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Aceh Under Martial Law: Can These Men Be Trusted to Prosecute This War?

A Human Rights Watch Briefing Paper

Four months after martial law was declared in Aceh, there is growing concern for the safety and well-being of the civilian population. The Indonesian government has succeeded in severely limiting the flow of information from the province. It is denying access to Aceh to almost all diplomats, independent international observers, and international human rights organizations. Through a series of legislative, bureaucratic, and security measures it has also severely restricted access to U.N. and non-governmental humanitarian agencies and the foreign media. It has placed tight restrictions on the local press, who have been told to put nationalism first or risk the consequences. Local human rights organizations are facing unacceptable security threats. Many have been targeted by the martial law administration in Aceh for being separatist supporters.

In a military operation of this magnitude and complexity, the Indonesian government should be committing professional and well-trained troops and officers. Instead, this briefing paper shows that known human rights abusers have played significant roles in the preparation and conduct of the war in Aceh. Human Rights Watch has found that six current and former Indonesian military officers involved in the current war in Aceh have been convicted, indicted, or strongly suspected of committing serious human rights abuses in other parts of Indonesia or in East Timor. Their participation in the conflict in Aceh, as well as the deployment of an army battalion responsible for multiple abuses in East Timor, demonstrates the Indonesian government's unwillingness to ensure that past atrocities will not be repeated.

Human Rights Watch believes that these men, and any others with similar histories of abuse, should play no part in the current military campaign in Aceh and should receive appropriate criminal or administrative sanctions. The international community, particularly the "quartet" (the United States, the European Union, Japan, and the World Bank), previously involved in negotiations to maintain the peace, should insist that the men identified in this paper, and any others with similar histories of human rights abuses, should play no role in this conflict. It is inconceivable that the international community provide military assistance to an armed force that continues to deploy such persons in an armed conflict.

Based on preliminary investigations in Aceh, Indonesia's own National Commission on Human Rights (Komnas HAM) has identified several areas in which it believes government forces and the armed separatist Free Aceh Movement (Gerakan Aceh Merdeka or GAM) have committed serious rights violations since the war resumed. These include summary executions, arbitrary detentions, torture of civilians, sexual violence, forced displacement, and the targeted burning of school buildings.¹ While such reports are an important contribution to understanding what is happening in Aceh, Komnas HAM's limited access and resources mean that they necessarily tell only a small part of the story.

The Indonesian military has reported that more than 900 GAM fighters and 66 Indonesian soldiers and police have been killed since martial law was declared. The military has also stated that 304 civilians have been killed in the fighting.² There is no way of independently confirming these figures, or of assessing the number of civilians who have died. The hard reality is that no one knows what is actually happening in Aceh or the scale of the civilian and military toll.

Human Rights Watch fears that the lack of access and monitoring by independent observers has created a climate in which the armed forces on both sides may believe they can act with impunity. With virtually no one watching, each side may think that, at least for the time being, it can commit abuses, unreported and away from the public eye. Concerns over military tactics employed in Aceh are only magnified when the government has effectively closed the province to all outsiders.

The government of Indonesia and GAM are obligated under international humanitarian law to allow humanitarian relief to reach civilian populations suffering undue hardship because of shortages of food and medical supplies essential for their survival. Moreover, journalists and human rights monitors should be allowed the greatest access possible to carry out their work. Government restrictions on freedom of movement for reasons of security must have a clear legal basis, and be limited to what is necessary and proportionate; any limits must be the exception, not the norm.

Indonesia has taken some steps to create the appearance that it will hold its soldiers accountable for war crimes or other crimes committed in Aceh. In June, six soldiers were found guilty by a military court of severely beating residents in a village in North Aceh. They received prison sentences of up to five months.³ In July, a military court in Lhokseumawe, Aceh, found three soldiers guilty of raping four women during the renewed military operations in Aceh. The court ordered the three soldiers to be discharged from the military and sentenced them to between two-and-a-half and three-

¹ "TNI training militias in Aceh," *Kompas*, June 11, 2003; OCHA Daily Sitrep on Aceh no. 27, June 11, 2003.

² "Eight rebels, three civilians killed in Aceh: Indonesian army," Agence France-Presse, September 25, 2003.

³ "Indonesia Convicts Troops in Aceh Abuses," Associated Press, June 9, 2003; "Soldiers convicted of rights abuses," *Laksamana.net*, June 10, 2003.

and-a-half years in prison.⁴ Under military law the offense carried a maximum sentence of twelve years. On September 25, twelve soldiers went on trial in a military court in Aceh for allegedly beating villagers during a raid on Geulumpang Sulu Barat village in North Aceh on August 30th. According to earlier reports, the soldiers, who were from the West Java-based Siliwangi Battalion, were also accused of torturing villagers during the raid.⁵

Although such trials are a welcome step in a country in which the military has enjoyed almost complete impunity during its various military operations, the light sentences handed down in each case demonstrate a lack of seriousness in deterring crimes by members of Indonesia's armed forces. It is also noteworthy that no cases involving civilian deaths have been brought before a court.

Particularly worrisome is the contrary signal sent by military and civilian authorities when many of those in charge of the military campaign in Aceh are known or convicted human rights abusers. Some have been convicted or indicted for crimes committed just four years ago in East Timor. The role of men such as Major General Adam Damiri in the war in Aceh is not only an affront to his victims in East Timor—and the judicial process in Jakarta (where he was convicted and sentenced to a three-year prison term on August 5, 2003) and East Timor (where a United Nations prosecutor has indicted him for crimes against humanity)—but raises grave fears about how the hidden war in Aceh is being conducted, and what the world will learn when this war comes to an end. Given the long and bloody history of these men (described below) and the Indonesian military in Aceh,⁶ there is reason to fear the worst.

Human Rights Watch calls on Indonesia to immediately remove—from any role relating to the war in Aceh—all Indonesian military personnel who have been convicted or indicted for serious violations of human rights or humanitarian law or for whom there is evidence of such abuse. Any indicted personnel should be removed from active duty until the completion of their trial process. Contrary to current Indonesian practice, officers who are convicted of serious offenses should begin to serve their sentences immediately and be subject to administrative discharge from the armed forces.

Human Rights Watch also calls on the international community to publicly insist to the Indonesian government and armed forces that these recommendations be implemented.

⁴ "Soldiers jailed for Aceh rapes," BBC News Online, July 19, 2003; "Soldiers sentenced in Aceh rape cases," *The Jakarta Post*, July 20, 2003.

⁵ "12 soldiers go on trial for beating villagers in Aceh," Associated Press, September 25, 2003; Tiarna Siboro, "12 soldiers to stand trial for torturing civilians in Aceh," *The Jakarta Post*, September 20, 2003.

⁶ See Human Rights Watch, "Indonesia: Accountability for Human Rights Violations in Aceh," *A Human Rights Watch Report*, vol. 14, no. 1 (c), March 2002; Human Rights Watch, "Indonesia: The War in Aceh," *A Human Rights Watch Report*, vol. 13, no. 4 (c), August 2001; Human Rights Watch, "Indonesia: Civilians Targeted in Aceh," *A Human Rights Watch Briefing Paper*, May 2000; Human Rights Watch, "Why Aceh is Exploding," *A Human Rights Watch Briefing Paper*, August 1999; Human Rights Watch, "Indonesia: The May 3, 1999 Killings in Aceh," *A Human Rights Watch Briefing Paper*, May 1999.

The international community, which was embarrassed by Indonesia's behavior in East Timor and its broken promises to bring those soldiers responsible for abuses to justice,⁷ has yet to insist on Indonesian accountability for its behavior in East Timor at the time of the U.N.-supervised referendum (when U.N. staff were directly targeted and some of them killed as a result of Indonesia's failure to uphold its commitments). It has acquiesced in Indonesia's successful efforts to stave off an international tribunal by accepting Indonesia's promises to bring perpetrators to justice through domestic courts. However, as Human Rights Watch and others have documented, the domestic trials which have taken place have been little more than sham.⁸

It is important to emphasize that the issue in Aceh is not whether the Indonesian government has the right to use military force against an armed separatist movement within its borders. The concerns are rather how the military is conducting its operations in Aceh and whether it is abiding by international humanitarian law and norms. What control is in place—or isn't in place—over troop behavior? What internal disciplinary measures are in place? What civilian oversight is being exercised?

These questions have implications not just for the human rights situation in Aceh, but for military operations in other conflict areas of the archipelago, as well as for the process of reform within the armed forces, without which a transition to democracy will be impossible.

Below is a short list of just some of the individuals (and one military unit) of major concern to Human Rights Watch. All of the individuals identified have been convicted, indicted, or are strongly suspected of committing human rights violations in Indonesia or East Timor. All are suspected of having a role in the current war in Aceh. They must be removed immediately.

1. Major General Adam Rachmat Damiri, Operational Assistant to the Armed Forces Chief of Staff

From June 1998 until November 1999, Damiri served as the Regional Military Commander (Pangdam) of IX/Udayana, which included East Timor.

⁷ See Human Rights Watch, "Justice Denied for East Timor," December 20, 2002; Human Rights Watch, "Unfinished Business: Justice for East Timor," August 30, 2000.

⁸ See Human Rights Watch, "Justice Denied for East Timor," December 20, 2002; Human Rights Watch, "Unfinished Business: Justice for East Timor," August 30, 2000; Amnesty International, "Indonesia and Timor-Leste: International responsibility for justice," April 14, 2003; Professor David Cohen for the International Center for Transitional Justice, "Intended to Fail: The Trials Before the Ad Hoc Human Rights Court in Jakarta," August 19, 2003.

On August 5, 2003, the Jakarta ad hoc court on East Timor found General Damiri guilty of crimes against humanity for atrocities committed in East Timor in 1999. The Jakarta court found General Damiri guilty of failing to control the actions of his subordinates in:

1. The attack on the Liquica Church and Pastor Rafael Dos Santos' residence on April 6, 1999, in which at least twenty-two civilians were killed;
2. The attack on Isaac Leandro's house and Manuel Carrascalao's house in Dili on April 17, 1999, in which eleven civilians were killed;
3. The attack on the Dili Diocese on September 5, 1999, in which at least twenty people were killed;
4. The attack on Bishop Belo's residence on September 6, 1999, in which at least ten people were killed; and
5. The Suai Ave Maria Church massacre on September 6, 1999, in which at least twenty-seven civilians were killed, including three priests.

Prosecutors could have, but failed to, bring more serious charges of direct responsibility against Damiri and other senior Indonesian commanders for the violence in East Timor. The Jakarta court sentenced Damiri to a mere three years in prison for these crimes.⁹ Damiri was the highest-ranking military defendant in Jakarta's ad hoc court on East Timor.

Damiri has been accused of personal involvement in crimes against humanity by a U.N. backed court in East Timor. On February 22, 2003, the U.N. Serious Crimes Unit in East Timor filed an indictment against Damiri, charging him with five counts of crimes against humanity, including murder, persecution, and deportation or forcible transfer of the civilian population stemming from the criminal acts and omissions perpetrated by the Indonesian military and militia groups throughout East Timor in 1999. Damiri is charged with both individual criminal responsibility and command responsibility for the actions or omissions of his subordinates. Indonesia has refused to transfer Damiri to East Timor to stand trial.

Instead of being dismissed or otherwise disciplined, General Damiri appears to have been rewarded for his behavior in East Timor. In November 1999, just one month after the carnage committed under his command, he was promoted to Assistant for Operations to the Chief of the General Staff.

Showing his disregard for the process, Damiri missed at least four of his scheduled court appearances due to his involvement in directing military operations in Aceh province.

⁹ See Human Rights Watch, "Indonesia: Transfer Convicted General from Aceh," August 5, 2003.

While awaiting the result of his appeal, Damiri remains free and continues to be involved in assisting with military operations in Aceh. Few in Indonesia believe he will ever serve a day in jail.

Damiri's conviction by Jakarta's court leaves him in the notorious position of being the highest-ranking Indonesian military officer ever to be tried and found guilty of committing human rights violations in Indonesia. He should be removed from his position in Aceh immediately and should no longer be involved in conducting the current war in Aceh. As a convicted human rights abuser, he should not be allowed to remain on active military duty. He should be transferred to the court in East Timor to stand trial.

2. Brigadier General Suhartono Suratman, Deputy Head of the Armed Forces of Indonesia Information Center/Deputy Armed Forces Spokesman

On July 1, 2002, the Jakarta ad hoc court on East Timor indicted General Suratman for crimes against humanity for atrocities allegedly committed in East Timor in 1999. On February 24, 2003, the U.N. Serious Crimes Unit in East Timor also indicted General Suratman for crimes against humanity.

Jakarta's ad hoc court acquitted General Suratman of all charges in a trial widely criticized as being a sham.¹⁰ Suratman has yet to stand trial in East Timor and continues to face a request from Dili for his transfer.

Between June 1998 and August 13, 1999, General Suratman was the Commander of the Sub-Regional Military Command 164/Wira Dharma (Komandan Korem 164/Wira Dharma) in East Timor, making him the highest-ranking Indonesian military officer stationed in East Timor.

Like Damiri, for political reasons Suratman was charged by Jakarta prosecutors with only indirect involvement in the massacres. He was charged in Jakarta with failing to prevent the actions of his subordinates in relation to the attacks on the Liquica Church and Pastor Rafael Dos Santos' residence on April 6th, 1999, in which at least twenty-two civilians were killed, and the attack on Manuel Carrascalao's house in Dili on April 17th, 1999, in which eleven civilians were killed.

The U.N. Serious Crimes Unit's indictment against General Suratman is more straightforward, charging him with crimes against humanity, including murder,

¹⁰ See Human Rights Watch, "Justice Denied for East Timor," December 20, 2002; Human Rights Watch, "Unfinished Business: Justice for East Timor," August 30, 2000; "Indonesia & Timor-Leste: International responsibility for justice," Amnesty International, ASA 03/001/2003, April 14, 2003; "Report on the mission to Indonesia 15-24 July 2002," Report of the U.N. Special Rapporteur on the independence of judges and lawyers, Dato' Param Cumaraswamy, January 13, 2003.

persecution, and deportation. These charges relate to individual criminal responsibility and responsibility for the actions of his subordinates in relation to, among other charges, active participation in the establishment and formation of violent militia groups, failure to take necessary and reasonable measures to prevent crimes being committed by his subordinates, and failure to take necessary and reasonable measures to punish the perpetrators of those crimes.

Like Damiri, Suratman appears to have been rewarded for his actions in East Timor. In August 1999, he was promoted to the rank of Brigadier General and named to his current position of Deputy Spokesperson of the Armed Forces of the Indonesia Information Center.

Human Rights Watch has obtained information that in his current position Suratman has aided the Indonesian military in drafting the martial law decree for Aceh and continues to have an active role in the running of military operations in the province.

Human Rights Watch believes that Suratman should immediately be suspended from active military duty, removed from any role in military operations in Aceh, and transferred to the court in East Timor to stand trial.

3. Major General Sjafrie Sjamsoeddin, Head of the Armed Forces of Indonesia Information Center/Armed Forces Spokesman

Major General Sjafrie Sjamsoeddin was the Jakarta military commander with overall responsibility for military operations in the capital when up to a thousand people were killed in May 1998 in days of demonstrations and rioting that contributed to the eventual downfall of former President Soeharto. In April 2003, Komnas HAM declared that gross human rights violations had occurred during the May 1998 riots, stating that “security authorities at that time failed to curb the widespread riots that took place.”¹¹ The riots were triggered after security forces under Sjamsoeddin’s overall command fired on unarmed students at a peaceful demonstration at Triskati University, Jakarta, on May 12, 1998. Four students were killed. Many Indonesians blame Sjamsoeddin for the killings.¹²

¹¹ “Gross human rights abuse took place in May riots,” *The Jakarta Post*, April 3, 2003; “Statement of the national commission on human rights concerning the unrest in Jakarta and surrounding areas,” Komnas HAM, June 2, 1998; “Statement of the National Commission on human rights concerning the sexual assault including rape of ethnic Chinese and other Indonesian citizens,” Komnas HAM, July 8, 1998.

¹² Tiarama Siboro, “Syafrie’s appointment astounds militarymen, civilians alike,” *The Jakarta Post*, February 18, 2002.

Sjamssoeddin is also believed to have had a role in supporting the formation of pro-Jakarta militias in their campaign of violence in East Timor in 1999.¹³ General Sjamssoeddin was listed in a report for the U.N. Serious Crimes Unit on human rights abuses in East Timor by former Australian diplomat James Dunn. In the report, Dunn concluded that there were grounds to consider prosecution of General Sjamssoeddin, who was involved in drawing up plans for the militia groups in East Timor. Dunn has written that, “further investigations should show that this officer is implicated as one of the key military officers responsible for the development of the TNI [Indonesian armed forces] strategy that led to serious crimes against humanity in East Timor.”¹⁴

Sjamssoeddin is also one of those recommended by Indonesia’s Commission of Inquiry into Human Rights Violations for East Timor (KPP-HAM East Timor) for investigation. However, he was never indicted by Indonesia’s Attorney General’s office.¹⁵

According to KPP-HAM East Timor, eyewitnesses also placed General Sjamssoeddin at Bishop Belo’s house in East Timor when Indonesian-backed militia attacked it on September 6, 1999.¹⁶ At least ten people were killed and one injured during this unprovoked attack on civilians. Sjamssoeddin has denied these accusations.

Sjamssoeddin has repeatedly failed to respond to demands that he appear for questioning by Komnas HAM, the national commission on human rights, for his role in responding to the May 1998 riots in Jakarta. Among its duties, Komnas HAM is empowered to initiate and carry out the preliminary inquiry into alleged cases of gross human rights violations.¹⁷ Following an initial inquiry by Komnas HAM, the decision whether or not to proceed with an investigation and prosecution rests with the Attorney General. Komnas HAM is then empowered to ask a local district court to approve its request for a subpoena to help facilitate its investigations.¹⁸

¹³ Human Rights Watch, “Justice Denied for East Timor,” December 20, 2003; Tapol (the Indonesian Human Rights Campaign), “The Case for International Tribunal Overwhelming Following Indonesia’s Refusal to Transfer Suspects,” February 2, 2002.

¹⁴ See James Dunn, “Crimes Against Humanity in East Timor, January to October 1999: Their Nature and Causes,” February 14, 2001, p. 49, available at <http://www.etan.org/etanpdf/pdf1/dunn.pdf> (retrieved September 30, 2003); Don Greenlees, “E Timor General Wins Army Job,” *The Australian*, February 18, 2002.

¹⁵ See James Dunn, “Crimes Against Humanity in East Timor, January to October 1999: Their Nature and Causes,” February 14, 2001, p. 48, available at <http://www.etan.org/etanpdf/pdf1/dunn.pdf> (retrieved September 30, 2003).

¹⁶ Michael Richardson, “East Timorese hope for justice, but Jakarta holds back,” *The International Herald Tribune*, December 13, 1999; “Sjafrie denies role in attack on Belo’s residence,” *The Jakarta Post*, December 30, 1999; “Gen Sjafrie Denies He Was Involved in Attack on Dili Bishop’s House,” *Antara*, December 30, 2003; “New TNI spokesman, Sjafrie’s new controversy,” *The Jakarta Post*, February 25, 2003.

¹⁷ Article 18, Law No. 26/2000 (on human rights courts).

¹⁸ Article 95, Law No. 39/1999 (on human rights).

In July 2003, Komnas HAM formally requested a subpoena from the central Jakarta district court demanding that Sjamsoeddin answer repeated summons to answer questions about his role in the riots. The Central Jakarta District Court rejected Komnas HAM's request, stating that it was beyond the court's jurisdiction to comply with such a request, even though the same court had ruled in 2002 that Komnas HAM's inquiry into the May riots was legitimate and that the commission had the right to issue a summons to military personnel to answer questions about their role in the rioting.¹⁹ Sjamsoeddin was one of many retired and active military and police officers who were summoned by Komnas HAM in relation to the May 1998 investigation, but refused to comply.

On September 15, 2003, the ad hoc team set up by Komnas HAM to investigate the May 1998 riots submitted their findings to Komnas HAM and expected that it would be forwarded to the Attorney General's Office. The report identified some 20 civilians and military officers as being behind the disturbances.

Team member M. M. Billah told the press that the team's findings "show that security officers failed to act properly and correctly...[T]he ad hoc team believes that these incidents were not spontaneous acts. They were organized and instigated."²⁰

As the military spokesperson, General Sjamsoeddin's current role includes delivering the official line on how the military operations in Aceh are being conducted. He has been involved in restricting access to the press in Aceh and has made public criticisms of news reports from the province. In response to press reports that the Indonesian military had executed civilians, including children, in Aceh, Sjamsoeddin announced that the military intended to sue the Indonesian newspaper, *Koran Tempo*, for running the story. Sjamsoeddin told the *Jakarta Post* that, "We will officially sue *Koran Tempo* newspaper because it must be held accountable for the headline."²¹

Human Rights Watch believes that General Sjamsoeddin should be removed from his position and any role in Aceh until questions about his possible responsibility for violence in the May 1998 riots are cleared up and a thorough and impartial investigation into his role, if any, in the attack on Bishop Belo's house is completed. Human Rights Watch also believes that the Indonesian government should not allow senior officers to remain on active duty if they refuse to answer a summons from the official body authorized to investigate the violence in East Timor. This sends a message to others in the Indonesian military that they are above the law and that impunity is tolerated.

¹⁹ Muninggar Sri Saraswati, "Court rejection hampers unraveling of 1998 riots," *The Jakarta Post*, July 29, 2003; Tertiani Z.B. Simanjuntak, "Generals still defiant about KPP HAM summons," *The Jakarta Post*, March 6, 2002.

²⁰ Muninggar Sri Saraswati, "1998 Violence a Crime Against Humanity: Human Rights Team," *The Jakarta Post*, September 16, 2003.

²¹ Human Rights Watch, "Aceh Under Martial Law: Human Rights Under Fire," June 5, 2003; "TNI to sue 'Koran Tempo' over alleged false report," *The Jakarta Post*, May 28, 2003.

4. Major General Kiki Syahnakri (retired)

On February 24, 2003, the U.N. Serious Crimes Unit in East Timor indicted Major General Kiki Syahnakri for crimes against humanity for acts committed in East Timor in 1999. Although the prosecutor-general in Dili has requested his transfer, Indonesia has refused to comply.

From May 1998 until November 1999 Major General Kiki Syahnakri held the position of Assistant for Operations to the Army Chief of Staff. He also served as the Commander of the Martial Law Operations Command in East Timor in September 1999.

Syahnakri was steadily promoted after, and in spite of, his involvement in East Timor. In December 1999 he followed Damiri as the Commander of the Regional Military Command (Pangdam) of IX/Udayana, which included East Timor. He served in this position until November 2000, when he was promoted again to Deputy Army Chief of Staff.

Although Syahnakri retired in May 2002, Human Rights Watch understands that he was involved in drafting and advising the TNI on the architecture of the martial law administration for Aceh.

Human Rights Watch believes that because of his indictment for crimes against humanity, Syahnakri should have no official or unofficial role in the running of military operations in Aceh. Instead of acting as a wartime advisor, he should be promptly transferred to East Timor to face trial.

5. Colonel Gerhan Lentara, Commander of Teungku Umar Korem in Banda Aceh

On September 7, 1999, the government of Indonesia declared martial law in East Timor and established a Martial Law operations command in East Timor. Colonel Gerhan Lentara was appointed as the martial law commander for the Dili region, and held this post from September 9, 1999, until September 27, 1999.

During this period the Indonesian military and militia groups undertook the forcible expulsion of some 250,000 East Timorese to Indonesia, mostly to West Timor. The mass expulsions commenced after the announcement of the result of the popular consultation on September 4, 2003, right up to the arrival of the Australian-led International Federation for East Timor (InterFET) forces on October 25, 2003. Dili's airport and port were extensively used to facilitate the expulsions.

Colonel Lentara now serves in Aceh as Commander of the Military Resort Command based in Banda Aceh (Komando Resort Militer or Korem).

The role of the Indonesian military in the systematic and planned destruction of East Timor and attacks on its people in 1999 has been extensively documented.²² Given the scale of the mass deportations, Human Rights Watch believes that Lentara should not be allowed to play a role in the conflict in Aceh until a thorough and impartial investigation into his role, if any, in the deportations and in the subsequent violence in East Timor is carried out. In the meantime, Human Rights Watch urges the Indonesian government to remove Lentara from Aceh and to reassign him to inactive duty.

6. Lieutenant Colonel Sujono, current position and whereabouts unknown

Lieutenant Colonel Sujono was the most senior military officer to be indicted for taking part in the Bantaqiah massacre, in which the Muslim cleric and teacher Teungku Bantaqiah and 56 of his followers were massacred in Beutong Ateuh, West Aceh, on July 23, 1999.

The trial in Banda Aceh was held in a 'koneksitas' court, in which a joint panel of civil and military judges heard evidence of military atrocities against civilians. The Bantaqiah case was the first major human rights trial for Aceh, which ended with guilty verdicts against twenty-four soldiers and one civilian who were on trial for the killings.

Sujono was among those initially charged for the crime but failed to appear in court. He mysteriously disappeared from police detention prior to the start of the trial. The prosecution made the decision not to try Sujono in absentia. He has been missing ever since and his current whereabouts are unknown.

However, Human Rights Watch has learned that Sujono has been sighted several times in Aceh since martial law began in May 2003. It is unclear at this stage what position, if any, Sujono now holds.

Human Rights Watch calls on the Indonesian army to publicly state whether Sujono is playing any role in the war. If he does have a role, official or unofficial, this must end immediately. Instead, he should be placed under arrest and face trial in Indonesia.

7. Battalion 745

Battalion 745 was one of East Timor's territorial battalions, made up of Timorese and Indonesian soldiers, based in Los Palos, Lautem District, East Timor.

²² See U.N. Document A/54/26, S/2000/59 "Report of the International Commission of Inquiry on East Timor to the secretary-general," January 31, 2000; U.N. Document A/54/660 "Situation of Human Rights in East Timor," December 10, 1999; Komnas HAM, "Report of the Indonesian Commission of Investigation into Human Rights Violations in East Timor," January 31, 2000.

On November 6, 2002, Major Jacob Djoko Sarosa, 745 Battalion Commander, and Lieutenant Camilo dos Santos, platoon commander of Battalion 745, were indicted by the U.N. Serious Crimes Unit in East Timor for crimes against humanity for acts committed in East Timor in 1999. The two were charged with seventeen counts of “murder, imprisonment or severe deprivation of physical liberty, and other inhumane acts,”²³ constituting crimes against humanity.

These charges stem from crimes committed by members of Battalion 745 while in Lautem District and during their withdrawal from Lautem district to Dili, the capital of East Timor. The charges relate to individual criminal responsibility and responsibility for the actions of their subordinates in relation to, among other charges, the murder of Martinho Branco, Marcelio Branco, Juliao de Assis, and Elder de Assis on September 13, 1999 in Motolori sub-village, Lautem District; the murder of Amilcar Barros, Joao Gomes, and Augusto Venacio Soares on or about September 20, in Lautem village; and the murder of Dutch journalist Sander Thoenes in Dili on or about September 21, 1999.

Major Sarosa is also specifically named in the KPP-HAM East Timor report as a suspect in the killing of Thoenes. Nevertheless, Indonesia’s Attorney General’s office failed to indict him.

After the arrival of the InterFET peacekeeping troops and the subsequent Indonesian military withdrawal from East Timor, most members of battalion 745 were relocated to Kupang, the capital of West Timor.

Human Rights Watch has received reliable information that Battalion 745 is now on active duty in Aceh. Human Rights Watch believes that no member of this battalion, including Major Jacob Djoko Sarosa and Lieutenant Camilo dos Santos, should be on active military duty in Aceh. Members of Battalion 745 are widely believed to have committed systematic and grave human rights violations in East Timor in 1999. This is a dangerous military unit with a clear record of grave human rights abuses. Major Sarosa and Lieutenant dos Santos should be immediately removed from Aceh and transferred to East Timor for trial.

²³ “Indictment against Major Jacob Djoko Sarosa and Lieutenant Camilo dos Santos,” The General Prosecutor of Timor Leste, Dili, November 6, 2002.