

EXTERNAL (for general distribution)

AI Index: ASA 21/23/92

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Further information on UA 366/92 (ASA 21/17/92, 23 November 1992) - and follow-ups ASA 21/19/92 of 24 November 1992, ASA 21/20/92 of 26 November and ASA 21/21/92 of 30 November - Legal Concern/Fear of Torture and new concern Death in custody

Indonesia/East Timor: Xanana Gusmão, 45

Rufina Conceição Araujo (female), 74
Augusto Pereira, 43) husband and
Aliança de Araujo (female), 40) wife
Ligia de Araujo (female), 22
Jorge Manuel Araujo Serrano, 21
Regina Conceição Araujo Serrano, (female), 18
Francisco Almeida Araujo, 17
Armandina Gusmão dos Santos) relatives of Xanana
Gilman A. Exposto dos Santos) Gusmão
Olandina Caeiro Alves (female)
Oscar Lima
Americo

and new names Joachim Gusmão Reis, 23) relatives of
Sandra Gusmão Reis, 21) Xanana Gusmão
Victor
Macario
and at least three others

Xanana Gusmão, the East Timorese resistance leader arrested by Indonesian military forces on 20 November 1992, and at least twenty of his close associates and relatives arrested since then, remain in incommunicado custody in clear violation of international and Indonesian law. At least one of those detained, Jorge Manuel Araujo Serrano, is reported to have been tortured to death in custody, and there are fears that others, including Xanana Gusmão, have also been tortured or ill-treated while under interrogation. According to persistent reports, at least two of the women held in Dili have been raped in custody. Indonesian authorities continue to deny access to the prisoners by the International Committee of the Red Cross (ICRC), independent lawyers or any other impartial body.

Xanana Gusmão, who has been moved repeatedly in the two weeks since his arrest, is now thought to be held in the Regional Police Headquarters for Nusa Tenggara (POLDA NUSRA) in Denpasar, Bali. According to unnamed sources within the police headquarters, he has been beaten and tortured with electrical shocks and subjected to severe psychological pressure while under interrogation. He is said to be in a poor emotional state, speaking in broken sentences and experiencing serious lapses of concentration.

In a video recording, made on 27 November at military headquarters in Bali (KODAM Udayana/IX), and released on 1 December, Xanana Gusmão appears to apologize for organizing the peaceful demonstration of 12 November 1991 during which Indonesian forces killed more than 100 civilians; and calls for an end to armed resistance to Indonesian rule in East Timor. In

view of strong indications that the statement was made under duress, and possibly following torture, the video serves to heighten Amnesty International's concern for Xanana Gusmão's safety.

Indonesian military authorities acknowledged on 1 December that they had arrested 20 of Xanana Gusmão's close associates since 20 November. One of them, Jorge Manuel Araujo Serrano, is reported to have died in custody as a result of torture. Another East Timorese man, still unidentified, is said to have been hospitalized after being severely tortured in detention. According to reports, his limbs were broken and his finger and toe-nails pulled out by his captors. There have also been persistent reports **Page 2 of 4FU 366/92** that at least two of the women held in Dili - possibly Ligia de Araujo, aged 22, and Regina Conceição Araujo Serrano, aged 18 - were raped by Indonesian soldiers, in front of their relatives, on 29 November.

The reports of torture and rape cannot be immediately confirmed because all the detainees remain in incommunicado custody. However, Amnesty International believes that in view of the long-standing pattern of torture and ill-treatment of political detainees in East Timor, these reports must be treated with the utmost seriousness. The only effective guarantee of the future safety of Xanana Gusmão, and of all those currently held incommunicado, would be to grant immediate and unconditional access to them by the ICRC, lawyers of their own choosing, or other qualified, independent experts.

On 3 December Indonesian military authorities gave assurances that the ICRC would be granted access to Xanana "within a week". Such assurances are insufficient because the promise of future access can do nothing to remedy violations already inflicted. Under Indonesian and international law prisoners may not be held incommunicado, and have a right to independent legal counsel of their own choice. In Amnesty International's experience the risk of the torture and ill-treatment of political detainees is greatest during the initial period of interrogation.

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

- expressing grave concern that Xanana Gusmão and some 20 of his close associates and relatives remain in incommunicado detention, and that some have been subjected to torture and ill-treatment;
- calling on the authorities to permit ICRC representatives, relatives and independent lawyers immediate access to all the detainees;
- in the light of reports that one detainee, Jorge Manuel Araujo Serrano, may have died as a result of torture, and that two women may have been raped by Indonesian soldiers in front of their relatives, calling on the government to act immediately to protect the safety of all political detainees in East Timor;
- seeking clarification of the precise charges to be brought against Xanana Gusmão, and the other political detainees, and urging the government to immediately release all those detained for their peaceful political views, or for association with Xanana's family.

APPEALS TO:

1. Brig Gen Theo Syafei
PANGKOLAKOPS
Markas Besar KOLAKOPS/KOREM 164
Dili, East Timor
Indonesia
**Telegrams Brig Gen Syafei, Dili, East
Timor, Indonesia**

2. Maj Gen (Pol) Hindarto
KAPOLDA NUSRA
Denpasar, Bali
Indonesia
**Telegrams: Maj Gen Hindarto, KAPOLDA
NUSRA, Denpasar, Bali,
Indonesia**

Salutation: Dear Brig Gen Syafei

Salutation: Dear Maj Gen (Pol) Hindarto

3. Maj Gen Suwardi
Markas Besar, KODAM IX/Udayana
Denpasar, Bali, Indonesia
**Telegrams: Maj Gen Suwardi, Kodam IX,
Denpasar, Bali, Indonesia**

Salutation: Dear Maj Gen Suwardi

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

**Telegrams: Gen Try Sutrisno, Markas Besar
ABRI, Jakarta, Indonesia**

**Faxes: + 62 21 36 1471
+ 62 21 37 8144
+ 62 21 35 6404**

Salutation: Dear General Sutrisno

COPIES OF YOUR APPEALS TO:

Indonesian Legal Aid Foundation (LBH)
Jl. Diponegoro 74
Jakarta 10320
Indonesia

and to diplomatic representatives of Indonesia/East Timor accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 14 January 1993.