

EXTERNAL (for general distribution)

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UA 367/92 Arbitrary Detention/Fear of Torture  
and Ill-treatment

23 November 1992

INDONESIA/EAST TIMOR:

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Amnesty International is deeply concerned for the safety of some of the hundreds of East Timorese detained by Indonesian military and police forces in recent weeks. Many of those arrested as suspected opponents of Indonesian rule prior to the anniversary of the November 1991 Santa Cruz massacre were released after interrogation, but the fourteen people named above, and possibly many others, are reported to remain in custody. The precise whereabouts of the fourteen are currently unknown, heightening concern that they may be subjected to torture or ill-treatment.

Despite official assurances that political detainees are treated humanely and in accordance with the law, Amnesty International has documented a long-standing pattern of torture and ill-treatment of political detainees in East Timor. Moreover, Indonesian security forces routinely deny political detainees access to a lawyer, in contravention of Indonesia's own Code of Criminal Procedure (KUHP Articles 54 and 55). Representatives of the International Committee of the Red Cross (ICRC) are consistently denied access to detention centres until interrogation has been completed.

Amnesty International is urging the Indonesian authorities to release immediately all those detained in recent weeks for their peaceful political views or activities, and to make known the place of detention of all those held on criminal charges. It is calling upon the authorities to permit immediate access to those still in detention by representatives of the ICRC. The organization is also seeking guarantees that political detainees will be given immediate access to a lawyer of their own choosing, in accordance with Indonesian law.

#### BACKGROUND INFORMATION

Indonesian forces invaded East Timor in 1975 in the aftermath of Portugal's withdrawal from its former colony. Since that time Amnesty International has continued to document serious human rights violations by Indonesian security forces in the territory, including extrajudicial execution, torture and ill-treatment, "disappearance" and political imprisonment.

In November 1991 more than 100 people were killed, and many others "disappeared",

after Indonesian soldiers opened fire on a peaceful procession at the Santa Cruz cemetery in Dili. The human rights situation has not improved in the year since the massacre. Hundreds of people have been subjected to death threats, beatings and arbitrary arrest and at least 13 East Timorese have been sentenced, at unfair trials, to long terms of imprisonment after being accused of organizing the Santa Cruz procession and other peaceful protest marches.

On 20 November 1992 Xanana Gusmão, leader of the East Timor independence movement, was arrested by Indonesian military forces. He is currently being held in incommunicado detention, and there are fears that he may be subjected to

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torture or ill-treatment (see UA 366/92, ASA 21/17/92 of 23 November 1992 on Xanana Gusmao).

The United Nations has not recognized Indonesia's sovereignty over East Timor. Talks between Indonesia and Portugal concerning the political future of the territory are scheduled to resume on 17 December 1992 under the auspices of the UN Secretary-General. It is not yet clear whether East Timorese representatives will eventually participate in the talks. East Timorese have urged that Xanana Gusmão be permitted to leave the country in order to represent East Timor in these talks and in other international discussions about the future of the territory.

**RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters either in English or in your own language:**

- expressing concern for the safety of the above fourteen East Timorese detained in recent weeks for their real or alleged opposition to Indonesian rule in the territory;

- requesting precise information on their whereabouts, and the reasons for their arrest;

- urging the immediate release of all those detained for their peaceful political views or activities;

- calling upon the authorities to permit immediate access to those still in detention by representatives of the ICRC;

- seeking assurances that these and all other detainees will be given immediate access to a lawyer of their own choosing, in accordance with Articles 54 and 55 of Indonesia's Code of Criminal Procedure (KUHAP).

**APPEALS TO**

1) General Try Sutrisno  
Commander of the Armed Forces  
Markas Besar ABRI  
Cilangkap, East Jakarta  
Indonesia

**Telegrams: Gen Sutrisno, Markas Abri,  
Jakarta, Indonesia**

**Faxes: + 62 21 36 1471 (Armed  
Forces HQ);  
+ 62 21 37 8144 (Army HQ);  
+ 62 21 35 6404**

2) Ali Alatas  
Minister of Foreign Affairs  
Kementerian Luar Negeri  
Jl. Taman Pejambon 6  
Jakarta  
Indonesia

**Telegrams: Minister of Foreign Affairs  
Alatas, Jakarta, Indonesia**

**Faxes: + 62 21 36 7781;  
+ 62 21 36 7782**

**Salutation: Dear Minister Alatas**

**Salutation: Dear General Try**

3) Brig Gen Theo Syafei  
Markas Besar KOREM 164  
Dili  
East Timor  
**Telegrams: Brig Gen Syafei, Dili, East  
Timor**

4) Maj. Gen. H.B.L. Mantiri  
Markas Besar KODAM IX/Udayana  
Denpasar, Bali  
Indonesia  
**Telegrams: Maj Gen Mantiri, Pangdam  
Udayana, Denpasar, Indonesia**

**Salutation: Dear Brig. Gen. Syafei**

**COPIES OF YOUR APPEALS TO:**

Indonesian Legal Aid Foundation  
JL. Diponegoro 74  
Jakarta 10320, Indonesia

**Salutation: Dear Maj. Gen. Mantiri**

and to diplomatic representatives of Indonesia accredited to your country

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 4 January 1993.