In 1990 Amnesty International stated before this committee that human rights violations in East Timor had included short-term detention, torture and ill-treatment. The pattern observed had, in our view, the hallmarks of a systematic strategy for the silencing of real and suspected political opponents and the extraction of political intelligence through coercion and intimidation. In 1991, we again testified before the committee and expressed concern that the pattern of short-term detention and torture had accelerated and that the "disappearance" and extra-judicial execution of suspected political activists had increased during 1990 and 1991. We urged the Indonesian Government to take decisive action to prevent human rights violations in East Timor, and to allow international human rights organizations to visit the territory.

Sadly, we return now to report that far from improving, the human rights situation in East Timor has become extremely serious during the last year. Torture, "disappearance" and extra-judicial killing have continued to be reported and, in November 1991, the international community was horrified by a massacre in Dili, during which an estimated 100 people were shot dead when Indonesian troops opened fire on a peaceful memorial procession to Santa Cruz cemetery. Despite severe restrictions on communications, reports from East Timor indicate that military tactics since the massacre have involved an escalation of repression. Arbitrary arrest and torture have reportedly continued, and the fate of many who "disappeared" after 12 November remains unknown.

After the Santa Cruz massacre the government formally expressed regret for the deaths which had occurred and announced a number of follow-up measures which created the impression that those found guilty of committing human rights violations would be punished, and that such an incident could never recur. But the government measures appear to have been principally directed at the appeasement of domestic and international critics and at the suppression of further political dissent in the territory. The authorities have failed to accurately determine the number of those killed during the massacre; and those who "disappeared" during and after 12 November have yet to be located. To date the names of those who died, were tortured or "disappeared" during and after the massacre have not been made public. Ten military officials have been brought to justice for their actions during the massacre. Yet all were tried before a military tribunal and all but one were charged with disciplinary, rather than criminal offences. Despite at least 100 killings and substantial evidence of torture during and
after the massacre, none has been charged with murder and only one defendant was charged with ill-treatment. The sentences imposed on military officials ranged from eight to 18 months imprisonment."

The massacre, its aftermath and the government's failure to address the gravity of human rights violations in East Timor have been fully documented in a number of Amnesty International reports and these have been made available to members of the committee."

Today, we wish to highlight one particular aspect of government action in the wake of the massacre - the trial and conviction of 13 East Timorese, now facing long terms of imprisonment for peaceful political and human rights activities."

Official explanations of the massacre have, without exception, virtually exonerated the security forces of responsibility for the killing and beatings which occurred at the cemetery. Official accounts have claimed instead that those who organized the procession to Santa Cruz cemetery were ultimately responsible for the massacre, because of their "premeditated provocation" and "aggressive attitude". In December 1991, the report of the government-appointed Commission of Inquiry, set up to look into the massacre, concluded that "action must be taken against all who were involved in the 12 November 1991 incident...and...they must be brought to trial in accordance with the rule of law". The underlying intention of that statement has since been chillingly revealed: eight people accused of organizing the Santa Cruz demonstration, and a further five who staged a peaceful march in Jakarta to protest against the massacre, have been convicted of anti-government activity. Four of the defendants were convicted under Indonesia's vaguely-worded Anti-Subversion Law and sentenced to prison terms ranging from nine years to life." Amnesty International believes that some or all are prisoners of conscience, detained for peaceful political and human rights activities; it believes that all the trials failed to meet international standards of fairness."
human rights violations to the international community. In treating efforts to report such violations as valid evidence of subversion, the courts have shown disregard for one of the most fundamental and indispensable elements of human rights protection.

The Dili Trials

In Dili, eight people were accused of organizing and participating in the 12 November procession to Santa Cruz cemetery. At the trials, state prosecutors alleged that the peaceful demonstration was illegal because it was "intentionally staged to oppose the integration of East Timor into Indonesia since it coincided with a visit by officials of the United Nations Commission on Human Rights to Dili."  

Francisco Miranda Branco, a civil servant aged 41, was convicted of subversion on 23 June 1992 and sentenced to 15 years' imprisonment. He was accused of preparing pro-independence banners and attempting to give a wrong picture of the facts in East Timor to prove that the Indonesian Government did not respect human rights in the province. Francisco Miranda Branco denied charges of subversion. He stated before the court: "I uphold the principles of non-violence and peace, which is why, after the outbreak of the civil war in East Timor...I decided that...I would no longer take sides with any party, including Fretilin, which is my position up to the present day."

Gregorio de Cunha Saldanha, a 24-year-old employee at Dili public hospital was convicted of subversion and sentenced to life imprisonment in June 1992. He was accused of organizing the 12 November procession, and of participating in a series of "anti-government" demonstrations in previous years. In 1990 Amnesty International testified before this committee to the peaceful nature of these demonstrations and expressed concern that some of the participants had subsequently been beaten and tortured by the security forces.

The eight defendants in Dili were also accused of membership of the Executive Committee (Comite Executivo), an organization deemed illegal by the authorities. According to the state prosecutors this group had "political motives, including opposition to integration with Indonesia" and supported Fretilin. Available information, including indictments against those charged, indicates that the Committee was primarily established to deliver a petition to members of a Portuguese Parliamentary delegation scheduled to visit East Timor in 1991. In so doing, the defendants were acting in full accordance with the terms of reference for the visit, agreed under the auspices of the United Nations. The terms specified that anyone wishing to make contact with the parliamentarians should be free to do so without fear of adverse consequences."
The Jakarta trials

On 19 November 1991 East Timorese students in Jakarta organized a peaceful march to protest against the killing and torture of their compatriots at Santa Cruz. During the march 70 people were arrested and detained and some were reportedly tortured. Five were subsequently tried and convicted of "anti-government" activity. Two of them, Fernando de Araujo and João Freitas da Camara, were convicted of subversion in May 1992 and sentenced to nine years and ten years’ imprisonment respectively. The two students were accused of planning public demonstrations "to gain the sympathy of the international community for abuses of human rights in East Timor."

None of the defendants denied their participation in the Jakarta protest. Indeed, the majority declared that they had felt compelled to express sorrow and to protest against the killing of their fellow country-men. On 31 March, João Freitas da Camara told the court that he and his friends "just could not stay inactive while our brothers were being shot dead. We had to protest."

East Timor: a state of fear

In the aftermath of the massacre military intimidation of the East Timorese population has reportedly increased. Many suspected political activists, including young people and Catholic priests, have been subjected to imprisonment, death threats and beatings. Households suspected of harbouring pro-independence activists are subjected to searches and their members threatened with violence by the military. Members of the International Committee of the Red Cross have reportedly faced increased military obstruction in recent months. At least three other possible prisoners of conscience have been tried and sentenced to prison terms of two to five years."

Elsewhere in Indonesia restrictions on the freedom of movement and association have been imposed on East Timorese students. In July Amnesty International received an urgent appeal for protection from East Timorese students in Bali. The students have reportedly been accused of sending "negative propaganda" to the United States and threatened by the military."

Conclusion

The Indonesian government has repeatedly stated that it respects human rights and that the Santa Cruz massacre was an isolated incident which did not "in any way reflect the policy of the Government of Indonesia". However, government actions in the wake of the massacre have demonstrated that those who commit human rights violations may do so with impunity. By failing to punish the perpetrators of the Santa Cruz massacre the government has effectively condoned their actions. Likewise, the imprisonment of those engaged in peaceful political and human rights protest has clearly indicated that the exercise of fundamental freedoms will not be tolerated by the authorities. Finally, despite a March 1992 appeal by the United Nations
Commission on Human Rights, the government continues to restrict or deny efforts by international organizations to monitor human rights in East Timor.

Mr Chairman, we wish to state emphatically that none of the political and military conditions conducive to the commission of gross human rights violations in East Timor have been properly remedied. We believe that unless the international community takes firm action to ensure genuine human rights guarantees, and fully monitors their implementation, those who engage in peaceful political activity and the defence of human rights will continue to be at risk of serious human rights violations, including murder, "disappearance", torture and arbitrary detention.

Thank you Mr Chairman.
Notes

i. The procession was held to commemorate the death of Sebastião Gomes Rangel, killed on 28 October 1991 at Motael Church, Dili, when Indonesian troops entered the church compound where he and some 20 political activists were hiding. The military claimed that Sebastião Gomes Rangel and another youth, Afonso Henriques, died during a brawl which occurred when pro-independence activists had a fight with "passers-by". Witnesses have claimed that the "passers-by" were in fact military intelligence agents who had gone to the church and pressured the priest to hand over the 20 people hiding there. The priest reportedly refused to do so and the troops left. About fifteen minutes later they are said to have run into the compound shouting "Thief! catch the thief!". The youths ran out of the church to see what was happening and a clash ensued. Sebastião Gomes Rangel was reported to have been shot dead in the street, casting doubt on claims that he had died as a result of hand-to-hand fighting. Afonso Henriques reportedly died of injuries inflicted with a sharp implement, but the exact circumstances of his death have not been fully clarified.

Some 20 East Timorese were arrested after the incident and some were reportedly ill-treated while in military custody. The majority of the detainees were released but, in April 1992, five were charged with assault and brought to trial. In May and June all were convicted of acts of violence leading to the death of Afonso Henriques during the incident. Reports indicate that some of the defendants' statements, obtained during pre-trial investigations, were made under duress, and that the trials of the five did not meet international standards of fairness. To date there has been no full and impartial investigation of the Motael Church incident, and there is no indication that the suspected killers of Sebastião Gomes Rangel have been brought to justice.

ii. The advance report of the government-appointed Commission of Inquiry, published on 26 December 1991, reported that 90 people were missing after the massacre. The Commission's final report was handed to President Suharto on 14 April 1992 but the report was not made public until 1 July 1992. The final report noted three separate sources, which had reported 121, 114 and 159 people missing after the massacre. The report discounts two of the sources as "unreliable" and concludes that of the 121 acknowledged to be missing, 29 were detained by the Territorial Police or were at the Wira Husada hospital. The Commission did not indicate whether those detained or in hospital had been returned to their homes; nor did it provide the names of the detainees, or indicate the reasons for their detention.

In December 1991 President Suharto directed Armed Forces Commander, General Try Sutrisno, to clarify the fate of those reported missing after the massacre. On 14 July 1992 the Indonesian military handed the results of its investigations to the President. The military report apparently stated that only 18 graves had been discovered and that some of the 66 people they acknowledged to be missing were believed dead. Residents in East Timor have reported that the bodies of some of the "disappeared" are buried outside Dili. They have stated that the army is reluctant to open the graves because the number of dead is higher than that officially announced.

iii. In response to expressions of international concern, Indonesia's Minister for Economic, Financial and Industrial Affairs, Radius Prawiro, stated in June 1992 that Indonesia was committed to seeing that justice was done in "settling the Dili case". He reportedly said that all the punishment meted
out to the "guilty parties" was in line with Indonesia's penal codes. He stated that the differences in the length of the prison sentences imposed on the civilian and military defendants were explicable in terms of "differences between the military and civilian legal codes" in Indonesia.

A list of security force officials convicted at court-martial proceedings is provided in Appendix III.

iv. A list of Amnesty International reports on the Santa Cruz massacre and its aftermath is provided in Appendix IV.

v. A list of East Timorese prisoners detained after the Santa Cruz massacre is provided in Appendix I.

vi. Extracts from Indonesia's Anti-Subversion Law and other relevant legislation are reproduced in Appendix II.

vii. Elements of unfairness have included the following: restriction or denial of defendants' access to lawyers and family during the pre-trial investigation period; repeated attempts by the courts in Dili to refuse permission for independent lawyers to act on behalf of their clients; the exertion of pressure on relatives to withdraw their requests for independent legal counsel; and surveillance and intimidation of lawyers. In addition, some of the defendants were reportedly asked to sign statements which amounted to confessions. For example, one defendant, Gregorio da Cunha Saldanha withdrew the statements he had made during the pre-trial investigation. He told the court that during the investigation he had been subjected to pressure to provide false testimony about the actions of another defendant, Francisco Miranda Branco, during the Santa Cruz procession.

Despite government claims that the trials were open to international observers, one such observer, representing the International Commission of Jurists, faced bureaucratic obstacles and was unable to reach the courts for some days. Another observer, from the same organization, was unable to obtain a visa and was thus prevented from attending the closing session of the Dili trials. Yet another observer, from the human rights organization Asia Watch, was obliged to leave Dili under threat of violence.

viii. The government has claimed that one military official, Major Gerhan Lantara, was stabbed by demonstrators during the Santa Cruz procession. Press and other reports of the stabbing have, however, provided contradictory and inconsistent accounts of the alleged incident. The testimony of Major Gerhan Lantara is not included in either the Advance or Final report of the official National Commission of Inquiry; nor did he testify at the trials of the eight East Timorese accused of organizing and participating in the Santa Cruz procession. Another military official, Second Private, Dominggus da Costa Major, did testify at one of the Dili trials. In May 1992, he reportedly alleged that he had seen demonstrators attacking Major Gerhan Lantara with a dagger. Information received by Amnesty International, including court documentation, does not indicate that any of the eight East Timorese brought before the courts have been accused of having carried out the stabbing.

The Military Council of Honor, established by the government to "discuss the necessary measures to be taken in regard to the [Santa Cruz] incident, announced in April 1992 that it had
completed an investigation of five officers, of whom Major Gerhan Lantara was one. The Council recommended that one of the officers be pensioned at the youngest permissible age; that three would be returned to their units for guidance; and that one would be returned to his unit to resume active duty. The Council did not indicate to which of the officers the recommendations referred.

ix. The United Nations special rapporteur on torture, Mr. P. Kooijmans, visited Indonesia in 1991. He was in Dili from 11 to 13 November.

x. The demonstrations were deemed unlawful because they were timed to coincide with visits to East Timor by the Pope and the Ambassador to the United States.

xi. In his defence statement before the court Gregorio da Cunha Saldanha did not deny that he had engaged in non-violent political activities opposing Indonesian rule. He stated that none of the meetings he had attended were clandestine because they had been held openly, in houses and at local beaches. He reportedly said that he had protested against the Indonesian Government because of his desire to protect East Timor's religious and cultural values.

xii. The petition, cited by the state prosecutors as evidence of "anti-government" activity, reportedly sought to establish a dialogue between the Indonesian and Portuguese governments, and representatives of the East Timorese people.

The Portuguese parliamentary visit was scheduled for November 1991 but was cancelled in October after the Indonesian authorities said they considered one of the accompanying journalists to be hostile to Indonesian interests. Prior to the visit, military intimidation and coercion of the population in East Timor increased and extra troops were deployed in the territory. Regular meetings were reportedly called by the security forces, during which the population was ordered not to shout words like "independence" or to approach journalists during the visit. Many individuals were reportedly subjected to military threats of violence.

The terms of reference for the visit, agreed under the auspices of the United Nations and published on 13 September 1991, stated in part: "The Portuguese parliamentary delegation shall be free to meet whomever it wishes, and anyone who wishes to meet the Portuguese parliamentary delegation will be allowed to do so. No action, including of a security nature, may be taken by the Indonesian authorities that could prejudice any potential or actual contacts. Individuals who meet the Portuguese parliamentary delegation shall not be made to suffer any adverse consequences as a result of those contacts".

xiii. The state prosecutors claimed that Members of the Executive Committee were assigned to carry out unlawful "anti-government" activity. But the activities described during the trials appear to have involved the dissemination of information about politics and human rights in East Timor; none appear to have involved the use or advocacy of violence.

One of the defendants, Carlos dos Santos Lemos, was convicted on the basis of allegations that he had taken photographs of the Santa Cruz procession, and for planning to send the photographs to several countries, including Australia, Portugal and Japan. Cameras and other equipment belonging to the defendant were reportedly seized by security force officials during the
procession. Another defendant, Juvêncio de Jesus Martins, was convicted of "anti-government" activity for having "invited foreign journalists to interview East Timorese people opposed to integration". The defendant was also said to have asked a Japanese nun to deliver a message to the Japanese Government. The message was said to have contained an appeal to the Japanese authorities to support the East Timorese people in their struggle for self-determination.

Filomeno da Silva Ferreira, a third defendant was sentenced to five years, eight months' imprisonment for translating and explaining the contents of Portuguese newspaper reports about international developments concerning East Timor. When delivering the verdict the judges also reportedly said that the defendant's "anti-government" stance was demonstrated because he had read a book containing information about human rights violations allegedly committed by the Indonesian security forces.

xiv. Fernando de Araujo and João Freitas da Camara were also accused of trying to contact international human rights organizations - including Amnesty International - to inform them of the Santa Cruz massacre.

xv. In March 1992 Felismina dos Santos Conceição, Alfonso Rangel and Amarão de Araujo were sentenced to prison terms of between two and five years. All three were convicted under Article 122 of Indonesia's Criminal Code of acting against the national interest. The three were accused of stealing two "secret" military documents and sending them to members of the resistance movement overseas. Available information suggests that the activities of the three did not constitute recognizably criminal acts, but may in fact have involved efforts to convey reports of human rights violations to members of the Portuguese parliamentary delegation. Amnesty International is concerned that all three defendants may be prisoners of conscience, imprisoned solely for peaceful activity in the defence of human rights.

xvi. Those released after the Jakarta protest, including those resident in Jakarta, Malang and Bali, believe their names are on a "black list" and fear that if they return to Dili they will be arrested and "disappear". Former detainees in Jakarta and Bali are reportedly required to report to the military every week and to attend "lessons" on the state ideology, Pancasila.

In July the military in Bali reportedly accused students of creating "negative propaganda" which resulted in a congressional proposal for US military aid to Indonesia to be withdrawn. In an apparent attempt to intimidate and punish those allegedly responsible for the propaganda, all East Timorese students in Bali were summoned by the authorities to undergo the official political screening process (litisus). After being screened the students were reportedly interviewed by military officials and questioned closely about their political affiliation. During one such interview a military official reportedly said "don't think the US will come to your rescue - East Timor is a tiny place to them".
Appendix I: Political prisoners detained after the Santa Cruz massacre

East Timor

**Convicted of subversion**

<table>
<thead>
<tr>
<th>Name</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Francisco Miranda Branco</td>
<td>15 years</td>
</tr>
<tr>
<td>Gregorio da Cunha Saldanha</td>
<td>life sentence</td>
</tr>
</tbody>
</table>

**Convicted of publicly expressing hostility...toward the government**

<table>
<thead>
<tr>
<th>Name</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonifacio Magno</td>
<td>6 years</td>
</tr>
<tr>
<td>Carlos dos Santos Lemos</td>
<td>8 years</td>
</tr>
<tr>
<td>Filomeno da Silva Ferreira</td>
<td>5 years, 8 months</td>
</tr>
<tr>
<td>Jacinto das Neves Raimundo Alves</td>
<td>10 years</td>
</tr>
<tr>
<td>Juvêncio de Jesus Martins</td>
<td>6 years, 10 months</td>
</tr>
<tr>
<td>Saturnino da Costa Belo</td>
<td>9 years</td>
</tr>
</tbody>
</table>

**Reportedly confined outside Dili and receiving "mental guidance"**

Aleixo Lay  
António Baptista Sequeira  
António Belo  
Augusto Felipe Gama Xavier  
Belcior Francisco Bento  
Domingos Joaquim Pereira  
Eusébio Pinto Pedroso  
Fernando Tilman  
Filomeno Gomez  
Francisco Guterres  
Janio Ferdinando  
Januário Gomez  
Joanico dos Santos  
João Pereira  
José Francisco da Costa  
José Barreto Marques  
José Felipe  
Lourenço Rodrigues Pereira  
Manuel Eduardo dos Santos  
Marcia da Graça  
Mário Abel  
Matias Gouveia Duarte  
Renilde Guterres Corte Real  
Simplicio de Deus

**Convicted in connection with the Motael Church incident**

<table>
<thead>
<tr>
<th>Name</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aleixo da Silva Gama</td>
<td>2 years, 3 months</td>
</tr>
<tr>
<td>Boby Xavier</td>
<td>3 years</td>
</tr>
<tr>
<td>Jacob da Silva</td>
<td>2 years</td>
</tr>
<tr>
<td>João dos Santos</td>
<td>1 year, 8 months</td>
</tr>
</tbody>
</table>
Bonifacio Barreto 1 year, 8 months

Convicted for sending "secret" documents overseas
- Alfonso Rangel 5 years
- Amarão de Araujo 3 years
- Felismina dos Santos Conceição 5 years

Jakarta

Convicted of subversion
- Fernando de Araujo 9 years
- João Freitas da Camara 10 years

Convicted of publicly expressing hostility...toward the government
- Domingos Barreto 6 months (released)
- Virgilio da Silva Guterres 2 years, 6 months
- Agapito Cardoso 10 months

Arrested in Jakarta, conditionally released but obliged to report regularly to the military
- Antonio Lopez
- Antonio Matos
- Antonio Soares
- Avelino Maria Coelho da Silva
- Benevides Cabral
- Clemente Soares
- Eegas Quintão Monteiro
- Fausto Bernardino
- Felipe da Silva
- Francisco Vasco Ramos
- Gregorio de Araujo
- Ilídio da Costa
- João Sarmento
- João “Travolta”
- José Luís de Oliveira
- José Maria Belo
- José Pompeia Saldanha Ribeiro
- Mario Canelas
- Metodio Moniz
- Sergio Dias Quintão
Appendix II: Extracts from Indonesia's Anti-Subversion Law

The 1969 Anti-Subversion Law No. 5 is based on Presidential Decree No. 11 1963 on Eradicating Subversive Activities.

Article 1

(1) The following shall be convicted of having engaged in subversive activities:

1. anyone who has engaged in an action with the purpose of or clearly with the purpose which is known to him or can be expected to be known to him can:

a. distort, undermine or deviate from the ideology of the *Pancasila* state or the broad policy lines of the State, or

b. overthrow, destroy or undermine the power of the state or the authority of the state or the authority of the lawful government or the machinery of the state.

c. disseminate feelings of hostility or arouse hostility, cause splits, conflicts or chaos, disturbances or anxiety among the population or broad sections of society or between the state of the republic of Indonesia and a friendly state.

Articles 154 and 155 of the Criminal Code

Under these articles it is a criminal offence to engage in:

Article 154: the public expression of feelings of hostility, hatred or contempt toward the Government of Indonesia;

Article 155: the spreading or exhibiting of letters or pictures which express hatred of the Government of Indonesia;
Appendix III: Security force personnel convicted at court-martial proceedings

The court-martials took place at military courts in Bali or in regional police headquarters. The verdicts were announced in May and June 1992. Those sentenced are listed as follows:

Charged with cutting off the ear of a demonstrator with a bayonet and convicted of assault under article 351 of Indonesia's Criminal Code:

Police Corporal Martin Alau  
17 months

Convicted under Article 103 of the Indonesian military code, of disobeying orders or failure to control subordinates during the Santa Cruz procession:

Private Mateus Maya  
8 months

Private Alfonso de Jesus  
8 months

Infantry 2nd Lieutenant  
Yohanes Alexander Panpada 8 months

1st Sergeant Petrus Saul Mada  
12 months

2nd Lieutenant  
Handrianus Eddy Sunaryo  
12 months

2nd Lieutenant John Arionang  
12 months

2nd Lieutenant Sugiman Mursanib  
14 months

1st Sergeant Aloysius Rani  
18 months

1st Sergeant Udin Syukur  
18 months
Appendix IV: Amnesty International documents on the Santa Cruz massacre and its aftermath

*East Timor: The Santa Cruz Massacre*, 14 November 1991 (ASA 21/23/91)


*East Timor: After the Massacre*, 21 November 1991 (ASA 21/24/91)

*Indonesia/East Timor: AI Urges Rigorous Standards for International Inquiry into Massacre*, press statement, 3 December 1991 (ASA 21/WU 03/91)

*East Timor: Violations Continue and Doubts Remain over Official Inquiry*, press statement, 26 December 1991

*Indonesia/East Timor - Santa Cruz: The Government Response*, February 1992 (ASA 21/03/92)

*Indonesia/East Timor: Human Rights Protesters Charged with Subversion*, press statement 27 March 1992 (ASA 21/WU 02/92)

*Indonesia/East Timor: Fernando de Araujo - Prisoner of Conscience*, May 1992 (ASA 21/07/92)

For further information on human rights violations in East Timor see:

*East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization* August 1991 (ASA 21/14/91)

*East Timor: Violations of Human Rights - Extrajudicial Executions, Disappearances, Torture and Political Imprisonment* 1985 (ASA 21/16/85)