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INDONESIA/ EAST TIMOR: FORCED EXPULSIONS TO WEST TIMOR AND THE REFUGEE CRISIS

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I. SUMMARY

On September 4, 1999, the U.N. announced that nearly 80 percent of East Timorese voters had rejected continued Indonesian rule in the U.N.-supervised ballot held on August 30. In the weeks following the U.N.'s announcement, the Indonesian army and its militia proxies conducted a scorched earth campaign that left East Timor in ruins and roughly two-thirds of its population displaced. Out of a pre-referendum population of roughly 850,000, an estimated 300,000 East Timorese were displaced internally and an additional 200,000 or more people were pushed across the border or transported by air or sea, mostly into West Timor, which has long been a distinct territorial and political unit belonging to Indonesia. Human Rights Watch has found compelling evidence that the mass exodus was the result of coercion, that many of the refugees were forcibly expelled from East Timor at gunpoint by militia members who then regrouped to terrorize them in West Timor, and that Indonesian military forces were actively involved in the expulsions. Although the security situation stabilized in East Timor following the arrival of the multinational force (International Force in East Timor or Interfet) and, as of December 3, 1999, over 110,000 refugees had returned from West Timor, significant obstacles remained to repatriation of the tens of thousands of East Timorese still living in camps and settlements in West Timor or living in exile in other parts of Indonesia.

From October 30 to November 7, Human Rights Watch conducted interviews with over one hundred East Timorese returning to transit centers in Dili from camps in West Timor. Based on these interviews, conversations with aid workers, and a range of published reports and other documentary sources, this report describes the continuing obstacles to return for East Timorese refugees in West Timor and presents new evidence of direct Indonesian military involvement in the forced expulsions.

The report adds to the growing body of evidence of Indonesian military responsibility for the expulsions, including evidence that they were the result of a planned, systematic campaign coordinated and facilitated by the military. The evidence set forth below also points to the urgent need for systematic investigation of militia leaders who have been linked to specific human rights abuses both prior to and after the vote in East Timor. Many of these leaders are present in the camps in West Timor and can be easily apprehended should further investigations confirm existing accounts or further implicate them in abuses. Stepped up efforts to collect eyewitness testimonies for use in future prosecutions may also help put an end to intimidation in the camps.

From the accounts of refugees recently returned to East Timor from West Timor, it is obvious that significant barriers to return are still in place. These barriers include the presence of feared militia leaders in the camps, death threats against families seeking to leave, attacks on convoys heading back for East Timor, a misinformation campaign portraying East Timor as a desperate and dangerous place, and a general climate of intimidation in which refugees report that at least some of those who have signed forms saying they wish to stay in West Timor did so under duress. As more refugees return to East Timor, conditions for those who remain in some ways have grown worse: the armed militias who control many of the camps and settlements appear to have become more desperate, their position and prestige weakened with each additional departure. In the last week of November, the Office of the United Nations High Commissioner for Refugees (UNHCR) reported that it twice had to intervene to stop militias from taking hostages from families planning to return. Notwithstanding a new agreement between leaders of Interfet and the Indonesian armed forces, signed on November 22 and designed to facilitate return of refugees, UNHCR in early December continued to report encounters with militia on a daily basis. Although many of the East Timorese still in West Timor may be associated with Indonesian rule and may not wish to return, there are likely thousands of others who have not yet been able to make a free and informed choice.

Reports from refugees and humanitarian organizations and a visit by Human Rights Watch to makeshift barracks for refugees in West Timor suggest that those left behind in West Timor often live in deplorable conditions. The conditions under which many refugees are living and their precise numbers, however, are not known with any certainty because, notwithstanding pledges of renewed efforts by the new Indonesian government of Abdurrahman Wahid, access to camps and refugee centers continues to be limited by a hostile militia presence. The problem was

exacerbated in late November by the onset of monsoon rains that washed out roads, making remote settlements unreachable.

Conditions are potentially even worse for East Timorese refugees on neighboring islands that have not yet been visited by representatives of aid organizations. Although this report does not provide new information on refugee camps and settlements outside West Timor, unconfirmed reports suggest that as many as 5,000 refugees are present on the nearby island of Kisar alone, with other makeshift settlements rumored on other islands. Conditions in such settlements, where they exist, are unlikely to be any better than those existing in camps in West Timor, making it imperative that international aid organizations work with Indonesian authorities to identify the location of all refugees and ensure unimpeded access to them.

The testimony of recent returnees from West Timor also vividly demonstrates the extent of military involvement in the forced expulsion of East Timorese across the border. Significantly, East Timorese were forced into West Timor not only in the days immediately following the August 30 ballot and announcement of the results on September 4, but over a period of more than two weeks. The evidence collected here suggests that forced expulsions actually intensified after martial law was declared by Jakarta on September 7 and continued right up to the arrival of Interfet troops on September 20. The testimony shows that the expulsions were systematic, with similar patterns manifested across East Timor. The logistics involved, the similarity of the process from one end of East Timor to the other, and direct witness testimony all point to a planned and systematic operation. In many cases, district military command posts served as way stations for East Timorese civilians forced from their homes and subsequently transported to West Timor.

The testimony adds to the mounting evidence that the expulsion of East Timorese was an orchestrated campaign that required advance planning. East Timorese from Dili, Ermera, Aileu, Baucau, and Los Palos all told Human Rights Watch that militia members, often residents of the *kampung* (subdivision of a village) where they were charged with rounding up the population for expulsion, and often accompanied by local army officers, forced families at gunpoint into the district or subdistrict army headquarters, threatening them with death if they did not leave and burning their houses after they departed. After a period ranging from overnight to a week in the military command, they were taken to West Timor by car or truck, or, less frequently, by ship or plane. In some cases the trucks were provided by the district military command; in many cases, they were commandeered by the militias from the families they were expelling.

There is also documentary evidence. While in Dili, Human Rights Watch obtained a copy of a May 5, 1999 telegram from Jakarta military headquarters to the commander in Bali responsible for East Timorese operations ordering the latter to prepare for possible removal of East Timorese to West Timor should pro-independence voters prevail in the ballot. The document shows that plans to move East Timorese across the border were initiated well in advance of the vote.

As this report was being prepared, a new problem was emerging: what to do with militia members, former civil servants, and other East Timorese in West Timor who favored or might be perceived to have favored integration with Indonesia who now wish to return but fear revenge attacks. Although this issue is not addressed in this report, it is important for UNHCR, U.N. authorities, and East Timorese leaders to guard against vigilantism against suspected militia members returning to East Timor, which appears to be on the increase, and take action to prosecute individuals within East Timor who seek to take the law into their own hands.

II. RECOMMENDATIONS

To the Government of Indonesia

- Take urgent steps to ensure the strictly humanitarian and civilian nature of refugee camps and settlements in West Timor, in accordance with international standards. This entails the immediate separation of militias from civilian refugees, and the exclusion of militias from all civilian refugee camps and settlements.
- Instruct Indonesian police and law enforcement officers to intervene in all situations where militias are intimidating, harassing, or physically attacking civilian refugees, and to take the necessary measures to arrest and prosecute those responsible for such violations. Those responsible for impeding refugee return should be arrested and prosecuted in accordance with international standards.
- Guarantee immediate, full, free, and safe access for UNHCR and humanitarian aid organizations to all refugee camps and settlements in West Timor and to East Timorese refugees in other parts of Indonesia. UNHCR should be given full and safe access to all refugees in order to determine their desire to return and to ensure that decisions regarding return are voluntary and are taken in an open, safe environment without intimidation or harassment. The security of all UNHCR and other humanitarian staff must be guaranteed, and police and law enforcement officers should be instructed to intervene and take action against militia members who attempt to harass, intimidate, or attack humanitarian staff, or impede their access to refugee camps and settlements.
- Cooperate fully with UNHCR on public information campaigns and take necessary steps, using the mass media, to counter deliberate misinformation campaigns taking place in refugee camps and settlements in West Timor.
- Cooperate fully with the international Commission of Inquiry established by U.N. Secretary-General Kofi Annan. If the work of the commission is extended after it submits its first report to Secretary-General Annan at the end of December 1999, the government should facilitate access for investigators to sites throughout Indonesia where relevant evidence or witnesses may be found.
- Respect the independence of the Indonesian Commission for the Investigation of Human Rights Abuses in East Timor (KPP-HAM) and be prepared to implement KPP-HAM findings and recommendations aimed at establishing full accountability for the crimes committed in East Timor.
- In cooperation with the international Commission of Inquiry and KPP-HAM, take police action to arrest and prepare prosecution of those who have committed forced expulsions, assaults, killings, rapes, and similar criminal acts against the population of East Timor, including militia leaders now resident in refugee camps and settlements in West Timor. It is the primary responsibility of the Indonesian government to identify and bring to justice the particular individuals who committed, planned, authorized, and encouraged the atrocities committed in East Timor, no matter how high-ranking those who are responsible may be. Any failure to do so will be cause for more aggressive international efforts to establish accountability for the crimes.
- KPP-HAM should continue compiling evidence and simultaneously cooperate fully with the international Commission of Inquiry, sharing information and facilitating access for investigators to witnesses and sources of evidence in Indonesia. A KPP-HAM spokesman has already announced that the Indonesian commission has evidence of military involvement in the violence that followed the ballot. KPP-HAM staff have detailed knowledge of the names and relationships between key actors within the police and armed forces, and KPP-HAM thus can play a key role in tracing the links necessary to establish command responsibility.
- The findings and recommendations of KPP-HAM and the international commission should be made independently and communicated separately.

To the International Community

- At the World Bank-convened donor meeting on East Timor to be held in Tokyo on December 17, Indonesia's key donors should develop a strategy to apply consistent pressure on the Indonesian government to take effective action to address the situation of the displaced, and raise concerns with the Indonesian delegation attending the Tokyo meeting. The donors should call on Indonesia to take immediate steps to ensure the strictly civilian and humanitarian nature of refugee camps and settlements in West Timor, to carry out the immediate separation of militias from refugee populations, to instruct the Indonesian police to intervene, arrest, and reprimand militias who harass, intimidate, and attack refugees and humanitarian staff; and to allow full, free and safe access for UNHCR and other international humanitarian organizations to all East Timorese refugee camps and settlements in West Timor and elsewhere in Indonesia.
- Provide financial and logistical support to UNHCR for its mass information campaign on refugee repatriation and to enable it to facilitate and monitor repatriation of refugees to East Timor.
- Press the Indonesian government to step up efforts to investigate and pursue individual responsibility for human rights violations committed against the population of East Timor in the immediate wake of the referendum and against those later forced into exile. In particular, evidence of these crimes, which exists in abundance, must be collected and preserved with the aim of swiftly investigating and prosecuting specific militia leaders, and ultimately, any individuals in the Indonesian military or government who may have directly participated or been complicit in the crimes. Other nations should also make available their courts for prosecution of any acts which constitute crimes of universal jurisdiction. In the event that the Indonesian government is either unwilling or not wholly able to prosecute these cases and investigate them to their logical conclusions, the international community must insist on the establishment of an international tribunal capable of pursuing justice for the most serious crimes committed against the people of East Timor.
- In particular, the international Commission of Inquiry should rigorously pursue investigation of the many militia leaders whose whereabouts in the camps and settlements in West Timor is now well known. The evidence should be collected systematically and with the care and detail necessary to safeguard its admissibility in a court of law and with concern for the protection of witnesses. Investigation and, where appropriate, prosecution of the leaders, demanded by many East Timorese, is important to protecting civilian refugees now in the camps and ending longstanding impunity for acts of violence in East Timor. Such investigations could also help uncover evidence relevant to the indictment and prosecution of Indonesian military officials.
- Following evaluation of the upcoming report of the Commission of Inquiry, U.N. Secretary-General Kofi Annan should call for detailed follow-up investigations by the commission. Much investigative work remains to be done, and the evidence that does exist makes it imperative that investigations continue. International commission investigators should continue to conduct forensics investigations, to preserve and compile evidence in the scientific and systematic fashion required to establish individual responsibility under international criminal law, and to protect the confidentiality of information and security of witnesses. International commission investigators should also continue conducting interviews with individual victims, many of whom have been reluctant to speak with Indonesian investigators, and suspected perpetrators of abuses, including militia leaders in West Timor.
- Interfet authorities and officials of the U.N. Transitional Administration in East Timor (UNTAET), working with East Timorese leaders to re-establish the rule of law in East Timor, should take prompt action against any acts of vigilantism against suspected militia members.

To UNHCR and Other International Humanitarian Organizations

- Continue the mass information campaign intended to provide refugees in West Timor, and elsewhere in Indonesia, with full and impartial information about conditions in East Timor and to counter the misinformation campaign and intimidation of refugees in camps and settlements
- Continue efforts to seek access to all refugee camps and settlements in West Timor in order to monitor the return of refugees and to ensure that refugees' decisions regarding repatriation are made in a free and open environment without intimidation, harassment, and physical attacks.
- Step up efforts to reach refugees in other parts of Indonesia, including Kisar where unconfirmed reports indicate the presence of 2,000 or more refugees. An urgent effort should be made to determine the extent to which East Timorese are present in Alor, Wetar, Flores, Irian Jaya, Sulawesi, and other islands where refugees are rumored to be seeking safety; to provide assistance and protection; to ascertain in an open, noncoercive environment whether the refugees desire to return to East Timor; and to facilitate and monitor return for those who wish to do so.

III. THE PLIGHT OF EAST TIMORESE REFUGEES IN WEST TIMOR

The situation for East Timorese in West Timor remains grim, despite the fact that more than 110,000 had returned as of December 3, 1999 and an agreement had been signed on November 22 between Interfet and the Indonesian army to facilitate movement across the border.¹ At the end of November many refugees in camps and private homes throughout West Timor continued to be subjected to intimidation, threats, pervasive disinformation apparently aimed at discouraging their return to East Timor, and physical attacks by the same militias that had driven them from their homes in September.

It is not clear how many refugees remain in West Timor or on other Indonesian islands. Local newspapers, quoting figures from the provincial government of East Nusa Tenggara, the province that includes West Timor and the islands of Alor, Flores, and Wetar, said in late October that the number of refugees across the province totaled 271, 545.² There is widespread speculation that the numbers have been somewhat inflated for purposes of obtaining more assistance or due to unintended double counting; on the other hand, access to many locations housing refugees remains off limits to aid workers, and the United Nations High Commissioner for Refugees says pointedly that given restrictions on access, it has been unable to verify government figures.³

¹ United Nations High Commissioner for Human Rights, "UNHCR News, Timor Emergency Update," November 25, 1999. Of the 110,000 returns, over 65,000 were reportedly spontaneous, the rest assisted by UNHCR.

² Table in *Surya Timor* (Kupang), October 25, 1999, p.3.

³ UNHCR News, Timor Emergency Update, November 25, 1999, p.2 (<http://www.unhcr.ch/news/media.timor/latest.htm>).

In early December, we received reports that Indonesian military authorities and UNHCR had reached an agreement in principle to separate militias from civilians in the camps, but there were still no concrete measures in place to accomplish this or to ensure safe access for international humanitarian aid organizations to all camps and settlements. Although the level of Indonesian cooperation improved in November and the new government of President Abdurrahman Wahid pledged to clear away remaining obstacles, the new government at times also acted as if the underlying issues were all but solved. President Wahid, in a statement on November 24, suggested that most of the remaining refugees did not wish to return.⁴ The accounts of aid workers and the testimony of refugees returning from West Timor tells a very different story.

Obstacles to Return

It is important to emphasize at the outset that because access to the camps is limited, information on how many East Timorese are left in West Timor and the conditions under which they live is also limited. Estimates of East Timorese still in West Timor as of this writing ranged from 75,000 to 150,000. Access is limited because international humanitarian aid workers and UNHCR officials have been subjected to repeated intimidation at camps and settlements throughout West Timor, including the major refugee zones in the vicinity of Kupang and along the border with East Timor in the Atambua area. The UNHCR repatriation program began on October 8, but made little progress until November. In November, UNHCR reported several dozen incidents of harassment by militia members in the area of Atambua, West Timor alone.⁵ Staff members have been physically discouraged from entering camps and have been subject to stone throwing, guns fired into the air as warnings, and crowds gathering to block entrance to the camps.⁶

As a result of such attacks, a UNHCR staff member asserted in mid-November that the UNHCR was being forced to mount what he called "commando-style snatch-and-run" operations, with UNHCR parking its trucks outside a camp and moving in as quickly as possible to "extract" refugees before militia members were able to organize a response.⁷ In late November, the problems continued. In a press briefing on November 30, 1999, a UNHCR spokesperson noted: "While there has been some improvement in the security situation, access to the camps remains very limited. West Timor is the only place in the world where UNHCR workers are heavily escorted by police and army troops when they go to the camps."⁸ The participation of Indonesian military and police in freeing refugees demonstrates some Indonesian government cooperation, but the continued presence of the militias intermingling with civilians in the camps underscores the lack of political will to resolve the underlying problem.

⁴ President Wahid's words may have been influenced by the visit to West Timor of Vice President Megawati Sukarnoputri and a large ministerial delegation who were told by an East Timorese spokesman in Haliwen stadium that many refugees intended to stay in Indonesia. "Pemulangan Pengungsi Tergantung Situasi," *Pos Kupang*, November 24, 1999. That spokesman was almost certainly chosen by pro-integration forces to meet the delegation, as refugees returning from Haliwen told Human Rights Watch that the militias had set up posts and were in control of communications in the camp. Virtually all East Timorese interviewed in the two Kupang newspapers, *Pos Kupang* and *Surya Timor* since the September expulsions reflect pro-integration sentiments except for those interviewed in the Fatululi exhibition site in Kupang where refugees who have already managed to leave the camps to be repatriated to East Timor gather under UNHCR protection.

⁵ "Timor: Refugees Remain Apprehensive," UNHCR Press Briefing Note, November 23, 1999.

⁶ "Indonesia: UNHCR Asks Government to Control Militias," *Refugees Daily*, November 10, 1999.

⁷ "Timor: 'Snatch-and-run Operations,'" UNHCR Press Briefing Note, November 19, 1999; "Indonesia: UNHCR Forced to Snatch Back East Timorese," *Refugees Daily*, November 22, 1999.

⁸ "Timor: Militias' Grip Still Firm in West Timor," UNHCR Press Briefing Note, November 30, 1999.

For East Timorese, intimidation is constant. Feared militia leaders are in the camps and operate openly, boasting of plans to return to East Timor and continue fighting. The cases of Lucas Borromeo and Jose Pereira (Zeca) in the Tenubot camp near Atambua are described in detail in Section IV below. One man who had spent time in the refugee camp in Tenubot told Human Rights Watch that every day people were called for a roll call to make sure everyone was in the camp. They were terrorized at night by militia members warning them of the dangers of returning to East Timor. A man who had recently returned from Betun, West Timor said people there were told they would be killed if they went back to East Timor.⁹ "When the Red and White flies again over East Timor, then you can return," the militia members said. There was militia training every day, using sticks instead of guns.¹⁰ Another man said his family, staying in a house in Silawan, Atambua, wanted to leave but was afraid of the militias. When asked to fill out government forms stating their preferred destination, they had said they wanted to stay, even though it was not true.¹¹ The same situation was described by people with family members in Noelbaki and Tuapukan, Kupang, in Lakefehan, Atambua, in Lurasik, Belu, in Haliwen, and in the villages of Matai, Kamanasa, and Bolan, all near Atambua, that are under the control of the Mahidi and Laksaur militias.¹²

Some of these incidents left a lasting impression. As one UNHCR spokesperson put it: "The moment an East Timorese expresses a desire to leave the camps and go home, their life is in danger."¹³ *Surya Timor*, a newspaper published in Kupang, West Timor, reported on October 25 that five unidentified corpses were found by refugees in Naibonat, West Timor. One refugee told the paper that the bodies were not from the camp and must have been brought in as a way of terrorizing those who wished to return to East Timor. The day after the bodies were found, refugees were approached by militias asking "Yesterday, what did you find, did you experience something yesterday?" The same day, *Surya Timor*, which has a pro-integrationist stance, quoted a commander of the "Kaermetin Merah Putih" wing of the pro-integration Pasukan Pejuang Timor Timur (PPTT) that he had people "inside and out," and that the "task inside is to strengthen the loyalty of members of the struggle and hunt down pro-independence elements, while our task on the outside is to infiltrate people into East Timor."¹⁴

Threats against East Timorese who wish to return has been compounded by direct physical action to try to prevent people from going back.

- On October 24, three buses carrying East Timorese to the harbor in Kupang to board a ship for return to Dili were stopped by other East Timorese, apparently militia members. When the refugees warned the driver that those trying to stop the bus were "bad people," the driver tried to continue on, only to have his windshield smashed by the men in question. One woman passenger was slightly injured by broken glass.¹⁵

⁹ Human Rights Watch interview, Sports stadium, Dili, November 5, 1999.

¹⁰ Human Rights Watch interview, Don Bosco School, Dili, November 7, 1999. Unconfirmed reports also suggest that boys, lacking structured activities, are sometimes included in militia training.

¹¹ Human Rights Watch interview, Sports stadium, Dili, November 5, 1999.

¹² Human Rights Watch interviews, Dili, Nov. 1, Nov. 5, Nov. 7, 1999.

¹³ "Indonesia: Most East Timorese Returns Blocked," *Refugees Daily*, November 10, 1999 (quoting UNHCR spokesman Yusuf Hassan).

¹⁴ "Pejuang Timtim Siapkan Intelejen Susup Ke Timtim," *Surya Timor*, October 25, 1999; "Ditemukan 5 Sosok Mayat Di Naibonat," *Surya Timor*, October 25, 1999.

¹⁵ BBC World Service, "Timor refugees face more trouble, October 25, 1999; *Pos Kupang*, October 25, 1999 (no headline, from electronic clipping service in Kupang, West Timor.)

- On the afternoon of November 2, a group of East Timorese who had registered for repatriation with UNHCR through the Catholic parish in Nenuk, West Timor were going to the port in Atapupu under UNHCR auspices to board a ship home. All had been staying in Halilulik, but two of the men, Alberto Faria, fifty, a retired army officer, and Carlito Faria, a schoolteacher, aged twenty-seven, had driven to Nenuk in their own car and left the car with the parish priest in Nenuk. After they had left Nenuk with the UNHCR convoy, a group from the AHI militia, based in Aileu, approached the Nenuk priest and demanded the keys to the car. He refused to hand them over, so the militia members followed the convoy until it was stopped by police for a routine check, not far from the port. This gave the militia men a chance to take Carlito and Alberto away, and they never boarded the ship. The Indonesian police did nothing to stop the militia members, whom an East Timorese staff member working with UNHCR identified as Thomas Mendonca, the head of AHI and former head of the Aileu district council; Angelmus Nascimento, a *rajawali* (usually meaning informer for military intelligence); Julio Pantai, a member of the pro-integration paramilitary youth group, Gardapaksi; and Geraldo Mendonca, a former subdistrict head in Aileu. The two men they took away were from Bandodato, Aileu subdistrict, Aileu.¹⁶
- On November 4, a ten-truck convoy from UNHCR carrying East Timorese leaving Lakafehan, near Atambua, for the harbor in Atapupu so that they could return home was stopped by members of the Besi Merah Putih and Halilintar militias. As the convoy was about to pull away, militia members pulled the driver out of the front truck and started to beat him. Other militia members came around the trucks and shot in the air. Indonesian police came over to protect the driver, and passengers in the convoy could hear the militia commander shouting to his men, "Hide your guns! Hide your guns!" All were using *rakitan* or homemade weapons. The refugees made it safely to the port, but no effort was made to arrest the militia members involved.¹⁷
- On November 8, militia members armed with machetes and spears forced the UNHCR convoy to abort an effort to pick up refugees in a camp near the airport in Atambua, West Timor for transport back to East Timor.¹⁸
- On November 17, about thirty militia members attacked a fifteen-truck UNHCR refugee convoy bound for East Timor. A pregnant woman and her husband were reported to have been beaten and hospitalized. A UNHCR staff member said that dozens of Indonesian police stood by during the attack, doing nothing to halt or prevent it. As a result, the UNHCR threatened to suspend repatriation operations unless measures were taken immediately to halt the militia activity.¹⁹ Further deterioration of the situation was averted on November 22, when U.S. ambassador to the U.N. Richard Holbrooke brokered an agreement between Interfet officials and Indonesian military officials in the border town of Mota'ain aimed at facilitating repatriation. The rate did not improve, however, and by early December, UNHCR was reporting still almost daily confrontations with militia.²⁰

¹⁶ Human Rights Watch interview, Dili sports stadium, November 3, 1999.

¹⁷ Human Rights Watch interview, Dili sports stadium, November 5, 1999.

¹⁸ "Militia 'stepping up' attacks on refugees," BBC World Service, November 8, 1999.

¹⁹ UNHCR Timor Emergency Update, November 18, 1999, <http://www.unhcr.ch/refworld/>; "Indonesia: East Timorese Convoy Attacked," Refugees Daily, November 19, 1999.

²⁰ "Timor Emergency Update." UNHCR Timor Emergency Update, December 2, 1999.

In addition to physical intimidation, many refugees reported that militia members purposefully disseminated false information in an effort to discourage returns. Refugees were told that East Timor was still the site of war and chaos, that violence is rampant, that, should they return, they will be attacked by Australian troops committing atrocities, that Timorese women will be raped by soldiers, and that Xanana Gusmao would retaliate against them for leaving East Timor.²¹ In response, the UNHCR, which has an extensive mass information campaign in place, is seeking to counter the disinformation through a variety of media, but it continues to lack regular access to many camps and settlements and is thus unable to ensure that refugees are receiving accurate news and information.

Many militia members have clearly elected to stay in West Timor, either because they wish to remain in Indonesian territory, because they wish to be part of a pro-integration guerrilla force to fight in East Timor should this be mobilized from bases in West Timor, or because they fear reprisals if they return.²² In addition, however, there are also many East Timorese who may have filled out forms provided by the Department of Social Affairs in Kupang in the weeks after their arrival indicating they wished to stay in West Timor when, in fact, they felt fearful of indicating any other choice. The pervasive intimidation and disinformation spread by militias means that there is reason to question claims that refugees have freely chosen to stay, both in terms of whether that choice was freely made and the conditions in which they live.

Of particular concern in this regard are East Timorese from the enclave of Ambeno/Oecusse now living in camps in the district of North Central Timor (Timor Tengah Utara).²³ A local newspaper, *Surya Timor*, reported on October 23 that as many as 45,588 refugees in that district had "expressed their desire to become permanent residents of East Nusa Tenggara province, according to a spokesman for the refugees, Thom Philip."²⁴ Any such statements by those claiming to speak on behalf of large numbers of refugees must be treated with some skepticism as long as access to these camps remains restricted. North Central Timor district is also the site of a new militia, formed since the August referendum took place. Called Kaermetin Merah Putih, it is led by Jose Mausinho Cardozo and has become part of the integrated militia forces variously called Pasukan Pejuang Integrasi (PPI) or Pasukan Pejuang Timor Timur (PPTT).

For those who have decided to stay, through choice or intimidation, and who do not have the political connections that most militia leaders seem to have, the life they lead may be grim. In late October 1999, Human Rights Watch visited a village called Sumalu, across the bay from Kupang but reachable by road only after a two hour drive. Near the subdistrict offices, some thirty-eight shoddily constructed plywood barracks had been erected by the Ministry of Transmigration for East Timorese who elected to stay in West Timor. The barracks were little better than animal pens, with no floors, no ventilation, and no sanitation. Each barracks was supposedly designed for eight families, although only a single tiny space had been allocated per family, with no walls between family "rooms"; they presumably were to be separated by curtains. Each building was covered with a zinc roof. The overall construction was so flimsy, as one shocked Indonesian visiting the site with us said, "[i]t would take one butt of a goat to knock it down." At the time we visited, no families had yet moved in, but local people expected arrivals within days.

International Standards

²¹ Human Rights Watch interviews, Sports stadium, Dili, November 4, 1999.

²² Those fears are justified. As more and more refugees return, some militia members are returning with them. On November 6, Human Rights Watch learned that two suspected militia members had been discovered by returning refugees at the transit center set up at the Don Bosco school in Comoro, Dili. The two men had been beaten severely, then turned over to Interfet.

²³ Ambeno/Oecusse is an enclave on the north coast of the western portion of the island of Timor that was part of the original Portuguese colony and has long been a geographical subdivision of East Timor.

²⁴ "45.588 Pengungsi di TTU Ingin Bergabung ke NTT," *Surya Timor*, October 23, 1999.

According to international standards governing the protection and assistance for refugees, the strictly civilian and humanitarian nature of refugee camps and settlements must be upheld in order to preserve the peaceful character of asylum. These principles are clearly stipulated in various UNHCR Executive Committee (ExCom) Conclusions, including the Conclusion on Safeguarding Asylum, No. 82, (1997), para d (vii), which reiterates "the responsibility of host States, working, where appropriate, with international organizations, to identify and separate any armed or military elements from refugee populations, and to settle refugees in secure locations at a reasonable distance, to the extent possible, from the frontier of the country of origin, with a view to safeguarding the peaceful nature of asylum."²⁵

International standards also stipulate host states' obligation to allow UNHCR and other humanitarian personnel free and unimpeded access to all refugee camps and settlements and to take all necessary measures to investigate and prosecute individuals who endanger the personal security of refugees.²⁶ Provisions governing the return of refugees stipulate that repatriation should be entirely voluntary and based upon the free and informed decisions of refugees themselves.²⁷ These standards are far from being met in the refugee camps and temporary settlement areas in West Timor.

²⁵ Other ExCom Conclusions pertaining to the civilian nature of refugee camps echo these standards and include, Conclusion on Military or Armed Attacks on Refugee Camps and Settlements, No. 48, (1987), and Conclusion on Personal Security of Refugees, No. 72 (1993). The Executive Committee (ExCom) is UNHCR's governing body. Since 1975, the committee has passed a series of Conclusions at its annual meetings. The Conclusions are intended to guide states in their treatment of refugees and asylum seekers and in their interpretation of existing international refugee law. While the Conclusions are not legally binding, they do constitute a body of soft international refugee law and ExCom member states are obliged to abide by them. Although Indonesia is neither a state party to the 1951 Convention Relating to the Status of Refugees, nor an ExCom member state, it is an observer state and participates actively in ExCom meetings; as such it should respect the international standards stipulated in the Conclusions.

²⁶ Conclusion No. 72 (1993) on Personal Security of Refugees, for example, includes the following points:
(b) Urges States to take all measures necessary to prevent or remove threats to the personal security of refugees and asylum-seekers in border areas and elsewhere, including by affording UNHCR and, as appropriate, other organizations approved by the Governments concerned prompt and unhindered access to them, by situating refugee camps and settlements in secure locations, by ensuring the safety of vulnerable groups, by facilitating the issuance of personal documentation, and by involving the refugee community, both women and men, in the organization and administration of their camps and settlements;
(c) Calls upon States vigorously to investigate violations of the personal security of refugees and asylum-seekers, and where possible to institute criminal prosecution, and where applicable strict disciplinary measures, against all perpetrators of such violations;
(d) Calls upon States, in collaboration with UNHCR and, as appropriate, other organizations approved by the Governments concerned, to provide effective physical protection to asylum-seekers and refugees and to ensure safe access for humanitarian assistance and relief workers, where necessary through the recruitment and training of personnel specifically assigned the task of protecting refugees and securing supply routes for humanitarian assistance."

²⁷ In 1996, UNHCR emphasized that: "[t]he principle of voluntariness is the cornerstone of international protection with respect to the return of refugees." UNHCR, *Handbook on Voluntary Repatriation: International Protection* (Geneva: UNHCR, 1996), p. 10. The Handbook defines the principle as follows: "Voluntariness means not only the absence of measures which push the refugee to repatriate, but also means that he or she should not be prevented from returning, for example by dissemination of wrong information or false promises of continued assistance...." 'Voluntariness' is more than an issue of principle. Repatriation which is voluntary is far more likely to be lasting and sustainable." Ibid. The Handbook goes on to explain the responsibilities of the different parties involved in a voluntary repatriation exercise, including the host country. It states that "The country of asylum should facilitate arrangements and UNHCR's involvement in them, for ensuring that accurate and objective information on conditions in the country of origin is communicated to the refugees." Various ExCom Conclusions also deal with the need for repatriation to be voluntary and based on an informed decision by the refugee. These include, Conclusion No. 18 (1980) on Voluntary Repatriation and Conclusion No. 40 (1985) also on Voluntary Repatriation. Conclusion No. 18 (e), for example, states that the Executive Committee: "Recognized the importance of refugees being provided with the necessary information regarding conditions in their country of origin in order to facilitate their decision to repatriate; recognized further that visits by individual refugees or refugee representatives to their country of origin to inform themselves of the situation there—without such visits automatically involving loss of refugee status—could also be of assistance in this regard."

IV. EVIDENCE THAT THE EXPULSIONS WERE THE RESULT OF A COORDINATED INDONESIAN ARMY CAMPAIGN

The interviews conducted by Human Rights Watch with East Timorese returning to transit centers in Dili from camps in West Timor make abundantly clear that the mass exodus of East Timorese to West Timor was the result of coercion and that Indonesian military forces were actively involved in the expulsions. Significantly, East Timorese were forced into West Timor not only in the days immediately following the August 30 ballot and announcement of the results on September 4, but over a period of at least three weeks. The evidence collected here suggests that forced expulsions actually intensified after martial law was declared by Jakarta on September 7 and continued right up to the arrival of Interfet troops on September 20.

The testimony of returning refugees shows that the expulsions were systematic, with similar patterns manifested across East Timor. This was not the spontaneous action of militia leaders disgruntled by a vote that went against them. The logistics involved, the similarity of the process from one end of East Timor to the other, and direct witness testimony all point to a planned and systematically implemented operation. In many cases, district military command posts served as way stations for East Timorese civilians forced from their homes and subsequently transported to West Timor. As detailed below, some of the strongest evidence of military involvement is from refugees who had been forced to West Timor from their home in the Ermera district in western East Timor.

The testimony adds to the mounting evidence that the expulsion of East Timorese was an orchestrated campaign that required advance planning. There is also documentary evidence. While in Dili, Human Rights Watch obtained a copy of a telegram from Jakarta military headquarters to the commander in Bali responsible for East Timorese operations ordering the latter to prepare for possible removal of East Timorese to West Timor should pro-independence sentiment prevail in the ballot. At a minimum, the document shows that plans to move East Timorese across the border were initiated long before the vote.

Some Indonesian authorities have suggested that army involvement was solely to ensure the safe evacuation of migrants, civil servants, and pro-Indonesian East Timorese fearful of attack by pro-independence forces. There is little evidence, however, of any attacks or threats of attack on this population in the days following the vote. Even assuming evacuation of endangered East Timorese was one goal, two factors make the Indonesian explanation implausible. One was the sheer scale of the effort, which saw some 200,000 people moved out of the territory by truck, boat and airplane following a vote in which less than half that number chose continued Indonesian rule. The other, more significant, is that eyewitness accounts of the events that followed the announcement of the poll results show repeated instances of the military involvement in and facilitation of militia expulsion of families and entire villages through terror and intimidation, at times at gunpoint, followed by large-scale arson and destruction of property. This was never intended to be a case of evacuation of selected loyalists.

Extensive Military Involvement in Forced Expulsions

In more than one hundred interviews conducted by Human Rights Watch with refugees returning from West Timor, some patterns emerged. While some residents of Dili were expelled to West Timor in the first two days after the announcement on September 4 of the referendum results, the vast majority of expulsions elsewhere in East Timor appear to have occurred after the formal implementation of martial law on September 7, with no effort on the part of martial law forces to stop them. Timorese were still being pushed against their will into West Timor on ships from Dili up to September 20, the day Interfet troops arrived, and by land at least as late as September 18 and 19.

The stories told by refugees from across East Timor were strikingly similar, suggesting coordination. East Timorese from Dili, Ermera, Aileu, Baucau, and Los Palos all told Human Rights Watch that militia members, often residents of the *kampung* (subdivision of a village) where they were charged with rounding up the population for expulsion, and often accompanied by local army officers, forced families at gunpoint into the district or subdistrict army

headquarters, threatening them with death if they did not leave and burning their houses after they departed. After a period ranging from overnight to a week in the military command, they were taken to West Timor by car or truck, or, less frequently, by ship or plane. In some cases the trucks were provided by the district military command; in many cases, they were commandeered by the militias from the families they were expelling.

In many cases, families were split, and those taken to West Timor were women, children, and older men. The younger men, more likely to be targets of violence, fled to the hills or were already in the hills when the militias came in. This suggests that the departures were not voluntary, particularly for families with young men active in the pro-independence CNRT movement. (It was not only pro-independence families who were forced out, however. A Kupang-based human rights organization encountered a large number of Javanese transmigrant families in Atambua who had been ordered to leave their homes in Salele in the western district of Covalima after the referendum results were announced.²⁸) In addition, not all families from the same *kampung* ended up in the same camp. In some cases, militia-led convoys simply dumped their human cargo across the border in Atambua and left the families to find their own accommodation. In others, families from the same *kampung* brought to a central army headquarters got mixed in with people from other areas and were taken on different days by different militia escorts to various camps in West Timor.

The military was also involved in meeting new arrivals in West Timor. The vehicles crossing the border into West Timor in most cases had to check in with an Indonesian army post at Mota'ain on the West Timor side; planeloads of East Timorese arriving in Kupang were met by TNI soldiers. Militia members accompanied virtually all those transported to West Timor and continued to live nearby or with the families they had expelled.

Forced Expulsions from Ermera

The role of the military was particularly conspicuous in the account of fourteen East Timorese originally from the Ermera district, located southwest of Dili in East Timor. Twelve of the families were taken first to the district military command (Kodim) in Gleno, Ermera before being transported to Atambua in West Timor. A number of the accounts are summarized below:

SX, from Poetete, Ermera, was an independence supporter and member of the local staff of UNAMET. Darah Integrasi militia members burned the house of five CNRT members on the night of August 30, after the referendum had taken place. On September 7, his family was taken to the district military command in Gleno, then escorted by three soldiers of the Ermera subdistrict command to Tenubot, Atambua. Two of the soldiers, Ermelindo and Hilario, were East Timorese, and one was from Java.

JT, also from Poetete, said that on September 9, one of the most notorious militia commanders in the area, a man named Zeca, sent a man to their *kampung* ordering everyone to leave. Ten members of his extended family were among those taken to the district military command and accompanied from there to Atambua by members of the Darah Integrasi and Besi Merah Putih militias.

FA, from Poetete, said his family had been forced into the district military command on September 12 after members of the Darah Integrasi and Darah Merah militias came to his *kampung* and burned the houses. FA went to the hills. On September 21, a militia member named Baresto took his wife and five children to Atambua. According to someone from his *kampung* who returned in late October, the family was living in the sports stadium in Haliwen, a village outside Atambua where thousands of East Timorese were given shelter.

JB, from the village of Mertutu, Ermera, was at home on September 13 when eight men from the Gleno district military command and the Darah Integrasi militia attacked, ordering everyone to leave. They shot at random, hitting JB's young son in the leg. JB himself fled to the hills, but his wife and five children, ranging in age from sixteen to two, were taken to the district military command the next day. After two days there, they were driven to Tenubot, Atambua.

²⁸ Leonard Simanjuntak, "Report of the Situation in Atambua, 6-8 September 1999," Yayasan Pikul (no date). The Covalima district is also commonly referred to as the Suai district, after the name of the district capital.

MM, from Lihu, Railaco, Ermera, said her family was taken to the subdistrict command (Koramil) in Railaco on September 15. The soldiers there were taking people to Atambua but only if they could pay Rp.600,000 for a place in a vehicle. MM had no money, so she was forced to stay at the subdistrict military command for a week until she happened to hear on the radio that Interfet forces were coming. She escaped, but her brother's family and three small children were still in Halilulik, West Timor, as of early November.

Evidence That the Expulsions were Part of a Planned Campaign

The above accounts demonstrate the instrumental role played by the army in the forced expulsions. There is now mounting evidence, though largely still circumstantial, that a plan was in place well before the consultation was held on August 30. Some of the existing anecdotal and testimonial evidence is described below. There is also documentary evidence. In early November, Human Rights Watch was shown a document found in the district military command (Kodim) in Dili. Dated May 5, 1999, the day the agreement between Indonesia and Portugal was signed on the modalities for a "popular consultation" on the political future of East Timor, the document is a telegram from the deputy chief of staff of the Indonesian army in Jakarta to Maj. Gen. Adam Damiri, commander of the Bali-based regional command that included East Timor. It orders Damiri to come up with a security plan to address all eventualities related to the option being given to the East Timorese people, including preventive measures, police action, "repressive/coercive action" and plans for "moving back/evacuation [of East Timorese] if option two becomes the choice." Under the May 5 agreement signed in New York, option two was rejection of autonomy and separation from Indonesia (see Appendix I for full text.)

Whatever security plan was drawn up in response to that order appears to have been set in motion well before the consultation was held on August 30.²⁹ Yayasan Hak, an East Timorese human rights organization in Dili, reported on June 13, 1999 that sources within the Besi Merah Putih militia had leaked information that a plan to forcibly evacuate women and children to West Timor had been discussed at a meeting on June 12 in Liquica attended by the district head, Leonido Martins Rebeiro; Manuel Sousa, commander of the BMP militia; the head of the Liquica district military command and other BMP leaders. Earlier that same day, according to the report, some militia members sent their own families to Atambua.³⁰

²⁹Tomas Goncalves, a militia leader who had fled to Macau following an anti-independence rampage by militias on April 17, 1999 that left between twelve and eighteen dead, told the *South China Morning Post* on September 16 that he had attended a meeting on February 16, 1999 in Dili, organized by the head of the SGI (Satuan Gabungan Intelijen or Joint Intelligence Unit), which the heads of all thirteen district-level militias attended. Goncalves said the SGI head, an Indonesian colonel, told them the army was determined not to abandon its supporters in East Timor. Goncalves also told the Post that the colonel had received orders to hold the meeting from a chain of command that extended to Maj. Gen. Zacky Anwar Makarim, who General Wiranto appointed as his liaison in East Timor in April. Zacky was head of the army intelligence organization BIA until January 1999.

³⁰Yayasan Hak, Laporan Harian Pelanggaran HAM No.18/LH/YH-DA/VI 1999, June 17, 1999.

Manuel Sousa appeared at another meeting, this time two days before the results of the referendum were announced. O, a BMP militia member told Human Rights Watch on November 6 that he had taken part in a meeting at BMP headquarters in the town of Maubara, Liquica district, on September 2. Some 200 people were in attendance, most of them militia members but including a soldier from the Maubara subdistrict command, a member of the army intelligence unit SGI, and a policeman whom O knew only as Miguel. The main subject of the meeting was the need to get people out to West Timor, and O said they were told to tell people they would shoot anyone who refused to leave. He said the BMP commanders explained that with the population cleared out, it would be easier for the militias to fight a war for integration.³¹

A source close to the United Nations Mission in East Timor (UNAMET), whom Human Rights Watch interviewed in Darwin in mid-September, was witness to an exchange that took place on September 7 near the airfield in Baucau as UNAMET officials were trying to evacuate the local staff of their Baucau office. The Baucau district military commander, his chief of staff, and the district police commander were all present. The police commander, referring to the local staff, turned to the UNAMET officials and said, "They're just IDPs [internally displaced persons], right?" The military commander then said, "I have orders that all IDPs are to go to Atambua or Kupang [in West Timor]." Our source reported that the other Indonesians were clearly surprised by his saying this, and it seemed to be a slip. The UNAMET officials insisted that their staff were not IDPs, and the East Timorese in question were eventually allowed to go to Dili.

On September 12, a militia leader named Rui Lopes from the western district of Covalima told interviewers from an independent television channel in Jakarta that the day before the election results were announced he had taken part in a district level meeting at the house of the district head (bupati) in Covalima. He said the bupati and the district military commander were present and conveyed orders that the militias were to burn down Covalima, drive UNAMET out, and drive all the local residents into West Timor. He said the idea was to convince the outside world that the East Timorese were not happy with the result so that UNAMET would be forced to conduct the poll again. He said that the militias in Covalima were full of SGI (army intelligence) agents.³²

Finally, the BBC's Humphrey Hawksley reported in mid-September after a visit to West Timor that officials in Kupang told him that they had been told to prepare for a major exodus and been ordered on August 26—four days before the referendum—to set up camps to handle tens of thousands of people.³³

Establishing Accountability

Most of the top militia commanders were still living in West Timor as of early November, their places of residence well-known to local residents and displaced East Timorese. Evidence collected by local and international organizations linking these commanders to specific acts of violence is extensive, but there are several factors preventing their arrest. One has been the lack of political will on the part of Indonesian authorities to punish the individuals who were doing their bidding in East Timor. Even if the political will were there, amassing the evidence to bring them to trial in Indonesia would not necessarily be an easy task: East Timorese who are still under threat and intimidation in West Timor are unlikely to want or be able freely to give evidence in an Indonesian court against their tormentors. Marzuki Darusman, the newly appointed attorney general and former head of the Indonesian National Human Rights Commission, has reportedly ordered that videotaped testimony taken in East Timor will be admissible as evidence in Indonesian courts, but getting that testimony from witnesses will require a degree of coordination and cooperation between Indonesian and East Timorese organizations and a willingness on the part of East Timorese to believe in the good faith of Indonesian judicial authorities that as of November 1999 was understandably lacking.

³¹ Human Rights Watch interview, Don Bosco school, Dili, November 6, 1999.

³² "Indonesian Armed Forces Continue Campaign of Murder, Violence, and Massive Forced Deportation...", Carter Center Weekly Report on East Timor, No. 9, September 13, 1999.

³³ Humphrey Hawksley, "Timor exodus 'run' by Indonesia," BBC World Service, September 12, 1999.

Even if those difficulties could be overcome, another factor hindering prosecutions has been the relative lack of attention thus far on the part of Indonesian, East Timorese, and international human rights organizations to the issue of individual responsibility for human rights abuses. The focus has either been (rightly) on helping to get victims and potential victims out of harm's way, documenting abuses with a focus on the victims, or demanding in general terms that army commanders and militia leaders be brought to justice. It may be time now to work from the opposite direction, starting from militia leaders who are clearly accessible in West Timor and documenting as many cases as possible that will link those leaders to specific human rights violations.

Investigation and prosecution of militia leaders may also prove useful in building a case against Indonesian army commanders who coordinated the scorched earth campaign and forced expulsions. As noted above, much of the destruction and burning of buildings that was carried out across East Timor was done at a very local level by militia members resident in the neighborhood acting on orders of their commanders who, in turn, were in communication with Indonesian authorities.³⁴ Despite an offer of amnesty to East Timorese members of militias by CNRT president Xanana Gusmao on October 23, 1999, two days after his return to East Timor, there was growing sentiment in East Timor by November that at the very least, militia commanders had to be brought to justice, together with their Indonesian backers. Sufficient evidence exists to begin pursuing the prosecution of individual militia leaders immediately.

The militia leaders at the highest levels are well known. Prominent militia leaders include Joao Tavares (Halilintar, in Bobonaro), Eurico Gutteres (Aitarak, in Dili), and Cancio de Carvalho (Mahidi in Covalima and Ainaro). The militias were organized in a very hierarchical manner, with battalion commanders (*danyon*) and company commanders (*danki*), and other even smaller divisions under the *danki*. Less has been said about these mid-level militia leaders, but many East Timorese returnees from West Timor have evidence tying specific individuals to specific abuses. These leads warrant urgent and systematic investigation.

For example, East Timorese newly returned from the Tenubot camp near Atambua told us that two of the most feared commanders of the Darah Integrasi militia, Lucas and Zeca, were regularly present in the camp and a source of constant intimidation of the refugees. Human Rights Watch received numerous reports mentioning their names in connection with a wide range of abuses committed prior to the August 30 referendum. None of these reports would be sufficient to convict Lucas or Zeca for a criminal offense, let alone crimes against humanity, but the information is more than sufficient to warrant a systematic investigation of the credibility of these allegations.

³⁴ In some cases, the perpetrators were part of the same extended family as the owners of the houses they burned. Some of these members were devoted pro-autonomy partisans, others had been forced to join through threats or intimidation. The difference may not be a meaningful one to East Timorese who lost their homes and all material possessions, but whether and how to reintegrate such people is a matter of intense debate inside East Timor, with serious implications for long-term reconciliation.

Zeca is the nickname of Jose Pereira, commander of Darah Integrasi's Company A (Kompi A), based in Gleno. Lucas is Lucas Borromeo, commander of Company C (Kompi C) of the Darah Integrasi militia based in Hatolia subdistrict, Ermera. In June 1999, Yayasan Hak, East Timor's premier human rights organization, reported, based on witness testimony, that Lucas led a meeting on June 22-25 of Darah Integrasi leaders, attended by two non-Timorese Indonesian army sergeants from the Ermera district military command, Wayang Sukadarma and Swiyanto, in which he discussed arresting four members of the pro-independence political organization CNRT, whom he accused of having helped UNAMET open a branch office in Hatolia. He also reportedly discussed a plan to terrorize other CNRT members. In subsequent days, according to the report, Darah Integrasi members under Lucas's command warned the wife of a CNRT member in Ailelo village that they would kill her husband. They also threatened to kill any local UNAMET staff found to be siding with pro-independence groups.³⁵ Three weeks later, Yayasan Hak reported that Lucas was planning a campaign of terror and intimidation to force people in Hatolia district to choose autonomy, and that he was also heard threatening to shoot UNAMET staff. The statements were reportedly made at a secret meeting that took place in the subdistrict military command of Hatolia on July 12, 1999, again attended by both Darah Integrasi leaders and the two Indonesian sergeants mentioned above.³⁶ Human Rights Watch has received two independent reports that on September 11 at 7 pm Lucas killed a 45-year-old pro-independence civil servant (Assisten III in the district office) named Agustino.

³⁵ Yayasan HAK, Laporan Harian No.57/LH/YH-DA/07/99, Dili, East Timor.

³⁶ Yayasan Hak, Laporan Harian Pelanggaran HAM, No.63/LH/YH-DA/07/1999, Dili, East Timor.

APPENDIX I
Text of Order to Develop "Security Plan"

Note: In early November 1999, Human Rights Watch was shown the copy of this document that had been sent to the Military Resort Command (KOREM) 164 in Dili. We copied the text exactly as it appeared in the original, which remains in safekeeping in Dili. A translation follows the text in Indonesian.

Tentara Nasional Indonesia
Markas Besar Angkatan Darat

SURAT TELEGRAM

Dari: Kasad

Kepada: Pangdam IX/UDY

Tembusan: KASAD
WAKASAD
IRJENAD
PARA AS KASAD
DANREM 164/WD

Derajat: KILAT

Klasifikasi: Rahasia

Nomor: STR/172/1999 TGL 5-5-1999

AAA TTK REF DISPOSISI KASAD PD SURAT KOORSAHLI KASAD NO B/50/IV/1999/SAHLI TGL 13-4-1999
TTG PRIN MENGANTISIPASI SITUASI YG MUNGKIN TERJADI THD PILIHAN OPSI BAGI RAKYAT
TIMTIM TTK

BBB TTK SESUAI REF DI ATAS KMA KPD TSB ALAMAT AGAR TTK DUA

SATU TTK SENANTIASA SIAP MENGHADAPI SEGALA KEMUNGKIN PILIHAN OPSI BAGI
RAKYAT TIMTIM TTK

DUA TTK MENYIAPKAN REN KAM DLM RANGKA MENCEGAH TIMBULNYA PERANG
SAUDARA MELIPUTI TINDAKAN PREVENTIF KRBK CIPTA KONDISI KRTP KMA
TINDAKAN POLISIONIL KMA TINDAKAN REPRESIF GRS MRG KOERSIF SERTA REN
PEMINDAHAN KE BELAKANG GRS MRG PENGUNGSIAN APABILA OPSI KEDUA
MENJADI PILIHAN TTK

CCC TTK ST INI BERSIFAT PRIN TTK

DDD TTK UDL TTK HABIS

AN KEPALA STAF ANGKATAN DARAT
WAKIL KEPALA STAF
JOHNY J LUMINTANG
LTNAN JENDERAL TNI

Translation:

Indonesian National Armed Forces
Army Headquarters
Telegram

From: Army Chief of Staff
To: Commander of Region IX/Udayana
Cc: Army Chief of Staff
Deputy Chief of Staff
Inspector General of the Army
Assistant Chiefs of Staff
Commander of Military Resort Command 164/Wira Dharma

Degree: EXPRESS
Classification: Secret

Number: STR/172/1999 May 5, 1999

AAA: Referring to the chief of staff's letter No.B.50/IV/1999 dated 13 April 1999 regarding the order to anticipate situations that might arise with regard to the choice of options for the East Timorese people

BBB. In accordance with the above, the addressees [listed above] are to:

1. Be ready to confront all possibilities in the choice of options for the East Timorese
2. Prepare a security plan with the aim of preventing the outbreak of civil war including preventative action (creation of conditions), police actions, repressive/coercive actions as well as plans for moving back/evacuation [of East Timorese] if the second option becomes the choice.

CCC: This is an order.

DDD: End.

Deputy Chief of Staff of the Army
Johny J. Lumintang
Lt. Gen. TNI

*Human Rights Watch
Asia Division*

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We challenge governments and those holding power to end abusive practices and respect international human rights law.

We enlist the public and the international community to support the cause of human rights for all.

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