueque was unusually free of violence, with only two people reported killed. That unique situation may be attributable to the relative weakness of the militias in the district, and the strength of Falintil. The moderate position taken by the new Dandim, Lt. Col. Gustaf Hero, may also have been a factor. In a meeting held before the announcement of the result, Lt. Col. Hero is reported to have called on both sides to respect the outcome of the ballot, and not to resort to violence. He is also said to have made some effort to prevent violence in the post-ballot period. Nevertheless, militia and TNI forces did carry out acts of destruction in some areas, and as many as 10,000 residents fled the district in fear.

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\* The three dead were identified as: Rogerio Soares (a.k.a. Rogerio Amaral), Carlos Sarmento, and Mariano Soares Pinto (a.k.a. Mariano Gusmão).

## 10. Case Studies: Major Human Rights

### Incidents

The terrible reality of the violence in 1999 is almost impossible to grasp. In a report issued shortly after visiting East Timor in late 1999, the International Commission of Inquiry on East Timor noted that its members had been “confronted with testimonies surpassing their imagination.” This chapter aims to provide some limited sense of that reality, by recounting in some detail fifteen critical human rights events from 1999.

Some of the cases examined here – such as the Liquica Church massacre and the Suai Church massacre – are relatively well known, and have been the focus of important legal proceedings. Others are somewhat less well-known, at least outside of East Timor. They are included here because they are part of the fabric of violence and suffering and, like the better-known cases, they provide valuable insights into the general patterns of violence and responsibility discussed in the earlier part of this report.

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\* United Nations, Office of the High Commissioner for Human Rights, “Report of the International Commission of Inquiry on East Timor to the Secretary General,” January 2000, paragraph 34.

## 10.1 Liquica Church Massacre (April 6, 1999)

One of the earliest and most shocking incidents of violence in 1999 was the massacre of as many as 60 refugees at the Catholic church in the town of Liquica on April 6.<sup>\*</sup> The attack also provides some of the most powerful evidence of the intimate links between militias and military and civilian authorities.

The Liquica church massacre occurred against the backdrop of escalating militia violence in the district. In the days before the massacre, members of the BMP, together with TNI soldiers and Police had assaulted and arrested a number of known CNRT leaders in the Sub-Districts of Liquica and Maubara, where the BMP was based. In the course of those attacks, on April 4 and 5, dozens of houses were burned and several civilians were killed.

Terrified by the mounting violence, residents of Liquica and Maubara began to seek refuge in places they considered safe, including the Catholic church compound. The sound of automatic weapons fire for about an hour in the afternoon of April 5, followed by the arrival of hundreds of BMP militiamen, added urgency to their flight. By late afternoon, an estimated 2,000 people, many of them women and small children, had taken refuge in the church compound. Some were in the church itself while others were in the residence of the local priest, Pastor Rafael dos Santos, adjacent to the church.

Outside, BMP militiamen and TNI soldiers roamed the streets of Liquica, in search of pro-independence leaders and youths. Some militiamen and soldiers gathered outside the church and fired their weapons menacingly in the air. Terrified to return to their homes, the refugees stayed in the church overnight.

Early the following morning, April 6, BMP militiamen, armed with machetes, knives, spears, and an assortment of firearms gathered outside the church. Also present at the scene were TNI troops from the Liquica Kodim, the Maubara Koramil, the Kopassus 'Satgas Tribuana,' and Battalion 143. Throughout the morning the BMP militiamen, and some soldiers, taunted and threatened the IDPs, calling on them to 'surrender.' According to the parish priest, Pastor Rafael, BMP members threatened the IDPs that two more militia groups (Mahidi and Halilintar) would be joining them at 10:00 a.m., at which point they would all attack the church. In addition to such threats, some militiamen hurled rocks, causing injury and damaging vehicles in the yard. Some also fired their home-made guns in the air. The TNI troops did not intervene in any way.

Roughly 15 Police officers from Polres Liquica and one platoon of Mobile Brigades (Brimob) from Dili were also deployed to the scene, ostensibly to protect the IDPs. However, in the hours before the attack the Police were seen chatting amicably with the armed militia members, who now numbered in the hundreds. Like the TNI, the Police and Brimob troops made no effort to detain or disarm the militiamen, or to prevent them from threatening those inside the church.

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\* Unless otherwise noted, this account is based on the following sources: KPP-HAM, "Report of the Indonesian Commission on Human Rights Violations in East Timor," (internal), Jakarta, January, 2000; Deposition of Pastor Rafael dos Santos, recorded and compiled in Sydney, Australia on October 27-28, 1999; UNTAET, General Prosecutor, Indictment against Leoneto Martins, *et.al.*, Dili, [n.d.]; and Polda Timor Timur, Direktorat Reserse, "Laporan Penanganan Kasus Liquisa," (No. R/355/IV/1999/Ditserse) Dili, April 15, 1999.

Rather than seeking to disband the militias, Police officers at the scene requested that Pastor Rafael surrender two pro-independence leaders – the Village Head of Dato, Jacinto da Costa Pereira\*, and one other man. Pastor Rafael explained that one of the men was not there, and he refused to hand Jacinto da Costa Pereira to the Police because he feared that he would be killed. He also denied suggestions, made by the Brimob officers and the militias, that Jacinto da Costa Pereira had brought a weapon with him into the church.

Inaction by the Police and the TNI in the face of mounting militia violence was hardly surprising. A substantial body of evidence points to the conclusion that the massing of the militias in Liquica, and the attack on the refugees, were part of a well-organized plan, set in motion by high-ranking civilian and military officials. As events unfolded, the Dandim, Lt. Col. Asep Kuswadi and the Bupati, Leoneto Martins, met frequently with key TNI, Kopassus, Police, and BMP commanders.

At one such briefing, led by the Dandim on the morning of April 6, TNI soldiers were reportedly forewarned of an imminent militia attack on the IDPs, but were given no orders to prevent it, or to protect those in the compound. In another meeting on the same day, the Bupati and the BMP Commander, Manuel de Sousa, reportedly told militia leaders that they must prepare to attack the church and be ready to kill any IDPs who tried to escape.

A final meeting at the Liquica Kodim, held just before the attack, was attended by the most important civilian and military leaders in the District and the Province. They included: the Deputy Danrem for East Timor, Col. Mudjiono; the Commander of the Kopassus Satgas Tribuana VIII, Lt. Col. Yayat Sudrajat; the Liquica Dandim, Lt. Col. Asep Kuswadi; the Bupati, Leoneto Martins; and the District Chief of Police, Lt. Col. Adios Salova.

Shortly after that meeting ended, between 12 noon and 1:00 p.m., a shot rang out in the vicinity of the church.† Brimob troops and BMP militias started to fire their weapons in the direction of the compound, and the attack began. The militias took the lead, but TNI and Brimob forces were close behind.‡ Most eyewitnesses concur that some TNI and Brimob troops stood by and allowed the militias to attack, while others actively joined in. The indictment issued in this case by the UNTAET General Prosecutor states that “TNI members went on shooting into the crowd indiscriminately killing several people.”† Pastor Rafael dos Santos, the Liquica parish priest, gave this account of the opening moments of the massacre:

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\* The KPP-HAM report gives his name as Jacinto da Costa Conceição.

† According to one source, the shot was fired in the direction of Brimob troops by a TNI Babinsa from Fatumasi, as a deliberate provocation intended to trigger the assault.

‡ Allegations of direct involvement by TNI troops in the assault at Liquica may find further confirmation in a memorandum to General Wiranto, from the Chief of Staff for Kodam IX, Brig. Gen. Mahidin Simbolon. In that memo, reportedly submitted as evidence in one of the ad hoc trials in Jakarta, Simbolon is said to have confirmed that Kopassus and Kodim troops backed the pro-autonomy forces and fired their weapons in the course of the incident. See *Suara Timor Leste*, September 11, 2002.

*“...I heard shooting by the Besih Merah Putih (BMP) and Brimob group in front of the Parish house. They were firing into the air. After this the Besih Merah Putih and Kodim members entered and surrounded the community in the Church complex. They started to shoot everyone. Men whom they found outside the Parish house were hacked down. The militia members were accompanied by Kodim troops and the Brimob elements. They entered the residence of the church and they started to kill people with machetes and shoot people in the house. At the time there were still women, children and men in the complex. They started to kill the men first because they were closer to the door. The men had pushed the women and children to the back.”\**

Brimob troops assisted in the attack by throwing tear gas into the parish house, forcing the refugees to come out. As they ran from the church, they were hacked with machetes and knives, or shot. Pastor Rafael’s account continues:

*“I saw the Brimob members break the parish house window and throw tear gas repeatedly into the Parish house until those who were sheltering inside ran out because they could not stand their eyes hurting. As the community ran out of the Parish house the Militia started to kill the men, but they did not kill the women and children. The children and women were allowed to leave the complex, whereas the men were hacked down.”†*

When most of the refugees had left the church and the parish house, BMP members, Police, and TNI soldiers, including TNI Sgt. Tome Diogo, came in looking for stragglers. Those they found were killed. Pastor Rafael described the scene:

*“After we came out of the Parish house the Besi Merah Putih and Polres members and the Kodim members went from room to room in the Parish house destroying things, seeking and killing people. A number of young community leaders of the Liquica pro-independents [sic] had tried to hide in the roof of the house. The militia pulled down the roof of the Parish house. They pulled the young people down and executed them.”‡*

Pastor Rafael’s account, and specifically his claim that soldiers and police joined in the attack, has been confirmed by other witnesses. Testifying in the Jakarta trial of Lt. Col. Asep Kuswadi, Lt. Col. (Pol.) Adios Salova, and Leoneto Martins, in July 2002, a survivor of the massacre said he had seen uniformed soldiers and Police fire shots into the church compound:

*“The shots were all directed towards the church,” he said, and those firing were “not only police but also soldiers.”§*

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\* UNTAET, General Prosecutor, Indictment against Leoneto Martins, *et.al.*, Dili, [n.d.], paragraph 112.

† Deposition of Pastor Rafael dos Santos, recorded and compiled in Sydney, Australia on October 27-28, 1999, p. 8.

‡ Deposition of Pastor Rafael dos Santos, p. 8.

§ Deposition of Pastor Rafael dos Santos, p. 9.

The official Police report on the Liquica Church massacre claimed that only five people were killed in the attack.<sup>†</sup> Independent investigations suggest that the true figure is at least 30, and possibly as many 60 killed.<sup>‡</sup> The exact number of victims is not known, however, because the bodies of the dead were taken away and disposed of shortly after the massacre. In statements to investigators, witnesses have indicated that dozens of bodies were taken in trucks by TNI soldiers and militiamen and dumped or buried in various locations.

One witness has testified, for example, that he and six other men received an order from the Danramil and the Sub-District Head of Maubara (Sgt. Maj. Carlos Amaral and José Afat respectively) to assist in burying five of the bodies.<sup>§</sup> According to his statement, the bodies were brought to Maubara in a truck by officers of Kodim Liquica on the evening of April 6, and buried later the same night, near the home of a member of Koramil Maubara.<sup>||</sup> That account is consistent with a separate report that a truck containing five bodies was driven from Koramil Maubara to a BMP post on the road between Liquica and Maubara, and that militiamen at the post were then ordered to dig graves about 200 meters away and bury the corpses.<sup>#</sup>

Another witness, a former BMP militia member, told Indonesia's Human Rights Commission that he had been ordered by a TNI officer to bring a military truck to transport 15 corpses from Liquica to Masin Lake, a marshy body of water just off the road between Liquica and Maubara. After dumping the bodies, the witness said, he was ordered to return with the truck to Koramil Maubara.<sup>\*\*</sup> Indonesia's Human Rights Commission also found that some corpses had been thrown into the sea in the Sub-District of Maubara, using as many as seven trucks and four jeeps.<sup>\*</sup>

The systematic disposal of corpses described in these testimonies is markedly similar to the pattern of corpse disposal that followed the massacres at Suai Church on September 6, and at the Maliana Police Station massacre on September 8. Together with the substantial evidence of TNI and Police involvement in the massacre itself, the presence

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\* António Conceição Santos, cited in *AFP*, "Survivor Says Soldiers, Police Fired Shots at Refugee-filled Timor Church," July 17, 2002. Another witness, testifying in the Jakarta trial East Timor Chief of Police, Col. Timbul Silaen, told the court, "I saw the soldiers entering the church and they were armed." Emilio Barreto, cited in *Reuters*, "Indonesian Soldiers Stormed Timor Church: Witness," May 31, 2002.

† The report was prepared by the East Timor Regional Police (Polda) Research Directorate, and submitted to national police headquarters on April 15, 1999. The report is: Polda Timor Timur, Direktorat Reserse, "Laporan Penanganan Kasus Liquica," (No. R/355/IV/1999/Ditserse) Dili, April 15, 1999.

‡ An UNTAET report from December indicated that Civpol held a list of 61 people allegedly killed in the incident, and noted that "it is generally accepted that the total is probably somewhere around the 50-60 mark." See UNTAET, UNMO-Liquica, "History of Liquica District Through 1999," December, 1999, p. 3. In its January 2000 report, Indonesia's KPP-HAM concluded more cautiously that "at least 30 people" had been killed. An indictment issued by the UNTAET General Prosecutor said that "more than a hundred people were killed or injured" in this incident. Pastor Rafael believed that more than 100 may have died.

§ Cited in KPP-HAM, "Report of the Indonesian Commission on Human Rights Violations in East Timor," (internal), Jakarta, January, 2000, p. 17.

|| The officers who allegedly brought the bodies to Maubara were Sgt. Tome Diogo and Sgt. Jacob. KPP-HAM, "Report of the Indonesian Commission on Human Rights Violations in East Timor," (internal), Jakarta, January, 2000, p.17.

# It is also consistent with testimony that TNI Sgt. Tome Diogo drove a truck containing five bodies to the hospital in Liquica on the evening of April 6, 1999, before driving it away again, with the bodies still in it. See UNTAET, General Prosecutor, Indictment against Leoneto Martins, *et. al.*, Dili [n.d.], paragraph 120.

\*\* KPP-HAM, "Report of the Indonesian Commission on Human Rights Violations in East Timor," (internal), Jakarta, January, 2000, p.18.

of key officials at the scene of the crime, and the responsibility of those officials for creating and coordinating the BMP, this evidence makes it a virtual certainty that the Liquica church massacre was planned by high-ranking TNI and civilian authorities.

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\* KPP-HAM, "Report of the Indonesian Commission on Human Rights Violations in East Timor," (internal), Jakarta, January, 2000.

## 10.2 Cailaco Killings (April 12, 1999)

Some of the most notorious violations of human rights in 1999 occurred in the District of Bobonaro, where an estimated 250 civilians were killed in political violence, and many others suffered torture (including rape), beatings, destruction of property, and forcible relocation. All but a handful of the victims were supporters of independence. The perpetrators were generally members of one of the several militia groups operating in the district, but in many cases, the principal perpetrators were TNI soldiers and officers.

One of the clearest examples of this general pattern occurred in the Sub-District of Cailaco on April 12, 1999. In two separate incidents on the same day, TNI soldiers and militiamen rounded up and deliberately executed seven people. The dead have been identified as: Carlito Mau Leto (32), Domingos Resi Mau (29), João Evangelista Lima Vidal (40), Paulino Soares (34), José Pau Lelo (37), António Soares (45), and Manuel Maulelo Araújo.

According to an indictment filed by East Timor's Deputy General Prosecutor for Serious Crimes<sup>†</sup> in February 2003, these seven killings were committed with the knowledge and acquiescence of several senior military and civilian officials, including: the District Military Commander (Dandim), Lt. Col. Burhanuddin Siagian; the District Head of Military Intelligence (Kasi Intel), Lt. Sutrisno; the Bupati, Guilherme dos Santos; the militia commander, João Tavares; and the District head of the FPDK, Jorge Tavares. The indictment also names Lt. Sutrisno as one of the direct perpetrators of the seven murders.

By some accounts, the Cailaco killings were an act of official retaliation for the murder of a local pro-autonomy figure, Manuel Gama, and at least one TNI soldier, in an ambush near Poegoa village, Cailaco Sub-District, early on the morning of April 12. Gama, who was Finance Head of the District administration and had recently been named deputy leader of the FPDK in Maliana, was driving from Cailaco to Maliana with an escort of TNI soldiers when the attack occurred. He and one of the TNI soldiers were both shot and killed at close range, while a second TNI soldier reportedly survived the ambush.

As of early 2003, the identity of Manuel Gama's killers had not been established. Some residents claimed that the attack was carried out by a member of the Halilintar militia, as a deliberate pretext for the crackdown on pro-independence supporters that was to follow. Others believe that the ambush and killings were the work of Falintil fighters, who had been operating in the area in preceding months. Whoever the perpetrators were, the attack did indeed set in motion a campaign of retribution in which local residents were detained, beaten, forcibly relocated and killed by TNI soldiers and Halilintar militiamen.

After learning of Manuel Gama's death, the commander of the SGI post at Marco, Mahalan Agus Salim, ordered TNI and Halilintar militiamen to track down those

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\* Unless otherwise noted, this account is based on UNTAET, DHRO-Bobonaro, "Bobonaro District 1999 report," September 2002.

† The indictment was filed on February 3, 2003.



responsible.\* Teams of soldiers and militiamen then fanned out to villages in the immediate vicinity, looking for suspects.† In the course of this initial sweep some 30 residents, including women and children, were detained and forcibly marched to the Sub-District Military Command (Koramil) headquarters at Marco. The women and children were held separately for up to four days, before being released. Several of the detained men – including Carlito Mau Leto and Domingos Resi Mau who would later be killed – were badly beaten while in detention. The beatings reportedly began after orders were received from the Kodim in Maliana and from militia commander João Tavares.‡ In the words of the indictment issued by the Deputy General Prosecutor for Serious Crimes:

“The detainees were told to lie on the floor and the TNI and militiamen present hit them with their fists and boots. They were also beaten with rifle butts while being questioned about the murder of Manuel Gama.”§

A number of the detainees were released, but some remained in custody in Marco. Two others – Carlito Mau Leto and Domingos Resi Mau – were taken to the site of Manuel Gama’s murder, near the village of Poegoa. TNI soldiers and militiamen had already brought three other villagers to that spot, and had begun to beat and interrogate them about the killing of Manuel Gama.|| The soldiers and militiamen at the site were under the authority of TNI Lt. Sutrisno, the District Military head of intelligence. Lt. Sutrisno was present when soldiers and militiamen beat the detainees. According to witnesses, he also kicked one of the detainees in the face and the body as he lay on the ground, with his hands tied.¶

Having received word of Manuel Gama’s death, senior TNI and civilian figures in Maliana gathered at the office of the Bupati to plan their response. Those present included: the Dandim, Lt. Col. Burhanuddin Siagian, the Bupati, Guilherme dos Santos, the militia commander, João Tavares, and the district FPKD leader, Jorge Tavares. According to the Serious Crimes indictment, the men discussed plans to kill CNRT members and pro-independence civil servants.\*\*

After the meeting, the group traveled in a convoy to the site near Poegoa village where Manuel Gama had been killed, and where at least five men were being held by TNI soldiers and militiamen. There, according to witnesses, three of the men who had earlier been beaten were shot dead by TNI soldiers. The circumstances of their killing leave no doubt that the men were deliberately executed while in custody, and strongly suggest the direct responsibility of senior TNI officers and the militia commander, João Tavares.

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\* East Timor, Deputy General Prosecutor for Serious Crimes, Cailaco Indictment, paragraph 44.

† The Cailaco indictment characterizes the operation as follows: “On 12 April 1999, TNI and Halilintar militia members attacked the civilian population of the Sub-District of Cailaco perceived to be supporters of independence. This attack was an integral part of the ongoing campaign of violence against the civilian population of East Timor.” Cailaco Indictment, paragraph 42.

‡ Cailaco Indictment, paragraphs 46-50.

§ Cailaco Indictment, paragraph 51.

|| Cailaco Indictment, paragraphs 57-59.

# Cailaco Indictment, paragraph 66.

\*\* Cailaco Indictment, paragraph 73.

Shortly after they arrived at the site the militia commander, João Tavares, reportedly walked up to one of the detainees and said: “These are the people that receive money from the government, and they feed the Falintil. These people we have to kill.” Following this order, several TNI soldiers dragged three of the detainees – Carlito Mau Leto, Domingos Resi Mau, and João Evangelista Lima Vidal – to the top of a nearby hill. They were followed by Lt. Sutrisno, who was carrying a 5.56 caliber rifle. A few minutes later several gunshots were heard coming from the place where the detainees had been taken. Witnesses said that the gunshots sounded like those of a 5.56 caliber rifle. The three men were not seen alive again.<sup>†</sup>

From the site of the killings, a convoy of officials, soldiers, and militiamen returned to Marco, where residents and civil servants had been ordered to gather at the home of Manuel Gama. There, according to witnesses, Lt. Col. Burhanuddin Siagian directly threatened District civil servants, indicating that if they were independence supporters they would suffer the same fate as the three men just killed in Poegoa. Then, Lt. Sutrisno gave the order to arrest four men, all of them known independence supporters: Paulino Soares, José Pau Lelo, António Soares, and Manuel Maulelo Araújo.

The four men were singled out of the crowd and led away to the SGI compound next to the Koramil. Later that afternoon, April 12, they were shot dead by TNI soldiers and Halilintar militiamen. As in the case of the three killed earlier in Poegoa, there is little doubt that the four were killed in custody, and that their murders were ordered by senior TNI officers, including Lt. Col. Burhanuddin Siagian and Lt. Sutrisno.

Some time after the four men were taken to the Koramil, Lt. Col. Siagian, João Tavares and Jorge Tavares went there and talked with Lt. Sutrisno.<sup>‡</sup> After their conversation, TNI soldiers and Halilintar militiamen were instructed to seal off the area, and Lt. Sutrisno gave the order for the four detainees to be taken outside. Once outside, the detainees were told to run. Paulino Soares, the youngest of the four, started to do so and was immediately shot and killed. The other three men were then killed by shots fired by TNI soldiers and militiamen surrounding the compound. The bodies of the four men were gathered in a single pile and guarded by TNI soldiers.<sup>§</sup>

Lt. Sutrisno has been identified as one of the direct perpetrators of all four of the killings. Lt. Col. Burhanuddin Siagian, João Tavares, and Jorge Tavares were present and took no action to stop the killings.<sup>||</sup>

As of early 2003, the bodies of the seven victims of the Cailaco killings had not been found. Relatives believe that the bodies were taken by militiamen and soldiers to a beach at Atabae, early in the morning hours of April 13, and dumped at sea. The site of their

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\* Cailaco Indictment, paragraph 78.

† Cailaco Indictment, paragraphs 79-81.

‡ Cailaco Indictment, paragraph 90.

§ Cailaco Indictment, paragraph 97.

|| Cailaco Indictment, paragraphs 92-96.

probable disposal is marked by a stone monument and some clothes discovered on the beach on the morning after the killings, and believed to be those of the deceased. In early 2000, several fishermen told UN Civpol investigators that on the morning after the killings they had discovered that their boats, which had been left on the beach overnight, were spattered with blood and that they had been moved. One fisherman claimed that, earlier that morning, he had seen several men, whom he described as militia, pushing a dump truck that had got stuck in the sand.<sup>\*</sup>

The seven murders on April 12, 1999 marked the start of a systematic campaign of officially sanctioned violence against villagers in the Cailaco Sub-District who were believed to be supporters of independence (See District Summary: Bobonaro). Over the next two weeks, soldiers and armed militiamen conducted joint patrols in which they burned and looted houses, detained and beat hundreds of villagers, raped an unknown number of women and girls, and killed as many as 20 people. No action was ever taken by Indonesian authorities against those alleged or known to have carried out these acts.

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\* See memoranda from UNTAET DHRO-Bobonaro to SCU-Bobonaro, January 16, 2001, and April 27, 2001.

### 10.3 Carrascalão House Massacre (April 17, 1999)

At least 12 people were killed in Dili on April 17, 1999 when militiamen and TNI soldiers attacked the home of a prominent citizen, Manuel Carrascalão.<sup>\*</sup> The dead were among some 150 people who had sought refuge there from mounting militia violence elsewhere in the territory. The attack highlights the close cooperation between the militias and military and civilian authorities in committing acts of violence in 1999. It also offers evidence of the direct involvement of TNI soldiers in the violation of human rights, and of the complicity of high-ranking TNI officers in those acts.

The attack took place in the early afternoon, shortly after a large pro-autonomy rally in front of the Governor's office. Attended by some 5,000 people, including key government officials and as many as 1,645 militiamen,<sup>†</sup> the rally marked the formal inauguration of the militia group Aitarak, under the leadership of Eurico Guterres. In his keynote address, Guterres openly incited those present to 'cleansing' and kill supporters of independence and 'traitors,' and in particular members of the Carrascalão family. According to one account of the event, Guterres urged them to "conduct a cleansing of all those who have betrayed integration. Capture and kill them if you need to."<sup>‡</sup>

A secret TNI report on the events of April 17 provided a fuller account of Guterres' remarks. According to that document, Guterres said:

*"Aitarak forces are going to carry out a cleansing operation (operasi sisir) against civil servants who have used official facilities while being traitors to the integration struggle. Aitarak forces are going to crush (memberantas) anyone – be they government officials, community leaders or businessmen – who has assisted the anti-integration camp. Aitarak forces will not hesitate to kill (menghabisi) Mário Viegas Carrascalão and his circle, who have been traitors."<sup>§</sup>*

The rally ended at about 11:15 a.m. with a volley of gunfire from some two dozen militiamen. Immediately thereafter, the militias and others began a mass procession through the streets of Dili.<sup>||</sup> The procession quickly degenerated into a violent rampage, in which the homes, vehicles, and offices of alleged supporters of independence were attacked and destroyed. Among the first targets of the violence was the office of East Timor's only newspaper, the *Suara Timor Timur*. Although it was owned by a supporter

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\* Unless otherwise noted this account is based on UNTAET, DHRO-Dili, "Key Cases of HRVs/Abuses in Dili District," September, 2002; and UNTAET, DHRO-Dili, "Dili Chronology," Dili, 2002.

† The number of militiamen is taken from a secret TNI report on the events of April 17, 1999. See: Dan Sat Gas Pam Dili to Dan Rem Up. Kasi, Intel Rem 164/WD, and others. Secret Telegram No. STR/200/1999, April 17 (18?), 1999 (Yayasan Hak Collection, Doc #16).

‡ Cited in Amnesty International, "East Timor: Seize the Moment," ASA 21/49/99, June 21, 1999, p. 20.

§ Dan Sat Gas Pam Dili to Dan Rem Up. Kasi, Intel Rem 164/WD, and others. Secret Telegram No. STR/200/1999, April 17 (18?), 1999 (Yayasan Hak Collection, Doc #16). Mário Viegas Carrascalão is Manuel Carrascalão's brother and former Governor of East Timor. The reference in this document to Mário rather than Manuel may be an error, or it may reflect Guterres' view that Mário Viegas Carrascalão was also a traitor.

|| The exact route of the procession is detailed in the secret TNI report of April 17 (18?), 1999 (Yayasan Hak Collection, Doc #16).

of integration, the militias were evidently angry with the paper's reporting on the Liquica Church massacre of April 6. For that reason, a group of the Liquica-based militia, BMP, attacked the office, threatening local staff and foreign journalists, and destroying much of the equipment. Elsewhere in the city, militias burned or destroyed houses, shops and vehicles.\*

The rampage through Dili culminated in the attack on the home of Manuel Carrascalão. Carrascalão's home was targeted, in part, because the pro-integration side considered him a traitor. Once a supporter of integration with Indonesia, and the brother of a former Governor of East Timor, in recent years Manuel Carrascalão had become more critical of the Indonesian authorities, and had formed a moderate pro-independence organization called the Movement for the Reconciliation and Unification of the People of East Timor (*Gerakan Rekonsiliasi dan Persatuan Rakyat Timor Timur – GRPRTT*).

Carrascalão's home was also targeted because he had offered it as a place of refuge for people who had fled from mounting violence in Turiscai, Maubara, Liquica, and Alas. In the weeks after refugees had begun to take shelter there, he had received numerous threats. Carrascalão later told Amnesty International he believed those threats had been "prompted by the fact that many of the people he was sheltering were witnesses to human rights violations elsewhere in East Timor." †

Sometime early in the afternoon of April 17, a group of Aitarak and BMP militiamen began to gather outside the Carrascalão house. Some came on foot, while others arrived in large trucks. One of the trucks was used to break down a large iron gate in front of the house. With the gate down, militiamen rushed into the house compound and, after smashing the windows, into the house itself. The militiamen were carrying an assortment of homemade and automatic weapons and reportedly shouting threats, including "Kill Manuel Carrascalão!"‡

Inside the house, Manuel Carrascalão's teenaged son, Manuelito, tried to prevent the militias from attacking the refugees. Shortly thereafter, he was stabbed and shot to death. Others were killed or severely injured by militias wielding machetes and knives. One militiaman, Armando dos Santos, was accused of stabbing a man named Antonino to death in the course of the attack. The prosecution alleged that dos Santos' knife had bent in the midst of the stabbing and that he had stopped to straighten his knife before finishing the job.§ Some of the refugees tried to climb over the fence to escape but could not because the house was surrounded by armed men. Testifying in the Jakarta trial of Dili District Military Commander, Lt. Col. Endar Priyanto, in late

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\* The secret TNI report on these events noted the destruction of seven houses or shops, four vehicles, and one motorcycle (Yayasan Hak Collection, Doc #16).

† Amnesty International, "East Timor: Seize the Moment," ASA 21/49/99, June 21, 1999.

‡ Testimony of Victor dos Santos, cited in "Saksi Kasus HAM TL Mengaku Lihat TNI Tembak Pengungsi," *Suara Timor Lorosae*, September 27, 2002.

§ Armando dos Santos was indicted by the Deputy General Prosecutor for Serious Crimes on charges of crimes against humanity on June 5, 2001. He was found guilty of the murder of a refugee by a decision of the court on September 9, 2002. He was sentenced to 20 years imprisonment for this and two other murders.

2002, one survivor said: “I tried to jump the fence and run but some men came after me and I was wounded by a machete slash on my back.”

The attack finally ended with the arrival of a Police Mobile Brigade unit. Roughly 50 survivors of the massacre were then taken to the Dili Police headquarters (Polres), where they remained in ‘protective’ custody for some time. They were joined there by Manuel Carrascalão, his daughter Christina, and the outspoken CNRT figure Leandro Isaac.<sup>†</sup> Some of the wounded were loaded into ambulances, but even then they were not safe. One survivor testified that the ambulance in which he was riding stopped in front of the Aitarak headquarters, where militias rocked it shouting “Just kill them! Just kill them!”<sup>‡</sup>

The exact number of people killed in the attack is not known. The secret military report cited earlier said that five people had been seriously wounded and 13 people killed – 12 of them at the Carrascalão house and one elsewhere in the city. Human rights organizations have put the total figure slightly higher, while others (including Manuel Carrascalão himself) have suggested that the figure might be as high as 60.<sup>§</sup> Nor is it known where the bodies were disposed. One witness reported seeing bodies loaded onto a large unmarked truck shortly after the attack, and driven away to an unknown destination.<sup>||</sup> In late 1999, a different witness told the International Commission of Inquiry on East Timor that eleven bodies had been driven by truck to a lake near Maubara, in Liquica District, where they were dumped.<sup>#</sup>

As in many other cases of serious militia violence in 1999, Indonesian military and Police authorities sought to portray the attack and the killings as a ‘clash’ between pro-integration and pro-independence groups. But there was no evidence that the refugees in the house had engaged in any violence. By contrast, there was substantial evidence of direct TNI involvement in the attack, and also of culpable acquiescence in the violence by high ranking TNI and Police authorities.

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\* Testimony of Florindo de Jesus, cited in “Indonesian Soldiers Among Attackers...,” *AFP*, October 8, 2002. The TNI document of April 17 (18?), 1999 lists Florindo de Jesus as one of five people “seriously wounded” in the attack (Yayasan Hak Collection, Doc #16).

† Police said 96 were in police protective custody, of whom 46 were survivors of the Carrascalão massacre. See Amnesty International, ASA 21/31/99.

‡ Testimony of Victor dos Santos, cited in “Saksi Mengaku,” *Suara Timor Lorosae*, September 27, 2002.

§ Those reported dead included: Adelino dos Santos (18), Afonso Ribeiro (25), Alberto dos Santos (30), Eduardo dos Santos (25), Januario Pereira (40), João da Silva (25), Manuel Gama Intan Carrascalão (16 or 18), Marlito Correia, Rafael dos Santos (25), Raul dos Santos (30). Another man, Manuel Pinto (50 or 67) was reportedly killed at the Becora bus terminal (or Terminal Camea) on the same day. From UNTAET, DHRO-Dili, “Dili Chronology,” Dili, 2002, p. 2. The killing of Manuel Pinto is confirmed in the TNI report of April 17 (18?), which describes him as a retired civil servant who had worked in the Baucau Kodim (Yayasan Hak Collection, Doc #16).

|| Testimony of Florindo dos Santos, cited in “Saksi Mengaku,” *Suara Timor Lorosae*, September 27, 2002.

# According to the indictment in this case issued by Deputy General Prosecutor for Serious Crimes, the bodies of 11 victims from Liquica were taken by TNI truck to Leboke, Liquica, on April 19 for burial. See Carrascalão Indictment. There is an uncorroborated report that 30 bodies were found in a well near the Carrascalão home in late September 1999. See UNTAET, DHRO-Dili, “Key Cases of HRVs/Abuses in Dili District,” Dili, September, 2002.

A number of people who survived the attack have testified that TNI soldiers in plainclothes were among the attackers. One witness, a student from Maubara named Florindo de Jesus, testified: “I am certain that the TNI launched the attack because I recognized several people among the attackers as being TNI members from Maubara.”<sup>\*</sup> Asked for more detail, he gave the names of six soldiers, all of them posted in Maubara Sub-District. One of those, he said, was his own uncle. Another witness, Victor dos Santos, told investigators in July 2000 that behind the militias dressed in black t-shirts and red and white bandanas he had seen dozens of well-built men with short haircuts: “I know them as TNI soldiers from the Koramil in Maubara.”<sup>†</sup> Testifying in the Jakarta trial of Dili District Police Chief, Lt. Col. Hulman Gultom, in mid-2002, Manuel Carrascalão said that TNI soldiers out of uniform had joined in the attack.<sup>‡</sup>

High-ranking TNI and Police officers also facilitated the killings through their failure to intervene in the mounting violence until it was too late. The pre-massacre rally was attended by some of the most senior government officials in the territory, including the provincial Governor, the Bupati of Dili, and the East Timor military commander, Col. Tono Suratman. Video footage obtained by UN investigators, moreover, shows Col. Suratman standing on the first floor balcony of the Governor’s office, together with Maj. Gen. Kiki Syahnakri (Assistant for Operations to the Army Chief of Staff), and four other senior military officers.<sup>§</sup>

None of those officials expressed any public opposition to, or concern about, Guterres’ remarks or about the presence of armed militias. Nor did any military or Police authority seek to disarm the several hundred militia men who paraded around Dili in defiance of legal restrictions on carrying firearms. The secret military report on the events of April 17, cited above, provided a thorough account of Guterres’ remarks, and of the destruction and killing that followed, but revealed no concern nor any intention to take action. The report concluded simply that the matter would be handled by the Dili District Police.<sup>||</sup>

Most damning is the evidence of willful inaction on the part of the commanding TNI officer for East Timor, Col. Tono Suratman. When Manuel Carrascalão went to Suratman’s home early in the afternoon of April 17 to request urgently that he intervene to stop the imminent attack on the refugees, Suratman flatly refused to do so.<sup>#</sup> Suratman’s refusal has been confirmed by the then Irish Foreign Minister, David

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\* De Jesus testimony cited in “Indonesian Soldiers Among Attackers in 1999 Dili Incident: Witness,” *AFP*, October 8, 2002.

† Victor dos Santos testimony, cited in “Saksi Kasus HAM TL,” *Suara Timor Lorosae*, September 27, 2002. The TNI document of April 17 (18?), 1999, lists dos Santos as one of the five “seriously wounded” in the attack (Yayasan Hak Collection, Doc #16).

‡ Carrascalão’s testimony is cited in *AFP*, August 7, 1999.

§ The video footage is held by the Serious Crimes Unit in Dili. According to unconfirmed accounts, the other officers included: Maj. Gen. Zacky Anwar Makarim and Maj. Gen. Adam Damiri.

|| Dan Sat Gas Pam Dili to Dan Rem Up. Kasi, Intel Rem 164/WD and others. Secret Telegram No. STR/200/1999, April 17 (18?), 1999 (Yayasan Hak Collection, Doc #16).

# According to one account of that meeting, Suratman told Carrascalão “We can’t do anything – we are neutral. You didn’t want to play our game.” Cited in Dili DHRO 1999 report, September 15, 2002.

Andrews, and the pro-autonomy figure, Basilio Araújo, both of whom were with Suratman at the time.\*

In view of his political sympathies, Basilio Araújo's account is especially telling. Testifying before a Jakarta court in August 2002, he said that the TNI did nothing whatsoever to prevent the attack on the Carrascalão house. Asked to comment on the claim that Suratman had in fact insisted on helping Carrascalão, he told the court: "I didn't see that Pak Danrem [Suratman] insisted on helping him. I didn't see it."<sup>†</sup> Also revealing were the remarks of the presiding Indonesian judge in the Jakarta trial of Eurico Guterres, in November 2002. The judge said: "Tono [Suratman] ignored a report from Manuel that his house would be attacked by pro-Jakarta militiamen. He did not take any action until the incident occurred."<sup>‡</sup>

Police authorities also share responsibility for the killings at the Carrascalão home, both through their failure to intervene effectively to prevent them, and through their wholly inadequate, and perhaps deliberately misleading, investigation work. Police investigators reportedly urged witnesses to say that the violence had been provoked by a shot fired from within the Carrascalão home.<sup>§</sup> It is worth noting that the Police had advanced precisely the same 'provocation' scenario in the case of the Liquica church massacre, and they did it once again in early July when militias attacked a humanitarian convoy (See Case Study: Attack on Humanitarian Convoy). In all three cases, the claim was patently false, and seemed designed primarily to divert attention away from the real culprits.

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\* See Ian Martin, *Self-Determination in East Timor*, p. 27.

† Cited in *Jakarta Post*, August 9, 2002.

‡ Cited in *Sydney Morning Herald*, story by Hamish McDonald, November 30, 2002.

§ Testimony of Florindo dos Santos, cited in "Saksi Mengaku," *Suara Timor Lorosae*, September 27, 2002.



## 10.4 The Killing of Two Students at Hera (May 20, 1999)

Young people and students were among those deliberately targeted by the militias and the Indonesian security forces. Members of pro-independence organizations, such as the Student Solidarity Council of East Timor (*Dewan Solidaritas Mahasiswa dan Pelajar Timor Timur* – DSMPTT), were especially vulnerable, and many of their members were threatened, beaten, and killed.

Of the incidents in which students were targeted, among the most notorious was the detention and killing of two young men, Augustino de Carvalho (24) and Estevao Xavier Pereira (20), in Hera on May 20, 1999.\* The Hera Polytechnical Institute, where they studied, had been the focus of joint TNI and militia operations for some time, in part because many students there belonged to the pro-independence DSMTT.

On May 10, TNI and Aitarak militiamen arrested roughly 100 students and residents of Hera, just east of Dili, and took them for questioning at the Regional Police headquarters (Polda) in Dili. Most were subsequently released, but that was not the end of the story. After the round-up, the Polytechnic was occupied by some 50 soldiers of an East Timor-based TNI paramilitary force known as Rajawali.†

On May 20, the two students who were killed returned to the campus at Hera, with seven others, to collect their belongings. On the way back to their vehicle, they were detained for questioning by TNI soldiers.‡ A woman who lived nearby and witnessed the questioning gave the following account of their encounter with the soldiers:

*“I could see from my yard that the students were across the road near the security room with the military. The military were emptying the students’ bags of their contents onto the ground. [The two students] were also on the ground and the soldiers were kicking and hitting them badly. I watched this for about ten minutes. I then went inside and took my daughter with me as I did not want to be seen watching this take place. I was also very scared and I was crying...”*§

After being questioned and searched, the two students (Carvalho and Pereira) were taken away. In response to inquiries into their whereabouts by a local human rights organization, Yayasan Hak, the authorities said that the two men had escaped from custody. However, there was reason to believe that they had in fact been beaten and killed. The story of the witness just cited, continued:

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\* Unless otherwise noted, this account is based on the Dili DHRO report, “Key Cases of HRVs/Abuses in Dili District,” September 2002.

† Testimony of an East Timorese woman [name withheld], recorded and compiled in Australia by the “East Timor Documentation Project,” December 3, 1999.

‡ According to the Amnesty International, the soldiers were members of Rajawali and Battalion 744 units. AI Doc. ASA 21/43/99.

§ Testimony of an East Timorese woman [name withheld], recorded and compiled in Australia by the “East Timor Documentation Project,” December 3, 1999.

*“At about 3 p.m. I was still worried about [the two students] and I wanted to find out what was happening to them. I went across to the Polytechnic pretending that I needed to do some laundry. This is where we normally got our water from. I was able to see inside the security room. There were about 25 soldiers in there and also [the two students], who were tied up with their hands behind their back in a corner on the floor. They had something in their mouths which prevented them from yelling out. There were two or four soldiers taking turns hitting them repeatedly with the large stick taken from the tree in my yard...*

*At about 9 p.m., when the light in my house was still on, one of the soldiers again came to my house and told me that I should not be awake. I then turned off the light and pretended to go to sleep. Soon after that I heard two shooting sounds seconds apart coming from across the road in the direction of the security room. The shots sounded very close by. About five minutes later I also heard a car drive off very fast from outside the same area. In my heart I knew that those gunshot sounds meant that the students had been killed.”\**

In an exhumation, performed on August 30, 2000, investigators found what were believed to be the bodies of the two men, buried together with their hands tied.<sup>†</sup>

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\* Testimony of an East Timorese woman [name withheld], recorded and compiled in Australia by the “East Timor Documentation Project,” December 3, 1999.

† Amnesty International, Doc. ASA 21/43/99.

## 10.5 Arbitrary Detention and Rape in Lolotoe (May-June 1999)

The victims of serious human rights violations in 1999 included many ordinary villagers living in areas considered to be pro-independence strongholds. In such areas, TNI units and militias conducted joint sweeping operations that led to a wide range of abuses, including arbitrary detention, murder, and rape.

An operation of this kind was conducted in the Sub-District of Lolotoe, Bobonaro District in late May 1999. Over the course of several days, TNI forces together with members of the Kaer Metin Merah Putih (KMP) militia rounded up hundreds of suspected supporters of independence and CNRT leaders. Many of those detained were badly beaten, and some were tortured or mutilated by their captors in an effort to extract confessions about their links to Falintil. Several instances of rape and sexual slavery by TNI and militiamen were also reported in the context of the raids.

The victims of the Lolotoe operation included a CNRT leader from Guda village, Mário Gonçalves. He was detained on May 24, and tortured by a large group of KMP militia, in the presence of the Village Head. An indictment for crimes against humanity filed by the General Prosecutor of UNTAET in May 2001, described his ordeal as follows:

“When Mário Gonçalves came out of the church he was beaten by the KMP militia members whilst being dragged to the field outside the CNRT office. At the field, Sabino Gouveia Leite [the Village Head], José Cardoso Ferreira alias Mouzinho [the KMP deputy commander] and João Franca da Silva alias Jhoni Franca [the KMP commander] ordered members of the KMP militia to beat Mário Gonçalves in turns. Approximately thirty-seven KMP militia members beat Mário Gonçalves. João Franca da Silva alias Jhoni Franca also attacked Mário Gonçalves with a machete, cutting him on his right arm and stabbing him in the left shoulder.”

“Sabino Gouveia Leite incited José Cardoso Ferreira alias Mouzinho and João Franca da Silva alias Jhoni Franca to cut off Mário Gonçalves’ ear...His ear was thrown on the ground and Sabino Gouveia Leite and João Franca da Silva alias Jhoni Franca forced Mário Gonçalves to eat it. Mário Gonçalves feared for his life and did as he was ordered by eating his right ear.”\*

Dozens of those detained in the sweep were also held without charge at the Lolotoe Sub-District Military Command (Koramil) until some time in July 1999. Testimony and documentation of their arbitrary detention, and of their eventual release, highlight the close and routine cooperation between the militias and both military and civilian authorities in the commission of human rights violations in Bobonaro.

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\* UNTAET, General Prosecutor, Indictment of João Franca da Silva et. al. (Case No: BO-06.1-99-SC), May 25, 2001.

A document confirming the return of six people to Guda village on July 8 is especially revealing. The document explains that the six people listed had been held for ‘guidance’ since May 22, that they were now being returned to their village “in a safe and healthy condition,” but that they might be called for further questioning at some time in the future. The document is co-signed by the Lolotoe SubDistrict military commander, Lt. Bambang Indra, the Guda Village Head, Sabino Gouveia Leite, and the Commander of the KMP, José Cardoso Ferreira (alias Mouzhino).<sup>\*</sup> These three men were all indicted in 2001 for crimes against humanity committed in 1999.

Military officers and militia members also conspired to abduct and to rape women in the context of the Lolotoe operations. In one notorious case, three men abducted and repeatedly raped three young women whom they alleged had been assisting Falintil. Two of the rapists named by the victims were familiar figures: the Sub-District Military Commander, Lt. Bambang Indra, and the KMP militia commander, José Cardoso Ferreira (alias Mouzhino). The third man was a TNI intelligence officer, Francisco Noronha.

The rapes in question took place over several days at the end of June 1999 in a hotel in the town of Atambua, in West Timor. According to one of the women, the TNI intelligence officer Noronha and the militia leader Ferreira told them that if they refused to have intercourse with the three of them, they would be killed, and their bodies thrown into the ocean. Two of the men (Lt. Indra and Ferreira) were carrying automatic weapons, and at least one was equipped with contraceptive technology.

One of the victims later described her ordeal. She said that Francisco Noronha came into her room and gave her an injection in the buttock, telling her that it was to prevent her from getting pregnant. According to her account, Noronha then told the woman that he had heard that her name was on a list of people working for Falintil and that she must therefore service him. Then he pushed her down on the bed and raped her.

After two nights of repeated rape, and four more days in detention, the women were eventually brought to the Sub-District Military Command in Lolotoe. There, one of the three rapists, Lt. Bambang Indra, in his capacity as Sub-District commander, prepared a letter granting them permission to return to their homes.

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<sup>\*</sup> See: “Surat Pengembalian,” July 8, 1999 (HRU Collection, Doc. BOB #9). Ferreira’s name appears in this document as “José Mauzino Cardoso,” but it is clear that this is the same man as José Cardoso Ferreira (alias Mouzhino) named in the indictment.

## t10.6 Attack on UNAMET Maliana (June 29, 1999)

At about 10:00 a.m. on June 29, 1999, a group of roughly 100 members of the local militia group, Dadurus Merah Putih (DMP), converged rapidly on the UNAMET compound in the town of Maliana, Bobonaro District, and attacked it with stones. The available evidence indicates clearly that the incident was orchestrated by District military officers, and that it was directed against the UN compound and those who took refuge there.\*

Early on the morning of June 29, some 30 pro-independence supporters had gathered at the front gate of the UNAMET headquarters to report assaults by militia members against their friends and families the previous night. By 10:00 a.m. the crowd outside the compound and in the large field across the street was estimated to number at least 600. While most of the crowd were believed to be casual bystanders, a distinct group of roughly 100 people wearing red and white scarves, some of them carrying machetes, were identified as members of the DMP. Their identity was later confirmed by a DMP leader, Paulus Ferreira, in an interview with a UNAMET Political Affairs Officer.

Shortly before 10:00 a.m., members of the DMP group were observed beneath a tree at the south end of the field, close to a Sub-District Military Command post. From there, they moved quickly in the direction of the UNAMET compound, rocks in hand. Film footage shows that, as they reached the road, the militia members broke into a run and began to throw stones in the direction of the UNAMET building. The footage also shows a man in a red jacket and baseball cap on the near side of the road, directing the group and pointing emphatically in the direction of the UNAMET building.

Large stones were hurled first through the windows facing the main street, and then over the high walls surrounding the compound, smashing windows on the south and east sides of the building. Rocks continued to rain into the compound for 10 to 15 minutes. The shouts of the attackers continued for some time after the rock-throwing had subsided, and militia members were observed in the large field directly opposite the UNAMET compound for several hours thereafter.

As many as twelve people were injured in the incident, including one UN Volunteer, and several of the estimated 26 local people who had fled into the compound when the attack began. The injuries sustained included concussion, a compound fracture, laceration, and severe bruising; and at least two local people were rendered temporarily unconscious as a result of severe blows to the head. The hail of stones also resulted in property damage, both to the UN building itself and to UN vehicles.

The response of the Police to this incident was seriously inadequate and suggested either an unwillingness, or an inability, to take effective action against the militia

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\* Unless otherwise noted, this account is based on the report prepared by UNAMET shortly after the event, and submitted to Indonesian Government authorities. UNAMET, Political Affairs Office, "Report on 29 June Incident in Maliana," July 5, 1999. Reprinted in UNTAET, Political Affairs Office, *Briefing Book on Political and Human Rights in East Timor*, Dili, November 1999.

even though they had clearly committed a crime. In the face of strong international pressure, Police did arrest and charge five militiamen for their alleged role in the attack. However, the cases were not vigorously pursued and, after receiving brief suspended sentences, the accused were all released.

The weakness of the Police response could not reasonably be attributed to a lack of advance information about the possibility of an attack. In the days before the incident, UNAMET personnel and others had relayed to Police authorities several reported threats against UN facilities and personnel. On June 28, UN Civpol officers conveyed a credible report that a militia attack against UNAMET was planned for the morning of June 29.

Despite such advance reports, there were no more than six ordinary policemen on duty in front of the UNAMET headquarters when the attack occurred. Two of these six may have been members of the Police auxiliary unit, known as Kamra. As the assault on the compound began, one Police officer made a brief but ineffectual attempt to intercede, but he and his colleagues soon turned and ran for cover. Film footage from inside the compound confirms that a number of Indonesian Police officers were there during and shortly after the attack. At least one of these was reported to have provided assistance to UN staff and others taking cover there.

In addition to the six policemen posted in front of the UNAMET office, some 24 police were said to be deployed to assist crowd control in the field across the road, while a Mobile Brigade (Brimob) contingent of roughly 20 men was reportedly deployed to guard the UN helicopter that had landed there at about 9:30 a.m. that morning. None of these forces, however, took any action to prevent the violence and intimidation, which was allowed to continue unimpeded for some 15 to 20 minutes. About 20 Mobile Brigade (Brimob) Police finally arrived on the scene after the violence had subsided.

The inadequacy of the Police response was especially troubling in view of the proximity of the UNAMET headquarters to various Police stations in Maliana and the relative speed with which the incident was reported to them. The District Police headquarters (Polres) was only about 500 meters from the UNAMET office, and there was a Police post (Polsek) about 150 meters away. In addition, there was a Sub-District military command (Koramil) about 100 meters from the UNAMET office. An emergency call was placed from UNAMET to the Police switchboard within a minute of the start of the attack, and a journalist personally alerted authorities at the Polres a few minutes later.

Just as troubling as the slow response were the actions of the Police once they finally arrived on the scene. Despite clear evidence that a crime had been committed, neither the regular Police nor the Brimob made any arrests. Indeed, as noted above, militia members were seen and heard in the immediate vicinity of the UNAMET compound for several hours after the attack. For several days thereafter, the DMP appeared free to operate, and to commit acts of intimidation and violence, with impunity.

A series of developments on the day and night prior to the incident, and elements of the attack itself, confirmed the alleged links between the militia group, Dadurus Merah Putih, and TNI officers in Maliana. Those links, described in detail below, help to explain why the Police were unwilling or unable to restrain the militia group.

On June 28, the day before the incident, a full meeting of the DMP militia was reportedly convened at 7:30 a.m. at the sports building across the playing field from the UNAMET office. Present at the meeting, according to reports, were the Maliana District Military Commander (Dandim), Lt. Col. Burhanuddin Siagian; the Head of Military Intelligence (Kasi Intel), First Lt. Sutrisno; the DMP commander, Domingos dos Santos; and two other DMP leaders, Mau Buti and Juliao Gomes. The last three named were active or retired TNI officers or soldiers.

At the meeting the Dandim, Lt. Col. Siagian, reportedly briefed the DMP about their duties with respect to the popular consultation and the arrival of UNAMET. Witnesses reported that Siagian stressed the following points: that the Popular Consultation was not necessary in Bobonaro District; that nobody should be allowed to approach the UNAMET office; that the local UNAMET staff should be scared off and replaced by DMP members; and that the UNAMET flag should be pulled down. A member of the DMP who was present at the briefing testified that Lt. Col. Siagian had also told the group not to worry about any repercussions or reactions from the Police or Mobile Brigades posted to defend the UN compound because, in his reported words, “they are one of us.”

Observations made on the morning of June 29, and the testimony of those who were at the scene of the incident, strengthen beyond reasonable doubt the probability of a link between the local military authorities and the militia, and their joint responsibility for the attack.

At least two local eyewitnesses reported observing the Head of Military Intelligence, First Lt. Sutrisno, and the District Military Commander, Lt. Col. Siagian, at the scene of the incident in plainclothes, and they concur that they made no effort to prevent the attack, or to stop it once it had commenced. When the UNAMET Political Officer arrived at the scene roughly 15 minutes after the incident began, he encountered Lt. Col. Siagian who, in turn, introduced him to three DMP commanders, saying that they wished to explain their actions to UNAMET. Local witnesses also reported the names of several active and retired TNI members who were among the militia group itself at the time of the incident, all of them dressed in civilian attire. Finally, it is noteworthy that, at the conclusion of the attack, members of the militia assumed a military-style formation and marched toward the local military post, about 100 meters from the UNAMET compound.

Taken together, this evidence suggests very clearly that the militia group responsible for the June 29 attack, the DMP, was controlled by TNI officers in Maliana, and more specifically by the District Military Commander, Lt Col Burhanuddin Siagian, and Chief of Intelligence, First Lt. Sutrisno. In view of this finding, it is difficult to escape the conclusion that the attack, and the inadequacy of official efforts to prevent and stop it, were part of an effort by these authorities to impede or disrupt the work of the United Nations.

## 10.7 Attack on Humanitarian Convoy (July 4, 1999)

At about 4:00 p.m. on Sunday, July 4, a convoy of vehicles returning from a successful humanitarian mission to assist internally displaced persons (IDPs), was attacked by roughly 20 members of the armed militia group Besi Merah Putih as it passed through the town of Liquica. One UNAMET staff member was directly targeted, many NGO personnel were assaulted, and one was hospitalized with a serious head injury. NGO and UNAMET vehicles were badly damaged.\*

In response to the increasingly unsafe situation, it was decided to evacuate all UNAMET personnel from the Liquica area the same day, and a helicopter was sent from Dili for this purpose. However, the evacuation plan had to be aborted when another group of armed militias, probably BMP, attacked the helicopter with stones and home-made guns. A second evacuation effort was also aborted when militias surrounded UNAMET personnel, and attempted to assault local staff members.

The two attacks occurred against the background of a series of threats against UN personnel in the town of Liquica – and just a few days after the attack on UNAMET headquarters in Maliana and militia intimidation of UN personnel in Viqueque. A number of these incidents were reported to Police authorities (Polres) in Liquica, as a result of which some additional Mobile Brigade personnel were posted to protect UNAMET staff. However, these provisions and prior warnings did not have any significant impact on the freedom with which the militia moved about town and engaged in acts of intimidation and violence.

Those in the humanitarian convoy included some 50 representatives of local NGOs, and about 20 IDPs who had been evacuated from villages along the border between Ermera and Liquica to receive medical attention. The group was accompanied by the UNAMET Officer for Humanitarian Affairs, and a representative of the UNHCR. About one hour before reaching Liquica, the convoy was joined by two UNAMET Military Liaison Officers (MLOs) who were in the area on another assignment.

At the time of the attack, the convoy was stationary, and many of the passengers were taking the opportunity to stretch their legs or buy refreshments at nearby shops. The Humanitarian Affairs Officer had requested the brief stop to speak with the UNAMET MLOs, who planned to leave the convoy at that point. Concerned for the safety of the IDPs, he asked the MLOs to return to the area of the humanitarian distribution to ensure that the population would not be harassed by the militia. Having finished his conversation, the officer began to walk from the MLO vehicle back up the road and around a corner toward the front of the convoy. As he rounded the corner, he witnessed the early moments of the militia attack.

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\* Unless otherwise noted, this account is based on the report prepared by UNAMET shortly after the event, and submitted to Indonesian Government authorities. UNAMET, Political Affairs Office, "Report on the Liquica Incidents of 4 July," Dili, July 12, 1999. Reprinted in UNTAET, Political Affairs Office, *Briefing Book on Political and Human Rights in East Timor*, Dili, November 1999.



Television footage and the eyewitness testimonies of more than a dozen people, including some BMP members and bystanders, allow the following reconstruction of the incident. About five minutes after the convoy stopped in Liquica, a blue-green mini-van with the word “Miramar” on the side sped down the hill from the south, and came to a sudden stop near the middle of the line of parked vehicles. As the van stopped, about 20 young men jumped out and began to approach the NGO and UNAMET staff, some shouting “kill them!” Most were carrying machetes, knives, or home-made guns. At least one member of the group was carrying an automatic weapon. Without warning or provocation the militia members began to attack, waving their machetes and knives menacingly, pointing their guns at members of the convoy, and smashing the windows of most of the vehicles. The attack continued as people tried to flee on foot and in vehicles. At least two eyewitnesses testified that armed militiamen clung to, and thrust weapons into, one of the UNAMET vehicles as it drove eastward along the main road toward Dili.

NGO staff took the brunt of the attack, but UNAMET personnel were also targeted. The Humanitarian Affairs Officer was threatened by three militia men who pointed their weapons directly at him at close range. Television footage also shows him trying to protect some members of the group, before he and the others turn and flee for the safety of a vehicle. Most of the group was finally able to run or drive to the nearby Liquica District Police station (Polres), while about ten people fled to the local Police post (Polsek). Eventually, all members of the convoy, including UNAMET personnel, were brought to the Polres. There, the Humanitarian Affairs Officer voluntarily passed to the Police a home-made gun that had been discovered inside his vehicle.

Several people were injured in the attack, and most were seriously shaken. Film footage reveals that one man was kicked brutally in the head by a BMP member. The victim of that attack was Laurentino Soares, the driver of one of the NGO vehicles, who was hospitalized with severe trauma to his head. A BMP member testified that Mr. Soares was also struck in the head with a gun before being kicked. Two members of the BMP, also suffered gunshot wounds during the incident. They were identified as Romaldo Corea Martins, the local BMP post commander and member of the Liquica Police auxiliary (Kamra), and Fernando Ramos, a BMP member and farmer. All three victims were transported to Wirahusada military hospital in Dili, where they were interviewed by UNAMET personnel on July 4 and again on July 6. Mr. Laurentino Soares was subsequently transferred to a different medical facility. Six other people reported missing after the attack were subsequently located.

Shortly after the attack on the humanitarian convoy, an armed militia group launched a separate attack on UNAMET personnel who were preparing to evacuate from Liquica. Nobody was injured in that incident, and all personnel were eventually brought back to Dili safely, but the attack again highlighted the unwillingness or inability of the Police to intervene.

The decision to evacuate had been taken in response to early reports of the attack on the humanitarian convoy, and to the series of attacks on and threats against the UN over the previous two days. A helicopter was sent from Dili to a specified location on the beach near Liquica, and all UN staff were gathered in one house in preparation for moving to that location in convoy. While the UN staff waited, they were guarded by a contingent of Indonesian Mobile Brigades (Brimob).

The evacuation plan had to be aborted, however, when two UN staff members, one Civpol and the Field Security Officer, were ambushed by militia members as they drove toward the beach to meet the helicopter. The militiamen carried machetes and home-made guns and brandished these at the UN personnel. Despite these threats, the two UN staff managed to drive their vehicle to the beach in time to warn the pilot and passengers of the militia's presence, and of the probability of an attack. The decision was taken to fly the helicopter to a different location in order to draw the militia away from the area. As the helicopter prepared to take off the militia arrived and began to pelt it with stones. Those present at the scene also reported that shots were fired at the helicopter.

After the helicopter took off, the convoy of eight UN vehicles that had been preparing for evacuation drove to the alternative evacuation site. Soon after arriving at the site, however, they were surrounded by militia members who had arrived in a truck. The militia banged on the windows of the vehicles, leveled their weapons directly at the passengers, made menacing gestures, and tried to drag at least one local staff member from a vehicle. Indonesian Police present at the scene did nothing to stop the attack. They did not take measures against the militia members, who remained in the area making threatening gestures.

Eventually, the UNAMET personnel managed to drive away from the scene. As they headed toward Dili, however, they encountered a roadblock just outside the Liquica Police station (Polres) manned by two militiamen, one of whom was observed carrying an automatic weapon. Prevented from continuing down the road, they turned into the Liquica Police station, where they joined members of the humanitarian convoy who were already there. Later the same evening, both groups returned in a convoy to Dili, arriving there safely at about 10:00 p.m.

In a related incident, two UNAMET vehicles that had been dispatched from Dili encountered a militia roadblock a few kilometers east of Liquica. Several militia members aimed home-made guns at the first UN vehicle carrying Indonesian Police Colonel Sitompul and Civpol Superintendent Polden. When the first vehicle went past, the militia men then aimed their weapons at the second vehicle, containing another Civpol officer. At least one home-made gun was discharged in the direction of the UNAMET vehicles, but no damage or injuries were sustained.

The available evidence strongly suggests that the Indonesian Police were either complicit in the attacks of July 4 or, at a minimum, were unwilling or unable to stop them. That conclusion is reinforced by the refusal of the Police to provide a requested escort for the humanitarian convoy, by the inadequacy of the Police response once the attacks were underway, by Police behavior in the immediate aftermath of the incident, and by the nature of their subsequent investigations. An especially troubling aspect of the Police response was the energy with which they pursued the spurious allegations of

NGO and UNAMET provocation, while taking no action against the militia groups who were known to have committed criminal acts. As in the case of the attack on UNAMET headquarters in Maliana, strong international pressure led to the arrest of several militiamen. However, those charged were soon released after receiving short suspended sentences.

Concern with the Police approach to the humanitarian convoy began to emerge a few days before the July 4 militia attack. Before heading out, the NGOs – through UNAMET – had requested a Police escort to accompany the convoy, and this appeared to be approved. Shortly before the convoy was set to depart, however, Police authorities informed UNAMET that it would not be providing an escort. The reason given was that the delivery of humanitarian assistance was not within UNAMET's mandate, although UNAMET made clear that it was requesting the escort on behalf of the NGOs organizing the convoy. On the morning of Sunday, July 4, UNAMET conveyed to the Police a further request that, in view of threatened militia attacks, the convoy should be escorted by Police on its return journey to Dili. This was agreed, but did not happen. Without question, the refusal to provide a Police escort created the conditions in which an attack could easily take place.

The Police also failed to respond effectively once the attack on the humanitarian convoy was underway, allowing the incident to continue without impediment, and taking no action whatsoever to arrest those responsible. In view of the fact that the incident took place just around the corner from the local Police station (Polsek), and just minutes by car from the District Police station (Polres), the failure of Police to stop the attack, or to detain the perpetrators, was troubling.

Finally, Police investigations were marked by a conspicuous lack of impartiality. From the outset, Police efforts were directed toward proving allegations that the attack had been 'provoked' by people in the humanitarian convoy. Meanwhile, no effort was made to detain or investigate the militia members who had been observed attacking the convoy with weapons. Most of the evidence pointed to the conclusion that the Police investigation was being influenced by TNI authorities, without regard to proper police procedure.

In short, the passive attitude of the Police toward the perpetrators of the attacks, and the woeful inadequacy of their investigations, clearly suggests that the militias were under the control of, and protected by, TNI authorities over whom the Police had no effective power.

## 10.8 Murder of UNAMET Staff Members at Boboe Leten (August 30, 1999)

Among the targets of grave human rights violations both before and after the ballot were members of UNAMET's East Timorese staff. At least 14 local staff members were killed in 1999, and many others suffered injury, death threats, and forcible deportation.\*

Local staff members were targeted because of their real or alleged pro-independence sympathies and because of a general antipathy toward UNAMET fueled by repeated allegations by Indonesian officials of UNAMET bias and unfairness. In other words, the killings were not random acts of violence but politically motivated assassinations. In virtually every case, moreover, they were carried out with the acquiescence or the direct involvement of Indonesian military and Police forces.

The murder of two UNAMET staff members, João Lopes and Orlando Gomes, and the attempted murder of a third, Alvaro Lopes, is one of the clearest examples of this general pattern. The three men were all UNAMET staff members working at the polling station in the village of Boboe Leten, in the Sub-District of Ermera. They were attacked by armed militiamen while loading ballot boxes onto UNAMET vehicles at the end of polling on August 30.†

The trouble began in the late afternoon, when a group of militiamen armed with machetes, knives, and guns arrived at the polling center, and began to issue threats against local staff members. Eyewitnesses have testified that the militias arrived in a dark blue jeep-like vehicle (a '*Kijang*'), and that they were accompanied by TNI members carrying automatic weapons.

UNAMET staff reported their presence by radio, and expressed concern for the security of the ballots and for their own safety. The message was relayed to the nearest polling center, in Lauana. Having established that polling had finished there, the Lauana team was directed to load their vehicles immediately and travel by Police-escorted convoy to Boboe Leten. The convoy arrived at Boboe Leten at about 5:00 p.m. Two or three minutes later, the convoy leader radioed to report that militias were firing automatic weapons in the immediate vicinity of the polling station. The attack was underway.‡

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\* The UNAMET staff members known to have been killed in 1999 are: João Lopes, Ruben Barros Soares, Domingos Pereira, José Ernesto Jesus Maia, Orlando Gomes, Leonel Silva de Oliveira, Manuel de Oliveira, Mariano da Costa, Ana Lemos, Carlos Maia, Abrui da Costa, Hilario Boavida da Silva, Francisco Taek, and Paulos Kelo. It is not clear that all of those killed were targeted because they were UNAMET employees, but most were.

† An internal TNI report mistakenly states that all three men died. See: Secret telegram from Dandim Ermera (Lt. Col. Muhammad Nur) to Danrem 164/WD (Col. Noer Muis), No. TR/148/1999, August 31, 1999 (Yayasan Hak Collection, Doc #42).

‡ UNAMET, HF email message from Ermera to HQBPG, August 30, 1999, Subject: "Murder of Locally Employed UNAMET Staff." Reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November, 1999.

As militias and TNI soldiers fired their automatic weapons, a man later identified as a TNI soldier, João da Costa, entered the polling center. There he stabbed João Lopes who was carrying a ballot box to a waiting UNAMET vehicle. The militiaman then dragged Mr. Lopes outside, where two more militiamen stabbed him in the back. UNAMET staff managed to get to Mr. Lopes and place him in the back of a UN vehicle. He was then driven to the Civpol building in Atsabe town, where Civpol officers administered emergency medical treatment for a punctured lung and severe blood loss. Despite these efforts, João Lopes died shortly after 6:00 p.m.

Back in Boboe Leten, the militias had attacked two more poll workers. According to an internal UN report one of the two victims, Orlando Gomes, was severely beaten with a stick and then stabbed to death by militias.\* His body was reportedly buried in a sewer. His remains were later exhumed and reburied at a site close to the Polling Center.

The third man, Alvaro Lopes, was also attacked while carrying a ballot box to the UN vehicles. He was seriously wounded but survived. According to the UN report cited above, the TNI member João da Costa first grabbed Alvaro by the arm, and then stabbed him. The blade entered into the lower left side of his back and came out the front on the lower right hand side of his torso. He was then dragged to a corner and left there by militias who apparently assumed he was dead. When the militias had finally left, Alvaro's father retrieved him and took him to the mountains where he treated him with traditional medicines.

A UNAMET investigation undertaken the next day established that TNI officers and soldiers had been directly involved in the attack, and that others had acquiesced in it. It also revealed the clear political motivation behind the killings, and provided abundant evidence of the inadequacy of the Police and TNI response to the incident. These observations were recorded in an internal UNAMET report, dated August 31, which recorded the highlights of a UNAMET investigative visit to Atsabe that day.†

On the matter of TNI complicity, the report noted that a Civpol officer had testified in writing that TNI members were directly involved in the attack at Boboe Leten. The report also drew attention to evidence of the acquiescence and complicity of the Sub-District Military Commander (Danramil) in the attack. Several UNAMET staff observed, for example, that the vehicle (the dark blue Kijang) being driven by the Danramil on August 31 was the same vehicle that had been used to transport the militias to the scene of the attack. According to the report, moreover, the Danramil admitted to UNAMET officials that he had known of the plan to attack UNAMET on August 30, but had done nothing to prevent it. According to the report, the Danramil:

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\* UNTAET, DHRO-Ermera, "Report on Human Rights Violations During 1999: Ermera District," [March, 2000], pp. 28-30.

† UNAMET, Political Affairs Office, "Notes on Atsabe Investigation, 31 August 1999." Reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999. For a first-hand account of that visit, see Geoffrey Robinson, "The Fruitless Search for a Smoking Gun: Tracing the Origins of Violence in East Timor," in Freek Colombijn and J. Thomas Lindblad, eds. *Roots of Violence in Indonesia*, Leiden: KITLV Press, 2002, pp. 263 and 267.

“...expressed no regret at the violence of the previous night, but instead sought to justify it [on] the grounds that the ‘people’ had been angry at UNAMET’s alleged lack of neutrality. He volunteered that he had been forewarned that there would be an attack against UNAMET personnel on August 30, and that he had told the militia not to injure any UNAMET international staff. When [UNAMET officials] asked why he had not sought to prevent the attack entirely, the Danramil said that if he had interfered, the militias might have turned against him.”

On the matter of the motivation behind the assault, the report confirmed that the militias were acting with political intent. It noted that, in a discussion with UNAMET officials on August 31, “the militia leader said his people had killed Mr. Lopes because UNAMET staff had not been neutral and had ‘forced’ people to vote against autonomy. He also said that, for the same reasons, his men would not allow the ballot boxes or UNAMET local staff, to leave.”<sup>†</sup>

Finally, on the question of the official response to the incident, the UNAMET report described it as “completely inadequate,” and offered the following observations of official behavior during UNAMET’s visit to Atsabe on August 31:

“The first team, which arrived in Atsabe at about 7:00 hours, found the deceased, João Lopes, lying in the Civpol house, accompanied by his mourning family, and the house surrounded by about 50 armed militia members . . . Lengthy discussions with the local Police chief (Kapolsek) and a Police Liaison Officer from Polres Ermera, produced assurances that the militias would be dispersed and restrained, but no action was taken and the militias maintained their armed presence in the immediate vicinity of the Civpol house...In response to repeated UNAMET requests that the militias be asked to disperse he explained that he did not dare to make such a request.”

Likewise, the report noted, the Danramil “refused to provide any guarantee that the militias would be restrained, let alone arrested.”<sup>‡</sup>

A high-level TNI and Police delegation from Dili and Ermera that arrived later on the afternoon of August 31 managed to convince the militias to allow the ballot boxes and local staff to leave. However, even that delegation – which included Police Col. Made Pastika from Dili, and both the Dandim and Kapolres from Ermera – was unable or unwilling to secure UNAMET access to the scene of the crime. According to the UNAMET report, “Police and military authorities...continued to insist that security could not be ensured, and were unwilling to exert their authority to make a visit possible.”<sup>§</sup>

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\* UNAMET, Political Affairs Office, “Notes on Atsabe Investigation, 31 August 1999.” Reprinted in UNTAET, Political Affairs Office, *Briefing Book*, Dili, November 1999.

† Ibid.

‡ Ibid.

§ Ibid.

Later investigations and documentation have substantiated these early observations, while adding important details. Investigations have found eyewitnesses able to identify several of the attackers by name. Significantly, those named include four alleged agents of the notorious military intelligence outfit SGI and three regular members of the TNI.\* This evidence adds further weight to the conclusion that the TNI was directly involved in the killings.

A secret military report on the attack, dated August 31 and signed by the Dandim of Ermera, does not provide evidence of direct TNI involvement, but it does reveal the remarkable extent to which TNI officers accepted or perhaps shared the militia outlook and interpretation of events. The explanation offered for the murders of August 30 in the report, for example, is virtually identical to the explanation provided to UNAMET by the militia leader on August 30. It reads: “The cheating of local UNAMET staff members angered the pro-autonomy people, leading them to attack those staff members at about 5:00 p.m. on 30 August.”†

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\* The alleged SGI agents named are: Manuel Gonçalves, Antonino Beremau, Miguel Gonçalves, and Manuel Halimau. The three TNI members named are: João da Costa, Laurindo, and Domingos de Deus Soares. UNAMET, DHRO-Ermera, Report on 1999, pp. 29-30.

† Secret telegram from Dandim Ermera (Lt. Col. Muhammad Nur) to Danrem 164/WD (Col. Noer Muis), No. TR/148/1999, August 31, 1999 (Yayasan Hak Collection, Doc #42).

## 10.9 Forcible Relocation and Murder of Refugees in Dili (September 5-6, 1999)

Fearful of the mounting violence, in the days after the August 30 vote many of Dili's residents fled to the surrounding hills or sought out places of refuge within the city. On September 5 and 6, these places of refuge were attacked by large groups of militiamen, as well as TNI and Police personnel. The compounds themselves were destroyed and burned, dozens of refugees were seriously injured, and at least 17 people were killed.\*

Eyewitness testimony indicates that these attacks were not a random assault by marauding militiamen intent on revenge, but a carefully orchestrated operation intended to terrorize refugees and to force their removal to West Timor. In that sense, the attacks stand as a clear example of the methods employed by security forces and militias throughout the territory to bring about the forcible relocation of some 250,000 people in the days and weeks after the ballot.

The first of the attacks was on the Dili Diocese, where some 300 people had sought refuge in previous days. At about noon on September 5, as many as 50 armed Aitarak militiamen began to assault the refugees there, and to destroy and set fire to the buildings in the compound. The attack continued until the late afternoon. A large number of TNI and Police personnel were present at the scene throughout this time, but took no action to prevent the attack, or to stop it once it was underway. In fact, some TNI and Police joined in the attack.

The assault proceeded in two stages. First, all of the refugees were forced from the compound and across the road to Dili harbor. Next, the men were separated from the women and children, and subjected to further interrogation and beatings. Those believed to be students, UNAMET staff or CNRT members were singled out for especially harsh treatment. The precise number of casualties is not known. However, investigators have established the identities of more than 20 people subjected to inhumane acts during the attack, and at least 15 people who were killed or disappeared.

As the attack on the Dili Diocese began, some of Indonesia's most senior military, police, and civilian officials were meeting at the home of the East Timor military commander, Col. Noer Muis, about two kilometers away.† According to an aide to Bishop Belo, Manuel Abrantes, who attended and took notes at that meeting, Bishop Belo explicitly asked General Wiranto to instruct the TNI and Police commanders in

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\* Unless otherwise noted, this account is based on: East Timor, Deputy General Prosecutor for Serious Crimes, Indictment against Eurico Guterres *et.al.*, Dili, February 27, 2003.

† Senior military, police, and civilian authorities present at the September 5 meeting included: the TNI Commander, Gen. Wiranto; the Coordinating Minister for Political and Security Affairs, Lt. Gen. (ret.) Feisal Tanjung; Commander of Military Region IX, Maj. Gen. Adam Damiri; the Task Force officer, Maj. Gen. Zacky Anwar Makarim; the Assistant for Operations to the Army Chief of Staff (and soon to be Martial Law Commander) Maj. Gen. Kiki Syahnakri; the Police Commander for East Timor, Col. Timbul Silaen; and the Sub-Regional Military Commander for East Timor, Col. Noer Muis. Several leading pro-autonomy figures, including João Tavares and Francisco Lopes da Cruz, were also present. See, Deputy General Prosecutor for Serious Crimes, Indictment against Eurico Guterres *et.al.*, Dili, February 27, 2003.



East Timor to control the militias.<sup>\*</sup> After some discussion, and clear opposition from the supreme militia commander, João Tavares, the Bishop repeated his request. This time General Wiranto replied “Yes, Bishop.”<sup>†</sup> The events of the following day, however, demonstrated either that no such order was ever issued or that an order was issued but ignored. In the course of just a few hours on the morning of September 6, three major places of refuge in Dili were attacked by armed militiamen.

One target was the Canossian Convent where some 100 people and nine Sisters had sought sanctuary. Militias drove all of them from the compound, assaulting one Sister in the process, and then destroyed most of the property inside. A second target was the compound of the International Committee of the Red Cross (ICRC), where an estimated 2,000 people had gathered in the days after the vote. Firing their weapons and shouting, militiamen forced the refugees out onto the road, where suspected pro-independence activists were separated from the others before being marched away. As in the case of the Dili Diocese, Police and TNI personnel either took part in these attacks or failed to take action to prevent them.

The most widely reported and thoroughly documented of the three attacks of September 6 targeted an estimated 5,000 people who had sought refuge in Bishop Belo’s residence. More than 15 people were seriously wounded in the attack, at least one was killed, and the Bishop’s house was reduced to a smoldering ruin.

The attack was preceded by ominous signs of official complicity. Early on the morning of September 6, Bishop Belo called the East Timor Chief of Police, Col. Timbul Silaen, to request assistance in protecting and perhaps evacuating the refugees. Col. Silaen reportedly said he could not help, and advised the Bishop to contact the East Timor Military Commander, Col. Noer Muis. The Bishop then called Col. Muis, who also said he could not help. At about 9:00 a.m. an unidentified Kostrad officer arrived at the residence to speak to the Bishop. The officer told the Bishop that he wished to protect him and the compound, and he invited the Bishop to call if anything happened. He then took his leave. About 15 minutes later, militias began to arrive.

The first group, about 20 men wearing no shirts, arrived on motorbikes. They were followed by dozens of others, riding in several jeep-like vehicles (Kijang) and yellow dump trucks. Those in the trucks were wearing red and white headbands. In all, there were more than 100 militiamen. As they gathered, the militias shouted abuse at the refugees inside, calling them “Sons of whores,” and threatening “We will kill you – we know you are pro-independence!” Some reportedly shouted “Fuck your mother!” and “You can eat your own shit if you want to be independent!”<sup>‡</sup>

The attack then unfolded in what appeared to be a coordinated fashion. The militias began by driving around the compound, which is bounded on all sides by roads. The first time around they fired pistols, automatic weapons, and home-made guns into the

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\* Testimony of Manuel Abrantes, recorded and compiled in Brisbane, Australia, November 26, 1999.

† Testimony of Manuel Abrantes, p. 6.

‡ Testimony of Manuel Abrantes, p. 8.

compound, breaking windows and apparently causing some injuries. The second time around, they hurled incendiary devices (Molotov cocktails) into the compound. Some of those devices entered the Bishop's residence, and soon the house was in flames.\*

Meanwhile, dozens of militias armed with guns and swords entered the compound and began arresting young men while shouting for others to leave. People were screaming and crying, and a number of people were seriously injured. Among them was a girl, aged seven, who lost her left eye when hit by a stray bullet, and a young boy who was shot in the back of the head.†

According to the indictment issued by the Deputy General Prosecutor for Serious Crimes, Police and TNI personnel actively participated in the attack. More specifically, the indictment states that:

“...members of TNI and Brimob entered the compound firing automatic weapons, assaulting refugees and ordering them outside. Members of POLRI entered the compound and ordered the refugees out. One member of POLRI set Bishop Belo's house alight with a number of gerry-cans of petrol.”‡

Eventually, the refugees made their way outside to the Travessa Lecidere, a square adjacent to the Bishop's compound. Indonesian Police and TNI units, and at least one TNI officer, were present throughout this operation.§ Manuel Abrantes, who was there, described the scene:

*“As people were leaving the compound, units of Kostrad and the Police appeared, including the Commander of Kostrad. As we were being directed by the militia into the Travessa Lecidere, militia members said ‘Don't talk, don't scream. If you scream, we'll kill you.’ Guns were pointed at us by the militia, the Police and Kostrad.”||*

In the midst of the chaos, the Bishop left the compound to speak to the Kostrad commander who had earlier offered his assistance. After some discussion with him and with Police officers, the Bishop was taken away. He was driven first to the Regional Police headquarters (Polda), before being taken by helicopter to the city of Baucau, where he joined Bishop Nascimento.

Meanwhile, at the compound in Dili, five or six militiamen were interrogating the assembled refugees. A militia leader, armed with a pistol and a grenade and wearing

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\* Testimony of Manuel Abrantes, p. 9.

† The girl was Liliana Trindade.

‡ Deputy General Prosecutor for Serious Crimes, Indictment against Eurico Guterres *et.al.*, Dili, February 27, 2003, p. 14.

§ A former SGI informant, Francisco Kalbuadi, has said that he saw Maj.Gen. Sjafrie Sjamsuddin (Territorial Assistant to the Armed Forces Chief of General Staff) at the scene, in civilian dress, directing operations from outside the compound. Sjamsuddin has denied the allegation, claiming that he was at TNI headquarters in Jakarta at the time. See “Sjafrie Mengaku Berada di Mabes TNI,” *Kompas*, December 30, 1999.

|| Testimony of Manuel Abrantes, p. 10.

an Indonesian flag on his head, demanded to know whether the refugees were for independence or integration. The refugees shouted that they were for integration. Still brandishing his weapons, the militia leader demanded to know where the CNRT members were, mentioning two leaders (Leandro Isaac and Manuel Carrascalão) by name. As the interrogations proceeded, additional militiamen arrived. The new militias, apparently BMP from Liquica, were wearing red berets and camouflage uniforms similar to those worn by Kopassus troops. \*

At about 1:00 p.m. the militia commander ordered the refugees to gather their things and go to the Regional Police headquarters (Polda) on the other side of town. According to Manuel Abrantes, the militia commander threatened the refugees, saying that if they did not go to the Police station “We’ll kill you and won’t be responsible.”† Some of the refugees managed to escape in the direction of the mountains but, fearing for their lives, a substantial number made their way to the Regional Police headquarters some three kilometers away. After a period of waiting, they were loaded onto trucks and transported to West Timor, joining some 250,000 others in exile.

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\* Testimony of Manuel Abrantes, p. 13.

† Testimony of Manuel Abrantes, p. 12.

## 10.10 Suai Church Massacre (September 6, 1999)

The District of Covalima was the scene of widespread human rights violations both before and after the ballot in 1999. The worst single incident in the District, and among the worst in the country, was the massacre at the Ave Maria church in the town of Suai on September 6, 1999.\*

At least 40 people, but possibly as many as 200, were killed in the massacre.† Of the 40 whose identities were known by late 2002, three were Catholic priests, ten were under the age of 18, and more than a dozen were women. The dead were among some 1,500-2,000 people who had taken refuge at the old church, in the Priest's quarters adjacent to it, and in a new half-built church a few hundred meters away, because of mounting violence and intimidation by militias and security forces.

The key perpetrators of the Suai church massacre, and of the 1999 violence in Covalima generally, were members of the District's main militia group, Laksaur, commanded by Olivio Mendonça Moruk. Some of the perpetrators also belonged to the Ainaro-based militia group, Mahidi, led by Cancio Lopes de Carvalho. But the militias did not operate independently. As in all other Districts, they were formed, trained, supplied, and directed by TNI officers. They also had the financial and political backing of the civilian administration, and the support or acquiescence of the Police and the Mobile Brigades in the District.

The officials with most immediate responsibility for the control of the militias in Covalima, and with direct responsibility for the Suai church massacre, were the Bupati, Col. Herman Sedyono, the Dandim, Lt. Col. Liliek Koeshadianto (a.k.a. Lilik Kushadiyanto), the District Chief of Police, Lt. Col. (Pol.) Gatot Subiaktoro, and the Sub-District Military Commander for Suai, Lt. Sugito. All four men were observed, bearing arms, at the scene of the massacre, and all are alleged to have participated in the attack.‡

Although they were not reported at the scene of the attack, two other military officers arguably share responsibility for the massacre because of their direct role in mobilizing and coordinating militias activities in the District. They are the District Military

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\* This account is compiled from multiple sources, including: UNMISSET, DHRO-Covalima, "Covalima District: 1999 Report"; Report of the Indonesian Commission on Human Rights Violations in East Timor (KPP-HAM), January 2000; James Dunn, "Crimes Against Humanity in East Timor, January to October 1999 – Their Nature and Causes," February 2001; Deputy General Prosecutor for Serious Crimes, Indictment against Col. Herman Sedyono *et al.*, Dili, April 7, 2003; several witness statements, recorded and compiled by UN investigators in East Timor between 1999 and 2002; and selected media reports of the Ad Hoc Human Rights Trials in Jakarta.

† The KPP-HAM estimates that 50 were killed, while the local human rights organization, Yayasan Hak, places the figure between 50 and 200. The indictment issued in this case says that "between 27 and 200 civilians were killed during the attack." See Deputy General Prosecutor for Serious Crimes, Indictment against Egidio Manek *et al.*, Dili, February 28, 2003, p. 232.

‡ See Deputy General Prosecutor for Serious Crimes, Indictment against Col. Herman Sedyono *et al.*, Dili, April 7, 2003, p. 42. Herman Sedyono acknowledged in a Jakarta court that he was at the church during the massacre, but claimed that he was trying to stop the violence. See AP, July 30, 2002.

Commander until late August, Lt. Col. Ahmad Mas Agus, and a TNI intelligence officer, Sgt. Yus Nampun.

The massacre of September 6 was preceded by several months of tension and violence in the town of Suai, much of it centering on the IDPs in the church. The IDPs had first come to the church in early 1999, following the murder of several CNRT leaders, and a series of militia attacks on villages deemed to be pro-independence strongholds. A group of about 300 IDPs had gone to the church in late June after UNAMET officials facilitated their return to Suai from their places of refuge in the mountains. Throughout this period, the militias, the Bupati, and other pro-autonomy leaders, adopted a hostile attitude toward the IDPs, and toward the priests and nuns who were providing them with sanctuary.

With the announcement of the result of the ballot on September 4, militiamen and the TNI began a campaign of violence that quickly came to focus on the IDPs in the church. Laksaur militiamen began, on September 4, threatening, beating and killing residents of Debos village, in the town Suai, and then looting and burning houses. Some residents fled to the hills, while others joined the hundreds of IDPs already sheltering at the church. At least three people were killed. On September 5, TNI forces, including the Suai Danramil, Lt. Sugito, joined the militia in burning, looting, and firing their weapons in the vicinity of the church. In the course of the day, at least one more person was shot and killed by Laksaur militiamen, and the flow of IDPs swelled.

Starting at about 8:00 a.m. the following day, September 6, Laksaur commanders had a series of meetings with TNI officers, first at the Koramil in Salele, which also served as the militia headquarters in the area, and then at the Kodim in Suai. After the meeting at the Salele Koramil, Laksaur militia members were informed that they would be attacking the Suai church that day. At about 10:00 a.m., Laksaur and Mahidi militiamen armed with machetes, swords and firearms began to gather around the church compound, and to threaten and taunt the IDPs inside. According to witnesses, a militia member entered the compound and told one of the priests (Father Hilario Madeira) that trucks would soon be arriving to transport the IDPs to West Timor. Later the same day, TNI soldiers and Mobile Brigade units arrived and took up positions around the church.

Meanwhile, Laksaur commanders and some militia members had gathered at the house of the Bupati, Herman Sedyono. They were armed with rifles, swords and machetes. At about 2:30 p.m. the militiamen left the Bupati's house and headed towards the church. The Bupati, wearing a TNI uniform and armed with a rifle, followed them to the church in a vehicle.

Inside the church, there was growing anxiety. There had been a number of warnings of a planned attack. One of these came from a militiaman who had entered the compound in the morning in search of his niece, and had urged people to leave while they could. Other warnings came by telephone. The head of the District legislature called to offer assistance in taking the IDPs to safety. Finally, around 12 noon, the priests began to urge the IDPs to pack their things and prepare to leave. Hundreds of younger men,

thought to be the likely targets of an attack, did leave but as many as 1,500, many of them women and children, remained in the church.

Shortly after 2:30 p.m. the attack began. According to witnesses, two grenades were thrown and then the militia and the TNI started to fire their weapons into the church compound. The attack continued for roughly three hours. Witnesses and prosecutors say that several high-ranking officials were at the scene throughout, and participated in the attack. They included: the Bupati, Col. (ret.) Herman Sedyono; the Dandim, Lt. Col. Liliek Koeshadianto; the District Chief of Police, Lt. Col. (Pol.) Gatot Subiaktoro; and the Danramil, Lt. Sugito.\*

The first to enter the church were scores of Laksaur and Mahidi militiamen, armed with machetes, swords, knives, and home-made firearms. Immediately behind them were a mixed group of TNI soldiers and militiamen. According to witnesses, the militias headed first toward the priests' and nuns' quarters, adjacent to the old church. As they proceeded they hacked, stabbed, and shot many people in their path. Outside the compound, witnesses said, TNI and Mobile Brigade units maintained a perimeter from which they shot at those fleeing the mayhem.

Several witnesses reported hearing between three and five large explosions, which they believed to be grenades, in the course of the attack. One witness, who was hiding in the priests' quarters, said that a grenade was thrown into Father Hilario's room, after which the room was raked with automatic gunfire.

Among the first to be killed were the three priests, Father Hilario Madeira, Father Francisco Soares, both Timorese, and Father Tarsisius Dewanto, who was Indonesian. The precise circumstances of their killing remain somewhat unclear, but the statements of witnesses indicate that they were clearly identifiable as priests at the time of their murders. In any case, all three were well known in the community, and they were killed in or nearby the priests' quarters of the old church, making it unlikely that there was doubt about their identity.

Witnesses concur that Father Hilario was shot and also stabbed or hacked, by a Laksaur militiaman (Egidio Manek) as he emerged from his room in the priests' quarters. One witness stated that he saw Father Hilario's dead body lying on the floor of the sitting room in the house. Father Francisco is also said to have been stabbed and hacked to death by a Laksaur militiaman (Americo) near his quarters. According to one witness statement, shortly before being killed he implored his attackers to spare the women and children. Father Dewanto, the Indonesian priest, was reportedly killed by gunfire in or near the old church. One witness said that, as Father Dewanto was about to be killed, one of the attackers shouted "Don't kill him! He is one of us!" But the warning came too late.

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\* Deputy General Prosecutor for Serious Crimes, Indictment against Col. Herman Sedyono, *et.al.*, Dili, February 28, 2003, p. 42. The indictment also names 14 TNI personnel who took part in the killings at the church.

By about 5:00 p.m. the killing had finally stopped. A number of survivors, some of them women, were led out of the compound by militiamen and TNI soldiers. As they walked they were told not to look around them, but they could not help seeing corpses strewn about the compound. One witness said that blood was flowing like a long stream from inside the church, across the compound and all the way to the street outside. From the church, the survivors were taken to the Kodim headquarters, and to a nearby primary school, where they were interrogated. Several of them were held for about eight days, and at least one woman is reported to have been sexually assaulted by a militiaman while in detention.\*

Early the following morning, September 7, TNI and militia leaders set about disposing of the bodies and destroying as much evidence as possible. According to one of the indictments issued in the case, those directly involved in the disposal efforts included the former Dandim, Lt. Col. Ahmad Mas Agus, and the Suai Danramil, Lt. Sugito. †At least 27 bodies, and probably more, were placed onto trucks (the type, color and registration numbers of which are known) and driven out of town, across the border to West Timor.

An Indonesian Police officer based in Mettamauk, Wemasa, West Timor, told investigators that trucks loaded with bodies had stopped at his Police post at around 8:30 on the morning of September 7.‡ The witness said that Lt. Sugito, the Suai Danramil, had been present, and had told him that the dead were from the church at Suai. Another witness said that he had seen the bodies being buried near the shore in Alas Selatan village, in the District of Belo, West Timor, at about 9:00 a.m. on September 7. He stated that the burial party was led by Lt. Sugito and included three TNI soldiers and a platoon of Laksaur militiamen from Suai.

In late November 1999, Indonesian investigators went to the site indicated by witnesses, and discovered three mass graves. From these graves they exhumed the remains of 27 people, including 16 men, 8 women, and three others whose gender could not be determined. Among those exhumed were the remains of a child of about 5 years, a young man whose lower limbs and pelvis were missing, and a teen-aged woman who was naked, and whose body had been burned.

In addition to those buried in West Timor, and others allegedly thrown into the sea, an undetermined number of bodies were reportedly gathered together at the Suai church and burned beyond recognition. Investigators who visited the site in late 1999 found what appeared to be charred human bones and skulls. On the basis of this information, and statements gathered from families and local officials, by late 2002 UN human rights investigators had identified 40 people thought to have died in the massacre. However, credible estimates of the total number who may have died range as high as 200.

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\* The report was made by the victim's father. He identified the militiaman as Alipi.

† Deputy General Prosecutor for Serious Crimes, Indictment against Egidio Manek *et al.*, Dili, April 7, 2003, p. 42.

‡ The officer has been identified as Sgt. Maj (Pol) Kanakadja, Kapolsek Mettamauk, Wamesa.

## 10.11 Maliana Police Station Massacre (September 8, 1999)

Bobonaro witnessed a number of mass killings in September 1999. The systematic nature of these killings, the presence of TNI and Police officers at the scene, and the deliberate efforts to dispose of the bodies, all offered powerful evidence that the killings were pre-meditated and organized by Indonesian authorities.

The most notorious of the mass killings, and the most revealing of official responsibility, was the attack on refugees at the District Police headquarters in the town of Maliana on September 8. The victims were among many hundreds of Maliana residents who had sought refuge at the Police station as the town erupted in violence after the August 30 vote. As many as 14 people, some of them children, were killed in the attack.\* In addition, at least 13 people who fled the scene were killed the next day in nearby Mulau, and two more were killed at or near the Police station on September 10. In all, at least 71 people were killed in Maliana Sub-District in the period 2-29 September.

Witness testimonies concur that the massacre at the Maliana Police station was conducted jointly by TNI soldiers of Kodim 1636 and members of the DMP militia, under the apparent supervision of TNI and SGI officers.† They also agree that Indonesian Police and Brimob forces took no action to prevent the attack, to stop it once it was underway, or to apprehend the perpetrators when it was over.

The TNI officers directly implicated in the attack included: the former District Military Commander, Lt. Col. Burhanuddin Siagian, and the District Head of Military Intelligence, Lt. Sutrisno. Lt. Col. Siagian had ostensibly been removed from his post in mid-August, in response to overwhelming evidence of his sponsorship of militia violence. In reality, however, he never left Maliana in the weeks after his removal. Although he wore civilian attire instead of his TNI uniform, he continued to operate in a command position during that period. In the days leading up to the massacre he was repeatedly observed at the Police Station, where he took part in meetings with the Chief of Police and militia boss João Tavares.

The Police station massacre was preceded by several days of mounting violence in the town of Maliana, in which several people were executed, many were assaulted and threatened, and some 80% of all buildings were burned or destroyed. Residents who were unable to flee to the hills had begun to gather at the Police station immediately after the ballot.

One of those who did so with his family was a veteran Police officer. He later told investigators how armed militiamen and TNI soldiers had come to his village, Lahomea, spreading a message of terror:

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\* Higher estimates announced in the weeks and months after the massacre appear to reflect the number of people killed in the area at about this time, only some of whom were actually killed at the Police Station.

† There are unconfirmed allegations that elements of Kostrad's Linud 700, reportedly posted to Maliana in early 1999, were also involved.



*“All of them had surrounded the village and they announced in Bahasa Indonesia and Tetum: ‘Since you are all pro-independence supporters we have to kill all of you.’ We were afraid that they would return and do what they had announced, so I and my family together with our relatives began to pack our belongings and moved to Polri headquarters where we believed we would have protection.”*

For a time, the refugees seemed safe at the Police station, but there were ominous signs of danger. Starting on September 3, dozens of militiamen and TNI soldiers were observed moving freely in and out of the Police station compound, and among the refugees.<sup>†</sup> Between September 3 and 7, moreover, several meetings took place at the Police station, attended by the former Dandim, Lt. Col. Burhanuddin Siagian, the Chief of Police, Major Budi Susilo, and the pro-autonomy leaders João Tavares and Natalino Monteiro.

On the morning of September 7, this group had one final meeting at the Police station.<sup>‡</sup> After the meeting concluded, the Chief of Police and his deputy informed the IDPs that they would have to move to a single area at the rear of the compound, ostensibly to make room for Police officers and their families.<sup>§</sup> Prosecutors allege that the instruction was a ploy by officials to concentrate the IDPs prior to an attack, and it was in the area where they had been regrouped that the IDPs were trapped and killed when the attack began the following day.

In the hours before the attack, on September 8, dozens of militiamen gathered at the Koramil. There they were divided into four groups and briefed on their mission by TNI and SGI officers. Two of the groups were tasked with forming a security perimeter around the Police station. The other two were assigned to seek out and kill the pro-independence leaders sheltering in the Police station compound. Before departing for the Police station, some of the militias had their faces painted black by SGI soldiers.

The attack began at about 5:30 p.m. Two trucks pulled up in front of the Police station, and three others stopped on a road running along side the compound.<sup>||</sup> The vehicles were filled with soldiers and militiamen, armed with machetes, knives, and swords. Many of the militiamen were dressed in black and wearing ‘Ninja’ type hoods or Indonesian flags to cover their faces. The TNI soldiers, most of them wearing combat trousers and black t-shirts, were carrying automatic weapons and side arms. When the vehicles stopped, the soldiers and militiamen jumped down, and took up positions in and around the compound. Some TNI soldiers sealed off the main road running in front of the Police station, while others formed a perimeter around the compound.

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\* Deposition by Manuel Gomes da Silva to UNAMET, October 27, 1999.

† One witness provided a list of 38 militiamen and soldiers he had seen inside the compound during this period. Of the 38 names on the list, 12 are identified as TNI soldiers. Testimony of Luis Cairo in a joint deposition concerning the killing of Manuel Barros, March 17, 2000.

‡ Joint deposition by Vicente dos Santos, Victor dos Reis, and Luis Cairo, March 17, 2000.

§ Joint deposition by Vicente dos Santos, Victor dos Reis, and Luis Cairo, March 17, 2000.

|| The following account of the attack is drawn from the testimony of various eyewitnesses, including: witness “FB-1” interviewed by UNAMET, October 29, 1999; witness “FG-1” interviewed by UNTAET, November 12, 1999; Manuel Gomes da Silva, deposed by UNAMET, October 27, 1999; and joint deposition by Vicente dos Santos, Victor dos Reis and Luis Cairo, March 17, 2000.

Meanwhile, dozens of militiamen and TNI soldiers entered the compound from the side entrance and ran into the area where the refugees were gathered. One witness described the initial moments of the attack:

*“I saw the militias running in all directions, chasing men and boys to kill them ...The refugees were screaming in fear but they could not escape as militias and TNI were all around guarding the place.”*

In panic, many refugees ran to the security post at the front entrance of the compound, but Brimob soldiers there told them to return to their tents. Not all did so, but those who did then witnessed the attack unfold.

Among the first victims was a 13-year-old boy, José Barros Soares, who was hacked to death by militiamen while his younger sister looked on.<sup>†</sup> But the violence was not as random as that scene suggested. The attackers were clearly singling out well-known pro-independence figures for execution. The victims included a number of CNRT leaders, as well as a Sub-District Head, two Village Heads, and several civil servants with pro-independence sympathies.<sup>‡</sup>

The militias also targeted the families of such figures. According to one report, for example, the militias who killed the young boy, José Barros Soares, told his sister that they were killing him because they could not find his father, a known independence figure. Also singled out were members of the TNI and Police who were considered to be independence sympathizers.<sup>§</sup>

In some instances, the attackers asked for their intended victims by name. In other cases, they appear to have known exactly where in the compound to find them. One witness said that the attackers had a list of names to which they referred as they made their way through the compound.

*“I was cooking and suddenly the militias came in cars and people started running from one side to the other. Then when people calmed down they divided into sections and entered the tents seeking people on lists to kill.”<sup>||</sup>*

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\* UNTAET interview with witness “FG-1,” November 12, 1999.

† A western journalist reported in 2001 that several other children – Renato Gonçalves (12), Victorino Lopes (11), and Francisco Barreto (10) – had been killed in the police station massacre. See Mark Dodd, “Widows who share a legacy of murder,” *Suara Timor Lorosae*, August 10, 2001. This report would appear to be in error. Several children were killed in Maliana, along with their father, on the morning of September 8, but they were not killed in the Police station.

‡ Those reportedly killed at the Police station include: Lourenco Gomes, a high-level clandestine figure; Manuel Barros, a well-known pro-independence leader; Julio Barros, the Camat of Maliana; Domingos Pereira, the Head of Ritabou Village; and Damiao, the former Head of Tapo Village.

§ They included Domingos P. Gonçalves, a TNI soldier. Filomeno Guterres, a Police officer, was killed at or near the station on September 10, 1999. UNTAET interview with witness “FG-1,” November 12, 1999.

|| Interview with Teresinha de Jesus Calao, by Jill Jolliffe, November 16, 1999.

Among those targeted in this way was the prominent Maliana pro-independence figure Manuel Barros, who had taken refuge at the Police station with his family on September 2. At least four people witnessed his killing, including one man who was just a few feet away when it happened.

According to the testimony of that man, shortly after the attack on the compound began, three militiamen walked straight up to Manuel Barros and began to speak to him in an aggressive manner. First they ordered him to stand, then to sit, and then to extend his hand. As he extended his hand, one of the three militiamen lunged forward and stabbed him in the chest with a knife. Manuel Barros immediately fell to the ground and died soon thereafter. His body was then dragged away by the three militiamen.<sup>\*</sup>

Many witnesses have said that they saw the Police Chief, Major Budi Susilo, inside the compound as the killings took place, and several witnesses have testified that they saw Lt. Sutrisno on a motorbike near the Koramil on the evening of September 8. At least one witness claims to have seen both Lt. Col. Siagian and Lt. Sutrisno in the immediate vicinity of the Police station: “When I walked out of the compound” the witness told a journalist “I saw the chief of the Kodim [Siagian] there, with the Intel chief, Lt. Sutrisno. They were waiting for something near the Kijang pick-ups.”<sup>†</sup>

The attack continued until about 9:00 p.m. and the disposal of the bodies began shortly thereafter. As in other cases of mass killing in 1999, the process of disposal was methodical, and supervised by TNI officers, indicating that it had been planned in advance by the authorities. It was also clearly intended to conceal the evidence of a crime.

The electricity to the area was cut, and the corpses were loaded onto two or more trucks under the cover of darkness. According to a man who was ordered to assist in loading the bodies onto the trucks, a TNI officer kept track of the identities and the number of dead.<sup>‡</sup> The trucks were then driven out of town to Batugade, a pro-autonomy stronghold near the Indonesian border. The TNI had made arrangements with local militia leaders Ruben Tavares (João Tavares’ nephew) and Ruben Gonçalves to receive the corpses and dispose of them. According to prosecutors, the militiamen filled large rice sacks with sand and attached them to the bodies. Weighted down by the sand-filled sacks, the bodies were then taken out to sea on fishing boats, and dumped overboard.

The systematic and planned character of the crime at the Maliana Police station is also suggested by further killings of a similar nature that took place in the two days immediately afterward. At least 13 people who managed to flee the attack on the Police station were hunted down and killed with knives and machetes on September 9, at the Mulau lagoon outside Maliana town. One day later, on September 10, two Timorese

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\* Testimony of Victor dos Reis, in joint deposition, March 17, 2000. Also see interview of Duarte Barros, by Jill Jolliffe, November 11, 1999.

† Interview with Duarte Barros, by Jill Jolliffe, November 17, 1999. Another witness said she had seen the former Dandim, Lt. Col. Siagian, and the Kodim Head of Intelligence, Lt. Sutrisno, inside the compound at the time of the killings. Interview with Teresinha da Jesus Calao, by Jill Jolliffe, November 16, 1999.

‡ Interview of witness “FB-1” by UNAMET, October 29, 1999.

policemen were killed in a similar fashion, for their suspected pro-independence leanings.\*

Like the victims at the Maliana Police station, those killed on September 9 and 10 included prominent leaders and alleged supporters of independence.† And like them, their bodies were disposed of in an apparent attempt to hide the crime. The remains of two of those killed at Mulau were later found on the beach at Batugade, some 50 kilometers from the scene of their murder.‡

In large part because of the deliberate efforts to hide the bodies, the precise number of people killed at the Maliana Police station on September 8, and over the next two days has been difficult to determine. According to prosecutors, at least 14 people were killed in the Police station on September 8. Together with the 13 believed killed at Mulau on September 9, and two others killed on September 10, the total from those two days is at least 29 dead. For the District of Bobonaro as a whole, the total number killed in September 1999 is at least 111, and some estimates range as high as 200. Given the strong possibility that as many as 40 bodies were thrown into the sea, however, it is unlikely that the precise number of dead, or their final resting places, will ever be known.

The Maliana Police station massacre is significant not only because of the numbers who died there, but because it so clearly highlights the close operational relationship between the militias, the TNI, and the Police. It therefore points clearly to official responsibility for gross human rights violations amounting to crimes against humanity.

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\* The two policemen killed were Filomeno Guterres, and Martino Lopes Amaral. Their bodies were discovered in a deep well inside the Maliana Police station, and exhumed by INTERFET on November 11, 1999.

† Those killed at Mulau on September 9 included: Carlos Maia, Lamberto Benevides, Manuel Magalhaes de Oliveira, Paulo da Silva, Lucas da Costa, Agostino Marques, Albino Marques, Domingos Titi Mau, and Vicente Lobato.

‡ The two found at Batugade were Carlos Maia and Lamberto Benevides. Memo from UNTAET District Human Rights Officer, Bobonaro, to Serious Crimes Unit, October 3, 2000.

## 10.12 The Passabe and Maquelab Massacres (September-October, 1999)

Compared to some other Districts, the District of Oecussi was not a major center of military or militia activity for much of 1999. That situation changed dramatically in the post-ballot period, especially after the departure of UNAMET personnel and other international observers in early September 1999. Over the next several weeks more than 150 civilians were murdered, some in very gruesome fashion, bringing the total number killed in the District in 1999 to at least 170.\*

The worst of the violence in the District, and probably in the country as a whole, took place near the villages of Passabe and Maquelab. There, roughly 100 people were deliberately killed in what have become known as the Passabe and Maquelab massacres. Eighty-two of the victims were residents of four villages in the Sub-District of Oesilo, in the southeastern part of Oecussi; they were killed *en masse* near Passabe on September 8-10. At least 12 more people were deliberately killed in the village of Maquelab, on the north coast on October 20, just two days before INTERFET forces arrived in the District. Virtually all of the targeted villages were known as pro-independence strongholds, and the victims were overwhelmingly independence leaders or supporters.

The sequence of events known as the Passabe massacre began early in the morning of September 8. At about 6:00 a.m. some 200 Sakunar militiamen, accompanied by members of the TNI's 745 Battalion, attacked the villages of Tumin, Quebesilo, Nonquican, and Nibin, in the Sub-District of Oesilo, near the border with Indonesia. The attacks were launched simultaneously from three different directions, suggesting a significant measure of coordination and planning.

Indeed, the attacks were preceded by a number of meetings between Sakunar leaders and TNI officers. At one meeting on September 7, held at a TNI post in Padimau and attended by about 30 people, Sakunar Commander Simao Lopes outlined the plan to attack the villages. A second meeting took place the following morning, September 8, at the home of the Passabe Village Head (and Sakunar leader), Gabriel Colo. At that meeting, particular villages were identified as targets, after which militias set out on foot, accompanied by at least four TNI soldiers.

Further evidence of planning, and of the coordinating role of the TNI, lies in the fact that some residents of the targeted villages had received advance warning of the attacks from relatives living in the Indonesian town of Imbate just across the border. Evidently, the militia and TNI had established an operational base at Imbate, which was intended to serve as a gathering station after the initial September 8 attack.

Many residents heeded the advance warnings and fled to the mountains before the attack. Those who remained behind were subjected to a coordinated assault by militiamen and soldiers armed with a combination of automatic and home-made

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\* Unless otherwise noted, this account is based on the report of UNTAET, DHRO-Oecussi, "Report on Human Rights Violations During 1999: Oecussi District," November 2001; and UNTAET, General Prosecutor, Indictment of Simao Lopes *et al.*, Dili, September 2001.

firearms, as well as machetes, knives, and spears. At least 18 people were killed in this initial attack and another five suffered serious injury.\* A number of houses were looted and burned.

After the killings, surviving members of the targeted communities were rounded up by Sakunar militiamen and forced across the border to the Indonesian town of Imbate. There they were subjected to a process of screening and sorting that again suggested a measure of advance planning, and a clear intention to target particular categories of the population. Over the course of two days, on September 8 and 9, all of those brought to Imbate were made to register at the Sub-District office, and divided into groups according to age, level of education, and village of origin.

Late in the afternoon of September 9, a group of some 80 young men with better than average education, from the villages of Quebesilo and Tumin, were separated from the rest. At around 6:00 p.m. they were bound together in pairs, with their hands tied behind their backs. Surrounded by a large number of militiamen, including TNI officers Lt. Col. Sabraka and Sgt. Andre Ulan, and Police officer Gabriel Colo, they were force-marched out of Imbate. With the TNI, Police, and militiamen threatening and beating them, they walked along the border to the village of Sungkaen, where they crossed the river into East Timor, and then descended along the riverbank toward the village of Passabe.

Not far from Passabe, at a place called Nifu Panef, the men were ordered to stop and line up along the river-bed. The distance from the head of the line to the tail was some hundreds of meters. There, at about 1:00 a.m., on September 10, a signal was given and the militia and TNI soldiers began to hack the young men to death with machetes and swords. Some of the attackers also used firearms.

At about 6:00 a.m. the following morning, still on September 10, about 100 men from Passabe village were instructed by militiamen to gather tools suitable for road repair work. They were then taken to the site of the killings and ordered to bury the bodies where they had fallen. The villagers were told they would be killed if they revealed any information about what they had seen.

Evidence of the attack was later gathered from seven men who had managed to escape and run into the bush. Most had sustained life-threatening injuries from machetes and knives, and some had serious gunshot wounds. Photographs taken by investigators a few months after the events illustrated the severity of the wounds. Investigators examined the massacre site in 2000, and found at least 47 sets of human remains. Nine of the remains had no skull, suggesting that the victims may have been decapitated by their attackers. The investigators also found binding material with the remains, confirming the testimony of survivors that they had been bound by their captors.

The murders took place in the middle of the night, and the scene was lit only with a few kerosene lamps, making it difficult for the survivors to identify all of those involved in the killings. However, the key instigators and perpetrators of the massacre are known

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\* For the names of those known to have been killed, see UNTAET, General Prosecutor, Indictment of Simao Lopes *et al.*

to have included: the Danramil of Passabe, Lt. Anton Sabraka, the Babinsa (TNI officer) of Passabe village, Sgt. Andre Ulan; Police officer and Head of Passabe village, Gabriel Colo; and the Head of Cunha Village, Laurentino Soares (a.k.a. Moko).

The second massacre of the post-ballot period in Oecussi took place in the vicinity of Maquelab on October 20, 1999. Once again, the main perpetrators were Sakunar militiamen, and the victims were known or alleged supporters of independence. Two local UNAMET employees were also among the dead.

Until this massacre, the people of Maquelab had largely been spared the campaign of terror. Their good fortune had been due largely to the efforts of their former Village Head who, despite having been replaced by a pro-autonomy figure, had managed to convince the local militia group not to use violence. The massacre of October 20, however, was beyond his capacity to control. The militiamen in question were not local men, but part of a large mobile group engaging in a systematic cleansing operation. On the day they reached Maquelab, the militia group had already killed two people in Bocos village and one more in Sai Laut.

The trouble in Maquelab began in the early afternoon of October 20, as the armed militiamen, riding in eight trucks, arrived in the area and began search for people who had fled to the mountains. Upon finding a large group, the militiamen announced that they had come to take them back to the village so that they could then travel safely to West Timor. The militiamen then rounded up about 300 people and marched them back to the village. On the way, some of the men were beaten. At about 2:00 p.m. two CNRT leaders were pulled out from the group, and taken behind the Maquelab market where they were killed.

About thirty minutes later, the Deputy Commander of Sakunar, Laurentino Soares (a.k.a. Moko) arrived at the scene and ordered the group of villagers to sit down. He then selected four men and ordered them to stand. As the rest of the group watched in horror, he raised his gun and shot the four men. The victims were: the CNRT chief of security and UNAMET local staff member, Francisco Taek; another UNAMET local staff member, Paulos Kelo; a pro-independence student, Mateus Ton; and a CNRT leader, Augustinho Sufa.

Immediately after these executions, and evidently on command, the Sakunar militiamen set about burning all of the houses and buildings in Maquelab, without exception. In the course of the afternoon they also killed another six, and possibly seven, people in the village, before moving out to West Timor. INTERFET forces arrived in the District two days later.

## 10.13 Rape and Murder of Ana Lemos (September 13, 1999)

The victims of human rights violations in 1999 included women and girls. Like men, they were targeted because of their membership in pro-independence organizations. They were also singled out because of the political activities of their husbands or male relatives, a practice of Indonesian security forces that long pre-dated the events of 1999. Women and girls were subjected to many of the same kinds of violence as men, including beating, torture, killing and forcible relocation. In addition, however, they suffered a disproportionate number of sexually-related crimes, such as molestation and rape.

The fate of many East Timorese women in 1999 was epitomized by the experience of Ana Xavier da Conceição Lemos, a pro-independence activist and mother of three from Ermera District. She was beaten, raped, and killed by militiamen and TNI soldiers in early September 1999.\*

Ana Lemos was a well-known member of the OMT, a prominent pro-independence women's organization. When the possibility arose in 1999, she campaigned vigorously for independence, openly criticizing Indonesian rule at political gatherings. Her two brothers were also involved in pro-independence organizations, one in the CNRT and the other as a member of Falintil.

As a result of these pro-independence activities and associations, Ana Lemos was subjected to repeated threats, and physical violence, by pro-Indonesian militias. In April 1999, for example, her house was surrounded, and its windows smashed, by members of the Darah Integrasi militia, who also stole some Rp.400,000 from the premises. The threats abated somewhat with the arrival of UNAMET officials in the District in June, but they never stopped entirely. In fact, throughout that period, Ana Lemos reported to UNAMET officials that she feared for her life. Her fears proved to be well-founded.

On ballot day, Ms. Lemos worked as a queue controller at a voting station in Poetete, in Ermera Sub-District. At the close of polling, local militias threatened to attack, so most CNRT people decided to flee to the Falintil cantonment in the nearby mountains. Ana Lemos decided instead to return to Gleno, where her children were. With the assistance of a sympathetic member of the Police Mobile Brigade, she made her way, together with two students, back to her home in Gleno by about 8:00 p.m. that evening, August 30.

Some time around midnight a TNI officer whom she knew, Sgt. Melky, arrived at her home together with several other men thought to be militia members. Two shots were fired and windows and lamps in the house were smashed. Ana and the two students

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\* Unless otherwise noted, this account is based on the following sources: UNTAET, DHRO-Ermera, "Report on Human Rights Violations During 1999: Ermera District" [March, 2000]; and Helene van Klinken, "Taking the Risk, Paying the Price: East Timorese Vote in Ermera," in Tanter, Selden and Shalom, eds., *Bitter Flowers, Sweet Flowers: East Timor, Indonesia, and the World Community*. Rowman & Littlefield, 2001, pp. 91-107. Helene van Klinken was the UNAMET Political Affairs Officer posted in Ermera in 1999.



initially hid under their beds, but the men pointed guns at them, so they came out. The three were then subjected to interrogation, in the course of which they were beaten.

Sgt. Melky, who led the interrogation, was angry with Ana Lemos. He said that he had protected her when the militias had attacked Gleno on April 10, but that she had nevertheless persisted with her pro-independence activities. He threatened that, if she reported this encounter to UNAMET, he would get her and her three children after the UN had gone. He hit Ana several times, pulled her hair and knocked her down. Meanwhile, the militiamen ransacked the house looking for money and other items, which they took, claiming they were Indonesian property. The telephone lines to the house were cut.

After the men finally left, Ana and the two students hid in the garden of a Balinese temple not far from her home. Early the following morning, August 31, she called the Mobile Brigade officer who had helped the day before, and he took the three of them to his house, and then to the UNAMET headquarters in Gleno. Even there, however, their safety was far from guaranteed. Militiamen had already begun to congregate menacingly in the vicinity of the office, effectively preventing UN staff from leaving the premises. Outside, militias were roaming the streets, setting fire to buildings and firing their weapons.

In view of the deteriorating security conditions, UNAMET officials decided to relocate all but a small group of staff to Dili. For several hours, they negotiated with Police, TNI, and militia leaders to permit their safe evacuation from the compound. Militiamen insisted that local staff members, and other East Timorese, should not be permitted to leave, while UNAMET was equally insistent that they should be. Eventually, an agreement was reached and a convoy of vehicles was loaded and set to depart. Even at this stage, however, armed militiamen and security forces were inspecting all the vehicles for known pro-independence figures.

In one of the vehicles, driven by UNAMET's Humanitarian Affairs Officer, Patrick Burgess, was Ana Lemos, squeezed between two international staff members, her face covered with a scarf. As the militias made their way from one vehicle to the next, the sympathetic Mobile Brigade officer stood beside that vehicle, chatting with Mr. Burgess. In doing so, he effectively prevented the militias from discovering Ana Lemos there, and ensured that she was able to make her way safely to Dili with UNAMET.

The convoy arrived at UNAMET headquarters in Dili later that evening. Ms. Lemos stayed in Dili for several days, moving to a new location every few days. Eventually, after an attack on the Don Bosco School where she was then staying, she fled to the Regional Police headquarters (Polda). While there, she reportedly met her ex-husband, the father of her three children. The two reportedly argued about the children, who were still in Gleno. Shortly thereafter, Ana Lemos set out on foot for Gleno.

Just outside of Gleno, she was reportedly picked up by a TNI officer, and driven to the Kodim where she was questioned. From the Kodim, she was reportedly moved to the office of the Darah Merah militia in Gleno. It is not known how long she was held there, nor exactly what transpired in that time, but when she returned to her mother's house on September 11 she was covered in bruises, and she told her mother that she had been beaten. She told a close friend, Aliança Gonçalves, that while held at the Kodim the previous day she had been raped by Sgt. Melky. According to Aliança, Ana

Lemos said Sgt. Melky had threatened her with a pistol and told her that he would kill her if she did not cooperate.

On the evening of September 11, a large party was held at the local primary school in Gleno, at which a cow was killed and eaten. According to one of Ms. Lemos' brothers, the CNRT member Flaviano Lemos, a militia member at the party said to others: "Let's just kill the woman who likes to play politics." The same evening, Ana Lemos gave her mother some money and some rice, and told her she thought they would kill her.

At about 9:00 a.m. on September 13, she was taken from her home by an unidentified militiaman. Her mother asked to go along but she was not allowed. That was the last time Ana Lemos was seen alive. Two days later, September 15, her mother and her three children were taken to Atambua. A militiaman told her mother that she need not bother waiting for Ana as she would never come back.

On November 5, the clothes Ana Lemos was wearing when she was last seen, were found about 4 kilometers along the road to Aileu. Not far from the clothes, the remains of a female body were also found. On the request of family members, in March 2000 the body was exhumed. Forensic examination established that it was most likely the body of Ana Lemos.

The chief suspects in the abduction and killing of Ana Lemos are: Zeca Pereira, the leader of the Dara Merah militia in Gleno; Lucas, leader of the Naga Merah militia in Hatolia; and Hilario, a TNI soldier. As the account above makes clear, TNI Sgt. Melky was directly responsible for an assault on Ana Lemos on August 31, and he is strongly suspected of involvement in her abduction, rape, and murder.

Ana Lemos is now considered a hero in the District of Ermera. The primary school in the town of Gleno is dedicated to her memory, and her remains are buried under a monument built in the same town to commemorate East Timor's independence day in May 2002.

## 10.14 The Battalion 745 Rampage (September 20-21, 1999)

Very few foreigners were victims of human rights violations in 1999. One tragic exception was the Dutch journalist Sander Robert Thoenes, killed by TNI soldiers on September 21 in Dili. Thoenes' murder was only the final act in a campaign of deliberate killing and destruction carried out by elements of TNI's Battalion 745 as it withdrew from its base in Fuiloro village, in Lautem in September. When the rampage was finally over, members of the battalion had killed at least 21 people, and burned or destroyed dozens of houses.

There were strong indications that the violence was planned and directed by TNI officers. Shortly before the announcement of the ballot result, a Platoon Commander in Battalion 745, Lt. Camilo dos Santos, reportedly told his troops that if the vote favored independence, their job would be to destroy houses and livestock, and kill CNRT supporters. Those orders evidently originated with the Commander of Battalion 745, Maj. Jacob Sarosa. According to the criminal indictment filed against Maj. Sarosa by East Timor's General Prosecutor:

*“At 7:00 a.m. on August 30, 1999, the day of the Popular Consultation, Major Jacob Djoko Sarosa ordered the East Timorese soldiers to line up. He addressed the soldiers. Showing them an Indonesian flag and a CNRT flag he said whoever was going to vote for CNRT would be killed.”*

With those orders evidently still in effect, on September 17, Battalion 745 moved from its base in Fuiloro to the village of Lautem on the north coast. From there, the bulk of the battalion boarded troop ships bound for Indonesia, but roughly 120 members and their families, and another 20 soldiers from the local Kodim, remained behind to perform convoy duty. The convoy consisted of some 40 motorcycles and more than 60 assorted vehicles, including at least one TNI truck mounted with a 12.7 mm gun. All soldiers in the convoy were armed with automatic weapons, and many were wearing red and white bandanas. They were led by the Commander of Battalion 745, Maj. Sarosa.

By that stage TNI units, including Battalion 745, had already committed a string of serious human rights violations in Lautem. These included the killing of at least ten people between September 8 and 13 (See District Summary: Lautem).<sup>†</sup> However, the concerted campaign of TNI violence really began in earnest on September 20 with the killing of three men near a rice warehouse in the town of Lautem. The charred remains of three bodies were discovered at a gravesite near the warehouse two years later. Several witnesses have testified that the three men – Amilicar Barros, João Gomes, and Augusto Venacio Soares – were detained, beaten, shot, and then burned

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\* General Prosecutor of the Democratic Republic of Timor Leste [East Timor], Indictment of Maj. Jacob Djoko Sarosa and Lt. Camilo dos Santos, Dili, November 6, 2002, paragraph 10.

† Indictment of Maj. Jacob Djoko Sarosa *et.al.*, paragraphs 12-40.

by TNI soldiers, including members of Battalion 745.\* They have also stated that the Commander of Battalion 745, Maj. Sarosa and Platoon Commander, Lt. dos Santos, were present at the attack but took no action to prevent or stop it.†

Later that day, September 20, the Battalion 745 convoy began to move from Lautem to the village of Laga in Baucau District. After camping at Laga for the night, members of the Battalion destroyed and burned their lodgings, and several houses in the village, before heading off.

As the moved westward, on September 21, members of Battalion 745 reportedly killed two young men whom they encountered riding a motorcycle along the main road from Baucau. Witnesses have said that the two men – Egas da Silva and Abreu da Costa – were stopped near the village of Buile, in the Sub-District of Laga, and then shot by soldiers as they tried to flee. According to the indictment filed by East Timor’s General Prosecutor, Abreu da Costa was shot in the right leg and through the right eye, and Egas da Silva was shot in the stomach, neck and chest.‡ A relative of the two men later told a journalist “I constantly dream about them.”§

Later the same day, members of Battalion 745 killed at least four more people, including two women, as they passed through the villages of Buruma and Caibada, just east of Baucau town. The four victims – Victor Belo, Carlos da Costa Ribeiro, Elisita da Silva, and Lucinda da Silva – were killed as soldiers conducted raids of the villages, and fired indiscriminately at civilians as they ran for safety. According to family members and friends, Victor Belo was shot by two soldiers at the end of the convoy after returning to lock the door on his house; Carlos da Costa Ribeiro was shot in the head inside his home; Lucinda da Silva was shot in the chest while running away from the soldiers; and Elisita da Silva died after being shot in both her legs.||

Elisita da Silva’s father gave the following account of the assault:

*“When I saw the TNI convoy they were already firing their weapons into the bushes. There was single and automatic gunfire and they also fired grenade launchers into the bushes. I also saw TNI soldiers on foot searching houses and the bush-land for people. So we (Jacinta, Elisita, Cezarina and Zelia) hid behind a big rock, which was next to our house. A few moments later, two TNI soldiers detained me...After the soldiers released me I went straight to the back of my house and I saw that my daughter Elisita had been shot in both legs. Her legs were broken and there was a lot of blood. She was still alive and she told me she was in a lot of pain.”#*

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\* Soldiers from Battalion 621 were also said to have taken part in these killings.

† UNTAET, SCU, “Synopsis in Respect to TNI 745 Battalion and the Murder of Sander Thoenes,” September 9, 2001.

‡ Indictment of Maj. Sarosa *et. al.*, paragraph 65.

§ Cited in Cameron W. Barr, “A Brutal Exit: Battalion 745” Part 1 of 4, *Christian Science Monitor*, March 13, 2000.

|| Cameron W. Barr, “A Brutal Exit: Battalion 745” Part 3 of 4, *Christian Science Monitor*, March 16, 2000.

# Recorded in UNTAET, SCU, “Synopsis in Respect to TNI 745 Battalion,” September 9, 2001.

Battalion 745 soldiers committed several more killings near the village of Laleia, in the District of Manatuto, west of Baucau. The dead included three men, apparently unarmed, who were killed in the course of an assault on the eastern side of Laleia bridge, and one man, an alleged Falintil fighter, who was stabbed and shot by soldiers who then cut off one of his ears. Three other people, including one woman, were reportedly detained near Laleia, beaten then handed over to soldiers of the Manatuto Kodim. They were not seen again and it is thought that they were killed.\* Some of the victims were executed while in custody, and reportedly under orders from TNI officers.†

More violence, including at least three more killings, followed as the Battalion 745 convoy rolled into Dili in the late afternoon on September 21. Travelling along Becora Road at about 4:30 p.m. a British journalist, Jon Swain, and an American photographer, Chip Hires, encountered the convoy. The journalists, accompanied by an interpreter, Anacleto da Silva, were travelling in an old blue taxi, driven by a local man, Sancho Ramos da Ressoricao.‡

According to a number of witnesses, soldiers from the convoy stopped and surrounded the taxi, and started hurling abuse and tugging at the doors. One soldier struck the driver in the head with the butt of his rifle, “causing his right eye to come out from its socket.”§ The interpreter, Anacleto da Silva, was reportedly forced from the taxi and into a TNI vehicle. One witness told UN investigators he saw a man fitting Anacleto’s description being beaten by Battalion 745 soldiers at the Korem in Dili later that evening. He was never seen again, and is believed to have been killed.||

A number of soldiers searched the taxi and seized the journalist’s possessions, including cameras, rolls of film, and a bag. A soldier then shot at the taxi’s tires and radiator to prevent the journalists from continuing their journey. The driver of the taxi later testified to UN investigators that Lt. Camilo dos Santos of Battalion 745 took part in the assault.¶

Also present at the scene was the Battalion Commander, Maj. Jacob Sarosa. During the incident, he reportedly told the journalists that his soldiers were “very angry, very angry with [the] UN and you Westerners. You must understand.”\*\* In an interview with UN investigators in November 1999, Maj. Sarosa denied any knowledge of, or involvement in, the beating of the driver or the abduction of the interpreter.†† He did admit, however, that the taxi had been stopped and searched, the journalists’ possessions seized and destroyed, and the taxi’s tires shot out, on his orders.

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\* UNTAET, SCU, “Synopsis in Respect to TNI 745 Battalion,” September 9, 2001.

† Ibid.

‡ Different sources give the driver’s name as ‘Sanjo Ramos’ and ‘Sanchos Ramos Daressuricao.’

§ Indictment of Maj. Sarosa *et. al.*, paragraph 88.

|| UNTAET, DHRO-Dili, “Key Cases of HRVs/Abuses in Dili District,” September 15, 2002.

# UNTAET, SCU, “Synopsis in Respect to TNI 745 Battalion,” September 9, 2001.

\*\* UNTAET, DHRO-Dili, “Key Cases,” September 15, 2002.

†† Ibid.

Still on the afternoon of September 21, about 400 meters down the Becora Road, soldiers of Battalion 745 killed yet another man, Manuel Andreas. The murder was witnessed by two people, one of whom gave the following testimony to investigators:

*“Later that afternoon, I think it was about 5:00 p.m. myself, Manuel [the deceased] and António...started to walk up the main road towards the bridge and river. I think António was in front, followed by me, and Manuel was behind us. As we were walking, I heard a burst of gunfire and saw straight away that António had been shot in the right arm. At the same time I saw Manuel fall to the ground and start screaming. I then saw that he had been shot in the chest. The gunfire continued and António and I ran for cover in the hills.”*

The final act in Battalion 745's two-day campaign of violence occurred shortly thereafter, roughly 300 meters further along the Becora Road. There, soldiers killed and mutilated the body of Dutch journalist Sander Robert Thoenes.

Mr. Thoenes had recently arrived in Dili to cover the arrival of INTERFET for the Financial Times newspaper. According to witnesses, he left the Hotel Turismo at about 5:00 p.m. on September 21, riding on the back of a motorcycle driven by a local man, Florindo da Conceição Araújo. As they drove down the Becora Road, they encountered several TNI soldiers on motorcycles, armed with automatic weapons. The soldiers shouted for the men to stop but, fearing for his own and his passenger's safety, the driver attempted to execute a U-turn and flee. The soldiers opened fire, and the motorcycle rolled over causing both driver and passenger to fall to the ground. The driver managed to run off, leaving Mr. Thoenes lying on the road.<sup>†</sup>

Witnesses said that four or five soldiers then dragged Mr. Thoenes off the road into a secluded area, where his body was found the following morning.<sup>‡</sup> He had been shot in the chest, and his assailants had cut off his left ear and sliced off part of his face, apparently with surgical precision. Some of Mr. Thoenes' fingers were also missing, but it is believed that that injury occurred when the motorcycle fell to the ground.

According to an Australian pathologist who conducted a postmortem examination on Thoenes's body in Darwin on September 24, 1999, the cause of death was a single gunshot to the chest. In 2001, a Dutch investigator and an Australian military policeman wrote: “It can be concluded...[that] Sander Thoenes was killed by a military [sic] of TNI Battalion 745 with a shot in the back.”<sup>§</sup>

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\* UNTAET, SCU, “Synopsis in Respect to TNI 745 Battalion,” September 9, 2001.

† INTERFET, Investigation Section, “Alleged Murder of Sander Robert Thoenes – Interim Report,” Dili, November 24, 1999.

‡ The witnesses are cited in Cameron W. Barr, “A Brutal Exit: Battalion 745”, Part 4 of 4, *Christian Science Monitor*, March 17, 2000; and in INTERFET, Investigation Section, “Alleged Murder of Sander Robert Thoenes – Interim Report,” Dili, November 24, 1999.

§ Cited in INTERFET, Investigation Section, “Alleged Murder of Sander Robert Thoenes – Interim Report,” Dili, November 24, 1999.

Shortly after Mr. Thoenes' murder, the Battalion 745 convoy proceeded to the Korem headquarters in the center of Dili. There, together with Brimob and Korem units, they received a briefing from the recently appointed Korem Commander, Col. Noer Muis. According to witnesses, Col. Muis ordered the members of Battalion 745 to move out as soon as they had eaten and refueled their vehicles. He also ordered them to say nothing about their actions of the previous two days. By one account, his words were as follows:

*“You don’t need to tell anyone about what you have done on your way here. Don’t even tell your wives. From Dili to Kupang the way is safe, so you will not need to open fire.”*

Later that evening, the convoy moved out, reaching the border town of Balibo without further incident. The following day, September 22, it proceeded to Kupang, arriving at about 10:00 p.m. Some time after arriving there, Maj. Sarosa, Lt. Camilo, and Lt. James were interviewed by TNI military police. The three were subsequently detained for between one and two weeks.<sup>†</sup>

Apart from those brief detentions, as of March 2003 no member of Battalion 745 had been punished in connection with the murders and other criminal acts described here. Indonesian investigators claim to have found little evidence of TNI involvement in any of the murders, and Indonesian prosecutors have elected not to bring any of these cases to trial.

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\* Indictment of Maj. Sarosa *et. al.*, paragraph 104.

† INTERFET, Investigation Section, “Alleged Murder of Sander Robert Thoenes – Interim Report,” Dili, November 24, 1999.

## 10.15 Murder of Los Palos Clergy (September 25, 1999)

One of the most shocking aspects of the pro-autonomy strategy, both before and after the ballot, was the deliberate targeting of Roman Catholic clergy and places of worship. The massacres at the churches in Liquica and Suai, in April and September respectively, and the attack on the Bishop's residence in September seemed deliberately calculated to terrorize a population that is 80% Roman Catholic. The assaults were also motivated by a perception that the Church had supported the pro-independence position.

Both of these motivations were evident in one of the most grisly incidents of violence of the post ballot period: the ambush and execution-style killing of a group of five clergy and four lay people by a gang of militiamen in Lautem on September 25.\* The victims included a nun who was hacked with a machete as she knelt praying by the roadside, then thrown into a river and shot dead.†

The trial of the perpetrators, all of them associated with the Team Alpha militia group, confirmed that the killings had been deliberate and politically motivated. The leaders of the operation knew the identities of the religious figures they killed, and considered them legitimate targets because of their alleged pro-independence sympathies. Significantly, the trial also confirmed that Team Alpha was organized by, received orders from, and had "close ties and continuous contact" with Kopassus, and in particular its local commander, Lt. Syaful Anwar.‡

On September 25, a Team Alpha commander, Joni Marques, and several other members of the group drove from the port of Com, in Lautem District, toward the town of Lautem. The ostensible purpose of their journey was to get rice from a warehouse near Lautem, but there was reason to believe that the actual intention was to ambush and kill the clergy. The most obvious indication that they were not in fact intending to get rice was that they drove right past the rice warehouse. In addition, at least seven of the men were armed with SKS automatic weapons, the type used by Indonesian security forces, and most were also carrying machetes and knives.

About one kilometer past Lautem, the militiamen passed two young men pushing a cart along the road. The militia commander, Joni Marques, ordered his driver to stop, and the militiamen got out and chased the two men, hurling rocks and firing their weapons at them. One of the two men, José Pereira, was wounded but managed to escape.§ The second, Izinho Freitas Amaral, was caught, tied to a tree near the side of the road, and later killed. In its findings in this case in December 2001, the Special

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\* Unless otherwise noted, the following account is based on evidence and testimony recorded in: Dili District Court, Special Panel for Serious Crimes, "Judgment" in the case of Joni Marques *et.al.*, December 11, 2001.

† The deceased were identified in trial proceedings as: Sister Emilia Cazzaniga, Sister Celeste de Carvalho, Brother Jacinto Xavier, Brother Fernando do Santos, Brother Fernando da Conceição, Agus Muliawan, Cristovao Rudi Barreto, Titi Sandora Lopes, and Izinho Freitas Amaral. See, "Judgment," Joni Marques *et.al.*, December 2001.

‡ Testimony of Joni Marques, in "Judgement," pp. 52-57, and 398.

§ For José Pereira's account of this encounter, see "Judgment," Joni Marques, *et.al.*, pp. 264-265.



Panel for Serious Crimes of the Dili District Court concluded that the militias had chased the two young men, and killed one of them, in order to ensure that there would be no witnesses to the crime they were about to commit.\*

Joni Marques then ordered his men to set up a roadblock by placing large stones on the road. Some militiamen were posted on a nearby hill as a lookout, and others took up positions in a ditch with their weapons aimed up the road. Some witnesses testified in court that they knew that there was a plan to ambush the clergy's vehicle. One witness recalled that after setting up the roadblock, Joni Marques had said: "Now we will wait for the Sisters who will be coming towards Baucau...and when they come we will kill them all."<sup>†</sup>

At about 2:30 p.m. the same day, a gray four-wheel drive vehicle came into sight from the direction of Lautem heading west toward Baucau. There were eight people in the vehicle, including two nuns, three Brothers/Priests, a journalist and two other lay persons. When the vehicle stopped at the roadblock, Joni Marques and two other militiamen opened fire on it with their automatic weapons, instantly killing the driver and some of the passengers.

As one of the surviving passengers tried to get out of the vehicle, a militiaman grabbed him and dragged him to the river where he was shot and killed. The same militiaman poured petrol over three other survivors and lit them on fire. One of the three ran from the car to the river, where Joni Marques and another man shot and killed him.

One of the nuns, Sister Erminia, got out of the vehicle and knelt down by the roadside to pray. As she prayed, a militiaman (Horacio) slashed her with a machete. Another militiaman (Pedro da Costa) testified that he had yelled "Don't kill a Sister!" but that Joni Marques had replied "Kill them all! They are all CNRT!" A militiaman then picked up Sister Erminia and threw her in the river, before shooting her twice. At the trial, a witness testified:

*"I noticed a nun sitting beside a [ditch]. There was a body beside the nun. I noticed the cap of the nun was on her shoulder. The nun talked to me in Tetum. I cannot remember all the words, but I remember she was saying 'Oh! God!'"<sup>‡</sup>*

At about this time, Joni Marques ordered his men to push the clergy's vehicle into the river. Several witnesses testified that he shouted: "Come here and push the car, you mother fuckers!" The men did so, though one person was still inside the vehicle. When the person got out of the car, he was shot and killed.

The attackers then turned to Izinho Freitas Amaral, the young man they had earlier tied to a tree. One militiaman cut off Izinho's ear and hacked his neck with a sword.

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\* Judgment," Joni Marques *et.al.*, pp. 403-404

† Judgment," Joni Marques *et.al.*, Testimony of Manuel da Costa, p. 279.

‡ Judgment," Joni Marques *et.al.*, Testimony of Gilberto da Costa, pp. 6-271.

He was then pushed into the river, where he was shot and killed. Finally, Joni Marques threw a grenade into the river, where the dead and wounded lay, to be sure that there would be no survivors.

For this and other crimes committed in 1999, Joni Marques, and two other members of Team Alpha were found guilty and sentenced to 33 years and 4 months in prison. Six other militiamen received sentences ranging from 5 to 19 years. No TNI officers had been tried in connection with this crime by March 2003.

# 11. Individual and Command Responsibility

The evidence presented in this report demonstrates conclusively that the violence in 1999 was part of a widespread and systematic attack on the civilian population, in which supporters of independence for East Timor were deliberately targeted. As such, the acts in question are appropriately considered not only grave violations of human rights but also crimes against humanity.\* It remains to determine who should be held responsible for those crimes.

In one sense, the answer is straightforward: the responsible parties are the scores of militiamen, TNI soldiers, and Police who directly carried out the crimes. Many of these individuals have already been indicted, and some have been tried both in East Timor and in Indonesia, for individual or multiple acts of murder, rape, torture, and persecution committed in 1999. However, responsibility for crimes against humanity does not stop with the immediate perpetrators. Under international law, as well as the domestic laws of both Indonesia and East Timor, it extends also to those who ordered, or facilitated those crimes, and to those who failed to take adequate measures to stop them or to punish the perpetrators.

On those grounds, this report concludes that responsibility for crimes against humanity in 1999 extends to the highest reaches of Indonesia's military, police, and civilian leadership. More precisely, it identifies some 75 Indonesian officers and officials, at or above the rank of Lt. Colonel and Bupati, who may bear legal responsibility for the crimes against humanity committed in 1999 (See Table 1). Some are considered responsible because of their active involvement in committing, ordering or facilitating such crimes (individual criminal responsibility). Others are deemed responsible by virtue of their failure to stop or punish the crimes of their subordinates (command responsibility).

At the same time, the evidence presented in this report, and discussed in this chapter, serves as a reminder that in addressing the question of responsibility, it is necessary to look beyond the actions of individuals, to consider the impact of institutional and state norms and practices. Accordingly, this report suggests that responsibility also rests with the Indonesian armed forces as an institution, and with the Indonesian state.

## 11.1 Individual Criminal Responsibility

The concept of individual criminal responsibility is spelled out in Article 25 of the Rome Statute of the International Criminal Court,<sup>†</sup> and in the national laws of East Timor and Indonesia. Under Article 14 of UNTAET Regulation 2000/15, which is based on Article 25 of the Rome Statute, a person is said to bear individual criminal

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\* Although the case has not been made in this report, many of the acts in question might also be considered violations of international humanitarian law.

† The full text of the Rome Statute can be found on the website of the International Criminal Court: <http://www.un.org/law/icc/>

responsibility if s/he commits, orders, solicits, induces, aids, abets or otherwise contributes to the commission, or attempted commission, of a serious crime. More precisely, Section 14.3 states that:

“...a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the [serious crimes] panels if that person:

v(a) commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

(b) orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;

(c) for the purposes of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;

(d) in any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose...”

Further clarification of the concept of individual criminal responsibility in international law is found in the Tadic Appeals decision (July 15, 1999) at the International Criminal Tribunal for Yugoslavia (ICTY). That decision distinguishes between participation in a crime through ‘aiding and abetting’ and participation in furtherance of a ‘common criminal purpose.’ Both kinds of participation constitute grounds for individual criminal responsibility for a crime against humanity. The main difference between the two concepts lies in the specificity of the acts described, with ‘aiding and abetting’ implying a greater degree of specificity than an act in furtherance of a ‘common criminal purpose.’ In the language of the ICTY decision:

“The aider and abettor carries out acts specifically directed to assist, encourage or lend moral support to the perpetration of a certain specific crime (murder, extermination, rape, torture, wanton destruction of civilian property, etc.) and this support has a substantial effect upon the perpetration of the crime. By contrast, in the case of acting in pursuance of a common purpose or design, it is sufficient for the participant to perform acts that in some way are directed to the furthering of the common plan or purpose.”†

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\* Tadic Appeals decision, July 15, 1999: <http://www.un.org/icty/tadic/appeal/judgement/index.htm> paragraphs 185-230.

† Ibid., paragraph 229 (iii).

The Tadic Appeals decision also clarifies that such a common criminal plan, design or purpose need not have been previously arranged or formulated. “The common plan or purpose may materialize extemporaneously and be inferred from the fact that a plurality of persons acts in unison to put into effect a joint criminal enterprise.”

### **The Trigger Pullers**

Using these statutes as a guide, and drawing upon the evidence presented in this report, it is possible to identify by name scores of militiamen, TNI, Police, and civilian government officials as individually responsible for crimes against humanity. That list, of course, includes militiamen who directly committed acts of murder, rape, torture, and persecution against supporters of independence in the course of 1999. It also includes a number of lower-ranking members of the TNI and of the Police who directly committed or ordered such crimes. Many of these individuals have been indicted by East Timor’s Deputy General Prosecutor for Serious Crimes, and some have been charged and tried before Indonesia’s Ad Hoc Human Rights Court.<sup>†</sup>

The vast majority of suspects formally charged with individual criminal responsibility have been the ordinary militiamen or militia leaders who ‘pulled the trigger.’ UNTAET Regulation 2000/15 makes it very clear, however, that individual responsibility for crimes against humanity extends beyond the immediate perpetrators. Also culpable under that statute is any person who “orders, solicits or induces” the commission of such a crime, who “aids, abets or otherwise assists” in its commission, including “providing the means for its commission,” or who “in any other way contributes to” its commission or attempted commission.

It is on those grounds that East Timor’s Deputy General Prosecutor for Serious Crimes indicted Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Kiki Syahnakri, Col. Tono Suratman, Lt. Col. Yayat Sudrajat, and Governor Abílio Osório Soares, for crimes against humanity, in February 2003.<sup>‡</sup> The evidence in this report strongly supports the allegations made in that indictment.

In addition, however, the evidence suggests that other officers and officials also bear individual criminal responsibility for crimes committed in 1999. Indeed, the language of Regulation 2000/15, and of the 1999 Tadic Appeal decision of the ICTY cited above, allows that those responsible for crimes against humanity in East Timor – beyond the direct perpetrators of those crimes – may include any person who did one or more of the following:

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\* Ibid., paragraph 227 (ii).

† As of late May 2003, the authorities in East Timor had issued 60 indictments related to the events of 1999, charging 247 individuals, most of them with crimes against humanity. See UNMISSET, Serious Crimes Unit, “Serious Crimes Update V/03,” Dili, May 28, 2003. Meanwhile, the Indonesian authorities had issued several indictments charging a total of 18 individuals with crimes against humanity. For further discussion of both judicial processes, see Chapter 12.

‡ East Timor, Deputy General Prosecutor for Serious Crimes, Indictment of Wiranto *et.al.*, February 2003.

- helped to establish the militias and to recruit their members;
- made public statements in support of the militias;
- granted the militias legal and political recognition;
- provided militiamen with military training and guidance;
- conducted joint combat operations with militia groups;
- provided militiamen with weapons and/or ammunition;
- provided the militias with financial and/or material support.

Given the abundant evidence presented in this report on the role of Indonesian authorities in doing precisely these things, it can reasonably be argued that there are dozens of military, police, and civilian officials who bear individual criminal responsibility for crimes against humanity in East Timor. The key suspects are listed in Table 1.

### **Managers and Planners**

While many officials might bear legal responsibility for the crimes of 1999, it is nevertheless useful and important to distinguish between different types or degrees of culpability. Two broad categories are suggested here: i) those who managed the militia groups in East Timor in 1999; and ii), those who were responsible for devising and coordinating the overall policy that called for the mobilization of the militias and the use of violence against civilians.

In the first category, which we may call the ‘managers’ of violence, arguably belong: all militia commanders, all Sectoral Commanders, most (but not all) Dandim, some (but not all) Kapolres, the Governor, and most (but not all) Bupatis.’ There is little doubt that many of these ‘managers’ aided and abetted, and in some cases ordered, specific criminal acts. At a minimum, their participation took the form of furthering a ‘common criminal purpose’ that entailed the commission of crimes against humanity. Nevertheless, a strong argument can be made that they would not, and could not, have done these things in the absence of an overall policy, initiated and coordinated by higher-ranking officials – whom we may call the planners.

In this second category, the ‘planners,’ arguably belong a dozen high-ranking TNI officers and Cabinet-level civilian officials, known or alleged to have been involved in planning and coordinating the militias and the violence more generally. A strong case can be made that these officers and officials bear individual criminal responsibility by virtue of their participation in a ‘common criminal purpose’ that led to the crimes against humanity committed in 1999.

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\* Dandim who probably do not belong in this category include those in Aileu, Baucau, Manatuto (Lt. Col. Gerson Ponto), Manufahi, and Viqueque. Kapolres who should not be considered ‘managers’ of violence include those in Aileu, Baucau, Ermera, Lautem, Liquica (Maj. Joko Irianto), Manatuto, Manufahi, and Viqueque. Likewise, the Bupatis of Baucau, Ermera, and Manufahi should arguably be excluded from the list of ‘managers’ of violence.

The evidence presented in this report suggests that, minimally, the key ‘planners’ included:

- the Coordinating Minister for Political and Security Affairs, Lt. Gen. (ret.) Feisal Tanjung;
- the Minister of Transmigration and Resettlement, Lt. Gen. (ret.) Hendropriyono;
- the Territorial Assistant to the Armed Forces Chief of General Staff, Maj. Gen. Sjafrie Sjamsuddin;
- the Assistant for Operations to the Army Chief of Staff, and Martial Law Commander in East Timor, Maj. Gen. Kiki Syahnakri;
- the Senior TNI member on the Task Force for the Implementation of the Popular Consultation in East Timor, Maj. Gen. Zacky Anwar Makarim;
- the Minister of Information, Maj. Gen. (ret.) Yunus Yosfiah;
- the Commander of Regional Military Command IX, Maj. Gen. Adam Damiri;
- the Chief of Staff of Regional Military Command IX, Brig. Gen. Mahidin Simbolon;
- the Director A of BAIS, Brig. Gen. Arifuddin;
- the Commander of Sub-Regional Military Command 164/WD (to August 13), Col. Tono Suratman;
- the Commander of Sub-Regional Military Command 164/WD (from August 13) Col. Noer Muis; and
- the Commander of (Kopassus) Satgas Tribuana-VIII, Lt. Col. Yayat Sudrajat,

Further investigations, including the examination of internal TNI documents, would likely show that several other high-ranking military officers were also involved. Possible suspects include:

- the Armed Forces Commander, Gen. Wiranto;
- the Army Chief of Staff, Gen. Subagyo Hadisiswoyo;
- the Armed Forces Chief of General Staff, Lt. Gen. Sugiono;
- the Commander of Kostrad, Lt. Gen. Djamari Chaniago;
- the Head of BAIS, Lt. Gen. Tyasno Sudarto;
- the Commander of Kopassus, Maj. Gen. Syahrir; and
- the Assistant for Operations to the Armed Forces Chief of General Staff, Maj. Gen. Endriartono Sutarto.

It is noteworthy that virtually all of the officers on these lists were either deployed with Kopassus units in East Timor, or shared career histories in Kopassus and/or military intelligence.\* The pivotal role of Kopassus and intelligence officers in the 1999 violence is consistent with

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\* On the primary list of suspects, those with Kopassus and/or intelligence positions or career histories included: Lt. Gen. Feisal Tanjung, Lt. Gen. (ret.) Hendropriyono, Maj. Gen. (ret.) Yunus Yosfiah, Maj. Gen. Sjafrie Sjamsuddin, Maj. Gen. Zacky Anwar Makarim, Brig. Gen. Arifuddin, Brig. Gen. Mahidin Simbolon, Col. Tono Suratman, Col. Noer Muis, and Lt. Col. Yayat Sudrajat. Among those on the list of possible suspects, those with Kopassus and/or intelligence positions or backgrounds included: Gen. Subagyo Hadisiswoyo, Lt. Gen. Tyasno Sudarto, and Maj. Gen. Syahrir.

long-standing patterns of responsibility for grave human rights violations in East Timor and Indonesia, and it suggests a serious, underlying institutional problem in the Indonesian armed forces. Accordingly, a proper assessment of the causes of the violence in 1999, and of responsibility for it, must extend beyond matters of individual criminal responsibility, and address broader patterns of command and control within the Indonesian military and state apparatus.

## 11.2 Command Responsibility

International law provides that, under certain conditions, military commanders as well as police and civilian superiors may be liable for crimes against humanity committed by their subordinates. That principle, commonly described as ‘command responsibility,’ is spelled out in Article 28 of the Rome Statute of the International Criminal Court.<sup>\*</sup> It is also articulated in the national laws of Indonesia and East Timor. Drawing from the Rome Statute, Section 16 of East Timor’s UNTAET Regulation 2000/15 stipulates that a commander or superior is responsible for the criminal acts of his/her subordinate if s/he:

“...knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrator thereof.”<sup>†</sup>

It is principally on the basis of such ‘command responsibility’ that prosecutors both in Indonesia and in East Timor have brought charges against several high-ranking TNI, Police and civilian officials. In February 2003, for example, East Timor’s Deputy General Prosecutor for Serious Crimes issued an indictment accusing seven TNI officers – Gen. Wiranto, Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Kiki Syahnakri, Maj. Gen. Damiri, Col. Tono Suratman, Col. Noer Muis, and Lt. Col. Yayat Sudradjat – of responsibility for the crimes of their subordinates, pursuant to Section 16 of UNTAET Regulation 2000/15.

The evidence provided in this report supports those allegations. At the same time, it suggests that other military officers, as well as police and civilian officials, also bear command responsibility for the crimes committed in 1999. That assessment is based on an analysis of the evidence presented elsewhere in this report, as it relates to the three elements necessary to prove ‘command responsibility’ – first, that there was a superior-subordinate relationship; second, that the superior knew or had reason to know of the crimes being committed by his subordinates; and third, that the official took necessary and reasonable measures to stop those crimes, and punish the perpetrators. These three elements are discussed in turn below.

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\* The full text of the Rome Statute can be found on the website of the International Criminal Court: <http://www.un.org/law/icc/>

† UNTAET Regulation No. 2000/15 (June 6, 2000) “On the Establishment of Panels with Exclusive Jurisdiction Over Serious Criminal Offences.”



## Superior-Subordinate Relationships

Military, police and civilian lines of authority in East Timor were complex, and often opaque. Formal chains of command did not always signify real or effective authority. To determine whether effective superior-subordinate relationships existed, therefore, it is necessary to look carefully at both the formal and the informal lines of authority that were operating in 1999.

Under Indonesian law, the Supreme Commander of the Indonesian Armed Forces in 1999 was the President, B.J. Habibie.\* Major strategic initiatives, such as the decision to hold a referendum in East Timor, and the declaration of Martial Law on September 7, 1999, required his approval. An argument might be made, therefore, that ultimate command responsibility for any acts committed by members of the armed forces in East Timor in 1999, or those operating under their command, rested with the President.† On the other hand, there is serious doubt that President Habibie had anything more than a theoretical control over the TNI hierarchy in 1999. Indeed, as noted elsewhere in this report, senior TNI officers evidently opposed his East Timor policy and sought to subvert it. Under these circumstances, it would be difficult to argue that Habibie had effective command over his subordinates in the TNI, or over the militias.

As a matter of law and in practice, effective command responsibility over TNI units in East Timor rested with the Armed Forces Commander and Minister of Defense and Security, Gen. Wiranto. As Armed Forces Commander, Gen. Wiranto stood at the apex of a chain of territorial military command that passed through the Commander of Kodam IX/Udayana, the Commander of Korem 164/Wira Dharma, the 13 Kodim Commanders, 62 Koramil Commanders, and 442 Village level Babinsas. Within this territorial chain of command, the commanding officers at each level had direct responsibility for the actions of officers and soldiers at lower levels. As might be expected, there was some variation in the effective authority of different commanders, and questions have been raised about Gen. Wiranto's authority over some of his subordinates. Broadly speaking, however, this formal chain of territorial command did reflect real superior-subordinate relationships.

Most other TNI units deployed in East Timor in 1999 – such as Infantry Battalions 744 and 745 that were permanently based there – also operated within this chain of command. However, there were some important exceptions. The two elite combat units, Kopassus and Kostrad, were commanded directly from their headquarters in Jakarta. Thus, to the extent that crimes were committed or facilitated by Kopassus and Kostrad officers or soldiers, command responsibility arguably did not rest formally with officers in the territorial chain of command (Kodam, Korem, Kodim etc.) but with the commanding officers of those units, such as the Kopassus commander in East Timor Lt. Col. Yayat Sudrajat, with their overall commanders in Jakarta, Kopassus Commander Maj. Gen. Syahrir and Kostrad Commander Lt. Gen. Djamari Chaniago, and ultimately with Gen. Wiranto. The status of units grouped within TNI Combat Sectors A and B in East Timor is less clear. As Kopassus officers, however, those Sector

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\* The President's position as Supreme Commander is specified in a 1983 law on security and defense, and a 1983 Presidential decree.

† Indeed, some of those who have been tried since 1999 (e.g. Col. Timbul Silaen and Eurico Guterres) have insisted that ultimate responsibility for the violence in East Timor rests with Habibie.

commanders appear to have operated outside the normal territorial chain of command, answering instead to their Kopassus commanders.

A number of senior officers at Army, Armed Forces and BIA/BAIS headquarters also exercised effective command responsibility over junior officers and troops in East Timor. At Army headquarters in Jakarta the key officers included: the Army Chief of Staff, Gen. Subagyo Hadisiswoyo, and his Operations Assistant (and later Martial Law Commander), Maj. Gen. Kiki Syahnakri. At Armed Forces headquarters, the main players were: the Armed Forces Chief of General Staff, Lt. Gen. Sugiono, his Territorial Assistant, Maj. Gen. Sjafrie Sjamsuddin, and his Operations Assistant, Maj. Gen. Endriartono Sutarto. Within BIA/BAIS, the central figure in 1999 was the head, Lt. Gen. Tyasno Sudarto. Apart from occupying formal positions of authority, all of these officers are known or alleged to have been involved in planning and implementing military (and militia) policy in East Timor in 1999.

Administrative authority over the Indonesian Police rested formally with Gen. Wiranto, in his capacity as Minister of Defense and Security. However, operational command responsibility lay with the National Chief of Police, Gen. (Pol.) Roesmanhadi. Beneath him, the Police chain of command descended through the Regional Chief of Police for East Timor, Col. Timbul Silaen, to the Chiefs of Police in each of the territory's 13 Districts, 62 Sub-Districts, and 442 Villages. The Police Mobile Brigades, and other Police units specially deployed in East Timor for the referendum, were under the command of the Regional Chief of Police.\*

As explained elsewhere in this report, the authority of Police officials was limited by the TNI. That was particularly true with respect to Police actions against TNI soldiers and militias. Police officials who attempted to stop TNI or militia violence were themselves subject to reprisals, and some were killed. Nevertheless, the Provincial and District Chiefs of Police did exercise effective authority over their own police subordinates and, in some cases, over militia groups.†

The lines of authority within the civilian government apparatus in East Timor were similarly mixed. The authority of the Governor, the 13 Bupatis and the hundreds of lesser civilian officials was circumscribed by the TNI. Nevertheless, the Governor and the Bupatis did exert some real control over their subordinates, and some even held positions of authority within militia groups. Thus, while the Governor and the Bupatis were hardly the most powerful figures in the structure of power, they did exercise authority over their subordinates.

At the national level, several Cabinet Ministers were directly involved in shaping and implementing the government's East Timor policy, and exercised effective authority

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\* The only exception to this rule occurred when Brimob troops were formally seconded (in Indonesian BKO'd) to the TNI, in which case overall command responsibility shifted to a TNI officer

† Police officials who exercised some real authority over militia groups included: the Regional Chief of Police, Col. Timbul Silaen, and the District Police Chiefs in the Districts of Ainaro, Bobonaro, Covalima, Dili, Liquica (Lt. Col. Adios Salova), and Oecussi.

over some pro-Indonesian groups. They included: the Minister of Transmigration and Resettlement, Lt. Gen. (ret.) Hendropriyono; the Minister of Information, Maj. Gen. (ret.) Yunus Yosfiah; and the Coordinating Minister for Political and Security Affairs, Lt. Gen. (ret.) Feisal Tanjung. Among these, Lt. Gen. Tanjung undoubtedly had the greatest authority, both formal and informal. In his capacity as Coordinating Minister, Tanjung effectively shaped and oversaw political strategy on East Timor. As the Minister responsible for the Task Force for the Implementation of the Popular Consultation, he also stood at the apex of the network of officers and officials, including Maj. Gen. Zacky Anwar Makarim, who are believed to have controlled East Timor's militia groups.<sup>\*</sup>

These military, police, and civilian chains of command were in effect through most of 1999. However, they underwent two significant changes in the immediate post-ballot period. First, on September 4, 1999 the TNI assumed direct command over all security operations in East Timor, relegating Police and civilian authorities to an ancillary role.<sup>†</sup> The new arrangement was formalized under a command structure called “*Ko-ops Nusra*” (*Komando Operasi TNI Nusa Tenggara – TNI Operations Command, Nusa Tenggara*), under the command of Maj. Gen. Damiri.<sup>‡</sup>

The second shift came at 00:00 hours on September 7, 1999, when Martial Law was formally declared in East Timor.<sup>§</sup> Thereafter, until late September 1999 when Martial Law was lifted, a very different chain of command was in effect. During that period all military, police, and civilian operations in the area were formally under the control of the Martial Law Commander, Maj. Gen. Kiki Syahnakri, who was accountable to Gen. Wiranto and, in theory, to President Habibie as Supreme Commander.<sup>||</sup>

In principle, then, it is possible to determine with some precision which officers and officials might bear overall command responsibility for the criminal acts of their subordinates at any give time in 1999. For example, responsibility for crimes committed before September 4, 1999 would rest with the TNI and, in certain cases, with Police and civilian authorities, or some combination of the three. Command responsibility for crimes committed in the period September 4-7, 1999, would rest with TNI officers in the normal chain of command, but not with Police or civilian authorities. Crimes committed after 00:00 hours on September 7 would also fall formally under the

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\* Testifying at his own trial in Jakarta, the former East Timor Police Chief, Timbul Silaen, said that Tanjung should be held accountable for the violence in 1999. “Those accountable for security affairs at the national level are Feisal Tanjung and Wiranto. I was only a field officer...” Cited in *Jakarta Post*, April 25, 2002.

† Gen. Wiranto has testified that the change took effect on September 5, 1999, but contemporary documents indicate that it happened on September 4. See: Secret telegram to the Armed Forces Chief of General Staff (No. B/01/IX/1999) September 4, 1999, signed by Maj. Gen. Damiri as “Panglima, Komando Operasi TNI Nusra” (Yayasan Hak Collection, Doc #47).

‡ Testifying in the trial of East Timor Police Chief, Col. Timbul Silaen, Gen. Wiranto explained that the decision had been taken at TNI headquarters because it was considered that the Police would not be able to handle the situation. See *Jakarta Post*, April 9, 2002.

§ The Presidential order imposing Martial Law is dated September 6, 1999. “Keputusan Presiden Republik Indonesia Nomor 107 Tahun 1999 tanggal 6 September 1999, tentang Keadaan Darurat Militer di Timtim.”

|| The authority of the Martial Law Commander is spelled out in an order issued by Gen. Wiranto, dated September 20, 1999. See: Menteri Pertahanan Keamanan/Panglima TNI, “Surat Keputusan Nomor Skep/821/P/IX/1999, tentang Ketentuan Penggunaan WewenangPenguasa Darurat Militer Daerah Timor Timur” (HRU Collection, Doc. TNI #10).

command responsibility of TNI officers and particularly the Martial Law Commander, Maj. Gen. Kiki Syahnakri.

In practice, however, the determination of command responsibility during these time periods is somewhat more complicated, mainly because those in formal positions of authority did not always exercise effective command over their subordinates.

The problem is clearest in the case of the Martial Law Commander, Maj. Gen. Kiki Syahnakri. Although he was formally appointed commander with effect from 00:00 hours on September 7, it would appear that he did not assume effective command until a few days later, perhaps as late as the evening of September 9. Until that time, effective command responsibility remained with Maj. Gen. Adam Damiri in his capacity as Commander of Ko-ops Nusra. That does not mean that Syahnakri is off the hook. On the contrary, as Martial Law Commander he clearly bears command responsibility for many of the crimes committed by TNI troops, Police and militiamen after September 9. Moreover, he arguably bears individual and command responsibility for his role in mobilizing and backing the militias long before the declaration of Martial Law.

A somewhat different complication affects judgements about the culpability of at least two other TNI officers: Gen. Wiranto and Col. Noer Muis. As noted elsewhere in this report, there have been suggestions that Wiranto and Muis lacked effective control over at least some of the officers and men formally under their command, especially in the immediate post-ballot period. If that was indeed the case, their culpability for crimes committed by their subordinates would be open to question.<sup>7</sup>

These cases serve as a reminder that effective command authority cannot be taken for granted, but must be proven. The same is true of blanket claims to a lack of effective authority. Such claims have been used, disingenuously, as a legal defense strategy by some TNI and Police officers charged and tried in Indonesian courts. At his own trial in July 2002, for example, Maj. Gen. Damiri reportedly rejected all of the charges against him because he “was not in the field” at the time of the crimes in question.<sup>†</sup> His denial of command responsibility was supported by Maj. Gen. Zacky Anwar Makarim, who testified that Damiri did not have “effective command” over troops in the field, and therefore “cannot be tried for anything done by TNI soldiers in East Timor.”<sup>‡</sup>

These claims are patently untrue, most obviously for the critical days in early September when Damiri was the Commander of Ko-ops Nusra, and was in fact on the ground in East Timor.<sup>§</sup> Moreover, they are at odds with the repeated pronouncements of Indonesian authorities in 1999 that TNI forces were well-disciplined, and that the

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\* At the same time, if the acts in question are viewed as the continuation of long-standing policies that violated international law, and for which these officers shared responsibility, the case for their culpability would be considerably strengthened. Such an argument could well be made in regard to Gen. Wiranto.

† *Jakarta Post*, July 11, 2002.

‡ *Suara Timor Leste*, September 12, 2002.

§ UNAMET head, Ian Martin, met Maj. Gen. Damiri in Dili on at least two occasions during this period, on September 2 and 8, 1999. Personal communication, June 4, 2003.

authorities were fully in control of the security situation.\* As the International Commission of Inquiry on East Timor noted in their January 2000 report:

“Throughout [1999] the Government...gave repeated assurances to the United Nations and the East Timorese people that it would take measures to guarantee security and maintain law and order. At no time did the Government express its inability to do so or its intention to give up this responsibility.”†

Beyond these questions of formal and effective authority, the determination of command responsibility for crimes against humanity hinges on two further criteria: whether a superior officer knew or had reason to know of the crimes in question, and whether he took necessary and reasonable measures to prevent and punish them. In the language of UNTAET Regulation 2000/15, a commander or superior can be held responsible for the criminal act of a subordinate only if he “knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrator thereof.”‡

#### “Knew or Had Reason to Know”

Did the officers and officials in the chain of command know, or have reason to know, about the involvement of their subordinates in the widespread and systematic violence being committed in 1999? The answer is that, without doubt, key commanders had reason to know what was going on. In several specific instances, moreover, it can be proved that they had such knowledge.§

The general case that key officers and officials had reason to know of the crimes committed is made in the Deputy General Prosecutor’s February 2003 indictment of Gen. Wiranto *et.al.* Referring specifically to Gen. Wiranto, the indictment reads:

“During 1998 and 1999 WIRANTO made frequent visits to East Timor. During those visits he met with East Timorese community leaders, members of the press and officials representing the international community, including Military Liaison Officers and other officials from the United Nations Mission in East Timor [UNAMET]. At these meetings he was

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\* Asked in early 1999 if he could trust all sections of the Indonesian armed forces, for example, Foreign Minister Ali Alatas replied: “Yes, our armed forces are a very disciplined lot.” See *ABC, Four Corners*, “A License to Kill,” March 15, 1999, transcript, p. 14.

† United Nations, Office of the High Commissioner for Human Rights, “Report of the International Commission of Inquiry on East Timor to the Secretary General,” January 2000, paragraph 64.

‡ UNTAET Regulation No. 2000/15 (June 6, 2000) “On the Establishment of Panels with Exclusive Jurisdiction Over Serious Criminal Offences.”

§ Indicators suggested by the UN Committee of Experts regarding Former Yugoslavia in determining whether a superior officer must have known of crimes committed are the following: the number, type and scope of illegal acts; the time during which the illegal acts occurred; the logistics involved; the widespread occurrence of the acts; the geographical location of the acts; the speed of operations; the modus operandi of similar illegal acts; the officers and staff involved; and the location of the commander at the time.

repeatedly informed of acts of violence and other crimes being perpetrated by TNI and militia groups in East Timor. In these meetings requests were made that he control the TNI and militia groups that were committing those crimes.”\*

The indictment makes similar allegations against the other accused: Makarim, Syahnakri, Damiri, Suratman, Muis, and Sudrajat. These allegations are further substantiated by the following points of fact, all of which have been elaborated elsewhere in this report.

On a regular basis between June and October 1999, senior UNAMET officials presented written and oral briefings concerning general patterns, and specific incidents, of violence to high-ranking TNI, Police and civilian government officials. These briefings frequently highlighted evidence of the close relationship between the TNI and the militias.<sup>†</sup> Briefings and complaints were also routinely conveyed to the Indonesian authorities by representatives of governments, by international organizations such as Amnesty International and Human Rights Watch, and by local non-governmental organizations, including Fokupers and Yayasan Hak. Allegations and detailed information about the violence were also abundantly available through the East Timorese, Indonesian, and international media.

In addition to the information they received from such outside sources, high-ranking Indonesian officials also received frequent written and oral reports about the situation in East Timor through their own command hierarchy. As Gen. Wiranto reportedly told Indonesian investigators in December 1999: “Of course, I received reports regularly and I studied those reports, and at critical junctures those reports were forwarded to the President.”\* Although these internal reports often skirted the question of direct TNI involvement with militias, some did make it clear that there was a link, and described the violence in detail.<sup>§</sup>

These internal documents also help to confirm who, minimally, was in the information and decision-making loop on East Timor, and who was therefore likely to have been

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\* Deputy General Prosecutor for Serious Crimes, Indictment of Wiranto *et.al.*, February 22, 2003.

† Written briefings provided by UNAMET officials included: two dossiers of evidence on the misuse of official funds and recourse to pressure of office in support of the pro-autonomy campaign, submitted to the government on June 16 and July 14, 1999; detailed reports on the Maliana incident of June 29, and the Liquica incidents of July 4, submitted to the government in mid-July 1999; a letter dated August 5, from UNAMET’s head of mission Mr. Ian Martin to Task Force Chairman Tarmidzi conveying deep concern about a recent attack on UNAMET staff, and about possibly criminal behavior by government officials in Bobonaro; a letter dated August 19, from Mr. Ian Martin, to Tarmidzi, and another from the Chief UNAMET MLO, Brig. Gen. Rezaq, to Maj. Gen. Zacky Anwar Makarim, outlining the involvement of named TNI officers in supporting the militias, and calling for their removal. Personal communication, Ian Martin, June 4, 2003.

‡ Cited in Kevin O’Rourke, *Reformasi: The Struggle for Power in Post-Soeharto Indonesia*, Sydney: Allen & Unwin, 2002, p. 352.

§ The reports included: a secret TNI telegram from Col. Suratman, dated January 28, 1999, recounting several killings of civilians recently committed by militias (Yayasan Hak Collection, Doc #7); a secret TNI telegram, dated April 18, 1999, describing the widespread militia violence in Dili on April 17, 1999 in which 13 civilians were killed (Yayasan Hak Collection, Doc #16); a secret TNI telegram, dated April 21, 1999, from the Chief of Staff of Korem 164, concerning several cases of direct TNI involvement in unlawful killings, and mentioning in particular the discovery of two corpses in Triloca, Baucau (Yayasan Hak Collection, Doc #48); the secret ‘Garnadi report,’ dated July 3, 1999 which referred to militias as ‘heroes of integration’ (Yayasan Hak Collection, Doc #35); a secret TNI telegram, dated August 31, 1999, describing the killing of two UNAMET staff members in Boboe Leten, on August 30, 1999 (Yayasan Hak Collection, Doc #42); a letter from Gen. Wiranto to President Habibie, dated September 6, 1999, describing the widespread violence and destruction in East Timor, and referring to the close emotional ties between the TNI and the militias as a factor inhibiting firm action against the latter (HRU Collection, Doc. TNI #7).

privity to other information not yet available, such as the TNI's contingency plans for the post-ballot period. Considering only those with the rank of Lt. Colonel or higher, those known to have received some or all of the documents and briefings referred to above, included: President Habibie, Gen. Wiranto, Gen. Subagyo Hadisiswoyo, Lt. Gen. Sugiono, Lt. Gen. (ret.) Feisal Tanjung, Maj. Gen. Kiki Syahnakri, Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Adam Damiri, Brig. Gen. Mahidin Simbolon, Col. Tono Suratman, Col. Noer Muis, and Col. (Police) Timbul Silaen.

In short, it is clear that many of those in positions of command responsibility, up to and including the highest authorities in the country knew, or had reason to know, about the criminal violence in East Timor and about the involvement of their subordinates in that violence. That conclusion strongly supports the allegations made in the indictment of Wiranto and six other TNI officers issued by East Timor's Deputy General Prosecutor in February 2003. At the same time, it suggests that knowledge of the crimes committed – and possible command responsibility for them – extended beyond the seven officers named in that indictment, and included as well several other high-ranking TNI, Police and civilian officials.

#### **“Necessary and Reasonable Measures”**

Given that senior TNI, Police, and civilian officials in the chain of command knew, or had reason to know, about the violence, the question of command responsibility for that violence hinges on whether, in the language of UNTAET Regulation 2000/15, those officers took “necessary and reasonable measures to prevent such acts or to punish the perpetrator thereof.” The answer is that, with rare exceptions, those in authority failed to do so.<sup>\*</sup> Indeed, as this report has shown, TNI and Police officials consistently encouraged, or at a minimum condoned such acts, and only a handful of the perpetrators were ever detained or tried.

That overriding failure substantially reinforces the case that command responsibility for the violence rests with TNI officers and, to a lesser extent, with senior civilian and Police authorities. The evidence also strongly supports the allegation in the Deputy General Prosecutor's February 2003 indictment against Wiranto *et.al.* that:

“During 1999 WIRANTO [and the other accused] failed to take necessary and reasonable measures to prevent the crimes

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\* In the words of Maj. Gen. Peter Cosgrove, Commander INTERFET, in late 1999: “The evidence is that there was widespread, unchecked violence by militia groups and that has to suggest that the level of control over ordinary law and order, [and] crimes of violence that were being committed by TNI, was inadequate.” Cited in *ABC, Four Corners*, “The Vanishing,” October 18, 1999, transcript, p. 10.

being committed by his subordinates and he failed to take necessary and reasonable measures to punish the perpetrators of those crimes.”

One possible explanation for the authorities’ failure to stop the crimes or punish the perpetrators is that they did not have the material ability to do so. As already noted, that was arguably the case for most civilian officials in East Timor because, with some exceptions, their effective authority over the militias and TNI soldiers was heavily circumscribed by the TNI. Nevertheless, the Governor and the 13 Bupatis did have the material ability, and the responsibility, to stop and to punish crimes by their civilian subordinates. The same was true for Police officials. Their capacity to stop and punish crimes committed by TNI soldiers and militias was limited by the effective subordination of the Police to the TNI. Nevertheless, the Provincial Chief of Police and the 13 District Police Chiefs did have the material ability to stop and punish unlawful acts committed by their Police subordinates and, in some cases, by militia groups.

Lack of material ability was not a problem for most TNI commanders. On the contrary, as shown conclusively in this report, TNI officers were able to control the timing, the geographical distribution, and the character of the violence with remarkable precision. Having mobilized the militias, and having provided them with training, weapons, financial and logistical support, TNI authorities were in a position to exercise powerful control over militia actions. Their control over TNI soldiers, with rare exceptions, was even more secure. Had senior commanders wished to stop the violence permanently, and to punish the perpetrators, they could have done so without difficulty. Indeed, in a meeting with Mr. Ian Martin on July 7, 1999, General Wiranto said that if Falintil was ready to surrender its weapons to the Indonesian Police, he could guarantee that the militias would be disarmed within two days.<sup>†</sup>

It should be noted that some TNI officers took actions that they claimed were intended to stop or control the violence. On a number of occasions in 1999, for example, Col. Tono Suratman ordered his subordinates to exert greater control over militia groups, to withdraw weapons from them, and to halt joint TNI-militia operations.<sup>‡</sup> In apparent response to international pressure, in mid-August 1999 Gen. Wiranto replaced the Korem commander, Col. Tono Suratman, with Col. Noer Muis, and replaced the Kodim Commanders in Bobonaro and Covalima.<sup>§</sup> According to reports, both President Habibie and Gen. Wiranto periodically reprimanded TNI officers in East Timor for failing to control the militias.<sup>||</sup> President Habibie ostensibly imposed Martial Law, on Gen. Wiranto’s recommendation, as a measure to restore law and order. Finally,

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\* East Timor, Deputy General Prosecutor for Serious Crimes, Indictment of Wiranto *et al.*, February 2003, paragraph 213.

† The meeting took place in Jakarta. Personal communication, Ian Martin, June 4, 2003.

‡ For details, see Chapters 4 and 7 of this report.

§ “Indonesia Changes Military Command in East Timor,” *AFP*, August 13, 1999. It was made clear to UNAMET that these changes were part of an effort to exert central control over the military and the militias in East Timor. Personal communication, Ian Martin, November 20, 2000.

|| *Peristiwa*, July 21, 1999.



according to some accounts, Maj. Gen. Syahnakri and Lt. Col. Noer Muis tried, unsuccessfully, to control the violence during the period of Martial Law.

Taken at face value, these initiatives suggest that some attempt was made by certain commanders – Col. Tono Suratman, Gen. Wiranto, President Habibie, Maj. Gen. Syahnakri and Col. Noer Muis – to contain the actions of the militia, to control the TNI, and to limit the violence. These claims require further discussion, both in the interest of fairness to the officials involved, and to help clarify the question of command responsibility.

Some of the initiatives in question, it must be said, clearly did not constitute necessary and reasonable measures to stop crimes or punish the perpetrators. As detailed elsewhere in this report, the measures taken by Col. Suratman were arguably no more than tactical moves designed to achieve a short term political advantage, either by concealing the nature of the TNI-militia relationship from foreign delegations, or by answering mounting international pressure for some action without effectively interfering with the planned violence. Moreover, there is no evidence that Col. Suratman ever made any serious attempt to punish the perpetrators of the crimes in question.

There is more debate about the other initiatives noted above, including the transfer of certain TNI officers in August 1999, the decision to impose Martial Law, and the reported efforts to control the violence during Martial Law. Some observers have suggested that these measures were nothing more than a smokescreen, intended to deceive or divert international opinion. In support of that view, it may be recalled that the moves in question were singularly ineffective and, in the case of Martial Law, seemed to coincide with a worsening of the security climate rather than its improvement. Moreover, like Col. Suratman's efforts, these other initiatives did not include the punishment of known perpetrators.

Others have argued that these attempts to contain the violence were sincere, but that they failed because of strong resistance from militiamen, as well as TNI soldiers and officers. If this interpretation is correct – and that remains an open question – it would tend to limit the culpability of certain individual officers for some of the crimes committed by their subordinates. However, it would not affect the general conclusion here that senior TNI officers failed to take necessary and reasonable measures to stop crimes against humanity or to punish the perpetrators.

In short, the evidence presented in this report demonstrates that most, though perhaps not all, TNI officers in the chain of command, as well as some senior Police and civilian officials, knew or had reason to know about the crimes being committed by their subordinates, and had the material ability to stop and punish those crimes, but failed to take necessary and reasonable measures to do so. Thus, not only does the evidence strongly support the allegations made in East Timor's February 2003 indictment against Wiranto *et.al.*, it also suggests that command responsibility extended well beyond those named in that indictment.

In the face of mounting evidence of TNI complicity in the violence, in late 1999 Indonesian Foreign Minister Alatas suggested that, beyond the militias, responsibility

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\* Cited in ABC, *Four Corners*, "The Vanishing," October 18, 1999, transcript, p. 10.

for the massive violence in East Timor may have rested with certain 'rogue elements' within the TNI. "We have acknowledged," he said, "that there are rogue elements...[that] have been supportive of some of the actions of the militia." The evidence in this report belies the claim that official involvement was limited to such 'rogue elements.' On the contrary it demonstrates that those responsible included many of the highest-ranking military officers and police and civilian officials in the country.

From the perspective of international and national law, two sorts of responsible party can be identified. First, there are those who bear 'individual criminal responsibility' either because they directly committed the crimes in question, or because they assisted others in doing so. Second, there are those who bear 'command responsibility' because they failed to stop or punish the crimes committed by their subordinates. Based on these widely accepted legal principles, this report identifies some 75 TNI, Police and civilian government officials who should be considered responsible for crimes against humanity.

## 12. International Responsibility

The responsibility of Indonesian officials is still only part of the story. East Timor's political status was the subject of international dispute for 24 years, and the violence in 1999 took place in the context of a United Nations operation aimed at resolving that dispute. Accordingly, any discussion of responsibility for that violence must consider the role of the international community, including the United Nations and its most powerful member states.

This chapter argues that, notwithstanding their eventual contribution to ending the violence, through their acts and omissions powerful members of the international community share political and moral responsibility for the crimes committed in 1999. It also argues that the United Nations bears a special responsibility to ensure that the perpetrators of the violence in East Timor are brought to justice. It concludes that an international criminal tribunal for East Timor should be established at the earliest opportunity, and that the Security Council and Secretary General of the United Nations should take the lead in doing so.

### 12.1 International Responsibility

Indonesian authorities have sought to blame UNAMET for the violence in East Timor, especially in the post-ballot period. Criticism has typically focused on allegations of UNAMET bias or foul play in conducting the referendum. Testifying in the trial of former East Timor Police Chief, Col. Timbul Silaen, for example, Gen. Wiranto said: "UNAMET's failure to remain neutral during that historical moment sparked anger among East Timorese who felt they were being treated unfairly..."<sup>\*</sup> Similar allegations have been made by many other military and government officials.<sup>†</sup>

Some officials have also alleged that UNAMET bears responsibility for the violence because it usurped control over security in East Timor from the TNI and the Police. In September 2002, Maj. Gen. Zacky Anwar Makarim testified in an Indonesian court that the TNI had been unable to maintain security because "UNAMET had to be informed of every TNI movement."<sup>‡</sup> Testifying in the trial of former Governor Abílio Soares, Maj. Gen. Adam Damiri blamed UNAMET even more directly, reportedly telling the court:

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<sup>\*</sup> Cited in "Jakarta Troops Faced 'Mission Impossible' in E. Timor: Wiranto," *Jakarta Post*, April 9, 1999.

<sup>†</sup> In December 1999, for example, Maj. Gen. Zacky Anwar Makarim told Indonesian investigators that UNAMET had supplied weapons to Falintil and that UNAMET cheating had led to the post-ballot violence. See "Persiapan Pemanggilan KPP HAM Timtim," *Kompas*, December 9, 1999. In 2000, Col. Noer Muis released a 'white paper' blaming UNAMET cheating for the violence. See "TNI 'White Paper' Tells of Referendum Fraud," *Suara Timor Timur*, October 10, 2000.

<sup>‡</sup> Cited in *Suara Timor Leste*, September 12, 2002.

“According to the UN resolution, the security responsibility before, during and after the UN self- determination ballot lay with the UN Civilian Police. The TNI had been ‘excluded’ from such matters.”

This claim was demonstrably false. The May 5 Agreements spelled out very clearly that responsibility for security rested solely with the Indonesian Police. Likewise, the oft-repeated allegations of UNAMET bias have never been substantiated. Indeed, when they were submitted to the independent Electoral Commission, that body concluded that they were without merit.

Yet if the specific Indonesian allegations of UNAMET responsibility for the violence in 1999 are unconvincing, there are nevertheless grounds for arguing that the international community shares some responsibility. The chief argument in that regard is that powerful members of the international community facilitated the violence both through their long record of acquiescence toward Indonesia’s violations of human rights in East Timor since 1975, and through their failure to take reasonable and necessary measures to stop widely predicted violence in 1999.

The United Nations, it is true, condemned Indonesia’s 1975 invasion in a series of resolutions. But for much of the 24-year occupation, no concrete action was taken to force Indonesia’s withdrawal from East Timor or to end the widespread violations of human rights perpetrated by Indonesian forces and their proxies. On the contrary, those countries best placed to do something, like the United States and Australia, actually facilitated the occupation and the violence. Right up until 1999, the behavior of key states was characterized by a combination of overt support, inaction, and silence, the main purpose of which was evidently to maintain friendly relations with the Indonesian government and the TNI.

Such behavior, on the part of key states, is more than a regrettable historical fact. It arguably implicates those states in the human rights violations committed under the Indonesian occupation. The same may be said of the actions of certain international agencies, like the World Bank and the International Monetary Fund, and corporations that sold arms to Indonesia. At a minimum, those states, agencies, and corporations had an obligation to ensure that their activities did not contribute to the commission of human rights violations in East Timor. For the most part, they failed to do so.

The problem of international acquiescence and complicity was highlighted by the position taken by key powers on the issue of security for the 1999 popular consultation. In spite of the mounting militia violence in early 1999, and credible predictions of

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\* Cited in *Jakarta Post*, May 13, 2002. In a cable to UN headquarters in New York, dated May 13, 2002, UNTAET SRSG Sergio Vieira de Mello referred to Damiri’s allegation as “an outrage.” On a separate occasion, Maj. Gen. Damiri complained that “It was UNAMET who made Jakarta replace Suai military commander Lt. Col. Achmad Mas Agus for no clear reason, so I appointed [Lt. Col.] Liliek [Koeshadianto] to fill the post. UNAMET also prohibited the military from patrolling.” Cited in *Jakarta Post*, June 20, 2002.

worse to come, the most influential states made no serious effort to ensure that there would be effective security arrangements for the referendum. Instead, the May 5 Agreements placed sole responsibility for maintaining law and order in the hands of Indonesian security forces. Even a brief glimpse at the history of the Indonesian armed forces, and its behavior in East Timor, would have indicated what a dangerous approach that was.

Some who were privy to the negotiations of early 1999 have maintained that strong representations for a UN force were made during the negotiations, but that these were powerfully rebuffed by Indonesian officials. The UN Secretary General's Personal Representative for East Timor, Ambassador Jamsheed Marker, has written, for example, that the suggestion of a UN security presence was indignantly rejected by Indonesia's Foreign Minister Ali Alatas at a meeting in March 1999.<sup>\*</sup> Similarly, when Australian Prime Minister John Howard raised the possibility of UN peacekeepers at a meeting with President Habibie in late April 1999, Habibie is said to have 'exploded,' rejecting categorically the deployment of foreign troops on 'Indonesian' territory.<sup>†</sup>

Yet there is reason to doubt that the case for UN peacekeepers was made as forcefully as these participants have claimed. In a press conference in New York, in April 1999, announcing that an agreement had been reached, Indonesian Foreign Minister Ali Alatas told reporters that "throughout our discussions, UN peacekeeping forces have not been an issue that has been raised."<sup>‡</sup> In the same press conference, Ambassador Marker explained the decision not to push for peacekeepers, saying: "We have not found it necessary under the present circumstances to send in a peacekeeping force, to parachute a whole lot of Blue Helmets down there. We don't think the situation calls for that."<sup>§</sup>

The feeble position adopted during the negotiations was evidently influenced by the posture of a few powerful states. Marker has noted, for example, that UN negotiators faced strong pressure from the U.S. and Australian governments not to push too hard on the security issue.<sup>||</sup> Similarly, a UN official who was privy to the negotiations has written of the deep reluctance of key states to support the deployment of an international military or police force.<sup>#</sup> The regrettable result was that the argument for a UN peacekeeping force was not seriously made. As a Jakarta-based diplomat later admitted, in the course of the negotiations "everybody conceded too much."<sup>\*\*</sup>

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\* Jamsheed Marker, *East Timor: a Memoir of the Negotiations for Independence*. Jefferson, N.C: McFarland & Company, 2003, p. 139.

† This is Howard's account of the meeting, as reported in Greenlees and Garran, *Deliverance*, p. 145.

‡ United Nations, Press Release SG/SM/6966, April 23, 1999.

§ United Nations, Press Release SG/SM/6966, April 23, 1999.

|| Marker, *East Timor*, pp. 153-154. It is worth noting that, as late as February 1999, senior U.S. State Department officials, anxious to avoid alienating the Indonesian Government, were still looking for alternatives to a direct vote in East Timor. It is difficult to imagine, under those circumstances, that U.S. officials would have been pushing hard for a UN peacekeeping force.

# Tamrat Samuel, "East Timor: The Path to Self-Determination," in Chandra Lekha Sriram and Karin Wermester, eds. *From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict*. Boulder: Lynne Reiner, 2003, pp. 211-212 and 225.

\*\* *Financial Times*, September 7, 1999.

The failure to secure adequate security arrangements had direct consequences on the ground in East Timor, where the TNI and their militia proxies continued to terrorize and to kill supporters of independence. The security situation was so poor that, almost immediately after the start of the UN deployment in May 1999, the question arose about whether it was wise to proceed with the vote. UNAMET's position on that question was not a foregone conclusion. In a series of assessments written in June and July, UNAMET analysts argued that none of the security criteria spelled out in the UN Secretary General's memorandum of early May had been met, and that the referendum should therefore not go ahead.

In the end that position did not prevail. It would be a mistake, however, to conclude that the UN's decision to proceed with the vote was as foolhardy as some critics have suggested. The decision stemmed partly from the fluidity of the situation on the ground, and indications that the violence might yet be brought under control. Senior UNAMET officials took the view that sustained political pressure might yet convince the Indonesian authorities to rein in the militias, and allow the ballot to proceed with only minor disruptions. The decision to proceed was also supported by the main resistance leader, Xanana Gusmão, and many other East Timorese. They pointed out that any delay would only benefit the side responsible for the violence – the same side that did not wish to see a free expression of the popular will.

However, the decision to move ahead was most powerfully shaped by the political pressures emanating from the UN in New York, and from the capitals of major powers. At the political level, the UN position was constrained by the interests of the five permanent members of the Security Council – the U.S., the U.K., France, Russia, and China. It was also guided by a group of five states specially convened in New York for this purpose, the U.S., the U.K., Australia, New Zealand and Japan, informally known as the Core Group. The Permanent Five and the Core Group were anxious to move ahead with the referendum, and reluctant to do anything that might unduly upset the Indonesian government and military.<sup>†</sup> There was also constant pressure from the Indonesian government. It was understood that any Security Council statement or resolution that did not have the support of Indonesia would be rejected by China and Russia; and as a consequence, such initiatives were generally avoided.

As it became clear that the vote would proceed, some observers took the view that an armed international peacekeeping force ought to be deployed – and that it should happen before ballot day. Among those who reached that conclusion was a delegation from Canada. At the end of their visit, on August 12, 1999, the delegation's spokesman said: "Unless Indonesia is going to live up to its obligation, we believe it is critical for a peacekeeping force to be sent to the territory immediately."<sup>\*</sup> A U.S. Congressional delegation made an equally emphatic statement in late August 1999.

The idea of a pre-ballot deployment of peacekeepers, however, never got off the ground.

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<sup>\*</sup> Members of the Security Council and key states "were also eager not to give the impression that the campaign of violence was threatening to derail the process." Tamrat Samuel, "East Timor: Path to Self-Determination," p. 213.

<sup>†</sup> The speaker was New Democratic Party MP, Svend Robinson. Cited in *AFP*, August 12, 1999.

The reason was simple: the idea was actively opposed by key powers in the Security Council, most notably the United States. As the *New York Times* noted in early September 1999, "...no major country on the Council urged the creation of an armed peacekeeping force. Diplomats said the U.S., in particular, remained opposed to such action."<sup>\*</sup> That is not to say that the U.S. and other powers remained silent in the face of the mounting violence. There was plenty of criticism. In June, for example, the vice chief of the Australian defense force, Air Marshall Doug Riding, delivered an unusually blunt message to senior TNI officers about official support for the militias. Further criticism was voiced at a donor meeting for Indonesia in Paris in late July, and again as voting day approached in late August.<sup>†</sup> But peacekeepers were never seriously discussed. Instead, key states, and the UN Security Council as a body, stuck steadfastly to the position that security was the responsibility of the Indonesian authorities.

When UN staff, or outside observers, asked about or urged the possible deployment of peacekeeping forces, the answer was that it would be impossible to deploy peacekeepers without Indonesian approval, or by invoking Chapter VII of the UN Charter.<sup>‡</sup> It was also said, as early as July that it would take too long – three months at least – to mobilize such a force, so that there was no point in discussing a pre-ballot deployment in any case.

Significantly, when the Security Council finally lent its unanimous support to the Australian-led Multi-National Force (MNF) on September 15, 1999, its resolution (No. 1264) invoked Chapter VII of the UN Charter, and gave the MNF authority to use all necessary means to restore security. Moreover, notwithstanding the earlier claim that a force would take at least three months to deploy, the MNF was on the ground within a week of the Security Council resolution. In other words, all that had been said about the impossibility of deploying peacekeepers was not entirely true. What had prevented it from happening sooner was not an immutable 'political reality,' nor even logistical difficulties, but rather an acute lack of political will.<sup>§</sup>

Whatever the reasons, opposition to peacekeepers prevailed in the U.S., and among its allies, at least until September 10 – almost two weeks after the militias and the TNI had begun their campaign of violence on August 30. That is not to say that the U.S. and its allies did nothing during this period.<sup>||</sup> President Clinton wrote twice to President Habibie to express

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\* *New York Times*, September 6, 1999.

† For criticisms and threats at the Paris meeting, see *AFP*, July 27, 1999. For expressions of concern in late August, see *Australian Financial Review*, August 19, 1999.

‡ Article 42 of Chapter VII of the UN Charter (1945) stipulates that where other measures have proved to be inadequate, the Security Council "may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security." Some human rights advocates argued at the time that a Chapter VII resolution was not needed, since the UN had never recognized Indonesian sovereignty in East Timor. That argument, however, appears not to have been taken seriously within the Security Council.

§ Tamrat Samuel, who had responsibility for East Timor and Indonesia in the UN's Department of Political Affairs from 1992 to 2000, has written that "there was virtually no desire among key states to deploy a peacekeeping force." Samuel, "East Timor: The Path to Self-Determination," p. 211.

|| For an account of international responses to the crisis in early September, see Greenlees and Garran, *Deliverance*, Chapter 12. Also see, Geoffrey Robinson, "If You Leave Us Here, We Will Die," in Nicolaus Mills and Kira Brunner, eds. *The New Killing Fields: Massacre and the Politics of Intervention*, New York: Basic Books, pp. 159-183.

his concern, and to urge that every effort be made to restore security. On September 8, the Commander in Chief of U.S. forces in the Pacific, Adm. Dennis Blair, traveled to Jakarta to convey a similar message directly to Gen. Wiranto. Australian Prime Minister John Howard and senior officers of the Australian defense force were also in frequent contact with their counterparts in Jakarta.

Unusual and sincere as these initiatives may have been, they were not nearly enough to effect a change in the situation on the ground in East Timor. And so it was that UNAMET found itself helpless to do anything as the violence descended. It was mainly in those days, and in the two further weeks before the MNF was approved and deployed, that East Timor was burned to the ground, that several hundred people were killed, and that at least one third of the population was forcibly displaced.

In short, a strong case can be made that political and moral, if not legal, responsibility for the violence in 1999 rests, in part, with the international community, and in particular with some of its most powerful member states. Through their actions and acquiescence, key states effectively encouraged the invasion of East Timor and, together with international agencies and corporations, facilitated a historical pattern of grave human rights violations there. More directly, by failing to take effective measures to prevent the widely predicted violence in 1999, key members of the international community facilitated crimes against humanity committed by the Indonesian armed forces and the militias.

Support for this argument, paradoxically, lies in the effectiveness of the actions that were eventually taken by those same states and agencies in mid-September 1999. In response to mounting public outrage, the United States and other key governments, as well as the World Bank and the International Monetary Fund, finally took steps to rein in the Indonesian Army and their militia proxies. For the first time in 24 years, these parties placed serious pressure on the Indonesian government by cutting military ties and threatening to suspend economic aid. These initiatives coincided with an unusual visit to Jakarta and Dili by a UN Security Council delegation that strongly urged the Indonesian authorities to accept international intervention. Under this unprecedented pressure, on September 12 Indonesia agreed to permit the deployment of an international armed force. That force landed about one week later and within a week or two of its deployment, the worst of the violence had stopped.

## 12.2 UN Responsibility: The Question of Justice

If members of the international community share responsibility, through their silence or inaction, for the crimes against humanity perpetrated in 1999, the United Nations as an institution shoulders an additional burden: the responsibility to ensure that those crimes do not go unpunished.

Ensuring that the perpetrators of crimes against international human rights and humanitarian law are brought to justice is, of course, a general concern of the United



Nations. Yet in the case of East Timor in 1999, that general principle applies with special force, for three reasons. First, the crimes against humanity committed in 1999 occurred in the context of a process overseen by the United Nations under an explicit mandate from the Security Council.<sup>\*</sup> Second, those crimes constituted direct breaches of Security Council resolutions, and of the May 5 Agreements between Indonesia, Portugal, and the UN.<sup>†</sup> Third, resolutions adopted by the Security Council and by the Commission on Human Rights since September 1999 explicitly committed the United Nations to bringing the perpetrators of the crimes in question to justice.<sup>‡</sup> Almost four years have now passed since those commitments were made, and the chief perpetrators continue to walk free.

The special responsibilities of the UN were highlighted by the International Commission of Inquiry on East Timor, a body established by the Secretary General in November 1999.<sup>§</sup> In its report, the Commission stressed that:

“The actions violating human rights and international humanitarian law in East Timor were directed against a decision of the United Nations Security Council acting under Chapter VII of the Charter and were contrary to agreements reached by Indonesia with the United Nations to carry out that Security Council decision. Under Article 25 of the Charter, Member States agree to accept and carry out the decisions of the Security Council. The organized opposition in East Timor to the Security Council decision requires specific international attention and response. The United Nations, as an organization, has a vested interest in participating in the entire process of investigations, establishing responsibility and punishing those responsible and in promoting reconciliation.”<sup>||</sup>

Significantly, the Commission’s view was endorsed by the Secretary General, Kofi Annan. The Secretary General, moreover, stressed his commitment to cooperate with and monitor progress on this matter. In his January 2000 letter to the President of the Security Council and others, introducing the Commission’s report, Annan wrote:

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<sup>\*</sup> The UN arguably also had legal responsibilities under the UN Charter, in connection with its central role in the process of East Timor’s decolonization.

<sup>†</sup> Moreover, under the May 5 Agreements, the UN effectively became the administering authority in East Timor after the ballot. As such it arguably had a legal obligation, similar to the obligation of a state, to bring to justice the perpetrators of crimes against humanity.

<sup>‡</sup> UN Security Council Resolution 1272 (October 25, 1999) states clearly that the Council “condemns all violence and acts in support of violence in East Timor...and demands that those responsible be brought to justice.” UN Commission on Human Rights Resolution 1999/S-4/1 of September 27, 1999 affirms that the international community will exert every effort to ensure that those responsible for the crimes committed in East Timor will be brought to justice.

<sup>§</sup> The Commission was established in accordance with UN Human Rights Commission Resolution 1999/S-4/1 of September 27, 1999, as endorsed by the Economic and Social Council in its decision 1999/293 of November 15, 1999. The Commission was mandated to “gather and compile systematically information on possible violations of human rights and acts which might constitute breaches of international humanitarian law committed in East Timor since January 1999.”

<sup>||</sup> United Nations, Office of the High Commissioner for Human Rights, “Report of the International Commission of Inquiry on East Timor to the Secretary-General,” January 2000, paragraphs 146-147.

“As the report indicates, the actions violating human rights and international humanitarian law were directed against a decision of the Security Council and were contrary to agreements reached by Indonesia with the United Nations to carry out the decision of the Security Council. This fact reinforces the need to hold the perpetrators accountable for their actions. I wish to assure Member states of my firm commitment to cooperate with the intergovernmental process in this important matter. I will closely monitor progress towards a credible response in accordance with international human rights principles.”

On the question of what exactly should be done to give effect to these commitments, the Commission of Inquiry was very clear. It recommended that the UN Security Council should establish an international criminal tribunal, along the lines of those created for Rwanda and the former Yugoslavia. More specifically, the Commission of Inquiry recommended that:

“The United Nations should establish an international human rights tribunal consisting of judges appointed by the United Nations, preferably with the participation of members from East Timor and Indonesia. The tribunal would sit in Indonesia, East Timor, and any other relevant territory to receive the complaints and to try and sentence those accused by the independent investigation body of serious violations of fundamental human rights and international humanitarian law which took place in East Timor since January 1999 regardless of the nationality of the individual or where that person was when the violations were committed.”<sup>†</sup>

The three UN Special Rapporteurs who conducted investigations in East Timor in late 1999 made essentially the same recommendation.<sup>‡</sup> In their report of December 1999, they argued that, in keeping with accepted norms of international law, primary responsibility for investigating the crimes in East Timor and bringing the perpetrators to justice lay with the Indonesian Government. Accordingly, they argued that the Indonesian authorities should be given an opportunity to conduct such investigations and prosecutions before any further action was contemplated. They noted, however, that in the event that the Indonesian authorities failed to make satisfactory progress in that work, it would be appropriate to establish an international criminal tribunal. More specifically, the UN Special Rapporteurs recommended that:

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\* United Nations, Secretary General, Identical Letters to the President of the General Assembly, the President of the Security Council and the Chairperson of the Commission on Human Rights, (UN. A/54/726,S/2000/59), January 31, 2000. Cover letter introducing the report: United Nations, Office of the High Commissioner for Human Rights, “Report of the International Commission of Inquiry on East Timor to the Secretary-General,” January 2000.

† United Nations, Office of the High Commissioner for Human Rights, “Report of the International Commission of Inquiry on East Timor to the Secretary General,” January 2000, paragraph 153.

‡ Pursuant to UN Human Rights Commission Resolution 1999/S4/1 of September 27, 1999, three UN Special Rapporteurs conducted a joint mission to East Timor in November 1999. The three were: The Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture, and the Special Rapporteur on violence against women, its causes and consequences. Their report, *Situation of Human Rights in East Timor* (UN No. A/54/660) was issued on December 10, 1999.

“Unless, in a matter of months, the steps taken by the Government of Indonesia to investigate TNI involvement in the past year’s atrocities bear fruit, both in the way of credible clarification of the facts and the bringing to justice of the perpetrators – both directly and by virtue of command responsibility – the Security Council should consider the establishment of an international criminal tribunal for the purpose. This should preferably be done with the consent of the Government, but such consent should not be a prerequisite. Such a tribunal should then have jurisdiction over all crimes under international law committed by any party in the Territory [of East Timor] since the departure of the colonial Power [Portugal].”<sup>\*</sup>

The Special Rapporteurs made clear, then, that the need for an international criminal tribunal was contingent upon the adequacy of measures taken by the national Indonesian authorities. It is fair to ask, then, what progress has been made in the three-and-a-half years since that recommendation was made. The simple answer is, very little.

Largely in response to demands for an international tribunal, in 2001 Indonesia established a system of Ad Hoc Human Rights Courts to try cases arising from the events in East Timor.<sup>†</sup> After considerable delay, in January 2002 indictments were finally issued against 18 individuals for crimes against humanity allegedly committed in 1999. As of June 2003, twelve of those charged had been acquitted, and five had been sentenced to terms ranging between three and ten years. The last of the accused, Maj. Gen. Adam Damiri, was set to be acquitted after the Indonesian prosecutor told the court that the charges against him had not been proven.<sup>‡</sup> All but one of the twelve acquitted as of June were TNI officers, while three of the five found guilty were East Timorese civilians. The most senior TNI officer to be sentenced was the former Korem Commander, Brig. Gen. Noer Muis. He received a sentence of five years, even though the minimum sentence under the law was ten years. All of those found guilty were free pending the outcome of appeals.<sup>§</sup>

This is not the place for an exhaustive analysis of those trials, or of the Ad Hoc Human Rights Courts which heard them.<sup>||</sup> However, a few general points can be made by way of judging their effectiveness in clarifying the facts and bringing the perpetrators to justice.

First, there were fatal problems with the mandate of the courts. Most glaringly, the Presidential decree through which they were established limited their jurisdiction to violations that had occurred in only two months (April and September) of 1999, and

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\* UN, *Situation of Human Rights in East Timor* (UN No. A/54/660) December 10, 1999, p. 14.

† The courts were established by Presidential Decree No. 96/2001.

‡ See “Indonesia Wants to Acquit General in Human Rights Case,” *New York Times*, June 8, 2003. By the time he was brought to trial in 2002, Maj. Gen. Damiri had assumed the powerful post of Assistant for Operations to the Armed Forces Chief of General Staff. In that position he played a central role in organizing the TNI military operation in Aceh that began in May 2003. On the grounds that he was busy with that work, Damiri missed four successive court appearances for sentencing.

§ See Amnesty International, *Indonesia & Timor Leste: International Responsibility for Justice*, AI Doc. ASA 03/001/2003, London, April 2003.

|| For a detailed analysis, see the Report of the UN’s Observer to the Ad Hoc Human Rights Court in Jakarta, 2003.

in just three of East Timor's thirteen Districts (Dili, Liquica, and Covalima). That decision effectively guaranteed that a majority of crimes would never be investigated or tried, and that the widespread and systematic nature of the crimes would not be established.

Second, the Attorney General decided to prosecute only four cases, thereby further limiting the likelihood of establishing that the violence was widespread and systematic. Moreover, key suspects – including many of the high-ranking officers identified in this report and in the report of Indonesia's own Human Rights Commission – were not among the defendants. The most glaring omissions were Gen. Wiranto, Maj. Gen. Zacky Anwar Makarim, and Maj. Gen. Kiki Syahnakri.

Third, the prosecutions were poorly prepared and weakly argued. The prosecutors generally failed to take advantage of the abundant documentary and testimonial evidence available to them. Most also appeared reluctant to argue their cases vigorously, especially against high-ranking TNI officers. The prosecution's call for the acquittal of Maj. Gen. Adam Damiri was a case in point. In some cases, moreover, the judges appeared more diligent and energetic than the prosecutors in uncovering evidence against the accused.

Finally, the conduct of the trials, and the comments of some government and judicial authorities indicated that the Ad Hoc Courts were established, and the trials carried out, primarily to deflect demands for an international criminal tribunal, rather than as a genuine effort to see that justice was done.

For these and other reasons, respected international human rights organizations, including Amnesty International and Human Rights Watch, have characterized the process as fundamentally flawed. In early 2003, for example, Amnesty International wrote that: "The process in Indonesia has been extremely limited in scope and has, despite some convictions, to a large extent failed in the objectives of delivering truth and justice." Credible national human rights organizations and bodies, both in Indonesia and in East Timor, have reached very similar conclusions.<sup>†</sup> So too have religious groups. In May 2003, a group of 92 religious leaders and organizations from across the United States issued a statement condemning the Indonesian trials and calling for the establishment of an international tribunal.<sup>‡</sup>

Notwithstanding their interest in maintaining cordial relations with Indonesia, key governments have also been critical of the Indonesian process. In late 2002, for example, the U.S. Department of State said it was disappointed with the acquittals recently handed down by the court, and noted that the prosecutors had "consistently

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\* Amnesty International, *Indonesia & Timor Leste: International Responsibility for Justice*, AI Doc. ASA 03/001/2003, London, April 2003, p. 1. This document also contains a useful summary of Amnesty International's principal concerns with the trial process.

† The National Alliance for an International Tribunal for East Timor, a coalition of some 20 non-governmental organizations in East Timor, has referred to the trials as "a disgrace and a sham." Letter to UN High Commissioner for Human Rights, March 13, 2003.

‡ See "An International Tribunal Must Be Established for East Timor: A Statement From U.S. Religious Leaders and Organizations," available at East Timor Action Network (ETAN) website: [www.etan.org/action/action2/relig.htm](http://www.etan.org/action/action2/relig.htm)

failed to use the resources and evidence available to them from the UN and elsewhere in documenting the East Timorese atrocities.” Similarly, in June 2003 the U.S. Ambassador to Indonesia expressed concern about the prosecutor’s request for the acquittal of Maj. Gen. Damiri. “While reserving judgement until the final verdict is reached,” he said, “we find it particularly disappointing that it was the prosecution that sought a not-guilty verdict in this case.”<sup>\*</sup>

In short, it is fair to conclude that Indonesia’s national judicial process has not borne fruit, either in the way of credible clarification of the facts or in bringing the perpetrators to justice.

What then of the judicial process in East Timor itself? Here the news is marginally better, but by no means good enough. On the positive side, some of the basic judicial machinery for investigating and prosecuting serious criminal offences, including crimes against humanity, now exists in East Timor. In 2000, pursuant to UN Security Council Resolution 1272 (1999), UNTAET enacted a statute establishing Special Panels for Serious Crimes with the Dili District Court to try serious crimes, including crimes against humanity.<sup>‡</sup> Under the same statute, the norms of international law were adopted as the basis on which such crimes would be prosecuted and tried. UNTAET also established a Serious Crimes Unit (SCU) with a mandate to investigate serious crimes that had occurred between January 1 and October 25, 1999, and to prosecute those responsible for such crimes.<sup>§</sup>

After a series of false starts and delays, in 2002 these mechanisms began to achieve some notable successes. As of late May 2003, 60 indictments had been filed against a total of 247 individuals, most of whom were charged with crimes against humanity.<sup>||</sup> Those indictments accounted for roughly 40% of all the killings reported to have been committed in 1999. Notably, those indicted as of May 2003 included many of the high-ranking TNI officers identified as suspects in this report, including Gen. Wiranto, and seven other high-ranking officers and officials.

These results, achieved in the face of significant logistical and political obstacles, are impressive. Yet, there is little reason for optimism. For one thing, there is virtually no chance that any of the senior officials and officers that have been indicted – that is to say, the managers and the planners of the violence – will ever be tried through

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\* Cited in “Lt. Col. Endar Priyanto,” *Masters of Terror*, <http://yayasanhak.minihub.org/mot/booktoc.htm>

† U.S. Ambassador Ralph L. Boyce, cited in “Indonesia Wants to Acquit General in Human Rights Case,” *New York Times*, June 8, 2003.

‡ The statute is UNTAET Regulation No. 2000/15 (June 6, 2000) “On the Establishment of Panels with Exclusive Jurisdiction Over Serious Criminal Offences.” The serious crimes over which these Panels have jurisdiction are: genocide, war crimes, crimes against humanity, murder, sexual offences, and torture.

§ After East Timor’s independence on May 20, 2002, the Serious Crimes Unit began to operate under the legal authority of the General Prosecutor of the Democratic Republic of Timor Leste (RDTL). See Serious Crimes Unit (SCU), “Serious Crimes Update V/03,” May 28, 2003.

|| SCU, “Serious Crimes Update V/03,” Dili, May 28, 2003.

East Timor's judicial process.<sup>\*</sup> The main reason is that the Government of Indonesia has categorically refused to extradite any suspects to East Timor, or even to recognize the competence of East Timor's courts to try them.<sup>†</sup> Consequently, the only cases that have been tried to date, or that are likely to be tried in the future, are those of local militiamen.

A related problem is that the Government of East Timor has been reluctant to take responsibility for prosecuting high-ranking Indonesian officials.<sup>‡</sup> That reluctance is understandable. A tiny, fledgling state, impoverished and decimated by long years of occupation and war, and still sharing a vulnerable border with Indonesia, it cannot reasonably be expected to take the lead in the costly and complex process of bringing to justice some of Indonesia's most powerful officials. Moreover, even if the government wished to take on this task, it would be seriously hampered by the lack of resources, capacity, and expertise in the country's new judiciary.<sup>§</sup>

To make matters worse, there is now serious uncertainty about the future of the UN-mandated Serious Crimes Unit and the Special Panels for Serious Crimes, the institutions that perform the essential work of investigation, prosecution and trial. To date that work has relied heavily on UN staff and on UN and international funding. As that assistance declines, and with UNMISSET's mandate set to expire in May 2004, progress on all of these fronts can be expected to slow and perhaps even to stop.<sup>||</sup>

Under these circumstances, it is extremely unlikely that East Timor's judicial system, whatever its other merits, will provide a satisfactory resolution to the search for justice for the crimes against humanity committed in 1999. In view of the clear failure of Indonesia's own judicial processes, that means that all available national judicial remedies for bringing the perpetrators to justice have now been exhausted. These are precisely the circumstances in which it is appropriate and necessary to prosecute such crimes under a broader, universal jurisdiction. That was, moreover, the course of action recommended by the UN Special Rapporteurs and the International Commission of Inquiry on East Timor nearly four years ago.

For these reasons, this report concludes that the United Nations should establish – indeed, has a solemn duty to establish – an international criminal tribunal to prosecute

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<sup>\*</sup> As of late May 2003, more than 65% of those indicted remained at large in Indonesia. See SCU, "Serious Crimes Update V/03," Dili, May 28, 2003.

<sup>†</sup> In response to the Indictment of Gen. Wiranto et.al., issued in February 2003, Indonesia's Foreign Minister was quoted as saying: "[The Timor-Leste court] is not at all an international tribunal...they don't have international jurisdiction and for that matter legally they don't have the capacity to reach non-East Timorese." *ABC Radio*, February 25, 2003.

<sup>‡</sup> The President Xanana Gusmão has been especially cautious in this regard. The Prime Minister Mari Alkatiri has called for the establishment of an international tribunal in a neutral third country. See, "East Timor PM Wants International Tribunal To Try Indonesian Officers," *AP*, May 30, 2003.

<sup>§</sup> For a useful summary of the problems facing East Timor's judiciary in 2003, see Judicial System Monitoring Programme (JSMP), "JSMP Background Paper on the Justice Sector," prepared for the Timor-Leste and Development Partners Meeting, June 2003. Also see, UNMISSET, Press Release, "Justice Sector Consultation Meeting ends: Fair and efficient justice key to a democratic state," Dili, June 6, 2003.

<sup>||</sup> These problems are spelled out in more detail in Amnesty International, *Indonesia & Timor Leste: International Responsibility for Justice*, AI Doc. ASA 03/001/2003, London, April 2003, p. 8.

the crimes against humanity committed in East Timor. More specifically, it urges the UN Secretary General and the Security Council to take the lead in this matter, in keeping with their stated commitment to ensure that justice will be done.