

# £INDONESIA/EAST TIMOR

## @Fernando de Araujo Prisoner of conscience

### Introduction

Fernando de Araujo, a 26-year-old East Timorese and a student in Bali, was sentenced on 25 May 1992 to nine years' imprisonment for subversion in Jakarta. High Court Judge Wahono Baoed said in his verdict that Fernando de Araujo was found guilty of undermining the Indonesian Government and "*disgracing the nation in the eyes of the international community*". Indonesian state prosecutors claimed that subversion charges were warranted because of Fernando de Araujo's efforts to gain "*the sympathy of the international community for the abuse of human rights in East Timor*". The prosecutors argued that further evidence of subversive, anti-government activity could be adduced from the defendant's activities as founder member and leader of *Resistência Nacional dos Estudantes de Timor Leste (Renetil)*, a student organization which peacefully opposes the integration of East Timor with Indonesia.<sup>1</sup> Fernando de Araujo has categorically denied engagement in subversive activity and in a March 1992 statement before the District Court of Central Jakarta he asked:

*"Why am I being accused of subversion because I want a free East Timor?... Why is it that people like me, who are trying to find a solution by peaceful means, are thrown into detention, isolated in prison and subjected to all kinds of intimidation?"*

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<sup>1</sup> Indonesian forces invaded East Timor, a former Portuguese colony, in December 1975. Following the invasion Indonesia claimed East Timor as its 27th province, but the United Nations has not accepted Indonesian jurisdiction over the territory.

Three other East Timorese have been convicted and a further nine are currently on trial in connection with the 12 November 1991 Santa Cruz massacre in East Timor and a peaceful protest demonstration held a week later in Jakarta. During the massacre an estimated 100 people were killed when Indonesian troops opened fire for several minutes on a group of about 3,000 participants in a peaceful procession.

The 12 November procession began with a memorial mass for Sebastião Gomes Rangel, killed on 28 October when Indonesian troops entered the parish church of Motael, Dili, where he and some 20 other political activists were hiding.<sup>2</sup> After the mass participants walked through the streets of Dili to the Santa Cruz cemetery. During the procession students unfurled banners proclaiming East Timorese independence and appealing to the United Nations to support the people of East Timor in their struggle for self-determination. Many of those killed during the massacre were school students and other young people.

The charges against Fernando de Araujo focused upon his role in arranging the protest demonstration which took place in Jakarta on 19 November. During the demonstration East Timorese and others protested against the killings and beatings at Santa Cruz. The demonstrators also appealed to the international community to protect the human rights of the East Timorese people. Fernando de Araujo was arrested at the end of November and his trial began in March 1992. At the end of April Indonesian state prosecutors called for Fernando de Araujo to be jailed for 15 years for "*masterminding*" the human rights protest demonstration in Jakarta. Amnesty International believes that Fernando de Araujo is a prisoner of conscience detained solely for his non-violent political and human rights activities. It calls upon the Indonesian Government to release him immediately and unconditionally.

### **In the wake of Santa Cruz - The suppression of protest**

During the weeks following the Santa Cruz massacre more than 90 students and young people, most of them East Timorese, were detained in various parts of Indonesia. The arrests were apparently intended to prevent the dissemination of information about the massacre and its aftermath, and to disrupt non-violent protests against Indonesian rule in East Timor. Those arrested were accused of anti-government activity or of expressing public hostility toward the Indonesian Government.

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<sup>2</sup> Military officials in East Timor have denied that Sebastião Gomes Rangel was killed by government forces, claiming instead that he died during a brawl between pro and anti-integrationist youths. Information from unofficial sources suggests that the "pro-integrationists" were in fact military intelligence agents or informers. In April 1992 five East Timorese were charged with acts of violence leading to the death of a "pro-integrationist" also killed during the incident. To date there is no indication that the suspected killers of Sebastião Gomes Rangel have been brought to justice.

The 19 November demonstration in Jakarta, which took place one week after the Santa Cruz killings, resulted in at least 70 arrests. The demonstrators went first to the office of the United Nations (UN). Unable to enter the premises they read a statement addressed to the UN Secretary-General outside the gate. With banners and signs calling for a referendum on East Timor's political future, and for inquiries into the Santa Cruz massacre, they proceeded to the embassies of Japan and Australia nearby. As they regrouped near the Hotel Indonesia, members of the riot police (SABHARA) moved in to disperse them and journalists were ordered to leave the vicinity. The demonstrators began to flee, but were chased by police who beat them with truncheons and loaded them onto three waiting vehicles.

Some of the detainees in Dili, Jakarta and elsewhere were reportedly released after varying periods in detention. By January 1992 the government had acknowledged holding 54 East Timorese in connection with the massacre and the Jakarta demonstration, 32 of them in Dili and the remaining 22 in Jakarta, among them Fernando de Araujo. Thirteen East Timorese in Dili and Jakarta have since been brought to trial for their role "*in connection with the Dili incident*" of 12 November, or for involvement in the 19 November "*anti-integrationist*" protest in Jakarta.<sup>3</sup>

In Jakarta João Freitas da Camara was convicted of subversion on 26 May and sentenced to 10 years' imprisonment for organizing the Jakarta protest. Domingos Barreto and Virgilio da Silva Guterres, accused of publicly insulting the Indonesian Government during the Jakarta protest, were also convicted in May and sentenced to prison terms of six months and two and a half years respectively. They had been charged under Articles 154 and 155 of Indonesia's criminal code, which define "*expressing feelings of hostility, hatred or contempt toward the Indonesian Government*" as a criminal offence.<sup>4</sup> The trial of Agapito Cardoso, also accused of insulting the government, is currently in progress. Amnesty International considers all four to be prisoners of conscience.

The government announced that the remaining 17 Jakarta detainees had been released. However, they were in fact transferred to a government boarding house to receive a "*lecture*" delivered by military officers. The exact circumstances of the 17 were unknown in May 1992 but restrictions on their freedom of movement were believed to have been imposed by the authorities.

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<sup>3</sup> A full list of those detained, tried or convicted in connection with the Santa Cruz massacre and the Jakarta protest is provided in Appendix I of this document.

<sup>4</sup> See Appendix II for extracts from the Anti-Subversion Law and relevant articles of the Criminal Code.

In East Timor subversion trials of two detainees, Francisco Miranda Branco and Gregorio da Cunha Saldanha, are in progress. Six others have been charged under Articles 154 and 155 of the Criminal Code.<sup>5</sup> Twenty four detainees the authorities said were released are believed to be confined in unspecified locations outside Dili. On 9 March the military commander of East Timor, Brigadier General Theo Syafei, told the press that each of the 24 had been assigned to a company commander and were being "*given guidance, to be educated to become sound Indonesians*".

### **The arrest of Fernando de Araujo**

Fernando de Araujo has testified that he was arrested at home in Denpasar, Bali on the morning of 24 November 1991. The arrest took place as he and some friends were preparing to go to church. According to his testimony police officers surrounded the house and two men in civilian dress entered through a window and began searching the rooms. The men reportedly confiscated every document in the house and all Fernando de Araujo's personal papers. After a short period, the two men summoned a fellow student and showed him two grenades and two other explosives which they claimed they had found inside the house. Fernando de Araujo and his colleague protested and insisted that the explosives did not belong to them and that they "*had never contemplated possessing such things*". The indictment against Fernando de Araujo contains no reference to the explosives allegedly recovered by police during the arrest.

Following his arrest Fernando de Araujo was detained at the police headquarters in Denpasar, where he was reportedly interrogated continuously by police officers and unidentified men in civilian clothes until 22 December 1991. Fernando de Araujo has reported that, despite repeated requests, a lawyer was at no time permitted to be present during the interrogation sessions. On 22 December Fernando de Araujo was transferred to the Polda Metro Jaya Detention Centre in Jakarta. During this period, access to friends and to legal counsel was severely restricted and Fernando de Araujo's notes on his case were confiscated by the police authorities. Fernando de Araujo was transferred to Salemba Prison, Jakarta on 3 March and remains in detention there. He is believed to be held in solitary confinement.

### **The case for subversion: The trial of Fernando de Araujo**

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<sup>5</sup> On 13 May in Dili, state prosecutors called for a 15-year sentence for Francisco Miranda Branco and, on 20 May, a life sentence for Gregorio da Cunha Saldanha. Both are charged with subversion for having organized the Santa Cruz procession. On 22 May prosecutors demanded sentences of up to 10 years for Jacinto das Neves Raimundo Alves and Juvêncio de Jesus Martins. Amnesty International believes that all may be prisoners of conscience, detained solely for non-violent political and human rights activities.

Fernando de Araujo was brought to trial on 16 March 1992, along with João Freitas da Camara. Both were charged under Indonesia's vaguely-worded and sweeping Anti-Subversion Law, which carries a maximum penalty of death. In late April state prosecutors called for a 15-year sentence to be imposed on Fernando de Araujo and on 25 May he was sentenced to nine years' imprisonment, despite the fact that the indictment against him contained no evidence whatsoever that he had used, advocated or incited violence. Indeed, the indictment referred only to non-violent political and human rights activities and the exercise of freedoms which are enshrined in the Universal Declaration of Human Rights.

The indictment against Fernando de Araujo detailed a series of meetings, held between 1988 and 1991, and attended by *Renetil* members in various parts of Indonesia. At the meetings the students were said to have discussed ways in which the plight of the East Timorese people could be brought to the attention of the international community. The indictment recounted that one of the actions by *Renetil* members was to send a letter to George Bush, President of the United States of America in May 1991. The letter urged President Bush to assist the East Timor people and likened their situation to that of the Kuwaiti people following annexation by Iraq in 1990.

The indictment also stated explicitly that *Renetil* members had planned a number of public demonstrations "to gain the sympathy of the international community for abuses of human rights in East Timor". One such demonstration was planned to coincide with the visit to Indonesia of a delegation of Portuguese parliamentarians in November 1991.<sup>6</sup> The indictment stated that, in preparation for the demonstration, the students made posters and banners which carried phrases such as "*patria or morte - venceremos*" (our country or death - we shall overcome), "*diálogo e a via para a resolução 37/30*" (dialogue and a way forward for Resolution 37/30)<sup>7</sup> and "*we love independence*". The students were also said to have prepared a declaration asking the United Nations to guarantee the human rights of the East Timorese people.

An appeal by Fernando de Araujo for public protest against the Santa Cruz massacre was also set forth as evidence of subversive activity. The indictment stated that after the massacre Fernando de Araujo asked fellow *Renetil* member, João Freitas da Camara, to inform foreign press and embassies of the actions of Indonesian troops at Santa Cruz. It

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<sup>6</sup> In October 1991 the Indonesian authorities cancelled the visit, saying they considered one of the accompanying journalists to be hostile to Indonesian interests.

<sup>7</sup> A reference to the 1982 resolution passed at the General Assembly of the United Nations. The resolution requested the United Nations Secretary-General "to initiate consultations with all concerned parties in order to achieve a comprehensive settlement of the East Timor issue".

reported that Fernando de Araujo urged his colleague to contact international organizations, including Amnesty International and the United Nations Commission on Human Rights, and to inform them of the killing and beating which occurred at the cemetery.

## Conclusion

The government has claimed that the actions of Fernando de Araujo and other *Renetil* members undermined the government because they were "*politically motivated and [sought] to separate East Timor from Indonesia*". It has justified the suppression of any non-violent opposition to Indonesian rule on the grounds that East Timor's integration with Indonesia was achieved by law. Such claims have been regularly disputed within the General Assembly of the United Nations, which has not accepted Indonesian jurisdiction over the territory. Indeed, East Timor has been the subject of numerous United Nations resolutions rejecting Indonesia's annexation of East Timor and calling for a genuine act of self-determination.

Since the military invasion of East Timor in 1975, evidence has emerged of gross and systematic human rights violations by the Indonesian security forces. Violations have included the killing, "disappearance", torture and arbitrary detention of real and suspected political opponents, and most recently the Santa Cruz massacre.<sup>8</sup> It is a matter of grave concern that protest against such violations, including efforts to inform the international community, have been construed by the authorities as evidence of subversive activity. Amnesty International calls upon the Indonesian Government to release Fernando de Araujo and all others detained for the peaceful expression of their political beliefs, including the defence of human rights.

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<sup>8</sup> See Appendix III for a list of Amnesty International reports documenting human rights violations in East Timor.

**Appendix I**

May 1992

**POLITICAL PRISONERS DETAINED IN CONNECTION WITH  
THE SANTA CRUZ MASSACRE**

**JAKARTA**

**Convicted of subversion**

Fernando de Araujo      Sentenced to 9 years' imprisonment  
João Freitas da Camara      Sentenced to 10 years' imprisonment

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

Domingos Barreto                      6 months' imprisonment  
Virgilio da Silva Guterres      2-and-a-half years' imprisonment

**Charged with publicly expressing hostility...toward the government**

Agapito Cardoso

**Conditionally released but current circumstances unclear**

Antonio Lopez  
Antonio Soares  
Avelino Maria Coelho da Silva  
Benevides Cabral  
Egas Quintão Monteiro  
Fausto Bernardino  
Felipe da Silva  
Franciso Vasco Ramos  
Gregorio de Araujo  
Ilidio da Costa  
João Sarmiento  
João "Travolta"  
José Luis de Oliveira  
José Maria Belo  
Mario Canelas  
Metodio Moniz  
Sergio Dias Quintão

**EAST TIMOR****Charged with subversion**

Francisco Miranda Branco      15-year sentence demanded by prosecutors  
Gregorio da Cunha Saldanha      Life sentence demanded by prosecutors

**Charged with publicly expressing hostility...toward the government**

Bonifacio Magno  
Carlos dos Santos Lemos  
Filomeno da Silva Ferreira  
Jacinto das Neves Raimundo Alves      8-year sentence demanded by prosecutors  
Juvêncio de Jesus Martins      10-year sentence demanded by prosecutors  
Saturnino da Costa Belo

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

Aleixo Lay  
António Baptista Sequeira  
António Belo  
Augusto Felipe Gama Xavier  
Basílio 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



## **Appendix II**

### **Extracts from Indonesia's Anti-Subversion Law**

Fernando de Araujo has been charged under the following articles of the Anti-Subversion law. These specify that it is a punishable offence to:

Article 1 (1)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."

Article 1 (1)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 (KUHP)**

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

Article 154: 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****AMNESTY INTERNATIONAL DOCUMENTS ON THE SANTA CRUZ  
MASSACRE  
AND ITS AFTERMATH**

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

*Indonesia/East Timor: AI Appalled at Massacre, Calls for Impartial Inquiry*, Press Statement, 14 November 1991 (ASA 21/21/91)

*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)

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)

