

## **INDONESIA/EAST TIMOR:**

### **DETERIORATING HUMAN RIGHTS IN EAST TIMOR**

As the 51st session of the United Nations Commission on Human Rights in Geneva takes up the situation of human rights in East Timor this week, abuses in the territory continue to mount. Those abuses, involving possible extrajudicial executions, torture, disappearances, unlawful arrests and detentions and denials of freedom of association, assembly and expression, continue a downward slide that has been particularly apparent since November 1994. The perpetrators are the police and army, as well as a group operating in civilian dress, locally known as "ninjas", who operate as masked and hooded gangs and are reportedly organized by the military. Human Rights Watch/Asia does not question the obligation of Indonesian officials to take appropriate measures to respond to acts of violence that have occurred in East Timor over the past three months. But some of the actions of security forces have gone well beyond the bounds of international human rights and humanitarian law.

The most publicized incident has been the killing by Indonesian soldiers of six men in Liquica, outside of Dili, on January 12. Residents and church sources say all six were civilians, shot in retaliation for a guerrilla attack the day before; the army initially said all were supporters of the armed resistance, although on February 15, a military spokesman in Dili said the army had found "irregularities" in the killings and that four of the dead were, in fact, civilians. In early February, two Indonesian teams went to East Timor to conduct investigations, one from the army, the other from the National Human Rights Commission (KOMNAS). KOMNAS is a government-appointed body that has been willing on occasion to challenge and refute the military's version of events.

Human Rights Watch/Asia welcomes the investigations as an indication of the seriousness with which the Indonesian government views the killings and awaits with interest the publication of the findings of both teams. KOMNAS was supposed to announce the results of its mission on February 24 but decided instead that it would return to East Timor to "recheck its information", suggesting that its initial conclusions were at variance with the army's.

The Liquica incident, however, is only one instance of a broader pattern of abuse, and international pressure remains essential. In this report, Human Rights Watch/Asia calls on members of the U.N. Human Rights Commission to ensure that a strong, substantive statement or resolution on East Timor is adopted that will keep the human rights situation there very much on the international agenda. A consensus "Chairman's

Statement", as was adopted at the 50th session in 1994, will be useful only to the extent that its provisions are detailed, specific and relate directly to the kinds of abuses outlined in this report.

### **Background: Events in November 1994**

In the three months since November 1994, East Timor has been marked by two major incidents of ethnic violence, innumerable demonstrations, intimidation of civilians by roving bands of masked "ninjas", attacks on the press, the Liquica killings, and perhaps over one hundred arrests, some of which have involved torture. The November 1994 date stands out as the beginning of the current round of violence because of a series of events that occurred in conjunction with both the summit meeting of the Asia-Pacific Economic Cooperation (APEC) organization and the third anniversary of the November 12, 1991 "Dili massacre" in which Indonesian soldiers opened fire on East Timorese demonstrators, killing perhaps more than one hundred.

In fact, the tension in East Timor had been mounting steadily for more than a year, fuelled by a political power struggle in Indonesia, increasingly organized resistance, international attention and local resentment over the behavior of Indonesian officials, military personnel, and immigrant settlers.<sup>1</sup> But all of these factors came into particularly sharp focus in the period from November 1994 to February 1995.

Images of East Timor appeared on television screens around the world when twenty-nine East Timorese students climbed over the wall of the American embassy in Jakarta on November 12, as the APEC meeting began, and proceeded to occupy the grounds for the next twelve days. After American officials attending the APEC meeting, including President Clinton and Secretary of State Warren Christopher, stressed that the protest had been peaceful and received assurances from the Indonesian government that the students would not face punishment, the twenty-nine were allowed to leave for Portugal, where they offered political asylum, on November 24. Of forty others who did not make it over the wall of the embassy, four were briefly detained in Jakarta, and thirty-six others were sent back to their homes in East Java where they were attending university. Throughout the rest of November, those students were summoned for interrogation or "guidance" by local military commands in the towns of Malang, Jember, and Kediri, and some were still facing petty harassment in January 1995.

On the same day the students entered the embassy compound in Jakarta, an East Timorese trader named Mario Vicente was stabbed to death in Dili by an ethnic Bugis trader who had emigrated to East Timor from the Indonesian province of South Sulawesi. The killing appears not to have been politically motivated in any way; police said the two men had had a fight over a birdcage.<sup>2</sup> Vicente's death, however, set off a riot in which an East Timorese crowd set fire to several houses in a Bugis neighborhood in an expression of resentment against the strongly Muslim immigrant group which plays an important role in the local economy. The Bugis trader, Muhamad Sakir, was quickly arrested, tried for murder in December, and sentenced to fourteen years in prison. As of early February, an East Timorese named Augustino Belo, aged twenty, was on trial for arson charges in connection with the same incident, and the prosecution had demanded a two-year sentence.

The day after the riot was a Sunday, and several separate demonstrations took place, all witnessed by foreign journalists who had come to Indonesia and East Timor in connection with the APEC meeting. After a 7 A.M. mass at the residence of Bishop Carlos Ximenes Belo, about thirty young people unfurled banners calling

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<sup>1</sup> See Human Rights Watch, *The Limits of Openness: Human Rights in Indonesia and East Timor*, (Human Rights Watch: New York, 1994), Chapter II.

<sup>2</sup> Reuter, "Scientist Challenges Indonesia Over Human Rights Record," *The Nation* (Bangkok), December 22, 1994.

for freedom for East Timor. Later in the day, a separate group consisting of hundreds of East Timorese youths entered the Hotel Turismo, one of two hotels in Dili where foreigners stay, and began smashing and looting. They yelled "Long live Timor Leste", the nationalist phrase for East Timor, whenever they saw foreign journalists, but it was not clear whether they in fact were acting in the name of the resistance. Indonesian riot police were deployed in force and were attacked at one point by the youths armed with sticks and clubs.

A third demonstration was a quiet, peaceful protest at the Santa Cruz cemetery on the third anniversary of the 1991 massacre. The protestors called for President Clinton's help in securing independence and protection of human rights, as well as the release of Xanana Gusmao, leader of the East Timorese resistance who is currently serving a twenty-year term for rebellion in Jakarta's Cipinang Prison.

Over one hundred people were taken in for questioning between November 12 and 14, but most were released after questioning. Foreign observers, both journalists and members of international organizations, noted that for the most part, the police acted with restraint and seemed to be on best behavior for the APEC meeting.

On November 15, an anti-government demonstration took place inside the campus of the University of East Timor involving hundreds of university students. A group of high-school students marching to join them were surrounded by two trucks of riot police near the Mahkota Hotel. Some thirty who did not manage to escape were reportedly beaten and taken off to police headquarters; all were later released. Most stores and banks were shut, fearing disturbances, public transportation throughout Dili was suspended, and riot police were posted at virtually every major intersection in the capital. In the first of what was to be a series of accusations against the press, local officials accused a Japanese television crew of inciting "troublemakers" at the university, and later warned some forty assembled foreign correspondents that they had better not "do anything to create a situation that is not peaceful." Six days later, four journalists, including two photographers from Associated Press and Reuters respectively, were thrown out of Dili, one on the grounds that "anti-government posters were found in his possession," one because he came on a tourist visa rather than a press pass, and two because they "lacked valid documents."<sup>3</sup> All foreign journalists in East Timor reported that surveillance was tight, and many people were reluctant to be interviewed for fear of being seen by officials.<sup>4</sup>

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<sup>3</sup> Press Release from the Indonesian Ministry of Foreign Affairs, November 22, 1994

<sup>4</sup> Transcription of report by Voice of America correspondent Dan Robinson from Dili, November 20, 1995.

On November 18, a clash between pro-Indonesian and pro-independence forces (or anti-integrationists, in Indonesian parlance) took place, after a mass scheduled to be led by Bishop Belo at the Catholic cathedral in Dili was abruptly cancelled. A protest then broke out in front of the cathedral which in turn led to fighting when angry youths accused others among the protestors of being intelligence agents and started throwing rocks. Some eyewitnesses have suggested the fighting was started by government informers, but the origins of the clash remain unclear. One youth who helped a German television crew find their way back to a hotel in the midst of the melee was seized by police and thrashed, apparently on suspicion that he had been involved in the demonstration. A journalist nearby reported his face was so swollen that it was unrecognizable.<sup>5</sup>

On November 20, dozens of independence supporters gathered at Bishop Belo's house for mass together with an estimated one thousand Dili residents broke into derisory shouts and clapping at the sight of plainclothes police keeping watch on the crowd, but there were no untoward incidents. Four days later, on November 24, the same day that the twenty-nine students in Jakarta left for Portugal, a major demonstration took place on the University of East Timor campus. Some students began throwing stones at the armed police sent to break it up, injuring one policeman. The police fired several rounds of tear gas at the crowd, then surrounded the campus, trapping some 400 students and faculty inside until talks between students, university administrators and East Timor military commander Col. Kiki Syahnakri produced a peaceful dispersal.

Since the overall effect of twelve days of disturbances was to reinforce the impression internationally that all was not well in East Timor and that feelings of disaffection with the Indonesian administration ran high, the government decided to organize its own demonstration. Accordingly, on November 26, a march in support of integration brought some 20,000 people out into the streets of Dili, as a small group of demonstrators threw stones and plastic bottles at the marchers. Four of the demonstrators were arrested, and the police announced that two new police battalions had arrived in the capital to prevent further trouble.

At the end of the month, the government announced that thirty people would be prosecuted for their role in the disturbances of the preceding two weeks, including an East Timorese man named Matheus, employed by the local government, who had been arrested on November 27 as the "mastermind" of the trouble.

Up until this point, the human rights violations on the part of the Indonesian government had been restricted to some instances of excessive use of force such as the beatings described above by police, and efforts to restrict freedom of expression, including by restrictions on foreign journalists. The International Committee of the Red Cross was given immediate access to those detained in Dili, and there were clearly crimes committed, such as arson, that the police had every right to address. Concern over the four students detained in Jakarta and the thirty-six others sent back to East Java was justified, but they were eventually all accounted for and physically unharmed, although the repeated interrogation to which they were subject constituted a form of harassment, and the break-up of their peaceful protest was a clear violation of freedom of assembly. But then the APEC meeting was over, the international press disappeared, East Timor dropped out of the news, and reports of serious abuse began to surface.

## **December and January**

When the international spotlight was turned off East Timor, two developments occurred: arrests, this time with much harsher treatment, of those suspected of having instigated the unrest, and the appearance of gangs of thugs, apparently acting at the behest of the government.

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<sup>5</sup> Transcription of report by Philip Short on BBC News Hour, November 19, 1994, giving an eyewitness account.  
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On December 4, a former political prisoner named Henrique Belmiro was arrested, on suspicion of fomenting the demonstrations in mid-November. He was badly tortured and required at least seven stitches in his head as a result. Belmiro had been a member of Fretilin, the political party that won the 1974 civil war in East Timor, declared a short-lived independence a year later, and then organized the guerrilla resistance, at least as far back as June 1980, when he was arrested in connection with an attack on a government broadcasting facility. He had been imprisoned for six years in Cipinang Prison in Jakarta.

On the same day, an East Timorese businessman named Ahmed Alkatiri, reputed to be close to the Indonesian military, reported that he had been attacked at 8 A.M. at his home in Fatuhada, West Dili, by a group of anti-integrationist youth armed with knives. He was stabbed in the chest, and his left thumb was reportedly broken. Alkatiri was the local head of Pemuda Pancasila, a notorious goon squad linked to the government and implicated in violence against opponents of the ruling party, Golkar, during election campaigns and in incitement of anti-Chinese violence during labor unrest in North Sumatra in April 1994.<sup>6</sup>

On December 6, a report of the attack, using Alkatiri himself as the main source, appeared in the Dili newspaper, *Suara Timor Timur* (Voice of East Timor). Later that day, a group of between six and eight Pemuda Pancasila youth entered the newspaper office, said they were looking for the journalist, Jacob Herin, who wrote the story, and proceeded to destroy a television and several computers. When it was clear he was not in the office, they went searching for him and found him in the Mahkota Hotel. They pulled him out, beat him, took him to Alkatiri's house where they beat him further, and then dumped him at the Dili police command. Alkatiri apparently found the story insulting.

On December 27, a former prisoner named Bobby Xavier was arrested by military intelligence. He had been released only in October 1994 after serving five years in prison for his role in an incident at the Motael church in Dili on October 28, 1989 that was the immediate precursor of the Dili massacre. Like Henrique Belmiro, he was reportedly suspected of a role in organizing anti-government demonstrations. Tension continued to mount in the capital, and on December 31, four people were reportedly arrested in Dili after anti-integration youths attacked the homes of people believed to be working for military intelligence. The arrests of both Xavier and Henrique Belmiro, above, were carried out by military intelligence (known locally as *Satuan Gabungan Intelejen* or SGI) rather than police, in violation of Indonesia's criminal procedure law, and the danger of torture in SGI headquarters is high. Moreover, officials have offered no public explanation of the reasons for their arrest, nor have they provided any information on what specific, factual grounds exist to suspect them of involvement in crimes. In the absence of that information, questions about the legitimacy of the arrests will remain.

Then, on January 1, another Bugis trader stabbed another East Timorese to death, and the unrest set off by the killings brought in Indonesian troops who opened fire. The incident reportedly started when two drunk Bugis youths were urinating in public, and they were reprimanded by a Timorese woman, who was going with her boyfriend, Armindo Ximenes, to the home of someone who had just died. One of two, a youth named Cole, also known as Rusli, aged twenty-six, attacked and killed Armindo; Cole himself was then attacked and died of his wounds in a Dili hospital on January 4. Armindo's death set off a riot in the Baucau market area, in which ninety-five shops and kiosks were burned, and the local police station stoned. Police were unable to control the crowd, so soldiers from Battalion 745 were trucked in. Witnesses reported the troops jumping out of trucks and beginning to fire immediately.

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<sup>6</sup> See Human Rights Watch, *The Limits of Openness*, op. cit. p.102. Alkatiri is the brother of well-known resistance leader Mario Alkatiri.

At least one and as many as three people were reported to have been killed in the shooting. Twenty-one people were injured badly enough to require hospitalization, but of those, only four were wounded by bullets; the rest may have been hurt in the general melee. Two of the four were among dozens who had sought refuge in the Catholic church in Baucau and were apparently hit by ricocheting bullets, but it is not clear whether the soldiers who fired them were actually inside the church at the time; there were accusations at the time that they were. The district head of Baucau, Virgilio Diaz Marcel, said in the *Jakarta Post* of January 5, 1995, that he did not think the shooting had come from members of the military, an argument echoed by the local military command who acknowledged that a man had been shot dead "but from another direction to that of the security forces."<sup>7</sup> They offered no basis for their conclusions, and to Human Rights Watch/Asia's knowledge, no systematic investigation of the shootings was undertaken. Twenty people were taken into custody for questioning, and similar disturbances were reported in Ermera and Dili.

The burning of the Baucau market threw the Bugis community into a panic, and some 700 sought refuge in military camps. The stabbings and subsequent riots, first in Dili in November and then in Baucau in January, raised questions internationally about the social and political problem of Indonesian migration to East Timor. The Foreign Minister stated that 2,500 Indonesians came into the territory annually, but that the total immigrant population did not exceed five percent of the population -- a percentage that seemed to low to some recent Indonesian visitors to Dili. The governor of East Timor, Abilio Soares, announced that in an effort to minimize tensions, the local government would issue regulations to restrict the flow of unemployed migrants to East Timor.<sup>8</sup> In any case, the Baucau incident and the use of army troops who opened fire seemed to mark a significant hardening of the Indonesian government's reaction to the unrest. When a new Special Forces battalion arrived in Dili on January 3, a very public parade took place the next day to welcome the new troops and show off their equipment.

## **The U.N. Talks in Geneva and the East Timorese Response**

On Monday, January 9, talks on East Timor opened in Geneva between the Indonesian and Portuguese foreign ministers under the auspices of the U.N. Secretary General. It was the fifth time the two governments had met, but expectations of a concrete outcome this time were higher. Discussions of some form of autonomy were in the air, although only the most optimistic believed the Indonesian government would countenance any real change in the political status quo. President Soeharto's daughter, Siti Hardiyanti Rukmana (commonly known as "Tutut"), had begun a series of "reconciliation talks" in London in December 1993 between pro-Indonesian East Timorese living in Indonesia and former East Timorese resistance leaders living in Portugal who were opposed to the National Council of Maubere Resistance (CNRM), led by Xanana Gusmao. The talks were significant, not because they were in any way representative of the East Timorese inside East Timor, but because it meant that concern about finding some resolution to the East Timor question had reached the first family. They were also significant because the Indonesian embassy in London, which arranged the talks, was headed by the brother of one of Indonesia's most powerful political figures, Minister of Research and Technology B.J. Habibie. Another round of these "reconciliation talks" was held in September 1994 in the English town of Chepstow, with a U.N. official sitting in as an observer.

The following month, Indonesian Foreign Minister Ali Alatas met in New York with Jose Ramos Horta, the external affairs spokesman for the CNRM, and two other resistance leaders, in a meeting that seemed to augur a new willingness on the part of Indonesia to tacitly acknowledge the importance of the resistance, even if formally, Horta was received only as a member of an "anti-integrationist" group and not in

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<sup>7</sup> Agence France Presse, "Inesian Who Sparked E.Timor Riot Dies," *The Nation* (Bangkok), January 7, 1995.

<sup>8</sup> "East Timor to Deport Jobless Migrants," *Jakarta Post*, January 9, 1995.

his CNRM capacity. The meeting was billed as taking place under the terms of a May 6, 1994 communiqué issued after the previous round of U.N.-sponsored Indonesian-Portuguese talks, in which "the foreign ministers of Portugal and Indonesia informed the Secretary-General of their readiness to meet with leading supporters and opponents of integration respectively."

The expectations for the Geneva talks in January 1995 were to some extent justified when Indonesia and Portugal agreed for the first time that the U.N. should sponsor a dialogue between the East Timorese themselves, including both those in favor and those opposed to integration, inside and outside East Timor. (The meeting was expected to take place on April 24-25, 1995 in Salzburg, Austria, just prior to the next round of Indonesian-Portuguese talks scheduled for May 19.)

The attention to the January talks was not lost on the East Timorese. On January 9, about thirty students held a peaceful demonstration at the University of East Timor with banners demanding freedom for Xanana and expressing opposition to Indonesian rule. Police commander Col. Andreas Sugianto said that the demonstrators had broken into the university and tried to get students to join them, and that fighting had broken out when students refused to join. There is no available verification of the police version of events, but many of the demonstrators were, in fact, registered students at the university. Twenty-four of them were arrested after two hundred police and armed forces arrived to blockade the university, and four foreign observers, who witnessed two demonstrators being seized and beaten by police, were detained and deported for taking pictures of the event. Government officials said the four, three Australian tourists and a Dutch woman, were asked to leave "for their own safety."<sup>9</sup> Two foreign journalists were also asked to leave, according to the military commander Col. Kiki Syahnakri, because their presence might be "provocative." By mid-January, human rights organizations in Jakarta reported that sixteen of the twenty-four arrested would be brought to trial; the others were to be released.

## **The Liquica Killings**

Then came the Liquica killings. Initially, the army reported that six guerrillas had been killed in a clash with the army on January 12. The report was denied by local church sources, who said that all those killed were civilians. As additional information from East Timor became available, it appeared that there had, in fact, been an armed clash on January 11 between guerrillas and soldiers from the Liquica district military command (KODIM 1638) in the village of Leo-Tala. The district force did not manage to capture any of the guerrillas, but in the course of the clash, one of the Indonesian soldiers was wounded. The next day, soldiers from the district command returned to the area under the command of First Lieutenant Jeremias Kase, a military intelligence officer. (A military spokesman later said the troops were part of a military intelligence team called the "Parkit" unit.) They entered the hamlet of Gariana in the village of Fatufo (also seen as Batu-Bau), subdistrict Maubara, Liquica to look for the rebels. Not finding them, they opened fire on civilians, killing six: Jose Nunes, hamlet head; Abel Nunes, Augusto Pinto and Victor, all Gariana residents; and Americo Araujo and Osorio (also seen as Honorio), both residents of the village of Leo-Tala. Some villagers were also taken into detention. Their names are not known, nor is it known how long they were detained.

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<sup>9</sup> "Agence France Presse, "E. Timor Talks Coincide with Fresh Protest in Dili," *The Nation* (Bangkok), January 10, 1995.

The international furor over the six killings prompted several diplomatic representatives in Jakarta to raise questions with their Indonesian counterparts. The incident was finally brought to President Soeharto's attention on February 1, according to a local newspaper, and the President then instructed General Feisal Tanjung, commander-in-chief of the Indonesian armed forces, to open an immediate inquiry. On February 7, a team of seven officers, led by Brig. Gen. Sumarna T. from the office of the Inspector General of armed forces headquarters left for Dili to investigate. At the same time, the army chief of staff was asked to form a "Military Honor Council" to follow up on the results of the investigations and recommend disciplinary measures for soldiers found to have violated procedures -- and high-ranking Jakarta officials acknowledged that such violations had taken place. The same process took place after the Dili massacre in 1991, although both the methods of the investigating teams and the nature of the disciplinary measures were widely questioned, including in the report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, who visited East Timor in July 1994.<sup>10</sup> All of the concerns expressed by Mr. Ndiaye about the 1991 investigations could apply to the 1995 effort, including lack of impartiality, lack of technical expertise, no full public report and no protection of witnesses.

On February 16, five members of the National Human Rights Commission (KOMNAS) arrived in Dili to look into the killings, in only the second visit KOMNAS has made to East Timor since its establishment in late 1993. The team included the Komnas chairman, Ali Said; Clementino dos Reis Amaral, an East Timorese; Marzuki Daroesman, a former member of the national parliament; Joko Soegianto; and Professor Muladi. They visited the site of the killings on February 19, reportedly interviewed ten witnesses, and were due to release their findings by February 24. On that day, however, they announced that were deferring announcing their findings, saying they were returning to East Timor to collect more evidence. Professor Muladi, seemed to be taking a stance against any prosecution of soldiers, even if the evidence suggested guilt, when he said on February 21, that if soldiers were punished, it could have a poor effect on morale, and troops might be unwilling to take assignments in East Timor. His doubts were echoed by the armed forces spokesman, Brig. Gen. Syarwan Hamid, who told the daily newspaper, *Kompas*, "If soldiers are continually prevented from taking action because of human rights considerations, who is going to secure peace and stability in the area?"<sup>11</sup>

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<sup>10</sup> United Nations, "Report by the Special Rapporteur, Mr. Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994", E/CN.4/1995/61/Add.1, 1 November 1994.

<sup>11</sup> "Legal Expert Fears Consequences of Liquisa Probe," *Jakarta Post*, February 24, 1995.



In the meantime, the army began publicizing its version of events. General Feisal Tanjung said in Jakarta on February 20 that some 45 guerrillas had been planning to attack the town of Liquica and if the army had not been so quick to act, Liquica could have become a guerrilla base camp. He stated that four of those killed had been informants for the guerrillas and two were active fighters, and that all six had been killed in the course of an effort to capture a guerrilla hideout. The informants were killed when they tried to run away, Tanjung said. He said that according to a report from Colonel Syahnakri in Dili, the local military command had arrested four people in Liquica on January 10 and had "extracted information" from them about a guerrilla mobilization effort that had been underway in Maubara district beginning January 5.<sup>12</sup> (At least one of them, Rui, is believed to have been detained in SGI headquarters as of February 16; the whereabouts of the others is not known.) Comments such as those by Feisal Tanjung can only serve to prejudice the outcome of the investigations into the killings, especially coming as they do from the top military officer in the country.

In announcing the establishment of the Military Honor Council on February 21, army chief of staff Gen. R. Hartono said the decision to form the council was not an admission of guilt by the military but rather an effort to establish "whether mistakes of my subordinates were real mistakes or merely procedural."

### **Arrests after Liquica**

As noted above, one of those arrested in Liquica was reportedly a man named Rui. His arrest reportedly led to the detention of two well-known Dili activists on February 14, who several days later were still being held by SGI. The two were David Dias Ximenes, once a professional soldier and former prisoner, and Nuno de Andrade Sarmiento Corvelho, an employee of the Hotel Resende in Dili. Human Rights Watch/Asia was concerned that the four arrested in Liquica, as well as Ximenes and Corvelho might already have been tortured.

David Dias Ximenes had served as a soldier in the Portuguese army and then, briefly, with the Indonesian army. He was first arrested by the Indonesian military in 1980 after an attack by East Timorese guerrillas on June 10 on a broadcasting station in Dare, a suburb of Dili, and on a barracks in Becora, Dili of Indonesian army battalion 745. He was initially held in a safehouse in Dili where he was tortured. After three years of detention without charge or trial, he was transferred to the Comarca Prison in Dili in 1983 where he was tried and sentenced to fifteen years. In 1986, he was moved to Cipinang Prison in Jakarta where he was held until his release in 1992 and his subsequent return to Dili. Ximenes came under tighter surveillance following the December 4, 1994 arrest of Henrique Belmiro, accused of being one of the main instigators of a demonstration in Dili a month earlier on November 12. Belmiro and Ximenes are friends; Belmiro was also arrested after the June 10, 1980 attack. After Ximenes had been called in several times for interrogation in December 1994 and January 1995, he gave power of attorney to the Joint Committee for the Defense of East Timorese in Jakarta, because he learned he was going to be arrested.

Nuno Corvelho had been detained several times before his arrest on February 14 but never formally charged, to Human Rights Watch/Asia's knowledge. He had been arrested in April 1989, following the release of a highly-publicized letter from Bishop Carlos Ximenes Belo, the bishop of Dili, to the United Nations, urging that referendum on self-determination be held in East Timor. Dozens of people believed to be supporters of that proposal were arrested that month and then released. Corvelho was detained again for questioning in May 1994, following the arrest of Jose Neves, an East Timorese student studying in Malang,

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<sup>12</sup> "Liquica Nearly a Rebel Base," *Jakarta Post*, February 21, 1995.

East Java. Neves was found to be carrying a letter from East Timorese guerrilla commander Konis Santana; he was tried and sentenced to four years in prison in February 1995.

The human rights organization ELSAM in Jakarta issued a public statement noting that the arrests of both Ximenes and Corvelho had been in violation of Indonesia's own Criminal Procedure Code, because they had been carried out not by the police but by the military. Indonesian sources reported that Ximenes had been charged with rebellion, but Human Rights Watch/Asia could not confirm the report.

## The "Ninjas"

As noted above, the city of Dili began to be terrorized by roving gangs of masked or hooded men, known locally as "ninjas" in January and February. Such gangs have periodically surfaced in East Timor at least since 1991 when they were known as "bufos." Indeed, they were particularly active in October 1991, just before the Dili massacre, when they were used by local military officers to intimidate independence supporters. It is not clear what relationship, if any, the "ninjas" have to the "bufos" or to Pemuda Pancasila, the quasi-official thug organization mentioned above, except that they are also believed to be supported by the local military and have engaged in a series of night-time raids on homes of suspected independence supporters. On February 9 at about 4:30 a.m., for example, five people were abducted from the home of Armandina Gusmao Exposto, the sister of imprisoned resistance leader Xanana Gusmao -- despite the fact that a military post was set up in front of her house in 1994 to watch who came and went. Three of the five, Angelo Salddanha, Manuel Reis and Domingos Almeida, were reported on February 23 to be in detention at SGI headquarters, while another, Joao Baptista, aged twenty, was reported to be in the military hospital in Dili, although Human Rights Watch/Asia was unable to verify those reports.

Harassment and abuse by ninjas led to the creation in some areas of Dili of neighborhood vigilante groups who in some cases, sought out and beat up suspected ninjas or set fire to their motorcycles. On February 14, ostensibly to quell the disturbances caused by both the ninjas and the vigilantes, the army deployed extra troops on the streets of Dili. Public transportation was suspended after 5 P.M. and military checkpoints were set up throughout the capital. The activities of the ninjas decreased sharply thereafter, although reports continued of operations outside Dili.

East Timorese military commander Col. Kiki Syahnakri claimed that that the ninjas were in fact the creation of the pro-independence movement who wanted to create unrest in East Timor just before the opening of the U.N. Human Rights Commission meeting in Geneva.<sup>13</sup> Dili police commander Col. Andreas Sugianto, announced on February 15 that the police had detained twelve men. In one breath, he said that the twelve were suspected ninja leaders who coordinated the efforts to terrorize independence supporters, but in another, that they were vigilantes who, according to a Reuters interview, "had gone on the rampage after [ninja] attacks."<sup>14</sup> In a statement that raised concerns that the men might have been tortured, Sugianto said that the men "have confessed to having started the rumors that the gang of ninjas were paid

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<sup>13</sup> "Military Beefs Up Street Patrol in E.Timor Capital," *Jakarta Post*, February 16, 1995.

<sup>14</sup> Reuter, "More arrests in East Timor," February 21, 1995.

by the military to stir trouble [sic] and therefore discredit the authorities."<sup>15</sup> One of the twelve was also named Joao Baptista, but it was not clear whether he was the same person abducted from Armandina Gusmao's house on February 9.<sup>16</sup>

More arrests took place through the end of February, but residents said some of those arrested were not ninjas but suspected supporters of independence.

## The Trials

It is difficult to assess how many people have been formally indicted in connection with the unrest in East Timor since November 1994. At a minimum, six were known to be on trial as of late January, accused of arson or other violent offenses. They were Jacinto dos Santos Loho, Elidio Maa, Juli Araujo de Jesus, Marcelino da Costa, Pransitas (Franz?) Klau and S. Neves. Sixteen of those who took part in the January 9 demonstration at the University of East Timor were also scheduled to be tried: Alfredo Lopes, Jose Pinto, Filomena dos Santos, Alexander da Costa, Bendita Salon, Jhon Manuel, Mario da Costa, Inacio de Jesus dos Santos, Paulo Jorge Amaral, Carlos Bareto, Luis Tavarez, Jose Hendriques, Lemos Bareto, Aping da Costa, Jose Antonio Belo and Ipolito da Silva. They were expected to be charged with "spreading hatred toward the government of Indonesia" under Article 154 of the Criminal Code, an offense often used to restrict freedom of expression and association. The four men arrested in Liquica, as well as David Dias Ximenes, Henrique Belmiro, and the civil servant named Matheus were believed to be facing more serious charges, such as subversion or rebellion. With the twelve arrested as ninjas, the total facing trial in Dili District Court was at a minimum forty-two and likely to be higher, while the number of those detained without charge continued to mount.

There are serious questions about access to counsel. The first six were reportedly being defended by a court-appointed lawyer based in Dili named Ponco Atmono, whom the Indonesian government tends to call upon when political cases come up. Of the sixteen students, three gave power of attorney to the Jakarta-based Joint Committee for the Defense of East Timorese after an Indonesian lawyer, Artidjo Alkostar, visited Dili on its behalf in mid-January. The families of the remaining thirteen appear to have been warned by Dili police that things would go harder for their relatives if they hired human rights lawyers.

## Why Now?

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<sup>15</sup> "Military Beefs Up Street Patrol in E.Timor Capital," *Jakarta Post*, February 16, 1995.

<sup>16</sup> The others were named in a February 21, 1995 *Jakarta Post* article as Carleto Breok, Octavianus, Antonio Caemaluk, Matheus, Claudio, Felipe, Simplesio da Casembo, Apollo Mario Alves, Alves, Manuel, and Francisco Martins.

Several factors may be at play in the sharp deterioration in the human rights situation since November 1994. The resistance has increasingly turned from guerilla warfare to well-organized actions in urban areas, and some of the crackdown has been in direct response to specific actions by pro-independence groups. The Indonesian government certainly places all blame for the unrest on the latter. It points to the occupation of the American embassy by the pro-independence students on November 12 as a move deliberately designed to embarrass the government during the APEC meeting, and most journalists in Jakarta at the time argued that it succeeded. The government also says that the demonstrations in Dili in the days that followed were an effort by "a small group of people" to turn a quarrel between traders into a political demonstration.<sup>17</sup> That opponents of Indonesian rule were ready to take advantage of the presence of the foreign press in November was clear, and they also timed the demonstration at the University of East Timor on January 9 to coincide with the talks in Geneva.

But there were many acts of violence that occurred between November 1994 and the present that are not clearly linked to the "anti-integrationist" camp. With the rivalry between President Soeharto and Minister B.J. Habibie on the one hand, and much of the senior officer corps on the other, there is wide scope for manipulation of naive groups by parties with a political interest in local unrest, and there have been a few incidents which seem deliberately provoked. An incident in June 1994 when two soldiers, later tried and convicted, stomped on the communion wafer during a Catholic mass in Remexio and prompted an angry reaction from villagers is one such example; the fight outside the Dili cathedral on November 18 may have been another. The appearance of the ninjas may have been an army effort to use a civilian vigilante force to go after suspected resistance members in ways that regular troops, because of international scrutiny, could not. The ninjas may also have served the army's purpose by embarrassing Soeharto and to suggest, especially given foreign expressions of concern, that he was unable to control the situation on the ground in East Timor. Soeharto, however, made effective use of a commission of inquiry and a Military Honor Council after the 1991 Dili massacre to shake up his military opponents, particularly the intelligence apparatus, and he may turn the 1995 analogues to similar benefit. There is speculation that not only Col. Kiki Syahnakri, but also the division commander in Bali responsible for the region that includes East Timor, may face disciplinary action.

The increased unrest comes at a time when evidence of President Soeharto's desire to rid political institutions of trouble-makers has been increasingly evident in Indonesia proper, and a determination to flush out and quash supporters of independence may be part of the same effort. If in Indonesia, the period November through January has seen Jakarta's efforts to oust the leadership of the country's largest Muslim organization, Nahdatul Ulama, and its one poor semblance of an opposition party, the Indonesian Democratic Party, it has also seen the effective removal of an East Timorese governor in January that some suspected of having nationalist sympathies. Governor Abilio Soares was sent to the National Security Institute, Lemhamnas, in mid-February for three months of training. Normally, being sent to Lemhamnas is a sign of political favor for up-and-coming civil servants; for a serving governor, it is a kind of exile and may be a prelude to dismissal. Soares had reportedly urged that East Timor be granted a special autonomous status, and President Soeharto was not pleased.

The dialogue between pro- and anti-integration East Timorese scheduled to be held under U.N. auspices in April may also be an incentive to some circles in the government or army to discredit the resistance and torpedo the talks before they begin.

Finally, there are broader social factors at work as well. The communal tension between Timorese and ethnic Bugis is indicative of the extent to which East Timor is becoming a tinderbox in new and different ways than it has been in the past. The human rights abuses are only one manifestation of a much larger social and political problem for the Indonesian government that it as yet has shown no aptitude for addressing.

## **Conclusions and Recommendations**

The unrest in East Timor beginning in November 1994 has involved a wide range of actions and responses. Some were organized, some were spontaneous, some violent, some peaceful. The Indonesian security forces have not

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<sup>17</sup> Communications of the Indonesian government reproduced in "Situation in East Timor: Report of the Secretary-General" (E/CN.4/1995/72), January 31, 1995.

only a right but an obligation to take appropriate measures to respond to crimes like arson, assault and various forms of vandalism, and to quell riots, using force if necessary, but only in proportion to the threat they face. They acted swiftly in November in arresting and prosecuting the Buginese trader who killed his East Timorese rival, but they also appear to have been responsible for arbitrary detention and physical abuse of suspects in responding to the unrest.

The government of Indonesia also has an obligation to prevent the kind of intimidation and harassment undertaken by the ninjas. Instead, the army in East Timor appears to have actively supported them. The Liquica killings are also cause for concern, and the fact that two fact-finding teams went to the site should not be taken to mean that the Indonesian government has fulfilled its human rights obligations; clearly that judgment depends on the thoroughness and impartiality of the investigations themselves and on the follow-up thereafter. The following recommendations to the Indonesian government, therefore, should be reinforced in a statement or resolution at the U.N. Human Rights Commission:

1. East Timorese should be permitted to fully exercise the rights to freedom of expression, association and assembly, guaranteed not only by international human rights law but by the Indonesian constitution.
2. Allegations of torture, disappearances, arbitrary arrest and extrajudicial killings should be investigated immediately with those found responsible prosecuted to the fullest extent of the law. (In this regard, the decision to send an army investigating team and to establish a Military Honor Council will have been useful only if it serves to bring out the facts and not to assist in a cover-up; KOMNAS efforts may act as a useful check on the army, but their methods and expertise need to be subjected to scrutiny as well.) The recommendations made by Mr. Bacre Waly Ndiaye, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, in his November 1994 report with respect to the 1991 massacre are equally valid for ongoing abuses.
3. Invitations to visit East Timor in the near future should be extended to the current Special Rapporteur on Torture (as they were to his predecessor in 1989 and to the Special Rapporteur on Summary and Arbitrary Executions in 1994) and to the Working Group on Arbitrary Detention.
4. The practice of using the military intelligence force, SGI, to arrest and interrogate suspects should cease immediately to prevent further instances of torture. Arrest and interrogation, according to Indonesia's Criminal Procedure Code, are functions of the police.
5. Detainees should be allowed immediate access to counsel of their choice, as provided for in the Criminal Procedure Code mentioned above.
6. Full and unrestricted access to the territory should be granted to journalists, human rights organizations and other visitors, without special travel permits.

#### ***Human Rights Watch/Asia (formerly Asia Watch)***

*Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Mendez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is the executive director; Mike Jendrzeczyk is the Washington director;*

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