

INDONESIA/EAST TIMOR

No end to the crisis for East Timorese refugees

Introduction

“We are not thinking about integration [with Indonesia] or independence for East Timor, we are thinking about returning to our homes.” A Refugee in Nenuk, Atambua, 10 November 1999.

In September 1999 the world watched as a human rights crisis unfolded in East Timor. In the days following the announcement of the result of the ballot in favour of independence some 75 per cent of the population were driven from their homes by militias acting in concert with the Indonesian National Army (*Tentara Nasional Indonesia*, TNI) and police.¹ Tens of thousands of people fled to the hills. Over a quarter of a million others fled or were forcibly expelled from East Timor - the majority of them across the border to West Timor in the Indonesian province of Nusa Tenggara Timur (NTT).

East Timor itself is now free from the violence meted out by militia and the Indonesian security forces - but for an estimated 100,000 to 150,000 people still in West Timor, the crisis is not yet over.

An Amnesty International delegation which has recently returned from the region found that the militia presence and lack of guarantees for security continue to undermine prospects for voluntary repatriation in safety and dignity for the refugees in West Timor. There are also serious concerns that the refugees who remain in West Timor are at continued risk of threats, intimidation, harassment, extortion and in some cases unlawful killing, “disappearance” and sexual violence.

The main perpetrators of these violations are the very militia groups which played a central role in committing crimes against humanity in East Timor and who are now permitted to operate with virtual impunity in West Timor. To compound an already serious situation, physical conditions in the camps are also deteriorating as the rainy season continues and disease and death, resulting from poor health and sanitation facilities, is on the increase.

¹ In late 1998 and early 1999, new militia groups were established in East Timor which used threats, intimidation and violence to try to force the population into supporting continued integration with Indonesia. There is clear evidence that the groups were established with the assistance of the TNI and that they were supported both directly and indirectly in their activities by both the TNI and the Indonesian police. For further information see [East Timor: Seize the Moment](#) (AI Index: ASA 21/49/99), June 1999; [East Timor: Violence Erodes Prospects for Stability](#) (AI Index: ASA 21/91/99), August 1999; [East Timor: Demand for Justice](#) (AI Index ASA 21/191/99), October 1999.

An improvement in the security situation towards the end of November 1999 allowed greater access to camps for international humanitarian agencies providing much needed medical assistance and for representatives of the United Nations High Commission for Refugees (UNHCR) and the International Organisation for Migration (IOM) to facilitate repatriations. However, the situation remains fragile and the number of returnees is low. Amnesty International fears that many refugees are still prevented from making a free and informed decision about whether to leave or stay because of ignorance of the choices available to them and because of ongoing militia threats and intimidation. Extortion at border crossings and incidents of attacks on refugee convoys returning to East Timor also discourage people from returning as does the widespread misinformation about the conditions to which they will be returning in East Timor.

The personal security of representatives from agencies which are working to provide humanitarian assistance and facilitate the repatriation of the refugees has also been threatened. Insufficient action has been taken to protect them and the refugees from the threats, intimidation and physical violence.

Although the Indonesian government has handed over its administrative responsibilities in East Timor to the United Nations Transitional Administration in East Timor (UNTAET) it remains responsible for the security and well-being of East Timorese refugees in Indonesia. These responsibilities include protecting the refugees from threats and attacks and ensuring that the refugees are given adequate humanitarian assistance. The government is also obliged to cooperate fully with the relevant agencies to establish safe conditions for the return of refugees to East Timor if they so wish.

By any standards of evaluation, the Indonesian government has failed to meet its commitments including providing conditions necessary for voluntary repatriation in safety and dignity. While honouring the right to return should be an urgent priority, Indonesia's failure to facilitate the prompt and safe return of East Timorese also leaves the refugees at further risk of human rights violations and compounds and prolongs the original violation of mass expulsion from East Timor.

Conditions in the refugee camps and settlements

As the rainy season progresses conditions for the refugees are deteriorating. Some areas in which camps are located are known to be prone to flooding. Water supplies and sanitation are inadequate in many camps. In Tua Pukan and Noelbaki camps near Kupang for example, latrines and washing facilities are said to be broken or poorly maintained and water supplies are contaminated. Although plywood and corrugated iron shelters have been provided in some camps, many refugees are living under tarpaulins, plastic

sheeting or shelters made from leaves, none of which provide an effective barrier to the heavy rains of West Timor. Such conditions have inevitably increased rates of sickness and disease, including chronic diarrhoea, malaria and tuberculosis. Mortality rates are

also increasing, particularly among infants. According to UNHCR figures, 174 people died in Tua Pukan camp from September 1999 to the beginning of December 1999. In

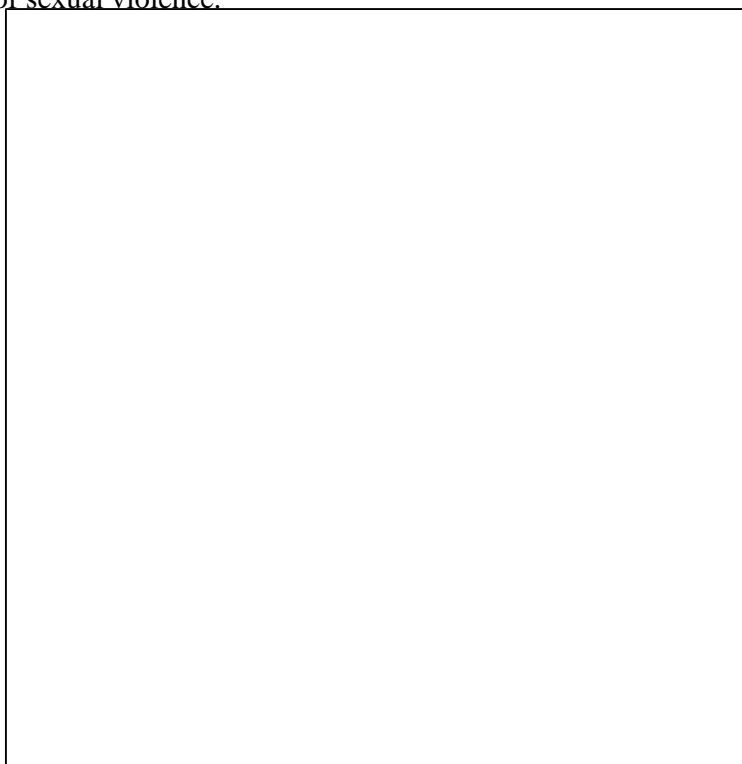
Kostrad Troops watching as refugees gather their belongings in order to join the UNHCR convoy back to East Timor (Atambua, November 1999)

one two week period alone - from 22 November to 1 December 1999 - 32 children and three adults died in the camp.

As well as contending with poor physical conditions, refugees remain at risk of abuse in some camps. Of particular concern are persistent reports of sexual violence against women. According to reports from a number of separate sources women have been abducted from a camp in Soe near Kupang and have been forced to work as prostitutes.

Refugees interviewed by Amnesty International who had returned from Belu district to Dili in November 1999 also spoke of repeated incidents of rape. According to

two refugees, a number of women were held in sexual slavery at the house of a TNI soldier in Rai Henek Oan near Betun. One of the women said to have been held there and repeatedly raped was Filomena Barbosa. Her sister was later told by a militia member that she had been killed sometime in mid-October. The interviewee believed that Filomena Barbosa was specifically targeted because she had been active in the pro-independence campaign in East Timor. Other witnesses and sources have also referred to women and girls being taken regularly at night from camps in Belu and raped. Amnesty International is unable to confirm these reports but is concerned that where protection is inadequate and access to camps is restricted women and girls are extremely vulnerable to rape and other forms of sexual violence.



*A young girl walks through the mud at a refugee camp in West Timor
(Atambua, November 1999)*

The Indonesian government is responsible for the security of the refugees and must take measures to ensure their protection and in particular the protection of vulnerable groups including women and children. In EXCOM Conclusion 48 the international community expressed in the strongest terms its condemnation of the

violations of the rights and safety of refugees by military or armed attacks on refugee camps and settlements. States have a responsibility to respect and ensure refugees fundamental human rights to life, liberty and security of person, as well as freedom from torture, or other cruel inhuman or degrading treatment. Refugee camps should also have an exclusively civilian and humanitarian character and it is essential that the authorities ensure that this character is maintained.²

EXCOM Conclusions 72 and 73 sets out duties of states in preventing or removing threats to the personal security of refugees, including providing prompt and unhindered access to them, situating refugee camps in secure locations, ensuring the safety of vulnerable groups, protecting refugees from sexual violence, investigating violations of the personal security of refugees and instituting criminal prosecution and strict disciplinary measures against all perpetrators of such violations.

The Voluntary Repatriation Program

Slow Progress

The progress of the UNHCR voluntary repatriation program of East Timorese refugees from West Timor, which began on 8 October 1999, has been slow and subject to fluctuations. Two months after the repatriation process began some 75,000 have returned to East Timor with the assistance of UNHCR. Another 40,000 people have made their own way back across the border in what are known as “spontaneous returns”. Despite this movement, an estimated 100,000 - 150,000 people, many of whom were forcibly expelled from East Timor, are still living in makeshift camps, under canvas or in accommodation provided by the church or sympathetic members of the local population in West Timor.

At the end of November 1999, the number of returnees substantially dropped to several hundred a day compared to a daily average of 4,000 in mid-November. According to the UNTAET, the reasons for the reduction in crossings include continued restricted access to camps for humanitarian workers, intimidation of refugees, rain (which has flooded crossing points and made some roads impassable), misinformation campaigns and a reduced pool of readily accessible refugees.

² EXCOM is an inter-governmental body comprising over 50 governments which, at its annual meetings, adopts Conclusions on core aspects of refugee protection. While these Conclusions are not binding in the same strict sense that states party to a treaty are bound to observe the provisions of the treaty, the Conclusions represent the view of the international community and carry persuasive authority.

Inevitably there will be people who do not wish to return to East Timor not least because their homes and livelihoods were destroyed in the September violence or because they drew their salary from the Indonesian government. Many civil servants are thought to be among this category. However, Amnesty International is concerned that many people have neither the information nor the opportunity to make a free and informed choice whether to stay or return.

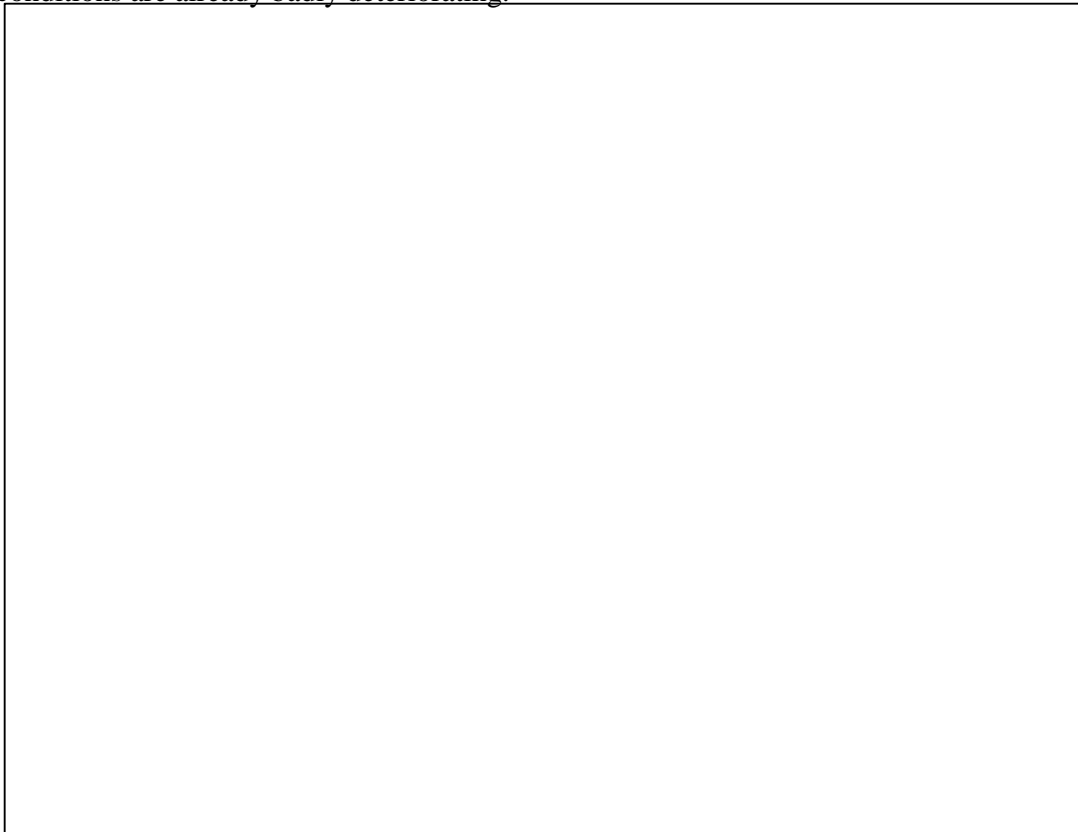
The Indonesian government is officially committed to supporting the repatriation process. On 14 October 1999, the Minister of Welfare signed, on behalf of the government, an agreement with UNHCR which guaranteed the UNHCR free and unimpeded access to all East Timorese refugees in West Timor and gave them a free hand to organize the repatriation of refugees who wish to return. The government also guaranteed to allow all East Timorese to make the decision on whether they wish to return or remain free from any form of intimidation or threat. Further commitments were made on 22 November 1999 with the establishment of the Joint Border Monitoring Group between the Indonesian Regional Military Command with responsibility for Nusa Tenggara (Kodam IX/Udayana), the Provincial Police for NTT and the International Force, East Timor (Interfet). The agreed role of the Group is to ensure safe conditions in the border area and to facilitate the efficient and safe flow of returning refugees. Under the agreement the Indonesian authorities committed to “curtail undesirable activities of militia elements,” including disarming and detaining them and to “facilitate the effective return of refugees to East Timor”.

Some steps have been taken to disarm militias, and there are now few reports of militias openly carrying guns. Further improvements may also result from the agreement in early December 1999 by Major General Kiki Syahnakri, the regional military commander for Nusa Tenggara, to separate militias from refugees in camps. However, the effect of such agreements can only be partial until *all* the militia groups are disarmed and disbanded and the Indonesian police and military fulfil their role to provide security to the refugees and those national and international agencies working with them, including by arresting members of militias and others responsible for human rights violations.³

³ Conclusion 83 of the UNHCR Executive Committee (EXCOM) on the safety of UNHCR staff and other humanitarian personnel requires states and other concerned parties to refrain from actions which prevent or obstruct the staff of the UNHCR and other humanitarian personnel from performing their functions. In addition, measures are to be taken to safeguard their physical security and their property and to facilitate them in discharging their mandated functions. This would include taking the steps necessary to enable UNHCR staff and other humanitarian personnel to operate in camps in their assistance and protection functions and in implementing any voluntary repatriation programs.

EXCOM Conclusion 83 also requires that states take all necessary steps to investigate fully any crime committed against the staff of UNHCR and other humanitarian personnel and to bring to justice persons

In an apparent effort to speed up the repatriation process, the Indonesian government has imposed a deadline of 31 March 2000 for refugee assistance with a reduction in food assistance from 4 December 1999. The government has advised that the refugees should return to East Timor as quickly as possible or transmigrate to other parts of Indonesia. The effect of cutting-off or reducing assistance, while at the same time failing to take the necessary action against the very force which is preventing many people from leaving, will only be to increase the misery of the remaining refugees whose conditions are already badly deteriorating.



Kostrad and Indonesian Police search the belongings of the refugees before they join the UNHCR convoy (Atambua, November 1999)

For repatriation to be voluntary an absence of “push” or “pull” factors that unduly encourage refugees to return prematurely or in an unsafe or undignified manner is necessary. Push factors in the West Timor context include the very insecure nature of

responsible for such crimes.

the refugee camps, the imposition of arbitrary deadlines for return and the premature ending of food and other humanitarian assistance in the camps. Such push factors are likely to lead to a chaotic repatriation where refugees and those seeking to assist them are placed at undue risk.

Access

Although UNHCR has *de jure* access to all refugees in West Timor, *de facto* access to camps and settlements is still limited. In general, camps in Kupang have been easier to access than in Atambua and Belu districts, but there are exceptions and no real guarantees that existing levels of access will be maintained while militia are permitted to operate with almost total impunity.

The situation in Haliwen camp, which is said to contain some 20,000 refugees, typifies the obstacles to repatriation which continue to be faced elsewhere. Attempts by UNHCR to enter the camp have been met with threats, verbal abuse and physical attack. During one attempt to pick up refugees for repatriation on 10 November 1999, representatives from UNHCR and the IOM were surrounded by militia members carrying machetes and spears. One UNHCR representative was physically assaulted and, as the team withdrew, stones were thrown at the vehicles. Security for the team was provided by over a dozen armed members of the police and the Army Strategic Reserve Command (Kostrad). Although the police fired shots into the air to ward off the attackers, no efforts were made to arrest or disarm the militia members involved.

A group of 60 refugees who did manage to leave Haliwen were interviewed by an Amnesty International delegate in Batugade, East Timor. The group, consisting of eight families, all from Atsabe in Ermera district, had planned to leave on 10 November 1999 but having witnessed the attack on the UNHCR/IOM convoy realized that there was little hope of their being picked up from the camp. Instead they made their way, under cover of darkness, to the police station in the town of Atambua where they were able to join a convoy to Batugade on 11 November 1999. In order not to alert the militias to their plans they had smuggled their few possessions out of the camp during several trips to the marketplace in Atambua prior to their departure. Despite their precautions the militia heard about their plans and threatened to take all their clothes and send them back to East Timor naked. They were also told that they would be followed and killed if they left the camp. The refugees spoke of daily threats from the militias and described seeing three people being beaten on the day they left Haliwen.

Latest reports from Atambua indicate that the situation in the district has not substantially changed and, although UNHCR is proceeding with repatriations in the district including in Haliwen, security and access is by no means guaranteed.

A similar situation exists in the three camps of Noelbaki, Tua Pukan and Naibonet which are thought to contain around 20,000 people, the majority of the refugees still in Kupang district. It was not until 23 November 1999 that UNHCR finally managed to negotiate access to these camps, but again access is limited to short visits with the purpose of taking refugees who are willing and able to be repatriated at the time. The rate of return from these three camps is said to be affected by the visible and intimidatory presence of militia.

The cornerstone of the UNHCR's ability to protect and assist refugees is to have unhindered and secure access to them. The Government of Indonesia has a duty to cooperate with the UNHCR in ensuring such access, in addition to fulfilling its own obligations to treat refugees according to internationally accepted standards. The failure to provide the necessary conditions of access and security for UNHCR and humanitarian assistance personnel to operate effectively means that the prospect of repatriation being voluntary, orderly and carried out in safety and dignity is diminished. A necessary step to ensure access to UNHCR and the safety of the refugees is for the government to immediately disarm and disband the militias and to bring to justice those involved in human rights violations.

Refugee extractions

Guidance from EXCOM Conclusion 40 and from the UNHCR Handbook on Voluntary Repatriation is that repatriation should be voluntary and in "safety and dignity". Conclusion 40 (b) requires that:

The repatriation of refugees should only take place at their freely expressed wish; the voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in their country of origin, should always be respected.

In order to ensure that repatriation is voluntary and in safety and dignity the country of asylum is to cooperate with the UNHCR and refugees are to be provided with the necessary information regarding the conditions in their country of origin to facilitate their decision to repatriate.

Return in safety generally means return which takes place under conditions of legal safety (such as assurances of personal safety, integrity, non-discrimination and freedom from fear of persecution or punishment upon return); physical security (including protection from armed attacks); and material security upon return (access to

Refugees load their belongings onto vehicles returning to East Timor as part of the UNHCR convoy (Atambua, November 1999)

land or means of livelihood). Standards referring to return with dignity include the requirement that refugees are not ill-treated; if they are returning spontaneously they can do so at their own pace; and, that they are not arbitrarily separated from family members during the repatriation process. Due attention must be made to the needs of vulnerable groups. Permission to bring movable possessions is also especially important in this context given the devastation to which these refugees are returning.

Under current conditions in West Timor, UNHCR is unable to implement an orderly repatriation process from many camps, and has little option but to effectively operate a “smash and grab” approach - arriving with empty trucks to pick up those who are ready and willing to leave. These “extraction” operations are done quickly and with little or no warning in order to avoid a build up of and possible interference from militia. Some of the departing refugees may have registered in advance although there is no requirement to have done so and no names are checked during the operation.

The speed and manner in which the “extraction” operations take place inevitably creates a level of panic or confusion as refugees must rush to gather their belongings and load them on to the waiting trucks. There is no opportunity to fully inform them of the

process or provide them with details of reception facilities including secondary transportation once they arrive in East Timor. The nature of the process also increases the likelihood of family members becoming separated - an issue of concern in any repatriation process.

Security for these operations is provided by members of the TNI and the Indonesian police. However, while convoys are escorted by both TNI and police they have generally shown themselves to be unwilling to interfere when an incident does occur.

Over the past weeks there have been a number of attacks on convoys. In some cases the militias have seemed intent on extortion or theft, in other cases individuals have been beaten or abducted. One effect of such attacks is to discourage other refugees from risking the same journey and news of an incident frequently leads to a decline in returnees for the following few days.

Reports of extortion by members of the militia group *Besi Merah Putih* (Red and White Iron)⁴ at Passabe, a crossing point to the enclave of Oecusse, combined with reports of harassment of returnees in the enclave itself by East Timorese vigilante groups, slowed the rate of return to Oecusse to little more than a trickle in late November. On 8 December 1999, UNCHR's first attempt to extract refugees from a camp in Labur, some 40 kms outside Atambua, was reported to have been hindered by militias who demanded that the refugees remain. Just one family is said to have departed with UNHCR that day. In Belu district, IOM trucks were stoned on 25 November 1999 as they made their way to pick up refugees from the staging post in Betun. Further movements were cancelled for the day because of the incident.

⁴ *Besi Merah Putih* is one of the most notorious of the pro-integration militias. Formally based in Liquica district, East Timor, its members were responsible for some of the most serious human rights violations, including extrajudicial killings, in East Timor during 1999.

An attack on a convoy in Atambua on 17 November 1999 resulted in the hospitalisation of two refugees. During the attack a pregnant woman and her husband were beaten by militia as they waited to leave with a UNHCR/IOM convoy from outside Atambua police headquarters, which is a staging post for refugees returning from the area. According to reports, the police took no action to prevent the attack, which was eventually stopped when UNHCR representatives arrived at the scene with members of the TNI who arrested two members of the militia. Two days earlier, on 15 November 1999, two refugees were reportedly held for 24 hours by militia in the area of Babometo near the enclave of Oecusse. The incident was apparently in revenge for the detention of two suspected militia members by the Interfet in Oecusse. In early November, two men who were travelling in a refugee convoy to the port of Atapupu in Atambua, were reportedly stopped and taken out of their vehicle by Indonesian police. The two were apparently handed over to members of the AHI militia group for interrogation.⁵

The spreading of misinformation about conditions in East Timor has also contributed to reluctance among refugees to return. Common among the rumours which are circulating are stories of starvation, sexual harassment and rape of women by Interfet troops and threats that militia will follow refugees back and kill them. At the end of November UNHCR launched a publicity campaign to try and counter such misinformation using newspapers and radio. However, the impact of an information campaign is necessarily limited among a refugee population in which education and literacy rates are low, to whom access is limited and who, by virtue of their recent experience in East Timor, are traumatised and unlikely to readily trust authorities.

Categories of refugees facing particular problems

While varying levels of militia control and the general climate of fear, reinforced by misinformation about conditions in East Timor, prevents many refugees from returning, there are certain categories of people for whom repatriation presents particular difficulties - in particular known pro-independence activists or those with connections to them, militia members and their families and active or former members of the Indonesian military or police.

A number of people interviewed in Dili in mid-November expressed concern about family members who wished, but were not able, to be repatriated. The cases brought to Amnesty International's attention were the wives and children of members of the National Council of Timorese Resistance (*Conselho Nacional da Resistência Timorese* - CNRT) who, it appears, were targeted in revenge for the political activities of their male relatives.

⁵ AHI operated mainly in the sub-district of Liquidoe in Ainaro district, East Timor.

Amnesty International was told that the wife of a CNRT member from Ermera who has been in Atambua since 7 September 1999 with her five children, was being prevented from returning to East Timor because of her husband's political activities (names withheld for security). According to the report, the woman had travelled to Kupang in mid-October to register herself and her children for repatriation. However, on returning to Atambua to collect her children she was told that she could leave but the children had to stay behind, and that if she attempted to take them with her she would be killed. In another case, a CNRT activist from Los Palos, Lautem district, claimed that his wife, who is in Tua Pukan camp, is afraid to register to leave because she has been told by members of the *Tim Alfa* and *Jati Merah Putih* militia groups that anyone with CNRT connections should not think about going home.⁶

At the same time individuals who supported the autonomy option in the 30 August 1999 ballot, or who participated in militia activities as well as active and former members of the Indonesian security forces are also in need of specific attention. There have been unconfirmed reports that people in these categories may be facing pressure from the militia to stay in West Timor. However, fear of reprisal in East Timor is also thought to be holding many back. The fear is not without grounds. Amnesty International received a number of reports of abductions and beatings of suspected militia members by vigilante groups in Dili, Maliana and Liquica in the first weeks of November. More recently, reports have been received about a vigilante group in Oecusse which has set up check points and is screening returning refugees for militia members who it detains and interrogates. Another group is said to be intimidating returnees at the border crossing between Haekesak and Maliana.

Conclusion and Recommendations

As attention turns to reconstruction and rehabilitation inside East Timor, there are tens of thousands of East Timorese who are not able to participate in rebuilding their devastated country because they are prevented from returning. The crisis in East Timor will not be over until all those who wish to return have been repatriated and all refugees are free from the risk of human rights violations. The immediate, safe and voluntary return of East Timorese to their communities is also an essential step in remedying the gross violation of mass expulsion.

⁶ Both *Tim Alfa* and *Jati Merah Putih* operated in Los Palos, Lautem district, East Timor prior to September 1999.

Amnesty International once again calls upon the Indonesian government to:

- protect the East Timorese refugees in West Timor and other parts of Indonesia from threats and attacks by the militias, or by members of the Indonesian military or police;
- take immediate and effective steps to disarm and disband the militias;
- bring to justice those alleged to be responsible for human rights violations, including members of the militias and of the Indonesian security forces.
- grant UNHCR and other humanitarian agencies full and unimpeded access to refugees in West Timor and ensure that these refugees are given adequate humanitarian assistance;
- cooperate fully with UNHCR in its efforts to organize a voluntary, repatriation program including ensuring that repatriation can take place in safety and in dignity;
- ensure that refugees are able to exercise their rights, in accordance with international human rights standards, including their right to leave the country if they wish to do so;

The international community should:

- urge the Indonesian government to fulfil the obligations above, including granting UNHCR and other agencies unrestricted access to refugees in West Timor and other parts of Indonesia;
- commit adequate financial resources to UNHCR and its activities to protect and assist refugees;
- make sure that any return program is accompanied by measures to ensure the security of refugees, including from physical attack by members of the local population, and that shelter and humanitarian needs are provided for.