

EAST TIMOR

Joint Statement by Amnesty International and Human Rights Watch to the UN Decolonization Committee

Amnesty International and Human Rights Watch made the following joint statement to the 54th Session of the UN General Assembly's Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Decolonization Committee) on 6 October 1999 (Fourth Committee Agenda Item No.96 - on the Question of East Timor).

Human Rights Watch and Amnesty International would like to share with the committee some assessment of the dangers East Timor faces as it moves toward independence in accordance with the results of the 30 August 1999 referendum. These dangers have clear implications for protection of human rights, the paramount concern of both our organizations, and for the ability of the United Nations to oversee a successful decolonization process in East Timor.

The challenges facing East Timor are monumental. Virtually the entire population was uprooted in September, and those who were not forcibly expelled to West Timor will need basic humanitarian assistance until they can rebuild their homes and go back to work. Estimates of the physical destruction wrought by the militias and their army backers is staggering: the capital of Dili is in ruins; in the town of Aileu, only the church and police station were left standing, and the population of 17,000 is gone. Other towns, like Balibo and Maliana, are reported to be 70 percent destroyed and equally deserted.

East Timorese, working with the United Nations, will need to replace many of the key administrative and professional positions held by Indonesians before the August 30 referendum, including in teaching and healthcare services. They will also have to build a court and law enforcement system that can lay the foundation for the rule of law in East Timor. No one knows how many people were killed in the period between the announcement of the referendum results and the arrival of the multinational force known as Interfet (International Forces in East Timor), but almost every day, new bodies are discovered and new information emerges about army-militia cooperation to destroy the place that is set to become the world's newest state.

An essential precondition to successful decolonization in East Timor is a secure border with Indonesia and a population secure in the knowledge that the campaign of terror waged for so long by the Indonesian army and armed militias has finally come to an end. Significant obstacles remain.

1. The Danger of Partition and the Imperiled Position of East Timorese Refugees

The first danger is a likely effort on the part of the army-backed militias to partition East Timor by declaring at least six western districts of East Timor a pro-integration zone. Those districts are Bobonaro, Covalima, Ermera, Liquica, Ainaro, and Oecusse (Ambeno), the East Timorese enclave that is wholly surrounded by West Timor. The zone would be controlled by the Indonesian army-backed militias now operating under a joint command as the Pasukan Pejuang Integrasi or PPI (Force of Integration Fighters). Key pro-integration figures, including the governor of East Timor, Abilio Osorio Soares, now living in Kupang, West Timor, and militia leader Joao Tavares, have made it clear that they intend both to mount a campaign for partition and that they will be sending militia forces in from West Timor to do so.¹

Governor Abilio said in Kupang on 22 September 1999 that not only did he favour partition of East Timor as the best way to avoid a civil war between pro-integration and pro-independence forces, but that he had been meeting with officials in Kupang to discuss how to realize this objective.² He and others claim that in at least three of East Timor's western districts--Bobonaro, Ambeno and Covalima--more than 90 percent of the people chose autonomy in the August poll.³ There is no known evidence to support such a claim, particularly since the United Nations Mission in East Timor deliberately did not count votes by district.

¹ "6,500 Soldiers Join Forces with Militias," *Waspada* (Medan) October 2, 1999

² "Western East Timor for Autonomy," *Waspada*, September 23, 1999.

³ *Ibid.*

Tavares, commander of the PPI, said in Atambua on 1 October 1999 that some 6,500 East Timorese members of the Indonesian army and police were willing to join forces with the PPI to reclaim the western districts, and that any volunteers from elsewhere in Indonesia were welcome to help.⁴ In addition, Maj. Gen. Adam Damiri, the commander of the Udayana Regional Military Command, which includes East Timor, said if East Timorese soldiers wanted to join PPI, there was nothing the Indonesian army could do to stop them.⁵

It is not clear how strong the militia presence in the western districts is now, but the militias there were among the best organized and equipped, and their command structures in several subdistricts in Bobonaro and Covalima overlapped almost completely with that of the regular TNI forces. Interfet forces that reached two towns in Bobonaro district on 2 October 1999 reported encountering no militia resistance, but the potential for such resistance, indeed for the development of an armed pro-integration force operating in the western districts of East Timor, remains strong.

The fact that the militias have not been disarmed, retain considerable strength, and continue to be allowed to operate with impunity in West Timor with the support of the TNI, has implications for the security of returning refugees, for the implementation of the 30 August referendum, and for plans to replace the Interfet forces, operating under Chapter 7, with regular peacekeeping forces as early as November.

With regard to the return of refugees, Tavares in particular has announced a plan to bring back into the six districts all the pro-integration refugees in West Timor, whether or not they came from these districts or from further east. This de facto partitioning, if allowed to take place, could have serious consequences for the political stability of an independent East Timor, but there are more immediate human rights concerns. Human Rights Watch and Amnesty International are deeply concerned about how the safety of those refugees, and indeed all refugees in West Timor, can be assured in East Timor, now that the Indonesian government has said that all 200,000 of them can return and a mass repatriation program could begin by October 6.

Since so many East Timorese were forcibly expelled and continue to be subjected to attacks and threats from militia groups in West Timor, it is likely that many have

⁴ Tavares, a traditional chieftain from Bobonaro, was one of the original signers of the Balibo Declaration, the document that Indonesia used to justify its intervention in East Timor in 1975. A member of the pro-Indonesia Apodeti party, he is the founder and commander of the Halilintar ("Thunderbolt") militia and has had close relations with the Indonesian army since before the 1975 invasion.

⁵ "6,500 Soldiers Join Forces with Militias," *Waspada* (Medan), October 2, 1999

claimed links to pro-integration organizations as a way of ensuring their own safety. It is by no means clear who is pro-integration and who is not, and the refugees must be protected from political labelling that could affect how, with whom, and to what areas they return.⁶

All refugees must be protected from having to register with any Indonesian agency, given the complicity between some local government officials in West Timor and the militia leaders who have free run of the refugee camps. There are already reports of refugees being paid by militia members to inform them of names of suspected independence supporters. Any registration process that involves compiling name-lists that the Indonesian government could have access to is highly dangerous, yet this is precisely what is happening now. The social affairs office of the provincial government, based in Kupang, West Timor, began registering refugees today, apparently without international involvement, asking them to fill out a card with their name, other personal data, and their choice of returning to East Timor or staying in Indonesia.

⁶ The head of Lamaknen subdistrict, Belu district [West Timor] was quoted in the October 2 issue of *Republika* newspaper as saying that 1,609 individuals from Bobonaro had fled to the area since August 30, and he knew they were all pro-integration because local officials had screened everyone to weed out any independence supporters. Under those circumstances and fearing for their lives, who would claim to be pro-independence?

The UNHCR has formally objected to this process, especially the question about whether they wish to stay or return home. In a press release issued today, the UNHCR said, "Under the current circumstances, there is not even a minimum guarantee that the people can answer freely."⁷

Local non-governmental organizations working with refugees in West Timor have sent us appeals, asking that this process not be allowed to continue because of the risks it poses to the refugees. They have also asked that any registration process, even by international humanitarian organizations, not be carried out until just prior to departure, so that the security of name-lists can be further guaranteed.

It is vital that UNHCR and other international humanitarian agencies oversee the return of East Timorese and ensure that they are not subjected to militia intimidation in the camps while getting ready to depart, at the airport, harbour area, or land border as they are preparing to cross into East Timor, or at their ultimate destination. The humanitarian agencies, together with Interfet and UNAMET, rather than any Indonesian agency or security forces, must take responsibility for their safety once they arrive back home. Under no circumstances should armed militia members be allowed to accompany returning refugees home. The international community must ensure that the appropriate UN agencies are provided with adequate resources to support the urgent reconstruction of homes and provide sufficient levels of humanitarian assistance for those who decide to return.

The ongoing operations of the militia forces, and the possibility that militias and their allies will attempt to pull the western districts out of an independent East Timor and "reintegrate" them with Indonesia, make it imperative that the protection of the East Timorese people remain a central consideration in the transition process, and remain central to the work of both Interfet and the successor peacekeeping force. Confidence in the ability of the UN to ensure that East Timor not be left at the mercy of militias once again during that transition is essential to enable the East Timorese refugees and displaced to return home and begin the process of rebuilding their country. We urge you to ensure that the UN forces that will succeed Interfet have the appropriate mandate under Chapter 7 to handle the security problems that will arise. (Those forces are scheduled to replace Interfet as soon as the MPR ratifies the results of the 30 August vote, which it may do as early as 14 October.

As one East Timorese human rights activist told us, "The UNAMET civpols [civilian police] couldn't protect us from the militias before the referendum; they could

⁷ United Nations High Commissioner for Refugees, "UNHCR Objects to Indonesia's Registration Plans, Demands More Access to East Timorese in West Timor, UNHCR Update, Geneva, 6 October, 1999.

only stand by and watch. The militias are just waiting to come back and kill again. Are the peacekeepers only going to be able to stand by?"

2. The Danger of Continued Operations by the Indonesian Military

There is no reason to believe that the Indonesian army's role in East Timor will end if and when the People's Consultative Assembly in Jakarta endorses the results of the 30 August vote, and East Timor begins the transition to independence. The army has pulled out thousands of uniformed troops, leaving behind 1,500 soldiers who will stay in East Timor until the formal ceding of Indonesian authority. But it appears to have left many soldiers behind in civilian clothes, including members of the special forces command (Kopassus), some ten of whom were captured by Interfet on 28 September.

Given the army's role in building up the militias throughout the year, there is little reason to believe it will abandon them easily. The evidence for the Indonesian army's having organized, trained, armed, and otherwise supported the militias is so overwhelming that the head of Indonesia's military intelligence admitted it freely to journalists.⁸ Kopassus officers took charge of the operation. According to the Far Eastern Economic Review, "Former military intelligence chief Maj-Gen. Zacky Anwar Makarim, probably the country's most experienced covert operative, and two other senior intelligence officers are widely believed to have had a role in setting up the network."⁹ Zacky Anwar was appointed by Indonesian armed forces commander Wiranto to be the Dili-based liaison with UNAMET.

There is less willingness on the part of the army to take responsibility for the "scorched earth" policy, but published interviews with militia members and eyewitness testimony from refugees suggest direct army involvement, both in the forced expulsion of people into West Timor and in the destruction that followed.

The regional military command that had been based in Dili, known as Korem 164 Wira Dharma, is planning to move to Ende, Flores, and many East Timorese soldiers have already appeared in Ende. Since there is no reason for establishing an army post in Ende other than to keep the old Dili command intact, there is concern that Ende, like West Timor, could become a centre of pro-integration military activity.

⁸ See, for example, John McBeth and Dan Murphy, "Scorched Earth," Far Eastern Economic Review, September 16, 1999. Pp.11-14.

⁹ Ibid, p.11.

All this raises concerns about the proposed transfer of authority from Interfet to a peacekeeping force, all the more so when there is no organization able to fully take on policing functions. At the moment, the Australian-led Interfet forces have been able to arrest some militia members, detain them for up to seventy-two hours, then turn them over to the Indonesian police who have immediately let them go. Despite international demands to arrest and prosecute the militia leaders most responsible for the violence, Interfet apparently does not have the capacity to put these men under lock and key, let alone prepare criminal prosecutions. They are thus able to remain a major threat to East Timorese seen as supporters of independence. This threat will only increase as more East Timorese, and more militia members, return home from West Timor.

It will be the responsibility of a United Nations transition authority to train a police force, and members of the pro-independence armed opposition group, Falintil, may constitute part of that force. It will not be easy, however, to transform guerrillas into upholders of law and order, and it will be a long time before any reliable indigenous police force is in place. The numbers of United Nations civilian police and military liaison officers in East Timor are being increased to levels agreed to before the referendum, and the police will carry sidearms. But East Timor is not going to be a peaceful place for a long time to come.

3. The Need for Full Accountability

Our organizations welcome the resolution passed on 27 September by the UN Commission on Human Rights to establish an international commission of inquiry into violations of humanitarian law in East Timor from January 1999 to the present. We also appreciate the sense of urgency given to that process by Secretary-General Kofi Annan, when he asked that the High Commissioner for Human Rights appoint a commission and report back to him by 31 December. It is critical that those responsible for the wreckage of East Timorese lives and land are brought to justice.

We hope all members of the UN will give full support to the commission so that it can carry out its work rapidly, thoroughly, professionally, and with all necessary technical and logistical backing. As Amnesty International has noted in a letter to the Secretary-General, the commission should be allowed to travel to other countries to collect evidence and testimonies on human rights violations and breaches of international

humanitarian law.¹⁰ We urge all states, including Indonesia, to guarantee their full cooperation with the inquiry, even though the government of Indonesia has publicly rejected cooperation thus far.

We also urge that Interfet, UNAMET, and the future UN Transitional Authority (UNTAET) be provided with clear guidelines and with sufficient resources and powers to collaborate fully with the commission of inquiry, so that they can provide protection and logistical support to members of the commission and those assisting them. They should cooperate in the detection and identification of the alleged perpetrators of crimes against humanity, as well as help to secure evidence that the commission requires, for example, by protecting and restricting access to massacre sites. The establishment of the truth regarding the crimes committed in the context of the consultation process presents a unique opportunity to assist the East Timorese people in building a new East Timor on the foundation of the rule of law and respect for human rights. It is an essential step toward peace and reconciliation in East Timor.

¹⁰ See Amnesty International, *East Timor: Recommendations to the UN Secretary General concerning investigations of crimes against humanity and war crimes in East Timor* (AI Index: ASA 21/186/99).