

INDONESIA/EAST TIMOR

DETERIORATING HUMAN RIGHTS IN EAST TIMOR

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I. SUMMARY AND RECOMMENDATIONS

The months of May, June, and July 1997 seemed to mark an intensification of the conflict in East Timor, with guerrilla attacks on both Indonesian military targets and civilians in Dili, Baucau, Ermera, and Los Palos, and intensive operations by the Indonesian army to find and punish those responsible. The timing of the attacks was linked to the May 29 national elections in Indonesia in which Foreign Minister Ali Alatas ran representing East Timor on the list of the ruling party, GOLKAR. Both Alatas and Transmigration Minister Siswono Yudohusodo made highly publicized campaign visits to East Timor in mid-May, with Alatas challenged by students at the University of East Timor on Indonesia's refusal to hold a referendum on the territory and Siswono's presence serving to underscore the highly sensitive issue of how government-sponsored migration is changing the demographics of East Timor.¹ The outcome of the election was never in doubt -- GOLKAR won in East Timor by more than 80 percent of the vote as opposed to its 74 percent overall victory in Indonesia -- but guerrillas targeted polling places, election officials, and, in some cases, voters to highlight their rejection of Indonesian rule. Some thirty people died in these attacks, including at least ten civilians, whose deaths Human Rights Watch condemned as a clear violation of international humanitarian law.

But violations of humanitarian law by the guerrillas, some of which are described in detail in this report, cannot justify violations in return by the Indonesian government and armed forces: the months following the attacks have been characterized by widespread arbitrary detention, torture, and at least one high-profile death in custody that needs further investigation. Human Rights Watch does not question the obligation of the Indonesian authorities to arrest people believed responsible for crimes such as murder, arson, and assault. But the Indonesian government is not just arresting those responsible. Military teams have been systematically rounding up large numbers of people, detaining them for days or weeks at a time without a warrant or detention order, and intimidating or torturing them so that the army can get information about possible suspects. Hundreds of East Timorese, men and women, were arrested in this manner in June and July 1997, a continuation of a long-established pattern in East Timor.

Torture, particularly with electric shocks but also with a variety of instruments such as rattan, metal pipes, and electric cable, is a standard method of interrogation used by police and army personnel alike. Torture is carried out primarily in police stations and military posts or intelligence safe houses immediately after arrests, but Human Rights Watch has also received reports of arresting officers taking suspects from their homes into forest areas in the vicinity and torturing them for information there, where there may be less danger of word filtering back to local human rights monitors or the International Committee of the Red Cross (ICRC). Torture has even apparently become a source of income for individual officers in East Timor who are selling photographs and even videotapes of interrogation sessions to the highest bidder, with the price rising as more details (such as where and when the interrogation took place) are included.²

¹"Indonesia tidak takut referendum," *Suara Timor Timur*, May 24, 1997.

² In July 1997, we saw one set of photographs that had been purchased in this way and spoke with the buyer who requested that we not use his name or that of the officer who sold him the prints.

This report focuses on the period from May to July, but it also includes new information about earlier incidents. Outside human rights organizations are not allowed formal access to East Timor; a request from Human Rights Watch to the Indonesian government in early June has not been answered. The information presented here comes from a variety of sources, including interviews with East Timorese, trial documents of East Timorese convicted in Dili district court, eyewitness accounts compiled in East Timor and made available to Human Rights Watch, and articles from the local Dili newspaper, *Suara Timor Timur* (Voice of East Timor).

It is important to note that the conflict did not suddenly erupt again in May after a long period of dormancy. Rather, tensions have escalated steadily in recent years as the army has tried to “Timorize” the security forces, with a heavy reliance on unemployed young people as informers, and as socioeconomic problems (a high unemployment rate; development policies seen as favoring non-Timorese; and an increasing number of Indonesian migrants) have fueled resentment of the Indonesian presence. The attacks in May were preceded by a series of violent outbreaks, each of which led to mass arrests and accompanying human rights violations. They include:

- March 23, 1997: a demonstration by young people at the Mahkota Hotel in Dili where U.N. special envoy Jamsheed Marker was staying was forcibly broken up and led to the arrests of thirty-three people, several of whom were tortured in custody.
- February 21, 1997: a riot in Oecusse, Ambeno district, involving more than 600 youths started after a parish priest attending the first-ever celebration there of the end of the Muslim fasting month at the district military command on February 19 was served a meal that had been tampered with beforehand, making it look like he was getting someone’s leftovers. Despite apologies from the military commander, word of the incident leaked out and led to a riot in which one man was killed and several kiosks were destroyed. Dozens were arrested by armed troops from the mobile police brigade (Brimob). Seven were later charged with a variety of criminal offenses.
- February 6-10, 1997: more than thirty people were arrested in Viqueque after armed members of the youth militia, Gardapaksi (see below), together with the counterinsurgency Rajawali forces, mounted an operation in Uai-Tame and Nae-Dala, two villages suspected of being logistical supply bases for the guerrillas. Villagers were terrified by the operation, saying it was as bad as anything they had seen since 1975, the date of the Indonesian invasion. The leader of the Gardapaksi unit that led the operation, Eugenio da Costa Soares, was later killed in an ambush by guerrilla forces in April.
- December 24, 1996: Bishop Carlos Ximenes Belo returned to Dili from Norway after receiving the Nobel Peace Prize. Hundreds of thousands lined up along the road to welcome him from the airport, but in several places, people suspected of being intelligence agents were set upon by East Timorese youth who believed they were planning to assassinate the Bishop. An army corporal was killed, and the police commander of Dili and several others were beaten. A massive manhunt took place in the aftermath of the violence; sixteen people were eventually arrested, tried, and received light sentences in July. One reason for the leniency, according to the lawyer, may have been the evidence of torture produced at their trials.

In addition, countless raids took place on communities suspected of supporting the guerrillas or the underground political network. Some of these incidents are documented in this report.

Recommendations

Human Rights Watch calls on the Indonesian government and the guerrillas of Forças Armadas de Libertação Nacional de Timor Leste (Falintil, the Armed Forces for the National Liberation of East Timor) to respect human rights and humanitarian law.

To the Government of Indonesia:

- demonstrate a commitment to curbing the practices of torture and arbitrary detention respectively by inviting the U.N. Special Rapporteur on Torture and the U.N. Working Group on Arbitrary Detention to visit East Timor and make recommendations designed to eliminate these abuses.
- cease the provision of military and paramilitary training for “pro-integration” youth groups and investigate charges that these allegedly civilian groups have participated in military operations in East Timor with regular and special forces.
- set up a central register of detainees in East Timor and require all members of the military, including police (a branch of the armed forces in Indonesia) to report immediately names of those arrested so that family members can know immediately who is detained and where.
- issue clear instructions, to be published in the newspaper *Suara Timor Timur* (Voice of East Timor) and other public places, that members of the security forces, including police, army, and various paramilitary groups, are explicitly banned from using any form of torture, including electric shocks, beatings, and submersion in water, at all times. The government should cooperate with local human rights organizations like the Commission on Justice and Peace to set up a mechanism by which torture victims could report to the commission with confidence that their reports would be fully investigated, that they themselves would suffer no reprisals, and that the torturers would be prosecuted to the fullest extent of the law.
- ratify the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

To the Falintil

- announce their full adherence to the principles of humanitarian law, particularly Common Article 3.
- announce an immediate cessation of the practice of executing civilian Timorese suspected of being informers or collaborators.

To the International Community

- ensure that no arms or military equipment that can be or have been used in the commission of human rights abuses in East Timor should be sold or provided to the Indonesian government.
- request full transparency from the Indonesian armed forces on the number of security forces stationed in East Timor, including rotating battalions, special forces, counterinsurgency units, paramilitary groups, police, and intelligence units, and engage the Indonesian government in discussions on how to reduce that number.
- ensure that any training programs for the Indonesian military include a human rights component to be developed in consultation with experienced Indonesian human rights NGOs, and that it include a mechanism for making the military careers of the participants a matter of public record in Indonesia as well as in the country offering the assistance and for tracking their careers for a five-year period after the training concludes. An evaluation of the human rights record of the participants should then be conducted, with that record again to be made publicly available, both in Indonesia and in the country offering the training.
- ensure that bilateral aid and investment programs for East Timor are undertaken in consultation with Bishop Carlos Ximenes Belo and representatives of the Catholic church in the area where the project is to be implemented.

II. THE MILITARY SITUATION

The conflict in East Timor takes the form of ongoing civil strife as well as sporadic clashes between the Indonesian army and the guerrilla organization known as Falintil, the armed wing of the political organization called the National Council of Maubere Resistance (CNRM). CNRM is an umbrella organization of East Timorese nationalist organizations that includes the much better known political organization, Fretilin. The size of Falintil is the subject of much speculation: for the last decade, the Indonesian military has been using a figure of 200 armed regulars; other sources put the figure at 700, with thousands of underground activists involved in unarmed political activity.³

Indonesian military forces in East Timor include regular police, mobile brigade police, troops from Indonesian infantry battalions, units of the Indonesian special forces (Kopassus); at least one air force battalion; local territorial troops; a variety of paramilitary forces; and an extensive intelligence network.

East Timor has more than 2,500 police, a far higher concentration than Indonesia proper. In July, Col. (Pol) Atok Rismanto, head of the East Timor provincial police command, said the ratio of police to people in East Timor was 1:300, whereas nationwide, the average was 1:2,000. He noted that new troops had been recently added, but that was in anticipation of retirements.⁴ Of those police, more than 800 are fully armed mobile brigade troops (Brimob), half of whom rotate in and out of East Timor on fourteen-month tours of duty. In May 1997, for example, it was announced that 155 men from a West Java Brimob unit were replaced by 128 men from North Sumatra. The latter joined two other Brimob companies from the Moluccas and West Kalimantan as well as a company based in East Timor of 449 men.

The current number of troops in East Timor is not certain. In 1993, the Indonesian army had eight battalions from Indonesia proper serving in East Timor, each consisting of about 700 troops. Two were withdrawn in September 1995 but any reduction in troop strength was more than offset by the creation of local battalions, as well as by a variety of military and paramilitary groupings described below.⁵ Infantry battalions known to be operating in East Timor in 1997 include Nos. 744, 745 (both largely East Timorese in composition), 407 (operating around Viqueque), 312 (operating around Baucau), 515, 620, 621 and 713. When the battalions rotate out, they are replaced by battalions from the same army division so that knowledge and experience in the area is retained. In addition to the full battalions that are rotated in to East Timor, members of other Indonesia-based infantry battalions are sent in on a nine-month basis to augment the strength of the two "task forces" (*satgas*) based in East Timor of the army special forces (Kopassus), Rajawali I and Rajawali II. In July 1997, for example, Jakarta newspapers carried an article about 146 soldiers from five different battalions of the Sriwijaya division of the army based in South Sumatra who were given a heroes' welcome after the completion of nine months in East Timor with Rajawali II. Collectively (and ominously) termed the "Hunter Company" (*Kompi Pemburu*), the soldiers had been tasked with hunting down guerrillas in an effort to crush

³ Robert Lowry, *The Armed Forces of Indonesia*, Allen and Unwin (Australia:1996), p.158. He quotes the regional commander in 1995 as saying Falintil then had 180 regulars with 100 weapons.

⁴ "Sekretaris CNRM ditangkap," *Suara Timor Timur*, July 2, 1997.

⁵ Robert Lowry, *The Armed Forces of Indonesia*, p.160, and U.S. State Department, *Country Practices on Human Rights 1996*, entry on Indonesia (Washington, D.C.:1997).

the insurgency.⁶ Kopassus also has a permanent detachment in East Timor, No.81, but it is not clear what its troop strength is.

Special counterinsurgency units, led by army special forces in areas believed to have a high concentration of guerrillas, operate alongside local units in military operations; some of these appear to have been formed at the same time that Jakarta was announcing the withdrawal of combat units from East Timor. Each of these units is believed to have between 200 and 300 men, according to a local source, and there is a high proportion of East Timorese. The Saka forces are one such unit in Baucau, headed by a Kopassus officer, Francisco Sicofae; the Halilintar ("Thunderbolt") is its counterpart for the area of Atabai, Kailaco, and Balibo, commanded by João Tavares, former bupati or district head of Bobonaro, and Makikit operates in the Viqueque area. These appear to be relatively new units, reportedly formed under the direction of President Soeharto's son-in-law, General Prabowo. While a counterinsurgency unit with the name Halilintar was active during one of the worst offensives of the conflict in East Timor, from 1977-1980, it was then dissolved, only to be resurrected in 1995. A similar unit is believed to be in operation around Los Palos, in eastern East Timor.

In addition to these combat units, there are also hundreds of troops based in the regional military command (Korem 164), each of the thirteen district commands (Kodim) and the dozens of smaller subdistrict commands (Koramil). Normally, a Korem has about 350 troops, the Kodims about fifty each, and Koramils about seven or eight.

⁶ "Yudhoyono: Operasi di Timtim bukan Pertempuran Konvensional," *Republika*, July 21, 1997.

These field units are reinforced by a variety of quasi-military and paramilitary organizations, many of them youth groups. The "three-month army" (*tentara tiga bulan*) is one such creation where East Timorese receive three months of training in Malang, East Java, then are given uniforms and firearms to fight alongside more experienced combat units in the Rajawali task forces. The recruits for the three-month army are from the civilian militia called *hansip*. The Gardapaksi (*Garda Pemuda Penegak Integrasi* or Youth Guard for Upholding Integration), created in July 1995, is supposed to be a wholly civilian program for training unemployed East Timorese youth in occupations such as furniture-making and automobile repair. Headed by Marcal d'Almeida, head of the GOLKAR or ruling party faction in the local parliament, its members are also reported to receive military training from Kopassus, non-lethal equipment such as walkie-talkies and occasionally firearms, and have accompanied regular military units in operations against suspected independence supporters. As of mid-1997, Gardapaksi was reported to have 800 members.⁷ In addition to the unemployed, the pool of recruits for Gardapaksi is said to include youths who have been arrested for anti-integration violence, held in custody and often abused, then released on the condition that they become informers. East Timorese sources told us that Gardapaksi youth get an "honorarium" of Rp.17,000 (US\$8.50) a day for taking part in specific actions, such as mounting counterdemonstrations to pro-independence rallies. Members of Gardapaksi are said to be given special incentives, such as better housing, access to university, and so on. After a leader of Gardapaksi in Viqueque was killed in April, apparently in retaliation for having been involved in a military operation there in February, the organization took on a much lower profile.

At various intervals since 1989, masked or hooded East Timorese called *ninjas*, believed to be working with the army, have been involved in attacks on anti-integration youth. It was a fatal ninja attack on an East Timorese in October 1991 that led to the Dili massacre a month later, where Indonesian armed forces opened fire on a memorial procession for the slain youth. While reports of ninja attacks or intimidation have been less frequent during the last two years (coinciding with government efforts to build up the Gardapaksi), a twenty-five-year-old student at the University of East Timor named Marcelino was stabbed to death by a masked man in black clothes on July 11 in the village of Potete, Ermera. The acting head of the provincial police, Drs. Yohanes Paplangi, issued a statement denying the attacker was from the military, suggesting there had been allegations locally that he was.⁸

III. MARGINALIZATION

⁷ Confidential documents made available to Human Rights Watch in Jakarta in July 1997.

⁸ "Mahasiswa tewas ditikum," *Suara Timor Timur*, July 15, 1997.

The heavy military presence is one element that may be leading to increased support for the opposition to Indonesian rule and the *intifada*-like activities in East Timor's urban areas. But social, economic and political marginalization may be another, as land acquisition by Indonesians and in-migration are changing the social fabric of the territory. It is indicative of the social changes taking place in heavily Catholic East Timor that not only was the end of Ramadan publicly celebrated in 1997 for the first time in Ambeno district, but in July, more than 2,000 people took part in the Hindu celebration of Saraswati at the Giri Natha temple in Dili, presumably all of them civil servants or transmigrants from Bali.⁹

In 1995 and 1996, major clashes broke out between East Timorese and migrants of the Bugis and Makassarese ethnic groups who came to East Timor from South Sulawesi and who are renowned both for their commercial skills as well as for their Muslim piety. These clashes, which usually started with a fight in a marketplace between East Timorese and migrant traders, deflected attention from the more formal government-sponsored transmigration program that has brought thousands of Indonesians to East Timor as "model farmers" (*petani teladan*). These farmers are supposed to set an example for the East Timorese on how to grow crops, although they are often utterly unfamiliar with the climate and soil conditions of East Timor. The presence of both "spontaneous" migrants who come on their own as well as those who come through government programs also serves the political purpose of "integration" by increasing the proportion of non-Timorese in the population.

The social and political problems created by the influx of Indonesians were noted as long ago as 1990 by a team from Gajah Mada University in central Java. They warned that the "flood of newcomers" would "sow the seeds of communal conflict" and was already creating the feeling among the East Timorese that the migrants were extorting their money, taking their jobs, preventing their economic advancement, and bringing no tangible benefits.¹⁰

When Transmigration Minister Siswono Yudohusodo visited a transmigration site in Suai, Covalima, on May 19 as part of the election campaign, he arrived in a convoy of dozens of cars and was greeted by thousands of people waiting to see him and shouting "Long live GOLKAR!" "Pancasila Forever!" and "Development Must Continue!"¹¹ The reception may have been orchestrated, but it illustrates how the transmigrants provide a buffer for the government against East Timorese nationalist sentiment. The minister said that 2,250 transmigrant centers were scheduled to be built in East Timor in 1997-98, and one hundred families were being brought from outside East Timor to work in

⁹ "Umat Hindu Timtim rayakan Saraswati," *Suara Timor Timur*, July 7, 1997.

¹⁰ Prof. Dr. Mubyarto, Dr. Loekman Soetrisno et.al., "East Timor: The Impact of Integration," The Gadjah Mada University Research Centre for Village and Regional Development in cooperation with the Bank of Indonesia and the Local Development Planning Board for the Province of East Timor, Yogyakarta, 1990, translated by the Indonesia Resources and Information Program (IRIP), December 1991, pp. 53-54.

¹¹ "Tiang listrik sudah ada, tapi belum masuk rumah," *Suara Timor Timur*, May 23, 1997.

poultry/livestock production, particularly in the areas of Ainaro, Covalima and Laore.¹² The government office of transmigration noted that from January 1 to June 26, 1997, 521 heads of households, or 1,699 people, moved through an assisted transmigrant program, while 266 heads of household, or 834 people, who are self-sufficient transmigrants (*transmigrant swakarsa mandiri* or TSM) had moved.¹³

¹² "Hormati budaya Timtim," *Suara Timor Timur*, May 21, 1997.

¹³ "Jateng siapkan 105 KK transmigran ke Timtim," *Suara Timor Timur*, July 1, 1997.

All of the transmigrants, government-sponsored and spontaneous, are moving on to land that, for the most part, East Timorese people worked but did not have formal title to under the Portuguese colonial government. Much of that land was vacated, through a forcible relocation and resettlement program, in the aftermath of the 1975 invasion and later declared *tanah negara* or state land, or sold to the highest bidder. In addition to the transmigrant program, a new and highly controversial development project is underway in East Timor that will allow President Soeharto's son Tommy and his company, PT Putra Unggal Sejati, to develop 25,000 of the most fertile hectares along the southern coast of East Timor into a vast sugar cane plantation. The project has generated intense opposition in East Timor, but one man who raised social and economic concerns relating to it told Human Rights Watch that the governor of East Timor, Abilio Soares, said there had been "an order from the palace" to go ahead with it. The project will involve an unknown number of transmigrants among the estimated 10,000 people to be employed in sugar cultivation, infrastructure construction, and work in the sugar factory. While it is being billed as a means of providing employment and alleviating poverty in the area, economists in Jakarta told us that it would be far more economical to import sugar, and the social and political costs will be high -- especially as sugar cane is a hated crop, even in Java, because of the low returns to farmers and the backbreaking work involved in harvesting the cane. At a meeting in Viqueque, East Timor, to discuss the project, an unidentified participant noted, "The land in question is owned by the people and must not be seen as empty or infertile. It's simply that the security situation has not permitted the people to cultivate it."¹⁴

Likewise, a cement factory, the construction of which was announced with great fanfare in May, has raised eyebrows. The local government is billing the factory as a pioneering development initiative and noting that 49 percent of the shares will be held by East Timorese. But the East Timorese in question are the three most outspoken defenders of integration with Indonesia, men known up until now for their role as political lackeys, not their business acumen. They are former Fretilin leader Abilio Araujo; Indonesia's "ambassador at large for special tasks," F. Lopes da Cruz, and F. Xavier dos Amaral, former president of the short-lived independent state of East Timor who was co-opted by the Indonesian government and now has the title of second chairman of the Indonesia-Portugal Association, an organization set up by President Soeharto's daughter, Tutut.¹⁵ The other 51 percent is held by a close Soeharto associate, Budi Prakoso, and his company, PT Tuban Oceanic Research and Recovery (TORR).

IV. THE ATTACKS AROUND THE ELECTION

Human rights violations are thus taking place against the backdrop of a huge Indonesian military presence in East Timor, a growing network of mostly young informers given military training to counter what appears to be an expanding base of support for the opposition, and a development program that is bringing in more and more Indonesians to East Timor. (East Timor also has the only known curriculum development program for state schools where teachers are specially trained by the Institute for National Defense, Lemhamnas, in how to approach the integration question.) The May 29 elections, symbolizing as they did East Timor's incorporation into the Indonesian state, were thus not a surprising target of guerrilla actions.

- On May 27, a group of unidentified youths attacked a number of election officials in the village of Nunira, subdistrict Laga, Baucau, on the road to Baguia. Two election officials were reportedly killed, Police Sgt. Abdullah Syukur and Army Sgt. Sitepu. Four people were said to have been seriously wounded and evacuated to Dili, while three others sustained less serious injuries.
- On Wednesday night, May 28, at about 8:30 p.m., an estimated fourteen youths drove up in a red Kijang vehicle to a guard post of Company A of the police mobile brigade (Brimob) in Bairopite, West Dili, and said they were voters. They then opened fire. Five policemen were wounded, while three of the attackers were shot

¹⁴ "Kawasan Selatan titik berat pembangunan," *Suara Timor Timur*, July 12, 1997.

¹⁵ "Bappenas menunjuk PT TORR bangun pabrik semen di Timtim," *Suara Timor Timur*, June 27, 1997.

dead and two others died in the Wira Husada military hospital. A third, the driver of the vehicle, Adeliode Fatima, was detained, and many others were arrested later.

- On May 28, in a village outside the town of Los Palos in Lautem district, Castelo, an elementary school teacher, three of his children and a group of other teachers were shot by guerrillas in an attack for which the CNRM later took credit. CNRM accused Castelo of working for Indonesian intelligence (see below under "Opposition Abuses").
- On the same day in Baucau, guerrillas shot and killed Miguel Baptismo da Silva, aged fifty-four, and his wife. Miguel had been the head of the district parliament from 1987 to 1992. One report said they were attacked at their home; a second report said they were in their car at the time they were shot.
- On May 29, in the village of Seisal, Baucau, voting was delayed a day and could only take place on Friday May 30 because the polling place was attacked by an unidentified group. An election official named Abinau Salay, who was a member of a civilian militia group called Wanra (an acronym for *Perlawanan Rakyat* or People's Resistance) was hacked with a machete and wounded. Ten people were arrested, according to local officials.
- On the same day, in Assumano, Liquica, a soldier was wounded when a grenade was tossed into a voting booth. Two polling places and a village administrative office were reportedly burned down in Baucau and Ermera, according to the then military commander for East Timor, Col. Mahidin Simbolon, in a statement on May 30. One soldier was reported to have been killed in one of the attacks in Ermera, but his death was not confirmed.
- On May 31, another major attack took place. According to press reports, twenty-six policemen and two soldiers were driving along the road in Quelicai, Baucau, in a Hino truck, when they were stopped by several men wearing Indonesian army uniforms. The truck stopped to pick up the men, when the latter threw a grenade into the truck. An oil drum of gasoline in the back of the truck exploded, and in the resulting inferno, thirteen of the people in the truck were burned to death and four were shot as they tried to escape. The dead included sixteen policemen and one soldier. It was unclear if there were any casualties among the attackers.

V. HUMAN RIGHTS VIOLATIONS BY THE INDONESIAN ARMED FORCES

The attacks prompted a massive manhunt that led to systematic human rights violations being committed by the Indonesian forces.

Arbitrary Detention

One of the most serious problems in East Timor continues to be that of arbitrary arrest and detention. The problem is exacerbated by the number of different units of the security forces involved. Under the Indonesian criminal procedure code, only police are authorized to carry out arrests, but in East Timor, not only the army but even the civilian militia take on this function. The problem of widespread arbitrary arrest and detention was so serious in June and July 1997 after the attacks noted above that the Baucau police were forced to deny publicly that mass round-ups were underway and the army that people were being arrested at whim (*main tangkap*).¹⁶ In Dili, the police commander said that many people had complained to him that innocent people were being arrested without a warrant, and he said

¹⁶"Kapolda Timtim: Tak ada penangkapan massal di Baucau," *Suara Timor Timur*, June 30, 1997, and "Posisi GPK bercerai berai," *Suara Timor Timur*, July 11, 1997.

that not only did he personally sign a warrant for every single arrest that took place, but the International Committee of the Red Cross also saw every one of them from the outset. This was blatantly untrue.¹⁷

Detention in East Timor can be arbitrary in several different ways. It can be arbitrary because those carrying out the arrest and detention are not authorized to do so under Indonesian law. It can be arbitrary because the persons detained are shown no warrant, given no reason for their arrest, and have severely limited access to legal counsel. It can be arbitrary because it is based solely on information extracted under torture or other duress. It can be arbitrary because the law under which detainees are held is itself so broadly worded that its application often constitutes a violation of the right to freedom of expression or assembly.

The May 28 attack on the Brimob company led to dozens of arrests in East and West Dili. Some of the arrests may have been based on reasonable suspicion of involvement, but many others were not. Angelo Paiceli Ribeiro, for example, thirty-one, was arrested and kept as a hostage for his two older brothers who were thought to be involved. The police knew that Angelo was not involved but held him from May 31 until July 4 in the provincial police headquarters in Dili in the hope that his brothers would turn up. Filomeno da Costa, arrested at the same time, was apprehended because some of those believed to have been involved in the attack were members of a martial arts group he founded. He reportedly had no knowledge of the attack and was not involved in any way, but like Angelo, he was held until July 4 before being released. Both men were arrested by a combined team of Brimob officers and members of SGI, the Kopassus-led intelligence body. Of the twenty-six people known to have been arrested in connection with the attack, an arrest warrant was prepared beforehand in only one instance, that of the veteran activist David Dias Ximenes, who was arrested on May 31. In most cases the families were not informed of the whereabouts of their relatives and had to find out themselves where they were detained.

On June 15, two young men, Domingos Soares, eighteen, and Cerilio Gusmao, twenty-nine, were riding a motorcycle on the way to a wedding when the motorcycle ran out of gas in front of a Brimob barracks in Bairopite. The two got off and started to push it when they were arrested by Brimob soldiers, apparently thinking the two were going to mount an attack. Domingos was carrying a pocket knife as he usually did. The two were taken to police headquarters where they were severely beaten. Cerilio was released after three days. Domingos remained in custody because of the knife; police told his family they would release him for an undisclosed amount of money. The family has complained to the Justice and Peace Commission in Dili as well as to other organizations.

On June 17, a student named Vasco da Gama from the agriculture faculty of the University of East Timor was arrested together with his brother, Basilio Guterres, by a police team that came to their house in Becora-Camea, Dili, at about 4:00 a.m. in a convoy of six trucks. The arrest team was led by a Lt. Petrus. Both men were handcuffed and blindfolded, and Vasco was reportedly gagged. Witnesses reported they were beaten with rifle butts as they were pushed into one of the vehicles. They were questioned for three hours, and then Basilio was released. The abuse he endured during the three hours was entirely due to his relationship to Vasco; there was apparently no information suggesting that Basilio himself was a suspect. (Vasco was charged with rebellion and as of late July was detained in the East Timor provincial police headquarters.)

On June 19, a man named Tomas da Silva Hornai, an employee of the Mahkota Hotel, was arrested on charges of facilitating exchanges of information between the underground network and international organizations through use of a fax machine (presumably the hotel fax). He was charged with rebellion and is currently detained in the East Timor provincial police headquarters.

Outside Dili, large numbers of arrests took place in response to the guerrilla attacks, without warrant and with the army rather than the police making the arrests. In situations like this, according to one source from the area, it is rare

¹⁷ "Kapolda: Tak benar ada penangkapan liar," *Suara Timor Timur*, June 9, 1997.

that the arresting units have any specific evidence against any one individual. Rather, a mass arrest takes place, usually of young men who are beaten or terrorized until they come up with names that the army can then use to make a formal arrest. Those beaten are then sent back home, having been detained no more than a few days. They have no access to lawyers when they are detained, no way of contacting their families, and no protection against torture. The following cases, documented by local church sources, are indicative of this pattern. (Note that the same family name does not necessarily mean that the individuals are related.)

The attack that prompted the largest round-up was a grenade attack on May 31 in Quelicai. On June 5, a joint team from the special counterinsurgency unit, Saka; the Rajawali II unit of Kopassus; and army infantry battalion 312; entered the hamlet of Mumana, Abfala village in Quelicai, and arrested Luis Maria Da Silva, fifty-four; Cosme Belo, fifty; Manuel Gusmao Belo, fifty-four; Sidonio Belo, forty-five; Paulito Belo Mudo; Manuel Belo, twenty-two; Faustino Belo, seventeen; Joao Manuel Belo, sixteen; Martinho da S. Belo, forty-three; Gaspar Belo, thirty-five; and Venancio Belo, thirty-five, on suspicion of having information about the Quelicai attack. They were all being held in the Baucau district military command in July, except for Luis Maria da Silva, whose whereabouts were unknown. In addition, Francisco Cabral, thirty-six, from Lai-Soro-Lai was arrested on June 6, and Mario Felipe, twenty-three, from Sara-Ida, Baguia village, Quelicai, on June 7. Mario Felipe is known to have been taken to the subdistrict military command, KORAMIL 2806, in Quelicai for questioning and then to the district military command. Families of Cabral and da Silva have been unable to contact the men, and as of late July, there was growing concern for their safety.

On June 7, Dagal, twenty-two, from Butileo, Baguia, Quelicai, was arrested and taken to KORAMIL 2806 in Quelicai. Domingos Savio Freitas, twenty-four, from Kampung Gamana, Uai-Tame village, Quelicai, was arrested and taken to the police station in Baucau. Jose Moreira, twenty-three, from Gugulai, Uai-Tame, and Eusebio Pascoal da Conceicao, twenty-three, from Sara-Ida, Baguia, was arrested and taken to the KORAMIL in Quelicai. Local sources believe the men were detained only in order to see if they could produce information about others rather than because of any evidence of direct involvement themselves.

More people were arrested from other hamlets between June 6 and 9 in connection with the same incident: Adelia Ximenes, twenty-five, Joao Manuel Ximenes, twenty-seven, and Augusto Ximenes, twenty-three, all from Lebenei, Letemumo, and Felisberta Freitas, twenty-three, from the hamlet of Defadae, Macalaco village, Quelicai. Except for Augusto, who was taken to the Baucau police station, their place of detention was unknown as of late July.

On June 9, at least six people were arrested in their homes by the same joint team in connection with the May 31 attack. They included Cancio Ximenes, twenty-seven, from Butileo, Baguia; Jose Freitas, twenty-three, from Gamana, Uai-Tame village, Quelicai; Alexander Freitas, twenty-three, and Albino Freitas, twenty-six, both also from Gamana. All were detained at the Baucau police station. Raimundo Xavier Sarmento, twenty-two, from Sara-Ida, Baguia, Quelicai, and Fortunato Ximenes, twenty-four, from Lebenei, Letemumo, Quelicai, were also arrested from their homes and detained.

On June 16, the operations of the joint team moved to the village of Macalaco in Quelicai, where seven people were taken into custody: Domingos Freitas, thirty-three, and Virgilio Martins, twenty-eight, from Boci-Lai, Macalaco; Natalia Belo, twenty-six, from Defadae, Macalaco; Justino Freitas, twenty-eight, and Filomeno Freitas, eighteen, from Boci-Lai; and Marcos Belo, twenty-six, and Boaventura Belo, also twenty-six, both from Defadae. All were arrested from their homes and were forced to accompany the army team into the forest to point out hiding places of other villagers who had fled into the forest as the army team approached. As of late July, Domingos's whereabouts were unknown; the others were detained in the Quelicai KORAMIL.

A further set of arrests took place on June 24. Those arrested, all from Uai-Gae in the village of Vemasse, subdistrict Vemasse, were suspected of having contact with the guerrillas. They included Jeronimo da Costa, twenty-eight, Pedro Freitas, twenty-nine, Guillermo Freitas, twenty-eight, Serafim Freitas, twenty-two, Alexander Freitas, twenty-six, Alberto Faria, twenty-four, Lamberto Freitas, twenty-nine, Quintino Freitas, twenty-eight, Rui Manuel Freitas, twenty-four, Carlos Freitas, twenty-nine, and Ciquito Freitas, twenty-four. All but the first, Jeronimo, were

taken to the Flamboyan Hotel in Kota Baru, Baucau, long known as an interrogation center for Kopassus. Jeromino was taken to the Baucau police station.

Two others from Uai-Gae village, Miguel Armindo Freitas and Saturnino da Costa, were arrested by five "civilians" who were taking part in the army raid, one of them a Gardapaksi member also named (confusingly) Jeronimo da Costa and four hansip members, Inacio, Jose Beras, Amandio and Domingos. Finally, two more men from Uai-Gae, Fortuna da Costa and Marcelino da Costa, were arrested by an armed unit called Tripika, based in Vemasse.

On June 25, David Alex, the guerrilla commander whom the Indonesian army accused of being the mastermind of the Quelicai attack, was shot and wounded as he and a group of six others were captured by a thirty-eight man military team composed of the same forces that were carrying out the above arrests. Alex died the same day in still unexplained circumstances. Arrests were stepped up in the days that followed.

On July 2, for example, a joint military team of Saka, Kopassus and Battalion 312 arrived in the villages of Letemumo and Lacoliu. A group of about forty young men, fearing arrest, fled to nearby Uada-Boro mountain where fourteen of them were hidden in a cave by an older man, Lucas Gaio, sixty-three. At about 11:00 a.m. on July 2, the military team arrived in pursuit. The soldiers burned down Gaio's house and in the course of capturing the fourteen men, shot dead one of them, Antonio Freitas. The circumstances under which Freitas died are not known, but there is no indication that the youths hiding in the cave were armed. Those arrested included Cesario Marcal Freitas, thirty, and Felix Freitas, twenty-seven, from the hamlet of Mocabubo in Lacoliu village; Marcos Pereira, twenty-three, from Uaule, Lacoliu; and nine men from the hamlet of Lenei, Letemumo village. The nine were Celestinho Ximenes, twenty; Domingus Ximenes, twenty-six; Gregorio Ximenes, twenty-five; Leopoldo Ximenes, twenty-four; Januario Ximenes, twenty-five; Virgilio Ximenes, twenty-five; Domingos Ximenes, twenty; Amaro Ximenes, nineteen, and Luciano Ximenes, twenty-five. (None of the Ximenes' are brothers, although they may be more distantly related.) Lucas Gaio was also captured.

On July 9, another man, Guilherme Moreira, thirty-five, of Uai-Tame, Quelicai, was taken into custody. The whereabouts of all those arrested on July 2 and 9 was unclear as of late July.

Police in East Timor are also making use of an anachronistic law that is increasingly being used to arrest political suspects when no strong evidence against them is available. The law, Emergency Regulation No.12/1951, banning possession of certain kinds of weapons, was used in 1997 to convict at least five East Timorese accused of taking part in a riot in Baucau on June 10 and 11, 1996: Orlando Moreira, Miguel Correia, Armando da Costa, Jose Armindo and Celestino Correia. The five were among a group of twenty-one young men, three of them minors, sentenced for their part in a riot that followed the desecration of a picture of the Virgin Mary by an Indonesian security guard at a mosque in Baguia, outside of Baucau. The twenty-one were convicted on different charges, including assault and damage to property. The United Nations Working Group on Arbitrary Detention, in an opinion dated May 15, 1997, concluded that the detention of all twenty-one was arbitrary because several fundamental rights of the suspects had been ignored by authorities, including presumption of innocence, the right to counsel of one's own choice, and the right not to be compelled to confess guilt.

The use of Emergency Regulation 12, however, is an additional problem. The law has suddenly come into use again throughout Indonesia after being a legal museum piece for decades and was most recently used to arrest dozens of young men in West Kalimantan following communal violence there in early 1997. It was adopted at a time when Indonesia was just emerging from a long guerrilla war of independence against the Dutch, and the young republic was trying to both restore order, ensure that external threats were minimized, and transform a bewildering array of militias into a national army. The current arrests are taking place under Article 2 of the law which reads as follows:

Article 2 (1): Whoever illegally enters Indonesia to make, receive, try to obtain, hand over or try to hand over, transport, possess, store, use or take out of Indonesia a weapon for striking [as an ax or machete], thrusting [as a spear], or stabbing shall be sentenced to a prison term of up to ten years.

(2) Striking, thrusting or stabbing weapons do not include objects which are clearly intended to be used in agriculture or household use or for legitimate occupational purposes or which are clearly heirlooms, antiques or magical objects.

The “illegally enters” phrase should by itself make the law inapplicable to the current conflict in East Timor. Moreover, in a place like East Timor where possession of various kinds of sharp implements is common, the law can easily be used to arrest almost anyone. Indonesian legal commentators themselves note that almost all the terms used in the law are vague and relative (“antique” and “household use” and “striking” among them).¹⁸

One other case of arbitrary detention in East Timor deserves note. On March 30, 1997, Jose do Rosario Rangel Pires was sentenced to one year in prison. He had been arrested on charges of insulting the president (Article 134 of the Criminal Code) for holding up a banner during a demonstration in Dili on November 11, 1996, that depicted President Soeharto biting a bone, standing next to guerrilla leader Xanana Gusmao. The demonstration had taken place in the complex of the Dili diocese following a press statement read by Bishop Belo on the occasion of a ceremony to bless a controversial statue of Christ, built by the Indonesian government, in Pasir Putih, outside Dili. Pires had gone to Dili from his home in Manatuto to attend the ceremony. After Pires had returned to Manatuto and was harassed by an intelligence agent, he turned himself in to the Manatuto police.¹⁹

Witnesses testified that during the demonstration, he had held up a corner of the one-meter banner, but no one heard him say anything disparaging about the president, and no one heard him take part in the pro-independence shouts of “Vive Xanana!” Pires himself freely acknowledged that he had helped hold the banner with three others but said he had not seen it before it was unfurled. Whether he had or not, however, his action was clearly a peaceful exercise of his right to freedom of expression, and he never should have been arrested or detained.

Torture

As noted above, torture continues to be endemic in East Timor, a standard method used by intelligence operatives and others to get information about suspected guerrilla activity or to force confessions. Standard methods including application of electric shocks to sensitive parts of the body, using a wire either plugged into a wall socket or attached to a small generator; burning the skin with lighted cigarettes; placing the hand or foot under a chair or table leg which the interrogator then sits on; and kicking and severe beating, sometimes with pieces of plywood, pipe or electric cable.

The Indonesian government has learned that torture can be politically costly in cases of internationally-known activists or those likely to be the subject of diplomatic inquiries or prolonged political trials. But there is almost no cost to torturing villagers who are only briefly in detention, and when information about torture emerges several months after the abuse took place, it commands no attention whatsoever.

The perpetrators can be any branch of the military, including the police, but the most feared interrogators are those from Kopassus, the army special forces, and the various joint counterinsurgency teams they command, and the joint intelligence unit, *Satuan Gabungan Intelijen* or SGI, also believed to be directed by Kopassus.

¹⁸ Andi Hamzah, *Delik-Delik Tersebar di Luar KUHP*, PT Pradnya Paramita (Jakarta), no date, p.7.

¹⁹ Aniceto Guterres Lopes, S.H. and Nikolaus Ladae, S.H., “Nota Pembelaan: Mencari Tumbal Penghina Soeharto,”(defense document), Dili, March 25, 1997.

Liquica District

On February 26, 1997, six people were arrested in the hamlet of Nassuta, Ulmera village, in the Bazartete subdistrict of Liquica district.²⁰ The military apparently suspected that Falintil had set up a guerrilla post nearby and believed the six had information about it. Those arrested included Natalino Soares, forty-one; his wife, Maria Ribeiro Sarmiento, forty; their twenty-two-year-old daughter, Ivonia; and three young men, Adao de Jesus Pereira, twenty-two; Augusto Nunes Marques, twenty-two; and Caetano de Jesus Araujo, twenty-one. A joint team consisting of the district military command of Liquica and SGI arrived at the Soares home at 8:00 a.m. and took the six to the Liquica district command where they were held and continuously questioned until the next day when they were released. Some of the men were given electric shocks, and Natalino Soares was reportedly forced to agree to become an informant for the military.

On April 30, five others from the same subdistrict were arrested on charges of having contact with the guerrillas. Felix da Conceicao, seventy-two; his wife, Aurora da Silva, fifty-six; their son, Jose da Conceicao, thirty-one; a housewife, Lourenca Ribeiro, twenty-nine; and a civil servant, Florindo da Costa, forty-eight, were arrested at 9:00 a.m. by troops from infantry battalions 713 and 721. All lived in the hamlet of Metagou in Bazartete subdistrict. They were brought to the police command in Bazartete where they were beaten with rifle butts and given electric shocks. The length of their detention is not known.

Viqueque

On March 26, 1997, at about 1:00 p.m., a joint team of Kopassus, Makikit and the youth militia Gardapaksi, arrested Vicente da Costa on suspicion of having contact with the guerrillas. Da Costa, from the hamlet of Buanurak, Loihuno village, Ossu subdistrict, was reportedly tortured with lighted cigarettes in Kopassus Post No.1 before being released on March 28 with his body covered in burn marks.

Dili

Torture was reported by many of the youths arrested in connection with the December 24, 1996 violence following Bishop Belo's return home after receiving the Nobel Peace Prize, and with the March 23 incident at the Mahkota Hotel when demonstrators tried to see a U.N. representative.²¹

Luis Afonso, a nineteen-year-old student, was one of those arrested on suspicion of having beaten up a suspected intelligence agent named Tukiran as well as the district police commander Lt. Col. Beno Kilapong on December 24. (He admitted to having thrown one stone at the intelligence agent; he said he had not intended to hit the police commander.) He was arrested on the street by a member of the police intelligence unit in Dili on December 28; the officer had no warrant. Luis Afonso was brought by taxi to the district police command where he was put in a cell. After about twenty minutes, he was taken out for interrogation. He said he was ordered to strip, and interrogators proceeded to torture him until he mentioned everyone he could think of who had taken part in the incident. He was hit over the head with a plastic chair, his head was put in a plastic bag, and his genitals were burned with lighted cigarettes.

²⁰ The material in this section comes from confidential documents made available to Human Rights Watch in July 1997 by investigators not connected to either side of the conflict.

²¹ Handwritten affidavits of victims made available to Human Rights Watch in Jakarta, July 1997.

The fingernails of his thumbs and his big toes were also pulled out, according to his lawyer. Several police officers joined in kicking him. A wound over his right eye later had to be stitched by a police doctor, who told him that the ferocity of the abuse he received was linked to the fact that one of two people he was alleged to have beaten was the commanding officer of his interrogators.

Agusto Raimundo Matos, twenty-one, was one of those arrested in the Mahkota case. In an affidavit given to his lawyer, he states that on March 23 at 5:00 a.m., he left his house in East Dili to take part in a demonstration at the Hotel Mahkota where Jamsheed Marker, the special representative of U.N. Secretary-General Kofi Annan, was staying. The demonstration, in support of independence, began at about 6:00 a.m. and had been underway for about an hour when police arrived and began beating and arresting those involved. Augusto was one of those arrested. He said that while still at the Mahkota, he was beaten with a piece of plywood, an iron pipe, and a piece of rattan, then thrown in a car where he continued to be beaten until he lost consciousness. At the police station, he was interrogated about who ordered the demonstration and who was present, and then was forced to say that it was he who brought the banners and flag used in the demonstration and that he had been one of those who had broken windows at the hotel. He said he was repeatedly beaten and burned with lighted cigarettes.

When the questioning was over, he was taken to the provincial police command (polda) where he was held overnight. The next day, March 24, at 7:15 p.m., he was taken back to the district command, and from there to Becora Prison. He was interviewed there by delegates from the International Committee of the Red Cross. (On April 4, all of the detainees from the Mahkota demonstration were removed for one day because Bishop Belo was making a visit there; they were taken to the police command, then brought back to Becora prison on April 5.)

Testimonies from others arrested at the same time are similar. Miguel Alves, twenty-nine, was burned with lighted cigarettes while being questioned in the district police command; Luis de Fatima Pereira, twenty, was cut with a razor; and Domingos da Costa, twenty-one, lost a front tooth from being kicked in the face.

The Death of David Alex

Reports of summary executions in Indonesia are frequent but often difficult to confirm. One death which received widespread attention in June 1997 was that of guerrilla commander David Alex who died in custody after being shot by members of a military team who captured Alex and six others. The circumstances of his death remain very unclear, despite an investigation by Indonesia's National Human Rights Commission.

On June 25 at about 11:00 a.m., a joint team of thirty-eight men composed mainly of Kopassus soldiers and troops from infantry battalion 312 (from West Java) and the local district military command (Kodim 1628) captured Alex and five others in the hamlet of Watume in Caobada village, near Baucau, about 140 kilometers east of Dili. The military presented the capture as a major victory. In a press conference the next day, attended by Brig. Gen. Syahrir, the commander of the army division based in Bali that includes East Timor; Col. Slamet Sidabutar, the newly appointed regional commander based in Dili, and his chief of staff; the East Timor police commander; and several intelligence officers, the military said Alex was responsible for both the May 31 grenade attack in Quelicai and the burning of the old market in Dili on June 7. (A report from CNRM dated June 3, 1997, indeed claimed that forces under his command were responsible for the burning of polling stations on May 29 in the Laga, Ossu, Baguia, and Baucau, all in Baucau district, and in Viqueque district.) Colonel Sidabutar told reporters that the joint team, tipped off by a member of the public, had come upon five suspicious-looking people standing over a cave. A member of the group fired a shot at the team, which fired back; the group then tried to flee, according to the military, but they were surrounded. The team ordered them to surrender and when they did not do so, the team was forced to shoot, wounding Alex in the upper part of the right lung and the right leg, severing an artery and causing major blood loss.²² Sidabutar said at the press conference that he flew directly to Baucau when he got the news, reaching the site at about 6:00 p.m. He then

²² "David Alex tewas," *Suara Timor Timur*, June 27, 1998.

accompanied Alex back to Dili by helicopter for treatment at the Wira Husada military hospital, but Alex died there from blood loss.

The East Timorese opposition and many solidarity groups around the world immediately assumed Alex was killed, suggesting he had been deliberately killed in the hospital. Reuters quoted Sidabutar responding to these charges by saying Alex died while he was receiving a blood transfusion and in any case, the army had no reason for wanting him dead because he could have supplied valuable information about the resistance. But no one has been able to verify the military's account; the only people who might have an alternative version are in custody. The account itself, however, raises serious questions. If Alex was shot at 11:00 a.m. and was only taken to Dili sometime after 6:00 p.m., what happened in the intervening time period, and why, if blood loss was so apparent, was it necessary to transport him to the military hospital in Dili when medical treatment was available at a hospital in Baucau? Denial of available medical care can also constitute a form of killing, although Indonesian army sources said the facilities in Baucau were inadequate for treatment of injuries as severe as Alex's.

Another controversy arose over the burial of David Alex. The military reported he was buried in Dili on June 26 in a ceremony attended by family members and at which a Catholic priest officiated. The body was not made available for autopsy before burial. The family denied that they attended. Alcino da Costa, Alex's fifteen-year-old son, said he was summoned to witness the burial, but when he arrived at the Bida Santana cemetery, accompanied by the International Committee of the Red Cross, the burial had already taken place, and military personnel simply pointed out the grave. He said he would not believe the grave was his father's unless he could see his father's face.²³ On June 30, Alex's sister, brother, nephew and sister-in-law wrote a letter to Colonel Sidabutar asking where Alex was buried and requesting that he be buried in accordance with their religious beliefs and cultural traditions. On July 4, however, the nephew, reportedly under pressure, said he was satisfied with the military's explanation of his uncle's death and thanked senior officers for their assistance.²⁴ Colonel Sidabutar said he would not oppose an independent investigation into Alex's death.²⁵ Because the Indonesian government does not allow access to East Timor to human rights investigators, however, no such inquiry has been possible.

VI. OPPOSITION ABUSES

Armed groups taking part in an internal conflict are obliged to respect international humanitarian law. A key principle, embodied in Article 3, common to the 1949 Geneva Conventions, provides for humane treatment of civilians and other non-combatants. It specifically states that each party to an internal conflict is prohibited from certain acts against all those who take no active part in the hostilities, including civilians, those who have laid down their arms, and those who have been rendered *hors de combat* because of illness, wounds, or detention. These acts include "violence to life and person," the taking of hostages, "outrages upon personal dignity," and the "passing of sentences and the carrying

²³ "Keluarga David Alex kirim surat ke Danrem," *Suara Timor Timur*, July 4, 1997.

²⁴ "Keluarga David Berterima Kasih, Abri Telah Kuburkan David," (David's Family Thanks ABRI for Burying David), Antara News Agency (Jakarta), July 5, 1997.

²⁵ "Indonesian Military Says Inquiry Could Be Held into Guerrilla Death Source," Radio Australia, Australian Broadcasting Corporation International News, July 3, 1997 (4:22 p.m. AEST).

out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples." The Indonesian armed forces have regularly violated Common Article 3, as it is more commonly known, but Falintil has been responsible for such abuses as well.

The attack on the Castelo family in Irara, Los Palos, on May 28 was one example. After some initial doubts about who carried out the attack in which seven civilians were killed, CNRM publicly took responsibility on June 27. According to a report we received from East Timor several days after the attack, Castelo, an elementary school teacher, and his family, together with some fellow teachers from eastern Indonesia (non-Timorese), were at his home watching television when a group of men dressed in black vandalized the satellite dish outside the house. When the teachers and Castelo's children went out to see what had caused the television reception suddenly to go bad, they were confronted by guerrillas who reportedly asked why he supported East Timor's integration with Indonesia. They then opened fire on Castelo and three of his children. The teachers started running toward the nearby district military command, but because all the alleyways were controlled by the guerrillas, they had no way out and were also shot. Castelo was the younger brother of the head of the district parliament in Los Palos.

Killed in the attack were Castelo himself, forty-two; three of his children; another teacher named Gregorius Kedang, thirty, from the province of Nusa Tenggara Timur; and Gregorius's wife and adopted son. Three other teachers were wounded in the attack, including Agus Berek, forty-one, also from Nusa Tenggara Timur; John Minesa from Irian Jaya; and Hengky from Menado. While the government immediately blamed the killings on "GPK" (the initials for "security disturbers," the official euphemism for guerrillas), sources close to the guerrillas initially claimed that the army must have been responsible for the killings because Castelo himself had once been suspected of being part of the clandestine network. It then transpired that Castelo was known locally as someone who had surrendered to Indonesian forces and who had then gone back on their behalf to infiltrate the opposition. In their June 27 statement, CNRM alleged that Castelo had been working for Indonesian intelligence.

It was not the first time during the year that civilians accused of being collaborators with Indonesian intelligence had been reported killed by guerrillas. Amadio Pinto, thirty, from Daudere, near the town of Los Palos, is believed to have been the victim of a Falintil killing earlier in 1997. According to local sources, a joint military team led by Kopassus and a unit known as the Alfa Team had assigned Pinto to monitor local youth who were suspected of having contact with the guerrillas. On February 26, he had taken his rice to be hulled in the village of Laivai but found the huller broken and was returning on foot to Daudere. En route home, he was accosted by men whom witnesses identified as guerrillas, but he was able to escape and get home safely. The next day he was reportedly sent by Kopassus to Livai village to report on youth there. On his way home, he was reportedly ambushed by guerrillas and taken into the forest nearby. His body was discovered a week later. According to the local source, the villagers knew before the body was discovered that he had been killed but were afraid to report the death to the Indonesian authorities for fear that the guerrillas would treat them in a similar fashion. After the killing, the source said, the military presence in and around Livai increased.

VII. CONCLUSION

The human rights situation in East Timor has worsened. Despite some high-profile prosecutions, such as the arrest in 1996 of officers accused of summary executions in Liquica, East Timor, there appears to have been no progress on the part of the Indonesian military command in East Timor in curbing torture and arbitrary arrests. This is not to suggest that no arrests in East Timor are ever justified. The Indonesian government is, after all, fighting an armed insurgency. But East Timorese civilians and non-combatants need protection from human rights violations by the Indonesian army, and instead of taking steps to prevent abuses, Indonesian officers uniformly put the blame on guerrillas and their supporters. Almost twenty-two years since the Indonesian invasion of East Timor, no end to the political violence is in sight.

VIII: APPENDIX: LIST OF DETAINEES IN DILI POLICE STATION

The following list is from an official police list compiled in July 1997.

East Timor Provincial Police

Intelligence Directorate

List of Names of Suspects/Cases Handled by Intelligence Directorate

- | | |
|---|--|
| 1. Attack on the headquarters of Brimob company 5486/A, Bairopite, May 28, 1997 | 1. Adelino De Fatimo Roberto H.
2. Romeo Conceicao
3. Rainaldo Marsal
4. Francisco Da Silva
5. Ijidio Da Cunha [unclear]...jidi
6. Francisco Soares
7. Mariano Da Costa Sarmento S
8. Francisco Da Conceicao
9. Joao da Cunha
10. Frederico Soares alias Abeto
11. Jose Mali Amaral
12. Jeremias Da Costa
13. Ernesto Rodriques Martins
14. Francisco Magno
15. Francisco do Carmo
16. Filomeno Da Costa REbeiru
17. Joao Verdial Ramos
18. Horacio Da Costa
19. Jose Tilman Akasio
20. Eugenio Basilio Da Costa R
21. Augusto Carvalho
22. Adelino Pinto alias Adino
23. Francelino Manuel Maria F.
24. Estanislau Fraganito alias Alau
25. Belarmino Freitas
26. Luis Antoni Soares
27. Armindo Da Costa
28. Matias Marcal Soares |
| 2. Criminal agreement to commit rebellion against the Republic of Indonesia, plan to burn Polling Place IX Cacauidun and attack Wako Brimob, company A, May 29, 1997 | |
| 3. Criminal agreement to commit rebellion against the Republic of Indonesia, plan to attack Polling Place IX, Cacauidun and attack Mako Brimob, Company A, May 29, 1997 | |
| 4. Burning of the old market, June 7, 1997 | |
| 5. Attack on members of police force who were poll monitors in Laga, Baucau, May 27, 1997 | |
| 6. Attack on police who were poll monitors in Quelicai, Baucau, May 31, 1997 | 29. Mario Filipi
30. Joao Bosco Ximenes
31. Luis Maria Da Silva
32. Francisco da Costa
33. Marcus Ximenes |
| 7. Criminal agreement to commit rebellion against the Republic of Indonesia, May 30, 1997 | 34. DAVID DIAS XIMENES
35. Thomas Ornay
36. Roi Lety Correa
37. Joaquim de Carvalho
38. Aquilino Riberu Fraga G |
| 8. Criminal agreement to commit rebellion against the Republic of Indonesia, May 30, 1997 | |

9. Criminal agreement to commit rebellion, May 30, 1997

39. Dominggus Pereira

40. Dominggus Maia

41. Matias Marcas Soares

42. Vasco da Gama alias Tunder

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