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APEC AFTERMATH

AI REPORT: THE 12 NOVEMBER PROTESTS

January 20, 1995

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INTRODUCTION

At least a dozen peaceful East Timorese independence protesters detained by Indonesian security forces in Jakarta since 12 November could be in danger of torture and ill-treatment, and some may later be jailed as prisoners of conscience. Twenty-nine protesters who entered the US Embassy grounds in Jakarta on 12 November, and who remain there as of 15 November, could face a similar fate if they leave the embassy compound. Meanwhile, at least 16 and possibly many more East Timorese detained following three days of rioting and clashes with security forces in Dili, the capital of East Timor, between 12 and 15 November, may also be in danger of torture and ill-treatment.

These concerns are based on a long-standing pattern of human rights violations by Indonesian security forces against East Timorese pro-independence activists. Since 1990 thousands of East Timorese, most of them young people, have been detained without charge by Indonesian military and police authorities for periods of a few days to several months for their real or alleged

political activities. Many of those detained have been held incommunicado and tortured or ill-treated by their captors to extract confessions or political intelligence. At least 30 East Timorese are currently serving prison sentences of up to life imprisonment for their non-violent pro-independence activities.

Amnesty International's concern for the safety and fair treatment of those recently detained has been heightened by the statements of Indonesian military and government officials in the days after the embassy occupation. The authorities have accused the protesters of attempting to tarnish the government's name and to win popularity by staging their demonstration during a meeting of heads of government of the Asia Pacific Economic Cooperation (APEC) countries. On 13 November, the military commander for Greater Jakarta, Major General Hendropriyono, accused the East Timorese protesters of being insufficiently "patriotic," saying: "They...do not have any patriotism at all and they do not have any shame when their country is holding an international event."¹ In the past, such accusations have been sufficient grounds for the trial and imprisonment of peaceful East Timorese protesters. For example, East Timorese accused of "tarnishing the country's image" by staging peaceful demonstrations after the 1991 Santa Cruz massacre, are now serving sentences of up to life imprisonment.

The recent protests and arrests occurred on the eve of United States President Bill Clinton's arrival in Jakarta for the APEC summit, and on the third anniversary of the Santa Cruz massacre in which some 270 people were killed by security forces in East Timor. They also occurred against the backdrop of serious human rights violations against Indonesian government critics, labour activists and socially marginalized groups in the run-up to APEC, documented in the Amnesty International report, *Indonesia: "Operation Cleansing" - Human Rights and APEC*, published in November 1994.

1. THE 12 NOVEMBER PROTEST

On the morning of 12 November, some 30 East Timorese students attempted to enter the US Embassy in Jakarta. The group scaled the fence surrounding the embassy grounds as police tried to prevent them. Amnesty International has obtained a list of 66 names of people who planned to take part in the demonstration, but only 29 managed to enter. At least 35 others were reported to have been detained before entering or reaching the embassy.

Once inside the embassy grounds, the 29 students displayed banners in English and Portuguese calling for the US President to seek the release of East Timorese resistance leader, Xanana Gusmão, to push for his par-

ticipation in peace talks, and to support a referendum on the political future of East Timor. In a written statement, the protesters said that they were seeking a meeting with President Clinton, who arrived in Jakarta in the evening of 13 November, and with Secretary of State Warren Christopher, to discuss their political and human rights concerns.

Following early statements that the 29 would be encouraged to leave, officials at the US embassy clarified that the group would be permitted to stay, and provided them with some food and other facilities. Speaking to journalists on 14 November, President Clinton said the US government "...had no problem with these young people coming and expressing their views in our embassy grounds, and we've talked with them and worked with them."² However, by the end of the day on Tuesday 15 November, the protesters had not met the President. The group apparently rejected offers of a meeting with the US Ambassador, and said that if their request to meet the President were not met they might be forced to ask for political asylum. A spokesman for the group, Fernando Sarmento Alves, told reporters: "We are going to take harder steps if there are no positive developments, including consideration of political asylum."³ Later reports suggested that the group might be prepared to accept a meeting with Indonesian President Suharto or Minister of Foreign Affairs, Ali Alatas, as an alternative.

Members of Indonesia's government-appointed National Human Rights Commission who visited the group at the embassy compound on 13 November, said that eight of the 29 had said they would leave the embassy if they received guarantees that they would not be arrested. However, the Commission reportedly failed to obtain such guarantees, and all 29 protesters remained in the compound at the end of the day on 15 November.

Arrests in Jakarta and Other Cities

Between 35 and 50 East Timorese are reported to have been detained in Jakarta shortly before and after the embassy protest, but the exact number, identity and whereabouts of those detained is still unclear. As of 15 November, local human rights monitors and relatives had been able to identify only about a dozen of them by name, and uncertainty remained about where they were being held.

Amnesty International is concerned that, because of this uncertainty, those still in police or military custody could be denied access to lawyers and subjected to torture or ill-treatment. It is also concerned that those regarded as the political "ring-leaders" may later be tried and sentenced to prison terms for their peaceful political activities.

Some 35 East Timorese, most of them students from Surabaya and Malang, East Java, were reportedly detained in the early morning hours of 12 November in East Jakarta, before reaching the US Embassy. A number of this group were reportedly released after questioning the same day, but some were still thought to be in detention as of 15 November, including: Francisco Honório Sarmento, and Samuel Leki, both university students from Malang; and [João] Quintiliano Mario Neto Mok, aged 27.

According to reports, members of this group were originally held in police custody before being taken to the regional headquarters of the military Coordinating Agency for the Maintenance of National Stability (Bakorstanasda) in Jakarta. These reports heightened Amnesty International's concern about the possibility of torture and ill-treatment. In September this year, security forces detained four men in Jakarta for releasing balloons with pro-democracy messages and subjected them to torture, including electric shocks, beatings and death threats, at Bakorstanasda headquarters under the supervision of high-ranking military intelligence officers.

Military authorities told a member of the National Human Rights Commission, and another independent observer who visited Bakorstanasda on 13 November, that no East Timorese were detained there, and that those from East Java had been sent back home. On 15 November, police officials announced that 69 East Timorese had been sent back to their homes in East Java and released.

However, independent human rights monitors reported that as of 8am on 15 November, or three days after they were detained, none of those who had been detained had returned to their homes in East Java, and that the whereabouts of most remained unknown.[4] On 15 November, a police spokesperson in Jakarta reportedly admitted that: "We don't know where they are." [5] The uncertainty about their whereabouts heightened concern that they might in fact still be in custody either in Jakarta or in East Java. Independent human rights monitors suggested that they might still be in the custody of police in Surabaya (POLDA Jawa Timur) or Malang.

One of those known to have been detained on 12 November was Valerio José Trindade, an East Timorese worker who lives in Jakarta. He was arrested by riot police outside the US Embassy while being interviewed by a foreign journalist prior to attempting to gain entry to the compound. His current whereabouts are not known nor are details of any charges against him. As he is a resident of Jakarta, he would not have been sent to East Java with the others, and so is probably

in police or military custody in central Jakarta.

Security forces are also said to have arrested at least 11, and possibly more, East Timorese workers and students from their homes in various parts of Jakarta on and after 12 November. The reasons for their arrest, and the place of their detention, were not known as of 15 November. However, it is likely that they have been held because of their real or suspected links with those who entered the embassy. Although these reports could not be confirmed, East Timorese reported to have been detained in Jakarta include people named as: Armindo Lopes, Alberto, Paul, Armando, Elias, Eduardo, Fidelis, Albertino, Avelino Tilman, José Caiola da Sousa, and Nelson Eduardo dos Santos.

Amnesty International has also received reports that East Timorese in other cities, including Bandung, West Java, and Denpasar, Bali, have been summoned by military authorities though not necessarily detained. Among those summoned are three university students in Bandung: Nelson E.S. Martin, a student at Universitas Pajajaran; Homen Gastão, a student at the Bandung Institute of Technology; and Lito Tilman. They were reportedly taken from their homes by soldiers of the West Java Regional Military Command (KODAM III/Siliwangi) at about 2pm on 14 November. Human rights activists said the three had been taken to the KODAM headquarters, where they had been asked to sign a statement, on behalf of an East Timorese students' organization, denouncing the actions of the group that had entered the US Embassy. Similar incidents have been reported from Denpasar, Bali, where according to unconfirmed reports, scores of East Timorese students have been summoned for questioning by military authorities since 12 November. Two students, Horacio Gonalves da Costa, and Tede Branco, are said to have been detained by the military, but it was not known whether they remained in custody.

Amnesty International is urging the Indonesian authorities to clarify the identity of all those detained in connection with the 12 November protests, the place of their detention, and the precise reasons for their arrest. It is also calling on other governments to assist in obtaining such clarification, and to take concrete measures to ensure that those detained are neither ill-treated nor jailed as prisoners of conscience.

2. UNREST IN EAST TIMOR

Widespread unrest and at times violent clashes with security forces in Dili and smaller towns of East Timor between 12 and 15 November has resulted in a number of deaths, the destruction of property, and

scores of arrests. Amnesty International does not condone these acts of violence and it recognizes the right of police authorities to detain and bring to justice those responsible. Nevertheless, it is concerned that those detained may be ill-treated or tortured, and that the authorities may use the violence as a pretext to arrest and imprison non-violent pro-independence activists.

The unrest was apparently triggered by the murder of an East Timorese trader, Mario Vicente, following a dispute with a trader from the island of Sulawesi, at the Becora market in Dili on 12 November. Within an hour hundreds of East Timorese had congregated to protest against the killing, but the protest quickly degenerated into violence, leading to the destruction of shops, houses, and vehicles. The unrest continued into the early hours of the morning and erupted again the following day. According to one report, early on 13 November, a group of some 40 demonstrators marched to the Mahkota Hotel where they displayed banners with messages like "Free East Timor" and shouted pro-independence slogans. There were unconfirmed reports that a crowd gathered in the Lecidere quarter of Dili, to lower the Indonesian flag and replace it with the flag of East Timor's resistance movement.

Police and military authorities reported that crowds attacked the homes and shops of non-Timorese migrants in various parts of the city, including Audian, Balide, Becora, Bidau Santana, Colmera, Kuluhun, Manleuana, and Santa Cruz. Describing the unrest, Police Chief Andreas Sugianti said: "The mob was wild. They were running after the police and throwing stones at them. If we were not wearing helmets, we might have been injured as well." [6] At the marketplace in Colmera, crowds reportedly clashed with police and Mobile Brigade forces. Security forces managed to disperse the crowds with tear gas, then as night fell soldiers reportedly began to carry out widespread arrests.

The violence flared again on 14 November. In one incident some 600 protesting East Timorese students hurled stones at riot police in the vicinity of the University of East Timor in Dili. According to another report, angry demonstrators attacked the Hotel Turismo in Dili, breaking windows and destroying property. Disturbances as well as pro-independence demonstrations were also reported from areas outside Dili, including Baucau, Ermera, Lospalos, Maliana, and Manatuto. On 15 November, a further pro-independence protest was reported at the University of East Timor. According to reports, some 300 students demonstrated for nearly three hours, while police and army surrounded the campus. No violence was reported.

Arrests and Casualties in East Timor

Police authorities said on 14 November that they had arrested some 80 people in connection with the unrest and announced that those detained would be charged with criminal offences. Speaking to journalists, Police Chief Andreas Sugianto said: "They have been burning and throwing stones. These are criminal activities. We have arrested them because of these activities and we will charge them in court." [7] The following day, the police announced that all but eleven of the 80 had been released after questioning; the number in detention was revised to 16 later in the day. [8] However, in keeping with past practice, the military authorities did not clarify how many people were held in military custody, so the total number detained was unclear.

Independent sources claimed that, as of 15 November, the number detained was closer to 250, with about 100 arrested in the Colmera area, 80 in the vicinity of Santa Cruz, and at least 70 held following the clash at the university on 14 November. The sources did not know where the detainees were being held, and the number reportedly held could not be confirmed.

Police authorities said on 14 November that there had been no deaths during the three days of unrest and rioting, but that some people had been injured. Reports from independent sources, still unconfirmed, said that three East Timorese had been stabbed to death by Indonesian soldiers or intelligence operatives. One of those allegedly killed was Fernando (alias Nando), originally of Suai, but a resident of Kuluhun, Dili. He was reported to have been killed in Kuluhun by a member of Battalion 745 on 13 November. Two other men, who are said to have taken part in the unrest but whose names are not yet known, were reported to have been killed on the same day in the Laclubar and Santa Cruz quarters of Dili.

3. INTERNATIONAL RESPONSIBILITIES

International reaction to the occupation of the US Embassy and the unrest in Dili, has demonstrated a degree of genuine concern on the part of several governments about the political and human rights situation in East Timor. Secretary of State Warren Christopher told journalists on 13 November that the US Government would raise its human rights concerns in meetings with Indonesian officials, a promise reiterated by President Clinton on 15 November one day before his bilateral meeting with President Suharto. [9] Canada's Prime Minister, Jean Chretien, told journalists that he had raised the recent developments in Jakarta and East Timor during a meeting with Indonesian President Suharto. In an apparent departure from past practice,

the Government of Japan announced on 13 November that Indonesia's human rights record in East Timor would be taken into account in future deliberations about development aid to Indonesia.

Such expressions of concerns and promises of future action are welcome. However, in Amnesty International's view, they do not guarantee the safety and fair treatment of those currently detained unless they are backed by immediate and concrete measures. As of 15 November, there was little indication that the US, Canadian, Japanese or any other governments had taken any concrete action to secure the safety of those currently at risk.

One apparent exception was the Government of Portugal, though its options were necessarily limited by the fact that it has no diplomatic mission in Jakarta. On 14 November the Prime Minister announced that Portugal would grant political asylum to the 29 still within the embassy compound, an offer they were said to be considering seriously. The President of Portugal called on the US Government to ensure that those still in custody were humanely treated and accompanied by lawyers, and to seek clarification of the charges to be brought against them. [10]

The response of the US Government to these suggestions was somewhat disappointing. Officials gave no indication that the government intended to take any direct measures to ensure the safety of those detained in Jakarta, Dili or elsewhere. It was also unclear whether it would facilitate the safe passage to Portugal of the 29 East Timorese in the embassy compound. In fact, statements by President Clinton suggested that the US Government might instead encourage the East Timorese to leave the embassy. Speaking in Jakarta, President Clinton said that the US Government had received and accepted assurances from the Indonesian government that the 29 would not be punished if they left the embassy:

"We have been assured there will be no retribution against them in exercising their political expression....I feel comfortable the commitment we have received will be honoured." [11]

Given the long-standing pattern of torture and ill-treatment of East Timorese activists by Indonesian security forces, Amnesty International is concerned that such assurances alone do not provide an adequate guarantee of the safety of those inside the embassy compound. It therefore urges the United States, and other governments with diplomatic representatives in Jakarta, to ensure that none of those currently detained are tortured or ill-treated, and that those inside the US Embassy compound will not be arbitrarily detained if they leave. More

concretely, Amnesty International calls on governments to:

- Facilitate the safe passage out of Indonesia, of those East Timorese who wish to take up the offer of asylum by the Government of Portugal.
- Seek clarification about the identity and whereabouts of all those detained in Indonesia and East Timor in connection with the 12 November protests.
- Visit those currently in detention, or ensure that they are visited by representatives of the International Committee of the Red Cross or other independent parties;
- Seek precise details of the charges laid against the detainees, and urge that all those detained solely for their non-violent activities or beliefs are released immediately and unconditionally.
- Ensure that all those detained are accompanied by lawyers of their own choice at every stage of the investigation, as required under Indonesian and international law.
- Ensure that all detainees are granted regular and unhindered access to their relatives and to medical professionals.
- Seek clarification of the circumstances leading to the death of Mario Vicente in Dili on 12 November, and further information about the alleged killings of three other East Timorese by military forces on 13 November.

AI: CONTINUING HUMAN RIGHTS VIOLATIONS IN EAST TIMOR

*Amnesty International, February 1995.
Summary of AI index ASA 21/10/95*

Since November 1994, there have been increased, and sometimes violent, demonstrations against the occupation of East Timor by Indonesia. While some of the demonstrations have been pro-independence protests others appear to have arisen out of ethnic tensions between East Timorese and Indonesian immigrants. The authorities have responded to the unrest with arbitrary detention, including detention of peaceful protesters, beatings, torture and in some cases shooting. There have also been reports of suspected extrajudicial executions.

The recent unrest coincides with the release of a report by a United Nations (UN) expert which concludes that members of the Indonesian security forces were responsible for killings during the November 1991 Santa Cruz massacre in Dili, East Timor. The report, by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions,

also criticises the Indonesian Government for failing to satisfactorily investigate the fate of those killed and "disappeared" as a result of the massacre.

Torture, "disappearances" and extrajudicial executions are among the recently documented human rights violations committed by the Indonesian Armed Forces in East Timor. Killings by the security forces are not just isolated incidents, but are part of a pattern of the suppression of dissent. These findings are supported by the Special Rapporteur's report.

Amnesty International believes that implementation of the Special Rapporteur's recommendations could lead to an improvement in the human rights situation in East Timor. The organization is therefore urging the Indonesian Government to immediately provide details of how it will implement the recommendations as a demonstration of its commitment to the protection of human rights. Amnesty International also believes however that the international community must translate its expressions of concern about human rights in Indonesia and East Timor into practical action by urging the Indonesian Government to do this.

This document provides details of the recent violations which highlight the need for the Indonesian Government to urgently implement the recommendations of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.

This report summarizes a 11-page document (3390 words), East Timor: Continuing Human Rights Violations (AI Index: ASA 21/10/95), issued by Amnesty International in February 1995. Anyone wanting further details or to take action on this issue should consult the full document.

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EAST TIMOR: CONTINUING HUMAN RIGHTS VIOLATIONS

INTRODUCTION

Since November 1994, there have been increased, and sometimes violent, demonstrations against Indonesia's occupation of East Timor. While some of the demonstrations have been pro-independence protests others appear to have arisen out of ethnic tensions between East Timorese and Indonesian immigrants. The authorities have responded to the unrest with arbitrary detention, including detention of peaceful protesters, beatings, torture and in some cases shooting. There have also been reports of suspected extrajudicial executions.

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Indonesian security forces were responsible for killings during the November 1991 Santa Cruz massacre in Dili, East Timor. The report by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions also criticises the Indonesian Government for failing to satisfactorily investigate the fate of those killed and "disappeared" as a result of the massacre.

This document provides details of the recent human rights violations which highlight the need for the Indonesian Government to urgently implement the recommendations of the UN Special Rapporteur.

THE SPECIAL RAPPOREUR'S REPORT

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, visited Indonesia and East Timor in July 1994 to examine the Indonesian Government's investigation of the Santa Cruz massacre. The Special Rapporteur was denied permission to visit other regions of Indonesia such as Aceh and Irian Jaya, from where he had also received reports of extrajudicial executions. His report concludes with 12 detailed recommendations, which Amnesty International believes, if implemented, would lead to a considerable improvement in the human rights situation in East Timor.¹

At least 100 and possibly as many as 270 were feared killed when government troops opened fire on a peaceful demonstration at the Santa Cruz cemetery in Dili. A further 200 were feared "disappeared." Facing local and international protest, Indonesian Government and military authorities expressed regret at the loss of life and promised a prompt investigation. From the outset however the government argued that the soldiers were forced to shoot when "the mob attacked them brutally." The government has also portrayed the massacre as an aberration. The Special Rapporteur however concludes that the shooting of the demonstrators was "a planned military operation designed to deal with a public expression of political dissent in a way not in accordance with international human rights standards." His report also concludes that the impunity with which the Indonesian security forces can act means that the factors which allowed for the Santa Cruz massacre to happen still exist. Members of the security forces responsible for the abuses have not been held accountable. Those who were prosecuted received sentences ranging from eight to 18 months' imprisonment, in sharp contrast to civilians involved in peaceful protest during and after the massacre, who received sentences of up to life imprisonment.

Since November 1991, the Indonesian Government does not appear to have taken

steps to ensure that government troops are properly trained in crowd control or that soldiers who kill or torture are properly disciplined and where appropriate brought to justice. Last July, General Feisal Tanjung, the Commander of the Armed Forces, told the United Nations that no changes had been made to the training program of soldiers to improve riot control since the Santa Cruz massacre.

Nor has the government addressed the need for impartial and thorough investigation of human rights violations and access for domestic and international independent human rights monitors. The Special Rapporteur's report has criticised the competence, independence and thoroughness of the Indonesian Government's investigations into the Santa Cruz killings, concluding that the inadequate investigation into the massacre illustrated "that little importance is given to the respect of the right to life by Indonesian law enforcement officials in East Timor." He has also called on the Indonesian Government to allow domestic and international non-government organisations unrestricted access to East Timor.

The response to the Special Rapporteur's report from the government has so far been one of condemnation. Indonesia's Foreign Minister, Ali Alatas, is reported to have called the report "unbalanced and not based on facts."² The recent reports of further human rights violations in East Timor, however, give credence to the Special Rapporteur's conclusions. They also highlight the urgent need for the implementation of his recommendations.

ARRESTS AND TRIALS

Amnesty International does not condone the violence which has occurred during some of the recent unrest, including arson and assault, and recognises the right of the government to prosecute in a fair trial those responsible for criminal acts. However, the organization is concerned that some of those detained and currently facing trial may be held solely for their peaceful opposition to Indonesian rule of East Timor. Amnesty International is also concerned that some of those in detention have reportedly been subjected to torture and beatings.

The unrest in Dili began on 12 November 1994, when hundreds protested after hearing of the murder of an East Timorese trader, Mario Vicente, by a trader from the island of Sulawesi. The protest quickly degenerated into violence, leading to the destruction of shops, houses and vehicles. Protests and clashes between East Timorese and the security forces continued until 18 November. On 13 November, a group of some 40 demonstrators marched to the Mahkota Hotel where they displayed banners with pro-

independence messages. On 15 November, a group of about 300 university students clashed with security forces at the University of East Timor, after police tried to break up a pro-independence gathering there. On 18 November, another incident occurred in the vicinity of the Catholic cathedral in Dili as pro-independence protesters clashed with riot police and a group of pro-Indonesian demonstrators.

Over 100 East Timorese were arrested in the immediate aftermath of the unrest and up to 18 may be facing charges as a result of the demonstrations.³ The trials of six of those detained, Jacinto dos Santos Loho, Elidio Maia, Julio Araujo de Jesus, Marcelino da Costa, Pransitas Klau and S Neves, have already begun. They are believed to have been charged under Articles 187 (1) and Article 55 (1) of Indonesia's Criminal Code. Article 187 (1) states that any person who "with deliberate intent sets fire, causes an explosion or causes a flood, shall be punished by a maximum imprisonment of twelve years if thereby general danger to property is feared." Article 55 (1) relates to those who "perpetrate, cause others to perpetrate" a criminal act.

In addition to these six currently facing trial, a further two are believed to be currently detained by the military intelligence unit (Satuan Tugas Intelijen - SGI) of the Sub-Regional Military Command for East Timor (KOREM 164/Wira Dharma) in the Colmera district of Dili. They are Hendrique Belmiro da Costa, and Matheus, a nurse and civil servant with the Health Department. Amnesty International is concerned that the two may be being subjected to torture, including electric shocks, while in military detention. Hendrique is already reported to have had stitches to his head as a result of wounds sustained through torture. The charges against them are not clear.

On 9 January 1995, about 30 East Timorese youths staged an apparently brief pro-independence demonstration at the University of East Timor in Dili. Eyewitnesses reported that a group of about 30 youths held banners and shouted slogans denouncing East Timor's integration into Indonesia. Shortly after the protest began, riot police and plainclothes security forces arrived. Eyewitnesses claim that at least two of the demonstrators, including José Antonio Belo, were forced by plainclothes officers into security forces' vehicles. The two were reportedly beaten inside the vehicles before being driven away.

A regional military spokesman for East Timor acknowledged that 24 East Timorese were arrested for questioning over the demonstration. Responding to concern about possible ill-treatment, Major Laedon Simbolon stated that none of the 24 were being

subjected to torture and that "We take good care of them and feed them, just to let them tell us the truth about why they did the demonstration and who stood behind them."⁴ Sources have told Amnesty International that the authorities used the demonstration as a pretext for arresting alleged pro-independence protestors. Some of those arrested were believed not to have been directly involved in the demonstration.

By the end of January, eight of those detained had been released. East Timor's police chief announced that the remaining 16 would be "tried as they broke Indonesia's anti-integration law... and the law pertaining to the general public order."⁵ José Antonio Belo, an English literature student at the University of East Timor, is believed to be regarded by the authorities as the main organiser of the demonstration. It appears that all of the group have been charged under Article 154 of Indonesia's Criminal Code which states that "...the public expression of feelings of hostility, hatred or contempt toward the government..." is punishable by up to seven years' imprisonment. Article 154 is one of the so-called Hate-sowing Articles, introduced by the Dutch colonial government and incorporated into Indonesia's Criminal Code, which are frequently used to suppress peaceful dissent.

In addition to the 16 facing trial, Amnesty International has received a list of 21 names of individuals who are reportedly "disappeared." The 21 are believed to have been detained originally in connection with the 9 January protest, but it is not clear when or where they were arrested.

Foreign observers remarked on the more restrained handling of the November unrest in Dili by the security forces. However there was clear evidence that members of the security forces still used excessive force in dealing with the protestors.⁶ In addition, in December it was reported that some of those detained following the November demonstrations were beaten and tortured in military detention. A group of youths from south-west of Dili were reportedly stripped, beaten and subjected to electric shocks by the military. Concern for those currently in detention was again heightened by the witnessed beating of the two demonstrators arrested on 9 January at the University of East Timor.

SUSPECTED EXTRAJUDICIAL EXECUTIONS

Between three and five people were reportedly shot and killed when soldiers opened fire on a riot in the East Timorese town of Baucau on 1 January 1995. Rioters reportedly attacked shops and houses and set fire to the town's two markets. Indonesian immigrants were also reportedly attacked and many sought refuge in the local

military installation. Around 200 East Timorese began rioting in the town after discovering that an East Timorese, Armando Ximenes, 17, had been stabbed to death by Cole, alias Rusli, a migrant from the Indonesian island of Sulawesi. Cole later died as a result of stab wounds received during the fight.

Police initially tried to quell the rioters, but when this proved unsuccessful, two trucks of soldiers moved in. The military said that they fired in the air to disperse the crowd, but that because it was dark, some of their bullets may have hit individual rioters. East Timor's military commander, Colonel Kiki Syahnakri, acknowledged that five people, all with East Timorese names, were injured and were then taken to hospital.⁷ On 5 January, the military stated that three people had died, including Ximenes and Cole, and that a further five sustained injuries.⁸ Baucau's Mayor claimed that five East Timorese were killed during the clash, but he did not attribute the deaths to the military.⁹ Members of the armed forces were also reportedly injured during the clashes. Independent sources have claimed that at least three people were shot and killed by the troops. Up to 15 may have been wounded during the shooting. At least five of those reportedly shot have been identified as Dominggos José Dos Reis, Alfonso Sarmento, João da Costa, Dominggos Marques and Abilio Freitas. Dominggos and Alfonso are believed to have subsequently died after being taken to the military hospital. The names of others wounded, killed or missing are not known.

The riots were followed by arrests of alleged participants. On 5 January, the military stated that the police were holding 20 people for questioning.¹⁰ On 16 January, East Timor's Police Chief Andreas Sugianto stated that 11 East Timorese and one Indonesian from Sulawesi would be charged as a result of the riot, with the charges ranging from arson to murder.

In another incident on 13 January, the Indonesian Government announced that six resistance guerrillas had been shot dead during a confrontation with the army in Ermera, west of Dili. Independent sources have subsequently said that at least five of the group were civilians, and not guerrillas. On 11 January, members of the regional military command, KODIM, clashed with guerrillas around the Leo-Tela village in the Biniquilo Partenel area. The clash resulted in one of the government troops being wounded, while the guerrillas managed to evade capture. The KODIM troops then reportedly entered Gariana village near Maubara, to look for the guerrillas and arrested four men, José Nunes, the village head of Gariana, Augusto Pinto, Abel Nunes and Victor. The next day the same troops reportedly arrested two others,

Americo de Araujo and Osorio Soares from the same village.

Sources say that on the afternoon of 12 January, the six were then killed by KODIM troops. The families of four of the victims were reportedly subjected to death threats when they attempted to bury the bodies. Amnesty International has not been able to independently confirm the allegations. However, the organization is calling on the Indonesian Government to allow for an impartial and thorough investigation of the incident and to grant unrestricted access to domestic and international human rights monitors to determine the circumstances of the killings.

IMPLEMENTING THE SPECIAL RAPPOREUR'S RECOMMENDATIONS

The Special Rapporteur concluded that the Indonesian Government has not yet learnt from the lessons of the Santa Cruz massacre, stating that "...the conditions that allowed the Santa Cruz killings to occur are still present. In particular, the members of the security forces responsible for the abuses have not been held accountable and continue to enjoy virtual impunity." 11 The reported killings in January in Baucau and Ermera are not of the same scale as the Santa Cruz massacre, neither were the circumstances the same. However, their occurrence highlights the inadequacy of crowd control mechanisms by the security forces, and the continuing lack of accountability of members of the security forces, concerns which are all expressed in the Special Rapporteur's report on the Santa Cruz massacre. The report also highlights the need for improving investigations into human rights violations and for the government to allow access to East Timor to independent human rights monitors. If implemented these safeguards may help prevent the recurrence of further human rights violations.

International standards require that governments must ensure that law enforcement officials use force only when strictly necessary and only to the minimum extent required under the circumstances. 12 Lethal force should not be used except when strictly unavoidable in order to protect life. In his report, the Special Rapporteur has encouraged the Indonesian Government to establish clear guidelines on the control of the use of force by law enforcement officials. He has also called on the government to immediately establish a civilian police force placed under the authority of the Prosecutor.

International standards also stipulate that if death or serious injury result from the use of firearms by law enforcement officials in performance of their duty, a detailed report should be sent to the administrative and judicial authorities responsible for control and

review of the forces concerned. 13 There has been no indication that the Indonesian authorities have as yet instigated an inquiry into either the Baucau or Ermera incident.

The Special Rapporteur has urged the Indonesian Government to ensure that thorough, prompt and impartial investigations are conducted into all suspected cases of extrajudicial, summary or arbitrary executions. Welcoming the establishment of the National Human Rights Commission (NHRC) in Indonesia, the Special Rapporteur stated that "it has so far not dealt with human rights violations in East Timor, and in particular the Santa Cruz killings. Moreover, most observers met by the Special Rapporteur were of the opinion that the NHRC had neither the mandate ... nor the means to deal efficiently with this case." 14

Despite this, the NHRC has expressed concern about the recent arrests in East Timor. Clementio Reis Amaral, a member of Indonesia's National Human Rights Commission, stated after a visit to East Timor in late December that the human rights situation in East Timor needed to be improved:

"We must not summon anybody for questioning at night, or in places other than the police station. Anybody who is summoned for questioning must be accompanied by a legal counsel. This is the correct procedure. Otherwise, we are breaking the law and violating a person's human rights." 15

Torture, "disappearances" and extrajudicial executions are among the recently documented human rights violations committed by the Indonesian Armed Forces in East Timor. Killings by the security forces are not just isolated incidents, but are part of a pattern of the suppression of dissent. These findings are supported by the Special Rapporteur's report.

Amnesty International believes that implementation of the Special Rapporteur's recommendations could lead to an improvement in the human rights situation in East Timor. The organization is therefore urging the Indonesian Government to immediately provide details of how it will implement the recommendations as a demonstration of its commitment to the protection of human rights. Amnesty International also believes however that the international community must translate its expressions of concern about human rights in Indonesia and East Timor into practical action by urging the Indonesian Government to do this.

FOOTNOTES/ENDNOTES

- 1 Commission on Human Rights, Fifty-first session, Extrajudicial, summary or arbitrary executions, Addendum, Report by the Special Rapporteur, Mr. Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994,

E/CN.4/1995/61/Add.1. The report's recommendations are attached to this document.

- 2 Reuters, 9 January 1995.
- 3 See Amnesty International Indonesia & East Timor: The 12 November Protests, (ASA 21/53/94), 15 November 1994, and Indonesia & East Timor: Update on the 12 November Protests, (ASA 21/56/94), 23 November 1994.
- 4 Reuters, 12 January 1995.
- 5 Reuters, 16 January 1995.
- 6 See Amnesty International Indonesia and East Timor: Update on the 12 November Protests, (ASA 21/56/94), November 1994.
- 7 AFP, 4 January 1995.
- 8 Reuters, 5 January 1995.
- 9 Reuters, 4 January 1995.
- 10 Reuters, 5 January 1995.
- 11 Special Rapporteur's report, p22.
- 12 See in particular, "The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders," Cuba, 1990, and The Code of Conduct for Law Enforcement Officials, adopted by the General Assembly, Resolution 34/169, 17 December 1979.
- 13 Principle 11 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- 14 Special Rapporteur's report, p14.
- 15 Suara Pembaruan, 27 December 1994.
- 16 In the terms of the Declaration, "the term 'victim' also includes, where appropriate, the immediate family or dependents of the direct victim..." (para 3).

Recommendations to the Indonesian Government

Amnesty International calls on the Indonesian Government to:

- implement in full the recommendations of the UN Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions;
- allow the Special Rapporteur on extrajudicial, summary or arbitrary executions access to other areas of Indonesia, such as Aceh and Irian Jaya;
- invite the UN Working Group on Arbitrary Detention and the UN Working Group on Enforced or Involuntary Disappearances to visit Indonesia and East Timor to conduct a full investigation of the human rights situation;
- release all those detained solely for peaceful activities in connection with unrest in East Timor since November 1994;
- conduct an impartial and thorough inquiry into the alleged shootings in Baucau and Ermera;
- allow unrestricted access for independent human rights monitors to all areas of Indonesia and East Timor, including Irian Jaya and Aceh.

Recommendations to UN Member States

Amnesty International calls on UN Member States to:

- urge the Indonesian Government to implement in full the recommendations of the UN Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions;
- encourage the Indonesian Government to extend a further invitation to the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit other areas of Indonesia, such as Aceh and Irian Jaya;
- urge the Indonesian Government to invite the UN Working Group on Arbitrary Detention and the UN Working Group on Enforced or Involuntary Disappearances to visit all areas of Indonesia and East Timor to conduct a full investigation of the human rights situation;
- urge the Indonesian Government to conduct an impartial and thorough inquiry into the alleged shootings in Baucau and Ermera;
- urge the Indonesian Government to release all those detained solely for peaceful activities in connection with unrest in East Timor since November 1994;
- encourage the Indonesian Government to allow unrestricted access for independent human rights monitors to East Timor.

APPENDIX I**Partial list of individuals arrested in connection with November 1994 unrest in Dili**

name	charge/allegation	place of detention
Henrique Belmiro da Costa	Precise charge not clear. Believed to be alleged to have organised the riots and demonstrations	Military Intelligence Headquarters, Colmera, Dili.
Jacinto does Santos Loho	Arson	Balide
Elidio Maia	Arson	Balide
Julio Araujo de Jesus	Arson	Balide
Marcelino da Costa	Arson	Balide
Pransitas Klau	Arson	Balide
S Neves	Arson	Balide
Matheus, nurse and civil servant with the Health Department	Precise charge not clear. Believed to be alleged to have organised the riots and demonstrations	Military Intelligence Headquarters, Colmera, Dili.

APPENDIX II

List of those believed to be detained following the 9 Jan 1995 protest at the University of East Timor, Dili. All are charged with violating Article 154, Criminal Code "expression of hostility towards the government."

1. José Antonio Belo, early 20s, student
2. Alfredo Lopes
3. José Pinto
4. Filomena dos Santos
5. Alexander da Costa
6. Bendito Salon
7. Jhon Manuel
8. Mario da Costa
9. Inacio da Jesus Sandos
10. Paulo Jorge Amaral
11. Carlos Barnes Bareto
12. Luis Tavarez
13. José Hendriques
14. Lemos Bareto
15. Aping da Costa
16. Ipolito da Silva
17. Armando Soare, 23
18. Julipe Pinto. 22

APPENDIX III

UN Document E/CN.4/1995/61/Add.1, 1 November 1994 (not included here as it is in East Timor Documents #34).

APPEAL FROM SANTA CRUZ MOTHERS

12th November 1994 -- Another anniversary of the Santa Cruz Massacre, Dili, 1991.

The Mothers of Santa Cruz are still waiting for the Indonesian army to tell them WHERE THE BODIES OF THEIR CHILDREN ARE.

In the meantime, the Mothers of Santa Cruz are afraid to go out in public. They are afraid of being recognised as the mothers or relatives of the Santa Cruz victims.

The Mothers of those who were slaughtered at Santa Cruz know that they and their relatives will be hunted down if they ever go and publicly claim the corpses of their dear ones who were murdered by the Indonesian army of occupation.

The Mothers of Santa Cruz know that there were hundreds martyred at Santa Cruz.

The Mothers of Santa Cruz demand that, given that the perpetrators of the Santa Cruz Massacre have admitted they killed 50 people - at least tell us where the bodies of those 50 victims are!

The silence of the Mothers of Santa Cruz is symbolic of the terror that has oppressed the Timorese people for 19 years, the terror that has domesticated everything and everyone, in the most cruel and ridiculous ways. Everything and everyone is to be feared. No one trusts anyone. The human environment, society, is decaying.

The Indonesian invader rejects any gesture of good will from anyone who speaks the truth, especially the Timorese Mothers. The Indonesians want the mothers to put the blame on their own children and the noble patriotism for which they gave their lives - the independence and liberation of East Timor.

These attempts to make us forget our martyred children and eventually to blame them for having rebelled against the invader and occupier of their native land can be felt throughout Timor.

The Mothers of Santa Cruz appeal to mothers and women all over the world to join them in their grief, and to support them in their fight to defend their rights and the rights of their children.

Come to the aid of an innocent people, unjustly invaded, unjustly subjected to a war, whose sole aim is to exterminate those who oppose an unjust integration.

Come to the aid of an innocent people, that is being subjected to massive colonisation that is crushing the native population in all aspects of life.

Come to the aid of an innocent people on whom, as a nation and independent people,

the Indonesian Government has, in effect, passed the death sentence.

Come to the aid of an innocent people that is technically on its way to silent extinction because of the real objectives underlying the actions of the BAIS, ABRI and the Indonesian Government.

This is the appeal from many Mothers of Santa Cruz.

Dili, 12 November 1994,
the anniversary of the massacre of our children by the Indonesian army at Santa Cruz on 12 November 1991 and the days that followed.

EVENTS IN EAST TIMOR

Because of the large amount of activity recently, some East Timor events have been moved from this general section to the sections on the Liquica massacre and prisoners/trials. Consequently, chronological order is not absolute.

EAST TIMOR IS 'ONE LARGE PRISON,' SAN FRANCISCO PASTOR REPORTS

California-Nevada Perspectives, United Methodist Review, March 10, 1995. By John Chamberlin

East Timor has been called "one large prison." My visit last October to that decimated nation confirmed the description.

I arrived carrying letters of introduction from residents of the East Timorese exile community in Australia to leaders of the religious community still in East Timor. I wanted to see for myself what life was like for these besieged people. Traveling alone and not wanting to call attention to myself, I entered on a tourist visa. Even though I had been working for several years on East-Timor issues, I was still profoundly unprepared for the physical reality that confronts any visitor to this small, half island in the lesser Sunda group of the Malay Archipelago.

Indonesia's military occupation is both suffocating and mind-jarringly brutal. The population lives under unceasing surveillance, open intimidation and worse. Indonesian soldiers in uniform seem to be omnipresent. Undercover intelligence operatives are believed to be everywhere.

The level of fear is palpable. Timorese young people who talk to foreigners can expect to be picked up by authorities almost immediately, then arrested, interrogated and beaten. Knowing this, many are nevertheless prepared to pay that high price. Visitors

should anticipate being followed and having all their movements monitored.

In casual conversations, individual names are seldom mentioned, since the most innocent remark overheard and misunderstood, can get someone killed. Freedom of speech extends only to the supporters of Indonesia's policies in East Timor. For the vast majority, free speech is as impracticable as freedom of assembly. Day to day life reveals an unremitting tension and frequent terror.

To criticize the Indonesia government responsible for this state of affairs is to put your life – as well as your family and friends – at great risk. An East Timorese theology student recently faced a prison sentence of 20 years-to-life for sending a fax, from a post office in Java, describing conditions in East Timor to a human rights group in another country.

When such small acts of responsible concern are punished by years in an Indonesian dungeon, it's small wonder that most East Timorese tend to maintain a vigilant silence, waiting for that rare moment when it might be safe to express their true thoughts and feelings. As one Timorese peasant, continually glancing over his shoulder, said to me, "Talk here no good. All mouth, but no heart - never have any truth."

Despite the atmosphere of dread, the truth has started to get out, primarily because the young East Timorese are increasingly willing to put their lives on the line, determined to seize the international spotlight at every available opportunity. While Timorese protestors who nonviolently occupied the US Embassy grounds in Jakarta last November during President Clinton's visit to Indonesia, were forced to seek safe haven in Portugal hundreds of others demonstrating in East Timor at the same time had no such avenue of escape. As soon as world attention shifted elsewhere, Indonesia's armed forces retaliated with a vengeance. Dozens of Timorese citizens were rounded up, arrested, abused, tortured and killed.

More recently, "ninja" gangs have begun roaming the streets of the capital, Dili, at night. They are armed with machetes, knives, stones and spears. So far 29 people are reported to have been abducted by these death squad thugs. Several private houses have been stoned and burned. The general population is terrorized.

While life never approximates "normal" in East Timor, this is the worst unrest in the territory since November, 1991, when Indonesian soldiers killed over 270 peaceful marchers in a funeral procession at Santa Cruz cemetery in Dili.

The official "East Timor Traveller's [sic] Guide" produced by the Indonesian Government Office of Tourism and provided to me when I arrived in Dili, notes that "East

Timor Province [sic] was opened to be visited by domestic and foreign tourists at the beginning of 1989." The brochure goes on to lament that the number of foreign visitors was less than expected, only 1465 in 1993. "The above mentioned problem," we are told, "is caused by many factors. One of them is the shortage of information on East Timor tourism needed by potential and real markets." Another factor might be the massive slaughter and on-going repression of the populace.

The section entitled "Historical Background in Brief" is indeed brief. It neglects to mention, for example, the 1975 Indonesian invasion that killed an estimated 200,000 East Timorese (one third of the population). The Guide claims that most of the East Timorese people requested integration into the Republic of Indonesia, with the implication everything is tranquil in this tropical paradise. No explanation is given for the ubiquitous presence of the Indonesian military. Reports of widespread rape, torture, forced sterilization and murder are consigned to the memory hole. The word "genocide" does not appear.

While conditions in East Timor remain grave, the unrelenting courage and resistance of the Maubere people persists. Their David-versus-Goliath struggle against the world's fourth most populous nation stirred my heart and inspired a personal rededication of solidarity and support.

In response to the recent stepped-up activity of military-related death squad gangs, concerned individuals are asked to call Senators Boxer and Feinstein (202)224-3121 and urge them to pressure the White House to insist that a permanent United Nations presence be established immediately in East Timor to monitor the situation and provide some measure of protection for the frightened population.

Congregations who would like to hear more about East Timor are invited to get in touch with me. East Timor Religious Outreach has videos and other resources available.

John Chamberlin is pastor of First St. John's United Methodist Church, San Francisco. His phone is (415)474-6219.

BISHOP BELO'S 1994 CHRISTMAS MESSAGE

English translation of the Christmas message by Bishop C. F. Ximenes Belo to his congregation of Dili. Courtesy of Constâncio Pinto.

DILI DIOCESE - EAST TIMOR

MESSAGE OF CHRISTMAS 1994

To the clergy of the Dili Diocese, priests and nuns and Christ's beloved followers!

"Glory to God in Heaven and peace on Earth to people of good will!" With this anthem the angels announced the great news: the birth of the Son of God, made Man. Once again, in this Christmas occasion, the faithful gathered in assembly will sing: "Glory to God in Heaven and peace on Earth to people of good will!" And I hope that the Loro-Sae and Loro-Monu, from Tasi-Mane to Tasi-Feto, will sing this anthem in unison, meditating well in the reality of the meaning of these words.

Yes! Let us sing "Glory to God," because in His infinite kindness Our Father sent to the World His Only Son, to be Our Saviour, Our Liberator, and Redeemer. Let us sing Glory to God, because with His Incarnation, Jesus has elevated human dignity which had decayed through sin, and reestablished peace and concord among the men who before lived divided and in darkness. The messianic peace announced by Prophet Issac became reality with the birth of the Prince of Peace.

"Peace to people of good will!" Peace is, first of all, a gift from God. But it is necessary to deserve it. It is necessary for us to work towards reaching Peace. And once Peace is obtained, it is necessary to conserve it, to construct and diffuse it over all corners of the Earth. Peace in the souls, in the homes, in the villages, in the schools, in the places of work, in Society and in the World.

Dearest faithful of the Dili Diocese: Peace in the World and in TIMOR must be the work of all believers and the lovers of true Peace. Peace requires the union of efforts, of the good will of all Timorese.

In this happy Christmas occasion, I take the liberty of sending my Christmas Message of 1994. And allow me to reflect upon the unity that must reign in the Timorese Community.

Everyone says, and in all four corners of the World, that the Timorese are not united. That there is deep division among the Timorese. I believe we all recognize that. The division among the Timorese is a negative reality. It is not a value. It is a wound, a drama, a sin in the socio-religious life of the Timorese People.

History says that, since 1515, the time when Timor was discovered, until today, the Timorese have never lived as a UNITED PEOPLE, in harmony, in agreement and in the way of progress. Since the 14th century, we notice from historical documents, the existence of battles, fights, burning of villages, cattle robberies, murders, between the people of different kingdoms, tribes and sucos. Economic, political and religious interests have come to increase this division even further. External forces (Portuguese, Dutch, Japanese, Australian, Indonesian) have also contributed for that the Timorese be always divided into factions or antagonist groups.

The politics of "DIVIDE AND CONQUER" has been an effective weapon to maintain the Timorese Society in permanent division, against one another. The most flagrant experience of this, we have seen in our recent history, from 1974 to our day. The leaders don't agree with one another... diversity and antagonism of political propositions... The consequence of all this?

War, division, suffering, prisons, deaths and trauma. Who gains from this situation? Timor? Certainly not! Division tends to be our "queen." She wants to enslave the soul, the mentality, the psychology, the culture and the religious belief of the Timorese People. Division seems to want to be our destiny, our fado (fate). And we are incapable of reacting to this great live wound. Furthermore, there are no leaders that unite the Timorese. There are no political propositions capable of congregating the Timorese. There is no satisfactory Ideology that converges the aspirations of the People. Amidst this great gap, Jesus Christ and His Church (Mother and Teacher of the Peoples) attempt to present moral and spiritual values of Peace, of Reconciliation, of Justice, of Love. Only the New Testament can answer the unsatisfied questions that arise in the hearts of the Timorese. The Church proclaims loud and clear: "It is necessary to create a mentality of union and unity. Division is a sin! Union and communion are gifts from God!"

Commenting on the meaning of Christmas for each person, St. Lion Magno declares: "Consider, oh Christian, your dignity." "Live united, construct Peace working for the Common Good."

In this Christmas occasion, St. Lion Magno invites all Timorese, and especially the Christians, to joy, to justice, peace and love.

"Today, dearest brothers, Our Saviour is born. Let us rejoice. There can be no sadness in the day when Life is born, a life that destroys the fear of death and instills in us the joy of the promised eternity."

To all, wishes of a MERRY CHRISTMAS and a PROSPEROUS NEW YEAR.

The Blessing of the Bishop,
Carlos Filipe Ximenes Belo, SDB
Apostolic Administrator
Dili, December 8, 1994

STILL-BORNS IN EAST TIMOR

From Bruno Kahn, Feb. 16.

According to a source, there is evidence of a recent upsurge of still-borns in Dili. The new section of the Santa Cruz cemetery has twelve tombs bearing just first names, with the same date for birth and death. All dates are later than 1992.

It is said that newborns in some hospitals receive deadly injections from Indonesian personnel, and that some pregnant women also receive injections provoking abortion.

A detailed report is to be published by the source in the US periodical *Political Freedom*.

COMMENT FROM MAGGIE HELWIG:

I'd like to add a note of caution here, as we have to be particularly careful dealing with issues like this. I am sure that East Timor has an extraordinarily high infant mortality rate. However, it must be borne in mind that by far the most common cause of stillbirths and infant deaths is malnutrition (with stress also playing a large role). It is entirely plausible that an infant mortality rate as high as that indicated by the cemetery could be entirely the result of hunger, poor nutrition, disease, and the high degree of distress under which the Timorese live.

I know there are also anecdotal reports of babies being killed right after birth. There **may** be substance to these reports; there is certainly enough anecdotal evidence to warrant an investigation. But I have never seen any stories yet which I found **absolutely** convincing. A woman who has just miscarried, or whose newborn infant has just died, may often make misjudgments or wrong assumptions.

Of course Indonesia remains ultimately responsible for the infant deaths, since it is the occupation which has caused the high rate of malnutrition. But I feel that the evidence for the possible killing of newborns on a large scale is very tenuous, and I would hesitate to make any allegations, though I would certainly support a call for an investigation.

I think the evidence for coercive birth control is much stronger, but even there we are not able to prove it conclusively, we can only say that there are very suggestive patterns which really need an independent investigation.

I don't want to undermine the seriousness of the charges, because they are very serious and might be true, but with issues this emotional we have to be very careful what we say and what allegations we make, and keep in mind how much proof we have or don't have.

RESPONSE FROM BRUNO KAHN:

Let me clarify that there were no real 'charges' in this posting, just a statement of facts, including in 'facts' the rumours that reportedly run in Dili. It is obvious that these matters should be thoroughly investigated. I have not seen the report mentioned yet. Even if new-born deaths are likely to be due in part to malnutrition, the presence of these new tombs with no family names

seems curious. But I agree with Maggie about the need of caution.

MY TRIP TO TIMOR: WITNESSING HUMANITY SILENCED BY THE FORCE OF OCCUPATION

Matebian News, Jan '95. Author's name withheld

On January 9 this year I was expelled from East Timor by Indonesian authorities with three other western tourists, after we witnessed a peaceful pro-independence demonstration outside the University of Timor Timur, Dili. We saw the beginnings of the violent military and police reaction; hundreds of soldiers and riot police surrounded the university after the demonstration had already finished and two young men were beaten severely in front of us, until the authorities decided they didn't want outside witnesses and removed us against our will.

This reaction typified the use of fear and silence as the daily weapons of oppression I witnessed in East Timor. Each day I was in Dili, I saw large trucks loaded with riot police routinely driving around the streets. This was over the Christmas period - there was no particular unrest, it was systematic intimidation. Armed soldiers did drill exercises in the streets of Dili, I assume for similar purposes.

Throughout the countryside the military presence was conspicuous and large; checkpoints blocked transport all over the country. Each time a bus I was on pulled up at these local passengers were clearly afraid, and I was disgusted at the way soldiers, in groups, singled out young women for extra questioning and attention. Troop movement in the east seemed busy; I saw night patrols returning to villages in the early morning and truckloads of soldiers on the roads were a constant sight. In Lospalos and smaller villages in the east armed soldiers patrolled the streets seemingly as a matter of routine.

I arrived in Baucau a day and a half after reported killings by soldiers of people demonstrating for independence. The two central blocks of the town, apart from the old Mercado building, were burnt to the ground - all shops were closed and the streets were full of armed soldiers and local people clustered in silent groups. Small groups of soldiers patrolled residential areas of town, and appeared to be searching. Eight truckloads of soldiers arrived from the east as reinforcements; I would estimate 300-400 armed soldiers were on the streets. While in Baucau I went into the church in the centre of town - in a hall inside the church compound I was shown where those shot had taken refuge - blood ran down the walls where two people had been hiding in the ceiling, and there were

two other large pools of dried blood in the hall. A small pile of jeans and runners was in the corner. I was told that soldiers had entered the church compound and taken the four away alive, but that they had not been seen again. These are the people reported as "at least three killed."

It was clear the local people could not talk freely with me. Usually it was young people who took the risk, and this was done secretly. On a number of occasions people said they had seen me days earlier and wanted to talk with me, but that it hadn't been safe at that time. They were nervous and invariably expressed fear of spies. I met young people still in hiding after the Santa Cruz massacre, and others who showed me scars and described their torture by Indonesian soldiers after Santa Cruz.

In the east I was told that food was a great problem for many people, exacerbated by their restricted access to traditional farming lands. Villages had been relocated to wooden and tin huts on the roadsides away from these lands, and I was told military approval was required before they could farm their lands. I was also told that primary health care in these areas was a major problem, and one not addressed by the Indonesian development policies at all.

A priest talked to me about the difficulties of bringing up children in the country's many orphanages. Limited material resources were a problem, but I was told also of the concern for the emotional and psychological health of children who had been traumatized by violence to their families.

The role of the church is remarkable as a human and spiritual refuge for the people; to see congregations gathered, to hear them singing and praying out loud was to see an island of shared humanity daily oppressed by the enforced silence of occupation.

Travelling throughout East Timor it was clear to me that the people of East Timor continue their resistance of Indonesian occupation. The Indonesian military and security forces, and the transmigrant population for that matter, clearly have not integrated into the community of East Timor but rather exist outside it as instruments of its oppression. The bitterness towards them is palpable, and the East Timorese people's sense of human dignity, which means freedom, alive in the generation of young people who have known nothing but Indonesian rule.

As a footnote it is significant to note what the presence of foreigners in East Timor means to the people there. Sometimes I was told explicitly, others by a gesture or sometimes, in difficult situations, by a look. One night I talked with one young man for several hours, he said: "It is rare for us to talk with foreign people like this, it lifts my heart up - I feel like we are not alone." At other times,

in the burnt-out centre of Baucau, I felt my presence was welcomed as eyes from the outside world, the people knowing that at least there is a witness. Especially for the young people I sensed that my presence signalled that their cause is not forgotten, and in moments of shared humanity there was hope and strength. To break the sense of silence and its isolation is fundamental to freedom, and by visiting East Timor people can take a small step in helping this.

MORE PROTESTS

By Max Lane, Green Left, Jan 22.

New protests broke out in East Timor during the first 10 days of January, following a series of demonstrations in Dili and Jakarta in November. The new actions occurred in Dili, Bacau, Ermera, Viqueque, Same and Liquica.

On January 2 outside the Bacau church, East Timorese protesting over provocative behaviour of Indonesian migrants were fired upon. At least two people were shot dead.

These clashes seem to be generated by worsening repression, increasing tensions between Timorese and newly arrived people from parts of Indonesia and the desire to make it clear that the struggle for self-determination will continue in the lead-up to the January 9 Geneva meeting between the foreign ministers of Portugal and Indonesia.

A statement, sent to *Green Left Weekly* from Jakarta by East Timorese youth leader R. Sanhei on January 10, described drastically worsening repression since November. Most streets in Dili are now patrolled by groups of 10-20 soldiers "some wearing black jackets with eagle wings, others with red jackets with the word 'security.'" They carry one-metre-long cane truncheons.

Normal Christmas celebrations were not possible, most people opting to stay indoors. Anti-riot squads in vehicles armed with AK-15s patrolled back and forth outside the Balide, Motael, Becora and Vila Verde Cathedral churches.

The atmosphere worsened, said Sanhei's statement, as the UN-Portugal-Indonesia meeting approached. There was a rush on shops as people stocked up with food in case of emergency. Students stopped attending schools. Many office workers stayed away from work. About 2000 East Timorese Chinese have started making preparations to leave East Timor for Australia.

More troops

A part of the worsening situation has been increased arrival of Indonesian troops. Since the end of November, seven Kopassus battalions have landed secretly in Los Palos province. Others landed openly on the morning of January 3 in Dili. Tanks and armoured

personnel carriers arrived from West Timor on January 4 and were officially received in Dili square by Colonel Kiki Syahnakri.

In conjunction with the arrival of these new Indonesian troops, inspection of identity papers was intensified on all roads entering Dili. Road blocks of 10-15 soldiers and police have instituted searches of East Timorese entering the city. Student cards are not being allowed as sufficient papers to re-enter. Those without papers are being arrested.

Those who had been interrogated last November and other longer term prisoners have been re-interrogated by the Combined Intelligence Unit (SGI). Among these are Mahunu, former commander of Falantil, Mahudu, Aleixo Cobra, Dr. Amthias and Ze Manuel. SGI has also increased efforts to uncover the clandestine network.

According to José Ramos Horta, special representative of the National Council of Maubere Resistance (CNRM), another factor worsening the situation has been Jakarta's "illegal population transfers aimed at changing the demographic composition of the East Timorese population."

Recent outbreaks of urban violence in Dili, Bacau and other cities have sometimes been ignited by fights between migrants and local population. The rioting in Dili in November was also sparked off by a fight between a migrant from Makassar and an East Timorese, in which the Timorese was stabbed to death.

On January 9, Horta stated that "protection and favoritism by the authorities have encouraged many newcomers to treat the local population and its cultural and religious values with disdain." According to Horta, this has been "repeatedly denounced in recent months by local leaders, such as the provincial parliament representatives, former pro-integrationists and church members."

"CNRM strongly condemns the population transfers fostered by the illegal Indonesian occupation authorities," said Horta.

Diplomatic struggle

The next meeting between Portugal and Indonesia takes place on May 19. Increasing attention is being paid to these talks as a result of an agreement that the UN should organise a meeting of all East Timorese parties.

Although the meeting formally excludes discussion of self-determination, the presence of leaders and representatives of the East Timorese resistance will make it unlikely that the issue is avoided.

There is also likely to be a diplomatic struggle over who is actually invited to the meeting. The agreement is already being interpreted as a retreat by the Indonesians, because acceptance of UN auspices can be

taken as an admission that East Timor is not just a domestic issue. This makes representation an even more central question.

According to Horta, the UN Secretary-General will have considerable leeway in offering invitations. This theoretically raises the possibility of pro-independence East Timorese within Indonesia being invited.

The agreement itself, however, asks that Portugal and Indonesia arrange the participation of the East Timorese. Indonesia will be maneuvering hard to ensure a strong pro-integration delegation. Ultimately Jakarta must decide who is able to go to the conference from within Indonesia.

From outside Indonesia and East Timor, it is likely that the component parts of the Resistance Diplomatic Coordinating Commission will attend. This includes José Ramos Horta, Fretilin and UDT. These forces are already engaged in discussions aimed at enhancing their coordination around the world. It is possible that Jakarta will want the pro-Jakarta group of former Fretilin leader Abilio Araujo also to attend.

SIX EXECUTIONS CONFIRMED

BBC, 18 January 1995. By Catherine Napier. Abridged

Jakarta – More allegations have emerged about serious human rights abuses by the security forces in East Timor. Roman Catholic priests in the territory have confirmed reports by the East Timorese resistance movement abroad that six civilians were shot dead by soldiers near the provincial capital, Dili. The military have acknowledged the deaths but say the victims were members of the armed wing of the resistance movement fighting for independence.

From Jakarta, Catherine Napier sent this report:

The shootings occurred a week ago in what the military described as a clash between an army patrol and a group of resistance fighters. But reports reaching Jakarta from residents in the territory directly contradict the army's version of events. Independent sources told the BBC that three Indonesian soldiers had been killed in a confrontation with the resistance, and when the army failed to find those responsible, a local commander rounded up six civilians suspected of sympathizing with the guerrillas and executed them in cold blood. The military spokesman in East Timor has denied the allegations, insisting that the dead were armed members of the resistance opposed to Indonesian rule.

During recent months the army has stepped up its operations against the resistance, apparently in response to a renewed

outbreak of anti-Indonesian feeling. But these latest reports of civilian reports appear to fit what observers say is a worsening pattern of human rights abuses in the territory.

FRUSTRATION PROFOUND

Reuter, 19 Jan 1995. By Jeremy Wagstaff

East Timor – Among East Timorese, long used to the ravages of war and the subtler wounds of peace, signs of frustration are beginning to show and they are no longer visible only among its disaffected youth.

A rash of recent protests – sparked by everything from politics to race, from the length of a young man's hair to a religious insult – has exposed the breadth of that frustration.

The marketplaces of two of East Timor's biggest towns are two of the clearest casualties of this new anger. Both are now in ashes, burnt in a frenzy of rioting by youths against ethnic Bugis outsiders who have been settling here in the past decade.

But, according to local figures, the frustration runs through local politics, touching even the Jakarta-appointed governor whose own proposals for reform have been flatly rejected.

"(Governor) Abilio Soares is truly frustrated. His proposals for greater autonomy have not been acknowledged by Jakarta in any form. They (Jakarta) clearly are not interested in finding a political solution," said one senior East Timorese figure.

The days of widespread guerrilla resistance or a coordinated struggle for independence are certainly over, and few Timorese demand what seems even now a diplomatic impossibility.

But sympathy for a ragged band of guerrillas – loosely networked with the underground youth movement and exile figures such as José Ramos-Horta – lingers among Dili's outwardly passive residents.

"We all support Xanana and Konis (two guerrilla leaders, one of whom is two years into a 20-year jail term in Jakarta)," says a more outspoken youth, speaking within spitting distance of armed soldiers. "Of course all my friends feel the same way."

What was once a clear-cut struggle between an overwhelming and often brutal Indonesian presence and a traumatized populace has stabilized, leaving many outsiders convinced by Jakarta's depiction of East Timor as just another Indonesian province.

But as it enters its 20th year of Indonesian rule it appears harder than ever to find an East Timor resident who believes Jakarta is any closer to its goal of "integrasi," of absorbing the former Portuguese colony into Indonesia.

On the surface this is surprising. Indonesia has long used the carrot and stick to pull the territory into line, but for many the past two years or so have seen more of the former.

Author João Mariano de Sousa Saldhana called the past two years a "period of change and hope," listing what he said were signs of progress inside and outside East Timor since troops killed scores of protesters at a Dili cemetery in late 1991.

That hope appears in recent months to have dissipated, its demise coinciding with an Indonesia-wide political crackdown.

Now, many vocal East Timorese argue, even those committed to Indonesian rule feel thwarted, no longer believing Jakarta has the will to grant them a significant degree of autonomy.

Despite nominally special status, many Timorese argue that in effect the tiny half-island is run either from Jakarta or by the armed forces, which stations eight battalions there and plays a key role in a territory still wracked by unrest.

This unrest in recent months has spread beyond miniature but significant pro-independence demonstrations to full-scale riots by East Timorese who see ethnic outsiders such as those from nearby Sulawesi taking over business in the territory.

"We don't hate only them but all Indonesian people. They are all protected by the army," said one youth, a member of the clandestine movement linked to the guerrilla army in the hills.

Officially Jakarta emissaries acknowledge there is frustration, but say it is limited to youngsters or older figures still waging re-run of historical factional quarrels.

"As long as it is in their own interests they will support (us). But when they are not (sic, this negative seems misplaced) in power they will talk differently," says military commander Colonel Kiki Sy ahnakri.

But Timorese say that while there are differences among those still scarred by a bitter civil war prior to the Indonesian invasion, most inside the territory agree on the fundamental issues, such as demanding greater autonomy.

"We argue a lot, but not on the big picture," said one.

While Indonesia has publicly made clear that Timor's sovereignty or even its mode of governance is non-negotiable, international pressure for it to relax control remains strong.

But most commentators say there are no real signs, beyond a series of U.N. sponsored talks with Portugal, that the Suharto government considers East Timor as anything more than rogue fiefdom to be brought forcibly into line.

Indonesia points to its public works programme of building roads, schools and hospitals as signs of its goodwill and commitment, but most East Timorese shake their heads at what they say is a misdirected – and expensive – gesture.

"They do not understand what it is that East Timorese people want. Many of us accept integration, but not this kind of integration," said one senior East Timorese serving in a senior position in the Indonesian government.

POPE TO SEND ENVOY TO EAST TIMOR

Reuter 26 January 1995 Abridged

East Timor – Pope John Paul plans to send an envoy to the mostly Roman Catholic East Timor to assess the situation in the troubled territory, local bishop Carlos Belo said on Thursday. "The Pope told me in Manila he would send a cardinal to have a closer look to the situation in East Timor," Belo told reporters.

He did not say when the envoy would arrive but said the Pope always watched developments in East Timor.

Belo, who met the Pope during the Pontiff's recent trip to the Philippines, said the Catholic leader called for justice and peace in the territory, invaded by Indonesia in 1975.

"The Pope hoped there would be no more violence in East Timor," he said.

Exiles said the Indonesian authorities had been angered by the bishop's Christmas address in which he listed Indonesia as among the "external forces" trying to divide the East Timorese. "The politics of divide and conquer has been an effective weapon to maintain the Timorese society in permanent division one against the other," he said.

FOR EAST TIMOR, ETHNIC ANGER IS A POTENT NEW SPICE

Reuter, 24 Jan. 1995. By Jeremy Wagstaff

East Timor – Superficially, it's the East Timor story already familiar to the outside world.

Late on New Year's Day seven-year-old Eva Nusra awoke in terror as angry, shouting shapes appeared in the gloom outside her family's wooden stall in the old market, hurling rocks and setting nearby houses alight.

Her mother, Suhara, grabbed Eva and the little girl's sisters and fled through a back door as stones flew. Now they have nothing.

"My house was attacked and they were throwing stones. So I got out. Three of my daughters were injured before I could get to a

friend's house," the mother says in the safety of an army camp.

Perched around her are her brood. Only Eva still sports bandages, bloodied white gauze wrapped around her head.

In a territory racked by war and civil strife since the Indonesian invasion two decades ago, these events are not unusual. East Timorese have long complained of similar harassment at the hands of Indonesian soldiers.

But this is different. Now the victims are Indonesians and the soldiers, unused to such a role, are their protectors.

Eva and her family were caught in the latest of a series of riots by East Timorese youths aimed at the Bugis and Makassar communities, seafarers from nearby Sulawesi who have settled since the early 1980s in even the remotest Timorese village.

Moslem, commercially canny and feared for their skills with knives, the Bugis find themselves resented by local people, accused of dominating local business from the house-front stall to the territory's lucrative moped trade.

This resentment boiled over last November when a knifing incident in Dili's market sparked a full-scale riot in which stores and houses were burned and cars destroyed.

Other incidents have followed, including the New Year's Day riot in Baucau in which at least five people died, some of them killed by a nervous military sent in to quell the mob.

Sifting among the remains of both the old and new markets, ordinary East Timorese are quick to disassociate themselves from the wave of racial hatred that swept their cliff-side town.

"We have lived alongside each other for years. We are kind to each other," says Alesu, a grey-bearded old man whose remarks raise a murmur of approval from a crowd of onlookers.

One mile away, many of the 700 Bugis taking refuge at a military camp agree.

"I have lived here 10 years and never had any trouble," says Samsuddin, nursing a bruised face and surrounded by his 17 relatives.

Officials and residents say it was Baucau's first taste of ethnic tension. Despite the presence of guerrillas in the nearby hills, a rump of Xanana Gusmão's resistance army that is sensed rather than seen by local people, it's a quiet place.

Now it is even quieter. A Catholic church overlooks the old Portuguese market, once the town's bustling centre, and attracts a large but subdued crowd on Sunday morning.

A nearby street-corner has become a makeshift market, selling necessities at up to a quarter more than before.

At night, only a handful of shops are selling food.

At night, too, the old East Timor returns to haunt locals people, when the streets echo with military trucks and house-to-house searches.

"They will come for us at night," said one youth, lightly wounded by shrapnel when soldiers opened fire during the riot. The military say they fired only warning shots into the air.

Since then they have arrested a handful of people and say they are still searching for the ringleaders.

Most residents say it will not take long for Baucau's subsistence economy to return to normal, with or without the Bugis. It may have to be without, because the Bugis are leaving.

Less than a week after the incident trucks laden to the gills with buckets, suitcases, cookers and boxes pulled out of the military camp at night, headed west, some for the capital, Dili, some for West Timor, others for further afield.

"I came here because Indonesia is one country. I came not only to sell things, but to see. Now we are afraid, so we want to leave," Thamrin, who ran a stall in the old market, says.

While even participants in the riot, in which more than 100 youths rampaged through the towns ransacking houses, shops and burning the markets, stress it was not linked to East Timor's independence movement, many see a subtle connection.

They argue that the Bugis community, seen as privileged and protected by the government, has become the most obvious target of Timorese weary of Indonesia's hardline brand of rule.

"They are tired of all this and they see that they are not the people benefiting from the economic gains of East Timor," says Florentino Sarmiento, a Dili intellectual.

Indonesia denies the Bugis are given any privileges, saying they are merely more hardworking than most East Timorese and are able through their tight-knit community to offer favourable prices right down to the village level.

But while most intellectual East Timorese are reluctant to buy into conspiracy theories centered on the notion of an Indonesia determined to dilute local resistance through immigration, many see further conflict.

"There is clearly anger there which will not go away. But the anger is not simply an ethnic one. It runs deeper, against the Indonesian outsider, and the Bugis are only the latest focus of that," one said.

JAKARTA LOOKS TO EASE TIMOR'S ETHNIC WOES

By Greg Earl in the Australian Financial Review, Tuesday, January 31, 1995

Indonesia conceded yesterday that immigration to East Timor had caused major ethnic tensions in the disputed province and said it was considering ways of easing the problems.

Indonesia's Minister for Foreign Affairs, Mr. Ali Alatas, said recent disputes between native Timorese and newcomers - particularly Buginese traders - had resulted from Indonesian moves to open the province and allow it to develop like other parts of the country.

He said contrary to suggestions there had been massive migration to East Timor, only 5 per cent of the population came from outside the province, and that included central government officials.

There had been no government-supported transmigration to East Timor but the movement of job seekers and traders had caused "stresses and strains" and the local Government was now looking at ways of resolving the situation, he said.

However, Mr. Alatas told the Jakarta Foreign Correspondents Club that Indonesia would not make a general rule that particular regions were closed except to indigenous people because that would be counter to the Government's efforts to develop the country.

Asked whether Indonesia was helping Australia in the challenge to the Timor Gap Treaty by Portugal in the International Court of Justice, Mr. Alatas said Australia "knows full well how to defend itself"

INDONESIAN EMIGRATION

Diario de Noticias, 31 January 1995. Translated from Portuguese

Lisbon - Ali Alatas admitted yesterday that large-scale emigration of Indonesians to East Timor is causing "tension among the local population."

The Indonesian Foreign Minister, speaking in Jakarta during a lunch with foreign press correspondents, said his country is "considering measures" to end to "the tension."

The influx of Indonesians to East Timor, particularly small business people from Sulawesi, in the eastern part of the archipelago, has occurred since the territory was opened in 1992. Since annexation by Indonesia in 1976, which was considered illegal by the UN, East Timor had been closed to the outside world. During those years, neither tourists nor emigrants were allowed in.

When doors to the territory were opened, the Indonesians took the local economy by

storm, and this has resulted in frequent confrontations between Indonesian and East Timorese traders.

Last November, after a Timorese was killed in Dili by a trader from Sulawesi, local people poured onto the streets in protest. The army was called in. At least one person was killed and several wounded in the ensuing conflicts. A similar incident in January sparked off further protests in Baucau.

Ali Alatas acknowledged that the Indonesians are currently in control of small business in the territory, and that the Timorese are clearly at a disadvantage. The financial bone of contention is aggravated by religious differences: Sulawesi's population is mainly Moslem, while the Timorese are Catholics.

Alatas did not specify which measures to settle the issue are being considered. However, he did say that his "Government is thinking about this issue, given that an economic imbalance does exist and is worsening existing tensions."

The minister came up with some controversial statistics. According to the Indonesian Government, the number of non-Timorese living in East Timor represents "just five per cent of the population." The last census carried out in 1990 put the number of inhabitants at 748,000, and the annual population growth rate of 3.2%.

Various Timorese resistance reports indicate that Indonesians in Timor number at least 100,000, and that Timorese often lose their land and their jobs, which are then given to emigrants, who are actively encouraged by the Government to "Javanise" East Timor.

FRESH BLOOD: NEW GENERATION OF TIMOR MILITANTS ARISES

Far Eastern Economic Review, 2 Feb. 1995. By John McBeth in Jakarta

She was, in the words of one Indonesian official, "a bright girl with a bright future." But now the 20-year-old journalism student is missing, somewhere in North America. A few weeks ago, she arrived in British Columbia under an exchange programme with the University of East Timor. Then she disappeared from the home of her host family.

"I'm sorry, I have to leave," said a handwritten message she left behind. But it offered no reason.

The Canadians don't know where she is, but they suspect she is in the United States. The Indonesian authorities believe Timorese exiles "influenced her and gave her the wrong ideas." They expect that she will seek political asylum, another minor actor in the unhappy saga of East Timor's rejection of Indonesian rule.

In 1991, the same thing happened with another carefully screened East Timorese student selected for the World Youth Exchange programme. The exchange scheme allows 50 young Canadians and Indonesians to spend four or five months in one another's countries.

For Indonesian officials, such defections are a betrayal of trust. Their hurt tone when they recount these stories illuminates the strange mix of paternalism, nationalism and plain repression that characterizes Indonesian policy towards East Timor, a former Portuguese enclave annexed by Jakarta in 1976.

"They have a real blind spot," a Western diplomat says of the Indonesian authorities. "They think all they have to do is win the hearts and minds of the Timorese, but I'm afraid that's not going to happen."

Indeed, the violence that has persisted since November's Asia-Pacific Economic Cooperation (APEC) summit reinforces the view that a new generation of Timorese militants is emerging - young people who may be even more resentful than their elders of Indonesian rule. And while the authorities are unlikely to change the "don't-shoot" approach they were forced to adopt after the November 1991 massacre in the Timorese capital, Dili, the potential for bloodletting clearly remains.

In the first such incident since 1991, security forces killed three people and wounded six others during New Year's Eve rioting in Baucau, 110 kilometres east of Dili, according to an independent source in East Timor. Much like a riot in Dili six weeks before, a crowd of youths went on the rampage after a native Timorese was stabbed to death by a Buginese trader.

At least 15 Timorese are expected to be charged over the Baucau incident. Another 24 are facing trial for taking part in a pro-independence demonstration on January 9. That protest coincided with a round of meetings in Geneva between the United Nations Secretary-General, Boutros Boutros-Ghali; Indonesia's foreign minister, Ali Alatas; and his Portuguese counterpart, José Durão Barroso.

Indonesian officials were quick to assert that the latest bloodshed was not politically motivated. But that position ignores another source of tension on East Timor: Although the province has made significant economic progress under Indonesian rule, only a few people have enjoyed its fruits. And often they aren't the native Timorese, who make up 95% of the 800,000 population.

In an effort to reduce ethnic friction, Governor Abilio José Osorio Soares recently announced plans to try to limit inward migration. Immigrants from Sulawesi and other Indonesian islands have been settling in East

Timor at the rate of about 25,000 a year. Economists say there is a long way to go to provide employment opportunities even for educated Timorese.

On the diplomatic front, Indonesian and Portuguese officials have been encouraged by the progress of Boutros-Ghali's initiative to organize talks between Timorese groups that favour integration with Indonesia and those that oppose it.

Although the talks won't address East Timor's political status, Foreign Ministry spokesman Irawan Abadin says he hopes it will provide an infusion of ideas that can be considered when the Indonesian and Portuguese foreign ministers next meet in May. A pro-Indonesia faction has already met twice with independence-minded exiles led by Abilio Araujo. (sic) But the main guerrilla movement, Fretilin, represented abroad by José Ramos Horta, has refused to join the talks.

Wary of deeper UN involvement in the negotiating process, Indonesia and Portugal previously only took note of Boutros-Ghali's sponsorship role in the intra-Timorese meetings. Their comments now indicate that they have become slightly more accommodating.

However, Indonesia may be in for a rough ride at the UN after the release of a report by special UN investigator Bacre Waly Ndiaye. The official was sharply critical of the human-rights situation in East Timor and of the Indonesian Government's failure to provide a full accounting of the 1991 Dili bloodshed. As few as 50 and as many as 270 Timorese may have died in the shootings.

In one of the most significant passages of his report, Ndiaye says the information he gathered during meetings with Indonesian officials led him to conclude that the conditions that allowed the killings to occur are still present. Describing a climate of fear and suspicion weighing down the legal system, he says the judiciary is "shackled by the executive branch and the military."

Ndiaye, who visited East Timor in July, says there is no reason why military personnel should be tried by military courts for offences committed against civilians during the essentially civilian task of maintaining law and order. "I strongly believe that no confidence-building measures can be effective and no solution to the problems [of East Timor] can be found before justice has been done," he said, referring to the 1991 incident.

A new wave of disillusionment appears to lie behind the latest troubles in East Timor. President Suharto's blunt refusal even to consider a special administrative status for the province has dashed the hopes of those who were encouraged a few months ago by signs of a more flexible approach from government circles. "It was like a pyramid,"

says an Indonesian senior official, describing the internal debate on East Timor that preceded the APEC summit. "It built up and built up, but when it reached its apex, the president, he said 'no.'"

That hasn't gone down well in Dili. "Certainly, there is a sense of disillusionment and frustration, reaching even into the pro-integration East Timorese," says a political analyst who monitors events on the island. "In the absence of a political solution, I think security management is going to be a nightmare."

The Indonesians maintain seven battalions on East Timor, but analysts say intelligence and village-security detachments add significantly to the total troop strength, fudging from recent statements made by 9th Region commander Maj.-Gen. Adang Ruchiatna, earlier plans to reduce the number of battalions to two territorial formations by the end of 1995 now seem to have been put on hold.

Fighting on the island has petered out, however. The Indonesian military estimates that barely half of Fretilin's 190 fighters carry weapons, and that their ammunition is in short supply. But on January 12, troops killed six men the army described as guerrillas in a mountainous part of Ermera regency, 60 kilometres south of Dili. If the military's account is credible - independent sources are skeptical that it is - this would be the highest body count in years from a single encounter.

Clearly one of the main obstacles to an eventual solution is the mindset at the highest levels of the government and military. Making East Timor special, these officials fear, will embolden other ethnically different provinces to demand a similar status. Older Indonesians, in particular, have long feared that the country could break up.

Current pessimism aside, however, diplomats are convinced that Jakarta will eventually have to find a way to address the East Timor problem. "The bottom line is there has to be a political solution and it has to come from the top," says a diplomat. He feels last year's policy debate would have had a better chance of success if it had been conducted in private. "As long as it looks as if the president is in control and not subject to pressure," he adds, "something could very well start up again."

INDONESIA CLAIMS 2 GUERRILLAS KILLED

San Francisco Examiner, 30 Jan 1995.

Reuters, Jakarta, Indonesia - Indonesia said Monday it had killed two members of East Timor's guerrilla army resisting its 19-year-long rule of the former Portuguese colony.

The official Antara news agency quoted army spokesman Maj. Laedan Simbolon as saying Sunday that two guerrillas had been killed and one wounded Saturday after they tried to escape from an ambush in Bobonaro, 130 miles south of the Timor capital, Dili.

Extracted and summarized from The West Australian, 31 Jan 1995

Celso de Oliveira, the 23-year-old nephew of a Perth man, has not been heard from since being arrested on Jan 13 in possession of books and papers on the East Timorese movement. The International Red Cross and Amnesty International are trying to trace him.

The Indonesian military reported that two Fretilin rebels were killed and one was wounded but escaped after a shoot-out with troops in Hatolia Leten village.

INDONESIA TRAINS MERCENARIES TO HARASS CIVILIAN POPULATION

TERROR INCREASES, DISAPPEARANCES CONTINUE

CNRM – National Council of Maubere Resistance Media Release, 1 February 1995

Latest reports from Dili refer to increased terror activities against the civilian population. An organised group of black-shirted youths, led by notorious thug and Indonesian collaborator Labut Melo, has regularly been stoning private residence at night. This week the Dili Acadiru Hum quarter was severely hit. Last week a group of over 200 victims met Church authorities to express their concerns about these terror activities.

It has meanwhile transpired that Labut Melo and Indonesian military authorities are setting up a program to expand his group of terrorists. Some 600 mercenaries are to be trained in Suai and Kupang (West Timor) to fight the East Timorese resistance and their civilian supporters. Each recruit is reportedly paid Rp 1.5 million (about US \$750).

On 25 January a Chinese East Timorese, named Atai was stabbed to death in Bairro Pite by Javanese. It was not clear whether these were civilians or military. On 24 January, in Lebu Meo Fatubessi/Hatulua, East Timorese civilians Malimau (40 years) and Domingos Araujo (32) were detained by Indonesian military, beaten and tortured with hot irons, to extract information from them about supposed guerrilla presence.

To prevent possible contact with guerrillas, Indonesian military in Fatubessi are forbidding the population to work their food gardens. The serious consequences of this will be future famine and deaths, as has so often happened previously. On 29 January,

at 6 am, Silveiro Martins (24 years) was detained in Toko Luli quarter by the Dili police for questioning suspected of pro independence sympathies. He has since disappeared.

Affonso Pinto (Lafaek) a notorious Indonesian collaborator, local Hansip paramilitary head and Golkar Party head at Viqueque, has disappeared since being taken by Indonesian troops, after apparently falling out of favour. His whereabouts are unknown to his distressed family. The lack of guarantees given by Indonesians to their former collaborators shown by this disappearance has been clearly noted by the East Timorese population.

A final item reported is a clash between Indonesian ZIPUR (engineering) troops and Falintil resistance fighters which took place in Liaruca, Ossu last week.

The deteriorating situation in East Timor and increased Indonesian oppression of the population show once again the lack of credibility of official Indonesian statements. On 30 January, once again vaguely hinting at some unspecified presumed future troop reductions, Foreign Minister Alatas said "between now and next year we will perhaps [emphasis added] see a gradual reduction in the military there." Clearly, international scrutiny of the appalling East Timor situation is urgently needed.

EAST TIMORESE WOMEN COMPLAIN ABOUT TERROR AT NIGHT

UCAN, Hongkong 1 Feb. 1995 Abridged

Dili – More than 100 East Timorese women made an unscheduled visit to their bishop in Dili on 24 January about unidentified persons disturbing their neighbourhoods at night. The women, many carrying babies and trailing children, said nearly every night since the last week of December, unknown persons have roamed through their communities, throwing stones at homes and causing ill feeling.

The women most from Dili's Akadiruhan and Central Bario neighbourhoods said they felt terrorized by these people.

Bishop Belo found the women gathering outside his residence in the morning and walked with them 100 metres to his office where he heard their complaints. After the women left, Bishop Belo visited governor Abilio Osorio Soares who promised to settle the problem.

DEATH SQUADS OPERATING IN TIMOR

AP, 4 and 6 February 1995. Abridged

These gangs are the mercenary thugs already identified in a CNRM press release on 1 February. They are clearly the long-arm of the army and can only be described as death-squads. One motive for this latest style of terror is to create the impression of conflict among East Timorese and provide justification for the army to reinforce its position in East Timor as a 'peace-keeping force,' with yet more funds and troops.

[4 February] Dili – A group of men dressed in black has been terrorizing pro-independence activists in East Timor, government officials said Saturday. The men, carrying army knives, have been roaming at night, and threatening lives, said a senior member of the local parliament, a member of the Golkar party who asked to remain anonymous.

The existence of a 'Ninja-like' group was confirmed by East Timor vice government, Yohanes Haribowo.

The Golkar member said the terror group had been involved in several unconfirmed murders of pro-independence activists.

Military spokesman Major Ladean Simbolon denied that the Indonesian army was involved with the vigilantes. "It is not possible that the army has anything to do with it. The army presence in East Timor is to ensure the success of development," he said.

He said the killings could have been the results of fighting between rival groups.

[6 February]

Dili – A band of masked men dressed in black has killed eight pro-independence activists in East Timor, a governing party lawmaker said Monday.

People in the capital, Dili, and four other districts "have been terrorized by this black-dressed ninja-like band since January," said Manuel Carrascalão, a member of the local parliament. He told reporters that the army would send a team to investigate. About 5,000 farmers have stopped tending their fields since the terror started, said Manuel Carrascalão.

There was no indication who the terrorists might be but other legislators said they could be a vigilante group from the army which is assigned to keep peace (sic) in East Timor

SERIOUS ESCALATION OF KILLINGS IN EAST TIMOR

DEATH SQUADS OPERATING

The following Memorandum was issued today, 8 February 1995, by TAPOL, the Indonesia Human Rights Campaign, 111, Northwood Road, Thornton Heath, Surrey CR7 8HW. Phone: 081 771-2904 Fax: 081 653-0322:

The Problem

There has been a serious escalation of killings by regular troops as well as by death-squads in East Timor since the beginning of the year. The incidents listed below confirm the warning by the Bacre Waly Ndiaye, the UN Special Rapporteur on Extrajudicial Killings who visited East Timor last July, that "the conditions that allowed the Santa Cruz killings to occur are still present. In particular members of the security forces have not been held accountable and continue to enjoy virtual impunity."

The Incidents

- The first incident occurred on New Year's Day when troops opened fire on a crowd of East Timorese in Baucau, about 120 kms east of Dili. They had gathered to express their alarm after an East Timorese was stabbed to death by an Indonesian trader. Estimates of the number shot dead or who died later in hospital vary from ten to more than twenty. Some of the victims have already been identified.
- On 12 January, six villagers in the kampung of Gariana, including the kampung head, José Nunes, were shot dead in cold blood by troops from the Liquica district army command, Kodim 1638. This occurred the day after Indonesian soldiers had been involved in an armed clash with guerrillas during which one of their men was wounded and a weapon was seized. Troops went to the kampung searching for guerrillas but found none. The army's assertion that the six victims were guerrillas has been strongly denied by community and church leaders who have identified all the dead.
- There are unconfirmed reports that nine young East Timorese were shot dead by members of Battalion 744 in Taibesi, Dili on 9 January. These killings occurred shortly after several dozen people demonstrated briefly near the University of East Timor in Dili, to welcome the talks between the Indonesian and Portuguese foreign ministers under UN auspices in Geneva. According to our source, when the father of one of the nine victims went to the battalion headquarters looking for his

son, he was shot dead by the deputy commander of the battalion.

- Since late January, black-shirted gangs have been terrorizing the population in Dili and in several other districts. Eight pro-independence activists have already been killed by members of these gangs, according to Manuel Carrascalão, a member of the East Timor 'provincial' assembly. He also said that five thousand farmers have stopped tending their fields since the terror started. [AP, 6 February 1995] Such developments can gravely affect the harvest and create the conditions for severe food shortages and famine.

The Strategy

The spate of killings is a response by the forces of occupation to the growing audacity of pro-independence activists who have staged many actions since 12 November last year, the third anniversary of the Santa Cruz massacre. Even among East Timorese who have for years collaborated with the Indonesian occupiers, there is growing frustration with the situation in the territory, the heightened tensions since 12 November last year, the conflicts between East Timorese and Indonesian migrants and the arrest, torture and disappearance of yet more young East Timorese. The forces of occupation also seem determined to tighten their grip on the territory as UN-sponsored negotiations appear to be inching towards a solution.

The death-squads appear to be functioning as independent gangs, a strategy that enables the army to deny responsibility for the killings. According to information, six hundred mercenaries have been trained in Suai and Kupang, West Timor and are led by a well-known collaborator, Labut Melo, who is working closely with the army. Each recruit is reportedly being paid Rp 1.5m (about \$750).

Death squad operations also enable the army to claim that the bloodletting is the result of feuds between Timorese so as to justify a heightened army presence in a 'peace-keeping role.'

The Need for International Action

The deteriorating situation calls for an immediate response by the international community.

- The UN Human Rights Commission currently meeting in Geneva should call for clear action aimed at protecting the defenceless population, in particular the early dispatch of UN special rapporteurs on torture and disappearances.
- UN agencies should set up offices in East Timor in order to provide protection for the population.
- The recommendations of the Special Rapporteur on Extrajudicial Killings, in par-

ticular the setting up of an independent commission to investigate the 12 November 1991 Santa Cruz massacre, should be implemented without delay.

- The British government, together with its partners in the European Union, as well as other western powers should use their influence with the Indonesian authorities to demand a thoroughgoing investigation into the latest spate of killings.
- The Indonesian army must immediately start reducing its forces in the territory, as a first step towards the demilitarization of East Timor

BBC: ARMY "TO INVESTIGATE KILLINGS"

BBC World Service, 8 February 1995. By Catherine Napier

Jakarta – The armed forces command in Indonesia is to send a high-level team to investigate recent allegations of extra-judicial killings by soldiers in East Timor. The move follows pressure from Western diplomats, including the US embassy in Jakarta, which has expressed its concern over a recent incident in which six East Timorese civilians were said to have been murdered by an army patrol. From Jakarta, Catherine Napier sent us this report:

Although the military is reluctant to comment officially on the investigation, a senior army source told the BBC that a team chosen by the military's inspector-general for operations would be sent to East Timor soon to carry out what he called a broad inquiry into claims that soldiers had been involved in a number of extra-judicial killings.

Specifically, the inquiry will look at the circumstances surrounding the deaths of six East Timorese civilians last month near the provincial capital, Dili. The military in East Timor maintains that the victims were all members of the armed wing of the resistance movement, Fretilin (sic), fighting for an end to Indonesian rule. But independent sources have said those who died were civilians executed in cold blood. Since the incident emerged there have been further credible reports from East Timor of more civilian deaths, including a village teacher and a farmer in the district of Ermera.

In addition, concern is growing over the fate of more than twenty young Timorese who are said to have disappeared following an anti-Indonesian demonstration in the provincial capital in January. The army has cracked down hard on independent sympathisers following the wave of anti-Indonesian unrest last year. Western embassies are increasingly concerned about the human rights

situation in the territory and about fresh allegations of vigilante-style killings.

The decision to launch an internal inquiry also suggests high-level concern within the military itself at its operations in East Timor.

CIVILIANS ABDUCTED AND TERRORIZED IN EAST TIMOR

CNRM Media Release, 9 February 1995

Masked Indonesian-paid thugs continue nighttime intimidation of Dili population, abducting residents and attacking private homes.

Masked black-shirted thugs, led by Indonesian intelligence agents Labut Melo and Alan have been terrorizing the Dili population at night. Latest reports from Dili that several houses in the Vila Verde suburb have been attacked on 7 and 8 February. Residents suspected of pro-independence sympathies have been abducted and have disappeared.

At 4.30 am on 9 February the house of Armandina Gusmão Exposto, sister of jailed pro-independence leader Xanana Gusmão was also attacked. Five youths living in the house were beaten up and then abducted: João Baptista (20 years old), Filomeno (24), Domingos (25), Diamantino (19) and Nilton (19).

A number of Dili residents, speaking on condition of anonymity to avoid retaliation, have reported similar happenings in their own homes.

AP on 4 February informed that government officials in Dili, including the Javanese Vice Governor of East Timor, have confirmed the existence of these 'ninja-like' death squads who have murdered several pro-independence activists lately. Over 200 members of the Dili public recently held a meeting with Church authorities to express their concern. Bishop Carlos Ximenes Belo has condemned this new military instigated attack on the people of East Timor.

In an earlier release CNRM has informed that Labut Melo and Indonesian military (ABRI) are setting up a program to expand this group of terrorists, training 600 to fight the East Timorese resistance and their civilian supporters. Each recruit is reportedly paid about US \$750.

The Indonesian military, with its customary hypocrisy, has feigned ignorance of these sinister developments. ABRI spokesman Major Simbolon claimed on 4 February that killings could have been the result of fights between East Timorese gangs. ABRI was not involved, he added, since "its presence in East Timor is to ensure the success of development."

These developments signal a continued deterioration of the East Timor situation and

point, once again, to the urgent need to base a UN observer presence in East Timor.

EAST TIMORESE COMPLAIN OF NEW TERROR WAVE

Reuter, 10 February 1995. By Jeremy Wagstaff. Abridged

Jakarta – A wave of terror has swept troubled East Timor with hooded gangs roaming streets stoning and burning houses and attacking locals opposed to Indonesian rule, residents said Friday. "The situation is out of control," said one Dili-based politician.

In accounts confirmed by diplomats, residents said the gangs apparently were operating with the connivance of the Indonesian military which in recent weeks has killed at least eight people it claimed were members of the guerrilla movement.

"They are linked because now there is a kind of terror that is spreading all over Dili. At night there are military around and they are doing absolutely nothing, just sitting there and watching the rioting," said one senior East Timorese figure.

Speaking by phone from Dili, businessmen, aid workers and church leaders said the local population had been too terrified to sleep, as carloads of so-called ninja gangs targeted the homes of dissidents. Residents confirmed that early on Thursday youths attacked the house of local aid workers, seriously injuring and then abducting four youths aged 19 to 25. They have not been seen since, said one resident.

Western embassies, including the US embassy have told the government they are concerned about this, particularly the killing of six locals in January.

Timorese sources cite more than a dozen incidents in recent weeks (with) about thirty East Timorese having been shot, tortured or are missing in the worst reported crackdown since the Dili massacre in 1991.

Diplomats said that after showing restraint to months of political and ethnic demonstrations in East Timor, part of Indonesia's sizable military force there has lost patience and is targeting those believed to be behind the unrest.

"I believe the military have tried to set up a preventive policy, which will try to crush any kind of potential organisation or network that organizes demonstrations, and to do so, they have to destabilize the population," one said.

Locals said that despite inquiries, they had been unable to identify clearly the gangs. Most said they believed they belonged to an intelligence operation run by Labut Melo, an official believed to run the territory's largest spy network.

Military officials say they do not know who is behind the gangs and their activities. Police chief Sugianto Andreas said Friday that two men were arrested late on Thursday, one of whom was suspected of being a gang member.

Outspoken Catholic Bishop Carlos Belo has complained to President Suharto about the renewed crackdown after dozens of terrified residents sought his help. He said he would appeal to the UN if something was not done.

The army has said it is investigating but locals fear that the nocturnal attacks are part of a wider effort to muzzle their frustrations. They said the governor, who has tried to win greater autonomy for the territory, had been summoned to Jakarta for several months of training at the military institute, Lemhanas.

TWO "NINJA" CAPTURED

Free translation/summary from Portuguese.

DILI, Feb. 10 (LUSA) - Two elements of a "ninja" group were captured and beaten last night, according to eye witnesses. The two men were identified only as Domingos and Costa and said to have been recruited in Baucau by the military and then taken to Dili where they were to organize attacks against supporters of independence. The two men said they received between 25,000 and 50,000 rupias for each night of attacks.

An eye witness to the capture, told France Presse that the two men were delivered alive to the police.

The Vice-Governor of ET, Haribowo, said the "ninjas" are young pro-integration Timorese.

THE REIGN OF TERROR

From TAPOL, Feb. 10

The following report reached us from Jakarta today, relayed from inside. It refers in greater detail to some of the incidents that have been reported in wire service reports filed from agencies in Jakarta. The identity of the source has not been divulged.

It would be interesting to know whether the army vehicles referred to in the report are Land Rovers supplied by Britain which are indeed used to transport troops to all parts of East Timor.

The people here are in constant danger. Indonesian troops with the help of local sympathisers, attacked the home of Gilman Gusmão in Taibessi early yesterday morning.

Six young men with small businesses who have been trying to make a living in the area, were captured. There was much blood in the street where this criminal action took place. The military turned up in three vehicles, the

type that are usually used to transport troops to the mountains and attack people in the city.

Gilman Gusmão, the brother-in-law of Xanana Gusmão, was unable to do anything. His house and those of his neighbours were all destroyed by these satanic troops. He tried to alert the security forces and the police to come and help end the violence but these people, far from helping, shouted "serbu," which means "go on the attack." The result was that many houses were totally destroyed and people's belongings like television sets, radios, cupboards and so on, were seized.

Indonesian troops are playing a major role in all this. They have promised money to certain East Timorese to attack and kill others in the night. The strategy of these Ninjas is something new and includes capturing people at night and carrying out nocturnal massacres. Many young East Timorese have left their homes to seek refuge with other families or have moved out of the city for their own survival, hoping to encourage others to keep up the struggle for liberation.

These gangs plan to attack the Catholic Church and eliminate some missionaries, using guns recently brought in from Jakarta. There is an air of fatalism for all of us in the coming days. This is what they call freedom for the people and the will of our people to be integrated into Indonesia. Such statements make no sense at all.

One group is called "Gerakan Elang" or Eagle's Movement. They call themselves 'eagles' because their plan is to capture and kill anyone they like.

No-one feels safe. We live constantly in fear of death threats. The areas worst affected are AKADIRUHUN, TAIBESSI, HUDILARAN and VILAVERDE.

These gangs are under the command of Labut Belo, the worst betrayer of all among the East Timorese. Their strategy is Divide and Rule, hoping to rule over us as our oppressors were able to do for centuries.

'NINJA' TERRORISTS ATTACK AUSTRALIAN AID WORKER

FURTHER NIGHT-TIME ABDUCTIONS BY MASKED THUGS. LINKS TO INDONESIAN MILITARY CLEARLY EVIDENT.

CNRM Media Release 11 February 95

Reports from Dili indicate continuing night time abductions and attacks on civilian houses by Indonesian military-paid 'ninja' thugs, led by intelligence agents Labut Melo and Alan. Even foreign residents have now become victims of the terror.

On Friday night, Dili-based Australian International Development Assistance Bureau (AIDAB) official, John Wilkinson, was attacked while driving home. His car windows were smashed by rocks. The motive for the attack is unclear. Commentators do not rule out the possibility of it being in retaliation for the concern expressed earlier in the week by the Australian Government about recent Indonesian military massacres of civilians and the current wave of terrorism in Dili.

Other reports say that in addition to the 5 youths abducted from the house of Armandina Exposto, (Resistance Leader Xanana Gusmão sister) on 9 February, four youths have been taken from the same area and have disappeared: Domingos Almeida (23), Manuel Reis (20), Augusto Saldanha (22), João Baptista (20).

Both police and military were present at the attack on Armandina Exposto's house. Instead of preventing the terrorist attack, shouts of 'serbu' (attack) were heard from them, ordering the terrorists into action. A kiosk at the front of the house was destroyed, and goods stolen. Several other houses in Dili also suffered considerable damage, and their occupants were severely mistreated.

It is also reported that terrified Dili people are trying to develop means of protecting their own security in the absence of police action to stop the night time terrorists. Last night, threatened residents in the Massau quarter foiled attacks on their houses by rattling tins and beating drums to call for neighbourhood help. The attackers fled from the large group of residents who gathered in the middle of the night. The night before, in the Santa Cruz quarter, an attack on the house of a youth named Anoku led to knife wielding neighbours chasing the terrorists away. These fled into the Cemetery, from where they were taken to safety at dawn by Indonesian military Hino trucks. Two terrorists captured by civilians, Domingos and Costa, confessed to having been recruited by the military and receiving payment of up to US\$ 25 per action.

The persistence of terrorist action, the presence of military and police at attacks, and the use of military vehicles to transport the terrorists, unequivocally prove that the current wave of terror is supported by the Indonesian military authorities, who still shamelessly deny their clearly evident involvement. The need for international observers in the troubled East Timor territory is a matter of great urgency.

MILITARY SAYS GANGS ARE PRO-INDEPENDENCE

Reuter, 12 February 1995. Abridged

Jakarta – Indonesia's military in troubled East Timor said on Sunday that hooded gangs behind a new wave of violence in the capital Dili were local residents opposed to the territory's integration with Indonesia.

"They are people who oppose the integration," local military spokesman Major Laedan Simbolon told Reuters from Dili.

He said the so-called Ninja gangs were operating in several parts of Dili, with "loyal" Indonesians their main target of attack.

"They stoned my car on Saturday night and burned a motorcycle belonging to a security officer on the same day," he said.

Dili residents have complained of a new wave of terror by the gangs, which roam streets, stone and burn houses and attack local residents.

Residents say the gangs are targeting East Timorese opposed to Indonesian rule in the former Portuguese colony that Jakarta invaded in 1975 and annexed the next year.

The car of an Australian worker living in Dili was attacked on Friday but he was not injured.

Simbolon said the Australian was probably the victim of the gangs, adding that the military did not plan to take any action against them at present. He did not explain why.

Local residents said they not been able clearly to identify the gangs. Most said they believed they belonged to an intelligence operation run by Labut Melo, an official believed to run the territory's largest spy network.

The armed forces has sent a team to investigate the killing of six East Timorese last month by Indonesian soldiers.

On Saturday State Secretary Murdiono said army reports to President Suharto about the incident mentioned actions by the soldiers which violated established procedures, adding: "We do not rule out the possibility that they will be court martialled."

EAST TIMORESE FIGHT BACK AGAINST TERROR GANGS

Reuter, 13 February 1995. By Jeremy Wagstaff. Abridged

Jakarta – East Timorese civilians have been fighting back against mysterious gangs which have terrorized the capital Dili, rounding up several alleged members and destroying their vehicles, residents said on Monday.

The residents said by telephone from Dili whole neighbourhoods had mobilized against

the squads, which locals believe have been hired by Indonesian forces to subdue fresh unrest in the troubled territory.

"The local people are fighting back. They are beginning to get organised," said one resident.

Army spokesman Major Laedan Simbolon has denied any military links with the so-called Ninja groups, saying they are East Timorese who oppose Indonesia's 1976 annexation of the former Portuguese colony, a year after its invasion of the tiny territory.

Indonesia on Saturday cast doubts on its earlier claim the six were all guerrillas, saying soldiers involved in the incident west of Dili in mid-January might have violated established procedures and may be court-martialled.

After months of relative restraint by Indonesia's pervasive military presence in the territory, the overall situation has deteriorated in recent weeks, with dozens of Timorese attacked or detained in the raids, residents and exiles said.

It is the worst reported unrest since the November 1991 killing of dozens of unarmed demonstrators by Indonesian soldiers at a Dili cemetery.

Despite visits to the former Portuguese colony by diplomats from several Western embassies, residents say the Ninja gangs have continued to stalk the streets, apparently searching for Timorese dissidents.

"The strategy is a kind of shock therapy, making us be quiet or be afraid," said one resident, adding that as of Saturday some 29 people were believed to have been abducted.

Residents said that locals, suspicious of all unfamiliar visitors entering their neighbourhoods, were fighting back.

They said that in separate incidents since Friday night, local vigilantes had captured up to 14 alleged gang members, many of whom had said they were paid up to 200,000 (\$100) to terrorise or abduct dissidents.

Several vehicles had been burned, stoned or overturned, including one belonging to an Australian aid-worker which had been mistaken for that of an intelligence officer, they said.

"The situation is very confused. Saturday night was just horrible, horrible. My wife is too terrified to leave the house," said one senior East Timorese figure.

Exiles said three locals, including prominent dissident David Ximenes, had been summoned by the police on Monday.

URGENT APPEAL FOR DAVID XIMENES

From CNRM, Feb. 12

We have received an urgent message from David Ximenes in Dili, who on 11 February has appealed for help.

David Ximenes is a well known East Timorese former political prisoner who is being harassed by the Indonesian military intelligence, as we indicated in our media release of 17 January. He is suspected of organising student protest demonstrations. His neighbour, Henrique Belmiro, suspected of the same, in connection with the unrest last 12 November, was arrested and severely tortured some weeks ago, as Amnesty has reported.

This Saturday David Ximenes has been "invited" to report to the police next Monday (13 February). After receiving the summons, he managed to briefly leave his house to make a phone call to Jakarta asking for all possible help to publicize his situation.

Could you see ways to give this matter wide publicity please, in order to protect him from likely police brutal mistreatment. May be supportive journalists could be asked to assist by writing about this case.

David Ximenes from Baguia/Baucau was a former member of the Portuguese military. The Indonesian military put him in their local East Timorese force until 1980, when they discovered that David was the chief organizer of a major Fretilin attack on Dare, outside Dili. He then served 4 years in Comarca jail in Dili, and then was sent to Cipinang for 6 years. Released in 1991, he has declined the right to leave for exile under ICRC auspices. Indonesian Intel has prevented him from being hired by AIDAB or ICRC for local employ to this date. David Ximenes is married with four children. He lives in Dili with his family.

Thank you for your urgent assistance to help publicize this case and the grave concerns for David Ximenes' safety and well being.

We have also been asked to seek similar support for Rui Fernandes and Nuno Corvelho, due to be questioned by police on Monday morning 9.00 am in Dili.

AI UA: 29 ABDUCTED BY "NINJA" GANGS IN DILI

AI UA033/95 EAST TIMOR Abductions

EXTERNAL (for general distribution) AI
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13 February 1995

UA 33/95 Intimidation/Fear for safety

Amnesty International is deeply concerned by reports that gangs of hooded individuals, apparently acting with the connivance of the Indonesian military, have begun operating in Dili, East Timor. The gangs are reported to have attacked houses, intimidated residents and to have abducted 29 people.

The reports indicate that the gangs, which are being referred to as "Ninja" gangs, began

operating about 7 February and that since then they have been roaming the streets at night, stoning and burning houses and attacking residents of Dili. Their primary objective appears to be to target pro-independence activists and to create an intensified atmosphere of fear for those opposed to Indonesian rule.

Independent sources claim that the gangs have been hired by the Indonesian security forces to intimidate pro-independence activism and to quell recent unrest and opposition to Indonesia's occupation of East Timor. The army have denied that the groups are linked to the military and are alleging that the groups are East Timorese opposed to Indonesia's occupation. A military spokesperson has said that the military do not intend to take any action against the gangs at this stage. Witnesses have reported that the military have been observing the attacks, but taking no action. East Timor's police chief, Andreas Sugianto, has said, however, that at least one suspected gang member was arrested on 9 February.

Amnesty International is calling on the Indonesian authorities to take all possible measures to ensure that the so-called "Ninja" gangs are brought under control, and that any individual being held by the gangs is not subjected to torture or ill-treatment and is released immediately.

BACKGROUND INFORMATION

Since November 1994, the level of unrest in East Timor has increased dramatically. Indonesian security forces have responded to the unrest with arbitrary and short-term detention, detention of prisoners of conscience, torture and suspected extrajudicial executions. In one incident in January, the armed forces announced that they had killed six guerrillas in a military confrontation in East Timor. A witness to the killing says the six were civilians, not guerrillas. While the military in East Timor are continuing to deny that the six were civilians, the Indonesian Government has acknowledged that soldiers involved in the incident might face a court martial.

The recent unrest and the crackdown by the authorities coincides with the release of a United Nations (UN) report, which concludes that members of the Indonesian security forces were responsible for killings during the November 1991 Santa Cruz massacre in Dili, East Timor. The report, by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, also criticises the Indonesian Government for failing to satisfactorily investigate the fate of those killed and "disappeared" as a result of the massacre. The Indonesian Government has stated that it does not accept the report's conclusions and recommendations.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in Bahasa Indonesia or in your own language:

- urging the authorities to take all possible measures to ensure the safety of those individuals allegedly abducted by the so-called "Ninja" gangs, currently reported to be operating in Dili;
- calling on the authorities to bring to justice any gang member alleged to have committed human rights violations, and urging all possible measures to ensure that the gangs do not continue to commit violations;
- seeking clarification of why the authorities are apparently taking no action to prevent the activities of the gangs.

APPEALS TO:

MILITARY COMMANDER REGION IX/UDAYANA (covers East Timor, amongst other areas):

Brig. Gen. R. Adang Ruchiatna
[Salutation: Dear Brigadier-General]
Pangdam IX/Udayana
Markas Besar KODAM IX/Udayana
Denpasar, Bali, Indonesia
Telegrams: Pangdam IX/Udayana, Denpasar, Bali, Indonesia

MINISTER OF FOREIGN AFFAIRS:

Ali Alatas S.H.
[Salutation: Dear Minister Alatas]
Menteri Luar Negeri
Jl. Medan Taman Pejambon No.6
Jakarta, Indonesia
Faxes: +62 21 345 0517
Telexes: 44205; 44469 deplu jkt

AND, IF POSSIBLE, TO THE FOLLOWING:

CHAIRMAN, NATIONAL COMMISSION ON HUMAN RIGHTS:

Lt. Gen. (ret.) Ali Said
Ketua, Komisi Nasional Hak Azasi Manusia (KOMNAS HAM)
Departemen Kehakiman RI
Direktorat Jenderal Pemasarakatan
Jl. Veteran No. 11
Jakarta Pusat, Indonesia
Faxes: +62 21 525 3095 (c/o Ministry of Justice)

ABILIO SOARES AND SYAHNAKRI TO BE DEPOSED?

Free translation/summary from Portuguese.

DILI, Feb. 13 (LUSA) - East Timor governor Abilio Soares left this weekend for Jakarta for a four-month period. This prolonged trip at a moment when East Timor is under such tension, is being interpreted in Dili as a sign of his imminent deposal.

The official reason for his prolonged trip to Jakarta is that he is to attend a "mentalization" course designed for high-rank civil servants, but this decision is being seen in Dili as a preannouncement of Soares' imminent dismissal.

Abilio Soares has been replaced by East Timor vice-governor brigadier Johannes Hari-bowo.

A source in Dili who asked to remain anonymous said that "already in November the rumor was that Abilio Soares would be deposed for having sent a letter to Suharto suggesting that a statute of autonomy be granted to ET." The same source revealed that Abilio Soares had promoted over the last few weeks two meetings between alleged partisans of APODETI and FRETILIN to "try to mobilize a Timorese front to put pressure on president Suharto to grant a special statute for ET." "The governor invited some known sympathisers of FRETILIN for a dinner at his residence on the 5th [of February?], alleging that Bishop Belo supported his initiative, which was not true," said to LUSA one of the participants in the dinner. The same source ironized that "Abilio Soares has already lost the trust of the Indonesians themselves, and therefore was sent to Jakarta to 'study.'"

Abilio Soares, who replaced Mario Carrascalão as East Timor governor in late 1992, has been often accused in Dili of monopolizing government projects in East Timor through the creation of his own companies, and of placing family members and personal friends in charge of public administration. (....)

"When he became governor, Abilio Soares promised to unite all Timorese in two years. He has indeed succeeded in uniting the Timorese, but only against himself," added the same source.

Rumors in Dili are that the East Timor military commander Kiki Syahnakri is to be replaced very soon as well, as a result of the reactions by six foreign embassies in Jakarta to the killing of six Timorese civilians in Liquica on January 12.

MANUEL CARRASCALAO ACCUSES THE MILITARY AND ABILIO SOARES

Free translation/summary from Portuguese.

DILI, Feb. 13 (LUSA) - Manuel Carrascalão, member of the Dili Legislative Assembly, accused today the Indonesian military and Governor Soares of having instigated the recent terrorist actions against the population, but commented that this may work against them. Carrascalão said that people will try to organize themselves for self-defense, and that the population had already captured and beaten eleven "ninja" suspects,

two of whom had confessed to having been recruited and paid by the military.

TENSION IN DILI OVER THE WEEKEND

Free translation/summary from Portuguese.

DILI, Feb. 13 (LUSA) - A Dili resident told LUSA that Saturday and Sunday nights Timorese youths had set fire to two automobiles and three motorcycles allegedly belonging to "ninjas." At least four "ninjas" were captured and beaten over the weekend, according to the same source, who added that Timorese youths are watching several Dili neighborhoods at night, armed with knives, bats and rocks, trying to find "ninjas," and attacking suspect vehicles. The same source said also that the population stoned Saturday two military vehicles.

Bishop Belo appealed Sunday to the population to not "hurt or kill" the captured "ninjas," asking people to bring the suspects to him.

A source from the resistance contacted by LUSA stated that in the moments of greatest tension, and against normal procedure, the military have not been patrolling the city at night, and it is likely that this is intended to leave the way open for the "ninjas" to terrorize the population. The same source said that the "provocateurs at the service of Indonesia" act with impunity and referred that "Labut Melo and his 'ninjas' have gotten to the point where they order restaurants to open forcefully in the middle of the night for a banquet."

TIMORESE APPEAL FOR HELP

Reuter, 14 February 1995. By Jeremy Wagstaff. Abridged

Jakarta - East Timorese leaders called on Tuesday for Indonesia's armed forces to take control of their capital Dili in the face of what they described as growing chaos between roaming gangs and neighbourhood vigilantes.

Speaking in Jakarta and by telephone from Dili, they said residents were taking matters into their own hands after weeks of night attacks by masked thugs believed to be linked to intelligence organisations within the armed forces.

The mainly Roman Catholic territory's outspoken religious leader, Bishop Carlos Belo, said he had called on police, government and intelligence leaders to disperse the so-called Ninja gangs to prevent a full-scale conflict.

"There could be a clash between the local groups, pro and anti-integration (with Indonesia), and also between the civilian popula-

tion and the military. This is possible if we are not able to stop it," Belo told Reuters from Dili.

He said officials had listened to his plea, made on Monday, but had given no formal response. "At least they listened and I hope they will take steps," he said.

Indonesia, whose 20-year-old rule over the former Portuguese colony is not recognised by the United Nations, has used local gangs in the past to break up civilian resistance, according to East Timorese.

Senior figures such as Belo said they believed elements of the military were behind the latest Ninja gangs, who have been terrorizing neighbourhoods by night, stoning houses and beating up residents suspected of opposing Indonesian rule.

But, since the weekend, locals have fought back, guarding their homes and attacking or detaining alleged Ninjas.

The military has officially denied any links with the Ninjas, saying they are opponents of integration.

Some residents said parts of Dili had become no-go areas for security forces afraid of neighbourhood vigilante groups, which have destroyed several vehicles, rounded up more than a dozen alleged Ninjas and raided the homes of others.

"These (Ninja) groups have succeeded in infuriating all the people into reacting, and now it is getting out of hand," said one senior East Timorese figure.

Western embassies have expressed concern about the worsening situation in East Timor.

Residents said that since the beginning of the year the military appeared to have abandoned a policy of restraint as they became increasingly frustrated by continuing street protests and clashes between Timorese and Indonesian civilians.

Others said they hoped the military would rein in whomever was behind the mysterious, black-clad gangs who appeared to roam the streets after dark with impunity.

"I hope the situation will return to normal quickly and I hope the military will take the lead in this, otherwise there will be anarchy. People feel as if they are not secure," parliamentarian Salvador Soares said on his return from Dili.

The London-based human rights group Amnesty International said in a report received in Jakarta on Tuesday the latest troubles were linked to wider unrest since last November, and called on the military to bring the Ninjas under control.

"Amnesty is calling on the Indonesian authorities to take all possible measures to ensure the so-called Ninja gangs are brought under control, and that any individual being held by them not be subjected to torture or

ill-treatment and is released immediately," it said.

BISHOP BELO AGREES WITH AUTHORITIES ON NINJAS

Free translation/summary from Portuguese.

LISBOA, Feb. 14 (LUSA) - Bishop Belo reached an agreement today with the civil and military authorities in Dili, regarding the climate of terror since the appearance of the "ninjas."

The bishop told LUSA over the phone that the authorities had taken the initiative of setting up a meeting between the Bishop, the vice-governor Haribowo, the police commander Subianto, and a military colonel who was representing military commander Kiki. The meeting took place at the Bishop's home.

Four decisions resulted from the meeting. Said the Bishop:

(1) "If there are organized ninja groups recruited by the military, the authorities should disperse them immediately."

(2) "The police must assume its responsibility of maintaining order and send its men in uniform to patrol the streets."

(3) "The Dili administrator must meet with the neighborhood leaders to coordinate with them security measures to protect the populations of those neighborhoods."

(4) "Finally, the Church will do its part by appealing to the population to create a climate of peace."

The Bishop added that in last Sunday's mass he issued an appeal for the Timorese to maintain calm and to not take justice in their own hands.

"Today at dawn there were new incidents during which a house of a suspected person was burned, and this morning the population brought to my house two people they had captured," said the Bishop. "One of them was a policeman in plain clothes, and the other was a youth. I simply took note of their identities, after which I delivered them to the authorities since I am not a policeman," said the Bishop.

The Bishop said also that in his opinion the self-defense troops organized by the population against the "ninjas" are "committing excesses and acting beyond the mark."

"We cannot have civilians armed with bats and knives in the streets performing the role of maintaining order, which belongs to the police," said the Bishop.

KOMPAS ON 'NINJA' ARRESTS

Kompas 15 Feb. Translated from Bahasa.

Dili - The 12 people detained as the coordinators who disseminated the 'ninja' issue are being held at the Police headquarters (Polwil) and will be dealt with according to the law, particularly those responsible for torturing people and damaging property.

The police chief, Colonel Sugianto Andreas, made an announcement about the detentions which was confirmed by military chief, Col. Kiki Syahnakri.

The 12 people arrested are: Carleto Breok, Oktavianus alias Anus, Antonio Caemaluk, Matheus, Claudio, Filipe, Ximplesio da Casembo, Apollo Mario Alves, Alves, Joao Babbista, Manuel and Francisco Martins. Breok and Oktavianus are said to be the ring-leaders, the ones who tortured and cut off the ear of a citizen recently.

They confessed under interrogation that they had actively spread reports that the 'ninjas' are from the security forces in order to discredit the armed forces and stir up public emotions. They also confessed that they are members of the 'clandestine' who are often involved in riots in Dili.

A clear attitude

Director of Political Affairs of the Foreign Ministry Izhar Ibrahim, told journalists at a briefing Tuesday that the fact that the Indonesian government is taking firm action to handle the Liquica incident which resulted in the deaths of several people on 12 January means that Indonesia's position on the international arena will continue strong. He said that what he meant by firm action was that the incident will be handled in accordance with the law.

"If we were to conceal things, this would not be acceptable to the international community," he said.

What is certain, said Izhar, is that the government will not allowed itself to be accused of deliberately perpetrating human rights in East Timor. "If anyone is proven to have committed abuses, the person will be tried. This is now under investigation. If no-one is guilty, we will insist that there have been no abuses," he said.

The spokesman of the armed forces (ABRI), BrigGen Syarwan Hamid said in Jakarta on Tuesday that he does not yet know whether the ABRI HQ team sent to East Timor on a fact-finding mission on 7 February has returned to Jakarta. "Even if they are back, it will take some time before they submit a written report to the ABRI commander," he said.

The team was headed by the Inspector-General for Operational Affairs, BrigGen Sumarna.

Once the team has delivered its report, it is thought likely that there will be a speedy follow-up, including a decision on whether it is necessary to set up an Honorary Military Council (DKM), in accordance with the ABRI commander's instruction to the chief-of-staff.

NINJA'S ARE SUHARTO'S OFFICIAL POLICY -- PROVOCATION AND ROLE REVERSAL AT SANTA CRUZ

By Rob Wesley-Smith [Affet], Feb. 15.

The Ninja's or Black Shirts presently operating in Dili are part of the Suharto regimes official policy, having operated in Jakarta a few years ago and again before the APEC conference in November. They operated in Dili for several years under the direction of Col. Prabowo, Suharto's favourite son-in-law. They are also used by Suharto's daughter Siti to force people to attend her rallies or to attack rallies for workers rights.

In Dili during the last week they have inflicted property damage, smashing furniture, TV etc., wounded many, killed at least one and raped a pregnant woman in front of her husband who had been tied to a chair. We know who leads them in the field, an unsavory gentleman called Lebut Melo, so why has no action been taken by the Indonesian occupying forces to stop them?

ANSWER: Because the military supplies the trucks, the clothes, the training and the money. All this has been detailed in recent CNRM press releases.

Why is this campaign going on at present? The Indonesian regimes is reeling from heightened international awareness following the Portuguese case in the International Court of Justice in the Hague. Also the detailed information flow from East Timor and the inept responses by Sen. Gareth Evans.

The Indonesian military authorities in Dili, who have shown utter contempt for world opinion and for the views of Jakarta moderates such as Ali Alatas, are trying to create a protest backlash in Dili to provide the opportunity for another Santa Cruz massacre.

Ironically, the tables were turned on the military/ninjas on Friday night when East Timorese residents rallied to the support of families being attacked, so Labut Melo and his gang had to jump the fence into the Santa Cruz cemetery and hide there until dawn when they were rescued by the military in their Hino trucks.

Such embarrassments will be compensated by interrogations and torture and already the ex Portuguese lieutenant, David Ximenes, a victim himself of six years in Cipinang Prison, has been told to report for questioning.

We demand that UN peace keepers be sent to East Timor immediately and whereabouts of all those kidnapped by ninjas, including 5 from the house of Xanana's sister, be revealed immediately.

TROOPS DEPLOYED IN DILI

Voice of America, 2/15/95. By Yenni Djahidin (not voiced), Jakarta

Reports say Indonesian military forces have been deployed in Dili, capital of the disputed territory of East Timor. As Yenni Djahidin explains in this report cabled from Jakarta, the troops were deployed after clashes between groups supporting Indonesia and those supporting independence.

Negotiations between East Timor's Roman Catholic bishop, Carlos Belo, and civilian and military leaders resulted in the deployment of troops armed with clubs.

Dili residents have been besieged by hooded vigilantes who stoned and burned houses, and assaulted people suspected of having links to the independence movement. Timorese counter-attacked the gangs, which many residents said were sponsored by elements in the Indonesian military.

Indonesia's largest daily newspaper, *Kompas*, reported Wednesday that police in Dili arrested 12 masked men known as ninjas.

The report quoted local police chief Sugianto Andreas as saying the 12 were arrested while vandalizing properties and torturing local people. He said the 12 confessed to spreading rumors that they were linked with the military.

Bishop Belo warned earlier this week that full-scale conflict could break out if authorities failed to act against the gangs. Several western governments also expressed concern.

The church official was quoted as saying authorities pledged to disband any gangs known to have been recruited by the military. He said the church would use its influence to restore calm.

Meanwhile, Indonesian defense minister Edi Sudrajat says he is still waiting for the report of a fact-finding team sent to Dili to investigate the killing of six East Timorese by Indonesian troops in January.

Military authorities at first said the six were pro-independence guerrillas killed in a clash with soldiers. Residents and independence sources said they were civilians. Later, military officials admitted at least four of the

six were civilians. But they described them as informants for the independence movement.

A government spokesman said a preliminary report indicated some soldiers exceeded existing procedures and would be dealt with according to military regulations.

ARMY NOW ATTACKING DILI RESIDENTS

Reuter, 16 February 1995. Slightly abridged

Dili – More unrest in Timor ahead of rights team visit Members of Indonesia's Human Rights Commission arrived in Dili on Thursday to investigate allegations of military killings after what residents described as another night of terror in the capital.

Locals said one youth, 19-year-old Joaquim Dorego Caetano, was shot after two truckloads of troops and informants launched a pre-dawn raid on a suburb of Dili, capital of East Timor. One other youth was badly beaten, they said.

A military spokesman denied any such attack.

"It's terrible because troops are now coming to the houses of all the young people and those who are close to the church," said one senior East Timorese figure.

Indonesian forces, seen by many residents to be linked to weeks of terror by hooded gangs, have pledged to restore order and have since Tuesday stationed troops in most public places.

Six members of the government-appointed National Human Rights Commission began an investigation of reported abuses, including the killing of six civilians by troops in January.

The military has said the six were subversives trained by Fretilin guerrillas resisting Jakarta's rule.

Diplomats said they believed the team would also investigate other incidents, including several alleged killings or disappearances of East Timorese in military custody.

Western embassies have expressed concern over the January killings, but diplomats said it was merely the clearest of a pattern of increased abuses since late last year.

The military, which has launched its own inquiry following western pressure, said it welcomed the commission members.

"We welcome the visit of the commission. The commission will tell the world what has happened in East Timor and answer its questions," military spokesman Laedan Simbolon said.

The military, which has dominated East Timor since its 1975 invasion of the former Portuguese colony, will submit the results of its inquiry to a specially formed Military Honour Commission announced last week.

"We are working on that (inquiry) and we are investigating. This is not a short process," armed forces chief General Feisal Tanjung told reporters on Thursday in Jakarta.

In Dili, residents said locals remained nervous after sleepless nights defending themselves against the so-called Ninja gangs who have attacked or abducted several dozen alleged opponents of Indonesian rule in the territory.

Despite the presence of troops, locals said most neighbourhoods retained their own vigilante groups for fear of further attacks, while others remained inside after dark.

Spokesman Simbolon said Thursday's pre-dawn incident was a quarrel between local youths and denied that troops were involved. He said no one was killed or hurt.

Locals said that informants accompanying the troops attacked and seriously injured at least one youth in the incident in the Dili suburb of Alor.

Western embassies have sent several delegations to East Timor in recent weeks. Diplomats said they were concerned by repeated reports of torture, extrajudicial killings and disappearances in recent weeks.

"It's another phase of the crackdown, to round up people and cow others into toeing the line," one Jakarta-based diplomat said.

EAST TIMOR CALLED 'NORMAL'

Voice of America, 2/17/95

By Yenni Djahidin, Jakarta

Members of an Indonesian government human rights commission are investigating alleged killings by the Indonesian military and other accusations of human rights violations in East Timor. Meanwhile, Yenni Djahidin reports from Jakarta, a member of the legislative council in East Timor has downplayed recent news reports about the situation in the troubled territory:

at a news conference Friday in Jakarta, the chairman of the East Timor council, Antonio Freitas Parada, described the situation in East Timor as normal.

An opponent of pro-independence forces, Mr. Parada said he agreed there may have been human rights violations by certain elements in the military, and said he welcomed an inquiry into these incidents.

But, he said power abuses are not coming from the government. He criticized reports by pro-independence activists abroad, such as José Ramos-Horta, saying they do not represent the people of East Timor.

Mr. Parada's comments came as five members of the government-sanctioned national human rights commission continued their investigation into civilian deaths.

Shortly after arriving Thursday, the commission members visited a village in Liquica (about 60-kilometers west of Dili) where Indonesian soldiers are alleged to have killed six civilians last month.

The military is conducting its own inquiry after an initial report was given to president Suharto. Dili military officials say the six were trained by and assisting the pro-independence movement, Fretilin.

But, local residents, church leaders, and human rights groups have rejected the military's version, saying those slain were innocent civilians.

The investigations also follow criticism by a number of foreign governments, including the United States, Australia, Canada, and New Zealand.

Meanwhile, there were mixed reports Friday from the East Timor capital – Dili.

Reuter news agency quoted residents as saying the situation was quieter, but there were reports of continuing arrests by the military.

Residents blame the recent unrest on gangs who have attacked pro-independence activists. The gangs are alleged to be connected with the military. Residents responded by attacking gang members, before the military took action.

MORE ARMY CLAIMS ABOUT HOODED GANGS

AFP in International Herald Tribune, 16 February 1995. Abridged

Jakarta – The Indonesian military in East Timor has arrested 12 people who it said belonged to gangs of black-clad, hooded men who have been terrorizing local people in recent weeks.

The gangs, dubbed 'ninjas,' have been blamed for the disappearance of five youths and the maiming of several civilians.

A spokesman for the East Timorese military, Major Simbolon said Wednesday in Dili that "13 people were arrested Tuesday during a concerted raid by public and the military." In a phone interview he said the 12 were either sympathisers with or members of an urban pro-independence movement known as 'clandestine.'

But many people in East Timor, including officials of the Church, believe the gangs are paid by military intelligence to terrorise supporters of independence.

Simbolon said the detainees had been bent on "creating disturbances in East Timor." And they had been spreading rumours about terror groups to discredit the Indonesian armed forces there, he added.

He said the arrests came after a bank guard was kidnapped, beaten and left for dead at a local plantation Monday. One of the victim's ears was cut off.

The Indonesian army chief, Col. Kiki Syahnakri, also contacted by phone, said Wednesday: "The ninja issue currently circulating in Dili was intentionally launched by East Timorese anti-integration groups for political aims."

He meanwhile acknowledged that six men who were killed last month by Indonesian troops were a mix of civilians and members of the independence movement. But he maintained that the civilians "were under the influence" of the Fretilin movement. He said two of the six were known guerrillas and the others were civilians who had recently joined Fretilin. He said investigators he sent to the scene on 13 Jan, the day after the shootings, told him that there was evidence that the four had joined the movement in November.

Immediately after the shooting, the military claimed that all the victims were Fretilin guerrillas. But witnesses, including a source close to the Church, said all the victims were civilians and that they had been executed by soldiers. The witnesses contend that the six were slain to avenge soldiers killed in a battle with Fretilin fighters on the day before.

The Indonesian state secretary, Murdiono, said Saturday that a military investigation of the incident had found irregularities in the slayings.

MORE ARRESTS

Reuter, 21 February 1995. By Jeremy Wagstaff. Abridged

Jakarta – East Timor, reeling from weeks of night raids by hooded gangs and the military, has been hit by a fresh wave of arrests, residents said Tuesday. They said by phone from Dili that between 10 and 15 people had been detained since Sunday including one agricultural student taken by the police on his return from West Timor Monday.

"We don't know how many but it is correct that there have been more arrests," said one resident.

Police chief Andreas Sugianto denied the reports, saying only two people had been arrested late on Monday suspected of causing damage but released on lack of evidence.

Foreign journalists have been barred from entering the territory during the past several weeks. Western governments have expressed concern over the situation after troops shot dead six villagers near Liquica, west of Dili.

Residents said that weeks of attacks by hooded ninja gangs - black-clad youths believed to be linked to the military - had taken their toll, leaving whole neighbourhoods terrified into forming their own vigilante groups. The capital remained tense despite the reappearance of some public transport after dark.

Over the past few days, several youths, most of those targeted earlier by the gangs,

have been rounded up in the suburbs of Dili, residents said. "So many arrests are going on in the suburbs of Dili," one resident said. "It's still happening and it's impossible to count."

Police chief Sugianto said 14 Timorese were still being held, 12 of whom would be charged. He said the 12 were vigilantes - set up by neighbourhoods to counter the ninja - who had gone on the rampage after the attacks. "Dili is quiet now and under control but the police will continue to search for those suspected of crimes," he said.

But residents said despite the disappearance of hooded gangs, they saw little end to the harassment and arrests which appeared to be aimed at removing those dissidents and youths linked to renewed street protests which erupted in November. Most said they were afraid to leave their home after dark. Most shops shut down mid-afternoon and did not re-open.

"Just threats, threats, threats. The government is very smart to make everything look good, but it's very forced," one said.

SIX NEW ARRESTS

Free translation/summary from Portuguese.

Dili, Feb. 23 (LUSA) - The Indonesian authorities arrested today in Liquica six civil servants, under accusation of conspiracy against State security. According to a source of the central administration, the six men had been meeting with members of the resistance and were planning a campaign against the Indonesian authorities. The six are currently under interrogation to determine the degree of their involvement with FRETILIN.

CNRM: EAST TIMOR 'NINJA' TERROR SPREADS INLAND

Suharto son-in-law protects terrorist leaders; Military step up fraudulent efforts to deceive outside world

CNRM - Media statement, 23 February 95

So-called 'ninja' death squads working for the Indonesian military (ABRI) continue their terror and intimidation against East Timorese civilians suspected of anti-integration sympathies. Their action has now shifted to less conspicuous locations outside Dili. Clear evidence proves ABRI backing for civilian terrorist gangs, despite strong denials by Indonesian military authorities. Suharto's son-in-law Col. Prabowo has just made a special trip to Dili to secure release of a ninja leader accidentally captured by the Air Force.

Strong foreign condemnation of ABRI-backed 'ninja' terrorist gang harassment of the Dili population, and military fears of a

popular uprising in the East Timor capital, have led to major tactical changes in recent days. Intense ninja activities have now spread to rural centres like Liquica, Ermera and Gleno, while diminishing in Dili. Military authorities shamelessly continue denying any involvement. The military Vice Governor, Head of Police and Military Commander, all feigned ignorance when Bishop Belo met them last week to demand that the police seriously intervene to put an end to the terror activities. Despite military claims that they have managed to restore calm to Dili, the real cause of the reduction in ninja activity in the capital is the vigorous self-defence reaction of the population.

The strong criticism of ABRI's provocation of civilian unrest in Dili voiced by the population, the Catholic Church, NGOs and some foreign governments, has led to new military attempts to cover up the real situation, while ABRI intensely continues to pursue its goal of crushing all anti-integration activity by the local youth.

Indonesian military and police are now arresting some of their ninja recruits who had denounced them. Large numbers of anti-integration East Timorese youths who have stood up to the terrorists are also arrested, accused of violence. After intense torture, these youths are made to sign statements 'confessing' their participation in ninja gangs. They are then kept detained with the true ninja members for future trial. The military can thus claim to be cracking down on urban terrorists, substantiating their allegations that these are anti-integrationists. Meanwhile, key ABRI collaborators, ninja leaders such as Labut Melo, Martinho Fernandes, Mota, Alan, and Fernando Barcaca, continue to actively direct terrorist actions in villages, paying new recruits to join in.

Further evidence of top military support for the ninjas is the special trip just made to Dili by President Suharto's son-in-law, Army Colonel Prabowo, for years associated with mysterious death squads, to secure the release from detention by the Air Force of ninja leader Martinho Fernandes. He had been accidentally captured by Air Force personnel at their housing complex in Dili during a night time ninja terror action last week. Another indication of close military involvement with ninja leaders came during questioning of local Assembly member Manuel Carrascalão by military authorities. He was interrogated by the Dili army district commander, accused of funding and supporting youth terrorists, while in fact he was assisting the youth to defend themselves from the ninjas. During his detention, Carrascalão clearly heard several detained ninja members acknowledge that they had been recruited by the military for payment, a fact confirmed by some officials.

Meanwhile extrajudicial killings, disappearances and torture continue in East Timor. Three youths abducted by ninjas in joint action with military on 9 February, Angelo Saldanha, Manuel Reis, and Domingos Almeida, are in detention at the Dili central military intelligence head quarters (SGI), where they are being tortured. Another youth similarly abducted that day, João Baptista, is in the military hospital in Dili in a serious state after being tortured at SGI. Henrique Belmiro, detained at SGI is reported to be in a very bad condition as a result of torture.

Three youth from Ermera have been taken to Dili and detained at Tibar. They are falsely being accused by SGI of having been involved in the Liquica incidents which led to ABRI murder of civilians, causing international protests. The aim seems to be to deflect attention from the real issue, namely the ABRI massacre of civilians.

Five youth from Matadouro quarter in Dili, who disappeared after a peaceful demonstration brutally broken up by the military on 9 January, are now feared dead. They are Eugenio Pinto (19), Armando Soares (18), Julião Pinto (18), José Pinto (19) all of Viqueque, and Francisco Amaral (35) of Los Palos. Their bodies may be among those which have appeared in rice bags in recent days.

News of the international concern at the recent massacre of civilians by ABRI personnel in Liquica has been well received by the Dili population. However, the Indonesian professions of willingness to investigate the incident are not considered credible. Caution is recommended, as current events and military statements once again give a clear indication of customary ABRI fraudulence and bad faith. It is also stressed that the Liquica massacre is not an isolated event requiring particular attention. It is merely another expression of the prevalent aggression and retaliation by ABRI against the East Timorese population, which has always been perceived by the occupying military forces as an enemy to be crushed.

The continuously deteriorating situation in East Timor, and according to recent rumours, the possible total closure of the territory to foreigners,* makes the presence of an impartial UN observer presence in East Timor a matter of extreme urgency.

* The Australian Ambassador and staff have been denied permission to visit East Timor in recent days, immediately prior to Foreign Minister Evans' unscheduled visit to Jakarta. Australian parliamentarians are seeking clarification on this most serious matter.

AI: MORE DETENTIONS

AI FI033/95 INDONESIA Intimidation

ASA 21/16/95, 23 February 1995

Further information (1) on UA 33/95 (ASA 21/14/95, 13 February 1995)

Up to 15 detained in East Timor, including Paul Asis, Antonio Miguel Escorial Soares (36), Ricky Valmero

Attacks by so-called Ninja gangs appear to have subsided in the East Timorese capital, Dili. However, up to 15 individuals are reported to have been arrested by police and military forces in the city between 18 and 22 February 1995. Amnesty International is concerned that some of those in detention may at risk of torture. To date, the organization has few details of the arrests.

One of those known to have been arrested is Antonio Miguel Escorial Soares, who was detained by the Indonesian military intelligence unit, Satuan Tugas Intelijen (SGI) on 18 January and transferred to police custody in Mascarenhas, Dili. He was reportedly arrested from the village of Santa Cruz in Dili. Precise reasons for his detention are unclear. Paul Asis was reportedly summoned for questioning by the authorities on 20 February. Ricky Valmero is reported to be held in police custody.

East Timor's police chief, Andreas Sugianto, quoted by Reuters on 21 February, stated that 14 people are currently being held, 12 of whom will be charged in relation to their attempts to set up vigilante groups to counter attacks by the Ninja gangs. While some of those detained appear to have been arrested in connection with vigilante activities, it appears that others may have been arrested for their involvement in pro-independence activities and were people previously targeted by the Ninja gangs.

Amnesty International fears that some of those in detention may be at risk of torture, particularly in view of allegations made by the family of Ricky Valmero that he has been tortured while in custody.

BACKGROUND INFORMATION

The recent arrests follow activities in East Timor by the so-called Ninja gangs, who began operating in early February 1995, stoning and burning houses and attacking residents of Dili. Their primary objective appears to have been to target pro-independence activists and to create an intensified atmosphere of fear for those opposed to Indonesian rule. Sources claim that these gangs were hired by the security forces to intimidate pro-independence activism. Military spokesperson Major Laedan Simbolon has denied that the groups were linked to the military and alleged that the groups were

East Timorese opposed to Indonesia's occupation of their country. Several members of the Ninja gangs are believed to have been detained. It appears that the Ninja gangs are no longer active in Dili; however, there are unconfirmed reports that they are continuing their activities in more remote areas of East Timor. It is not known whether or not 29 individuals who were allegedly abducted by the these gangs between 7 and 13 February 1995 are still being held.

Since November 1994, the level of unrest in East Timor has increased dramatically with a greater number of peaceful demonstrations, as well as riots against Indonesia's occupation of East Timor. Indonesian security forces have responded to the unrest with arbitrary and short-term detentions, detention of prisoners of conscience, torture and suspected extrajudicial executions. In one incident in January, the armed forces announced that they had killed six "guerrillas" in a military confrontation in Liquica, East Timor. A witness to the killing stated that the six were civilians, not members of the armed resistance. Although the military continue to deny that the six were civilians, the Indonesian Government has acknowledged that soldiers involved in the incident may face a court martial and has announced an inquiry.

RECOMMENDED ACTION:

Please send telegrams/telexes/faxes/ express and airmail letters either in Bahasa Indonesia or in your own language:

- urging the Indonesian authorities to provide details of the whereabouts of those detained in recent weeks, as well as any charges that are to be brought against them; urging that those in detention be given immediate and regular access to relatives and lawyers;
- asking that all possible measures be taken to ensure the safety of the detainees;
- calling on the authorities to release any prisoners who may be held solely for the peaceful expression of their beliefs;
- calling on the Indonesian government to allow independent human rights monitors access to East Timor.

'NINJA' TERROR

Green Left #177, March 1. By Max Lane

Indonesian President Suharto's son-in-law, Colonel Prabowo, has been cultivating an image of being interested in trying to reach some form of compromise solution in East Timor. He has visited both Bishop Belo in Dili and Xanana in jail in Jakarta, touting solutions like "autonomy" and "special status" for East Timor.

However, according to a statement by National Council for Maubere Resistance (CNRM) on February 23, Prabowo recently visited East Timor to secure the release from jail in Dili of Matinho Fernandes.

Fernandes was accidentally captured by air force personnel at their housing complex during a night-time terrorist action by pro-Indonesian thugs in mid-February. He is known as one of the main organisers of the regime's thugs, referred to in Dili as "ninja gangs." The revelation of Prabowo's links with these gangs has not surprised anybody.

The gangs have been terrorizing pro-independence East Timorese since early February. Combining terror with suggestions of compromise is a long-term Suharto tactic. In the end, terror and suppression always emerge as the most important.

According to the CNRM statement, three youths - Angelo Saldanha, Manuel Reis and Domingos Almeida - abducted by ninjas in a joint action with the military on February 9 are being tortured in Dili Central Intelligence Headquarters. Henrique Belmiro, also detained there, is reported to be in serious condition as a result of torture. João Baptista, also abducted on February 9, is in the Dili military hospital in a serious condition as a result of torture.

There is now report of increased ninja activities in the smaller provincial towns, while East Timorese arrested earlier in the month are feared dead. Eugenio Pinto (19), Armando Soares (18), Julião Pinto (18), José Pinto (19), all of Viqueque, and Francisco Amaral (35) of Los Palos, who disappeared after a peaceful demonstration on January 9 in Dili, are now feared dead.

The ongoing violence is in clear breach of an agreement reached on Feb. 13 between Bishop Belo and the civil and military authorities in Dili, regarding the climate of terror since the appearance of the "ninjas."

The bishop told the Portuguese newspaper LUSA that the authorities had set up a meeting between him, vice-governor Haribowo, police commander Subianto and a military colonel who was representing military commander Kiki. The meeting took place at the bishop's home. Among the decisions reached was that the authorities should disperse military-backed ninja gangs immediately.

The bishop also said it was agreed that the police must assume responsibility for maintaining order. "The Dili administrator must meet with the neighbourhood leaders to co-ordinate with them security measures to protect the populations of those neighbourhoods."

POLITICAL UNREST BLAMED FOR TIMOR'S ECONOMIC PLIGHT

Canberra Times, Feb. 25, By Jeremy Wagstaff.

Jakarta, Reuter – “You’re faced with a vicious circle,” João Mariano de Sousa Saldanha, author of recent book on East Timor’s economic and one of only a handful of indigenous academics, said.

“The income is low, the quality of education is low, so the only opportunities are in government projects which tend to circulate money through a few pockets, and often to outside East Timor.”

East Timor, a forgotten corner of the Portuguese empire until Lisbon withdrew in 1975, faced a brief civil war and a massive invasion by Indonesia forces in the same year, from which it has never fully recovered.

Apart from the 200,000 people who were killed or died of starvation, more than 80 per cent of the territory’s livestock also perished in the years after the invasion.

Despite millions of dollars of Indonesian state investment - by far Jakarta’s highest per capita development expenditure at 44 billions rupiah (\$A29.7 million) in 1993-94 - most of East Timor’s 800,000 people remain resentful of Jakarta’s rule.

“There is a lot of development going on in East Timor, but it is not development dictated or led by the East Timorese people themselves,” Indonesian academic George Aditjondro said.

Part of the problem, academics say, is that the lion’s share of the economy and its infrastructure projects remains in the hands of a few companies, the most successful of which is PT Bataru Indra, which Mr. Saldanha says retains military links.

The group, which has at least 14 affiliates, enjoys monopolies or near-monopolies in coffee, by far the territory’s biggest industry, as well as sandalwood, marble, civil engineering projects and the retail and hotel sectors.

Such practices may be changing. Last year Governor Abilio Soares opened up the coffee trade, which accounts for 90 per cent of the territory’s exports, effectively ending the group’s monopoly over shipping of the commodity.

Despite a sharp dip in coffee exports in 1993, the last available statistics, to 3800 tonnes from 6250 tonnes in 1992, economists said the Governor’s reforms had already served to boost local coffee prices and free up the market.

The territory is also looking at coconut, rice, fishing and sandalwood to boost its earnings and reduce its dependence on government hand-outs.

Tourism is also a possibility, with 16.3million rupiah (\$A34.14million) allocated in 1994-95 towards the industry.

But private investment has been slow in coming, in part because of poor infrastructure and low educational standards.

A California-based company has already started construction of a port facility as part of a \$US5 million (\$A6.75 million) fisheries project, Mr. Saldanha said.

Other deals have not been so forthcoming. “East Timorese are getting used to hearing lots of promises and no results,” one businessman familiar with the region said.

Academics says a major brake on investment is the political situation. One US university has delayed a \$US250,000 (\$A337,375) project of political unrest.

“The trouble is not one of natural resources, but of human resources, and above all the political situation,” Mr. Saldanha said.

“Businessmen are very rational. They will not go there before a political solution is found.”

Sidebar: MILITARY DETAINS WORKERS

AP, Dili: Friday: The military has arrested six East Timorese government employees suspected of conspiring against the local pro-Indonesian administration, officials said yesterday.

The six allegedly held meetings with anti-Indonesian groups and were planning to launch a campaign against the local government, provincial official Mali Koli said.

The six men were picked up in the district of Lliquica, about 60Km west of Dili, where troops shot and killed six people on January 12.

The military says the victims were separatists guerrillas and rebel informants and were killed during a raid on a house where 45 guerrillas were hiding.

Mr. Koli said the military were questioning the six to determine whether they had any connections with the guerrillas of the Revolutionary Front for the Independence of East Timor, which opposes East Timor’s integration with Indonesia.

SYSTEMATIC ELIMINATION OF YOUNG MEN “CONTINUING”

The Irish Times, 25 Feb., By David Shanks

Against a background of a ban on foreign journalists entering East Timor, a major conflict emerged yesterday between the Indonesian army and the country’s National Commission on Human rights, according to news agency and others reports.

As the commission agreed with the view of the disputed territory’s bishop that six

people killed by the military on Jan. 12th were civilians and not separatist FRETILIN guerrillas — as the army maintains — the army announced its own inquiry.

A committee of 36 people, 20 of them top ranking officers, was announced by the army chief, General Hartono, on the same day as the delayed publication of the rights commission findings.

Meanwhile, there have been ominous reports of “special forces” activity in East Timor directed, not so much against an estimated 200 guerrillas in the mountains, but young men thought to oppose the rule of Indonesia, which invaded the territory in 1975, arresting its decolonisation from Portugal.

According to a source abroad who is in frequent contact with the Catholic Church in East Timor, the special forces were conducting “sweeping maneuvers” in which young men are being arrested and murdered throughout the territory.

A military spokesman denied there was an atmosphere of fear.

The Timorese source said that “very, very systematic and careful elimination,” particularly of young men whose political “attitude is not right” had been going on for at least a month.

“Young people are being picked up in the fields and disappeared—anyone in sentiment of liberation or independence” for East Timor, which is still recognised by the United Nations as the administrative responsibility of Portugal.

The Timorese source said he had talked this week to Bishop Carlos Filipe Ximenes Belo of Dili. The bishop said every day someone comes to his residence to declare “They kill my son.”

The exclusion of foreign journalists was, he said, linked to the current wave of oppression.

Indonesia, after considering a visa application from *The Irish Times* for a month, this week replied that a visa to visit outlying parts of Indonesia would be granted but permission for East Timor was refused. An Indonesian embassy spokesman in London said yesterday that permits to foreign journalists for East Timor were unlikely to be available until controversy about last months killings was resolved.

GANGS TERRORIZING EAST TIMOR SEEN AS EFFORT TO QUELL DISSENT

New York Times, February 26, 1995. by Philip Shenon

Manila, Feb. 25 – Black-hooded gangs have rampaged through East Timor in recent weeks in what dissident groups say is a

stepped-up campaign by the Indonesian Army to crush a popular separatist movement in the former Portuguese colony.

Human rights campaigners and exile groups have alleged that the Indonesian military is responsible for the terror campaign, in which gangs armed with knives and sticks and wearing black hoods have abducted and beaten dozens of people linked to the independence movement.

The military, which has maintained a large armed force in East Timor since it was annexed by Indonesia after an invasion in 1975, has denied any involvement with the gangs, insisting instead that the gang members are pro-independence militants eager to stir up trouble in the province.

But recent visitors to East Timor say the military's assertions are being met with skepticism by many if not most of the 750,000 people of East Timor, especially after the army declared that soldiers had "accidentally" killed six civilians there last month.

In a brief statement released on Friday, the military acknowledged that investigators had found a "violation of procedures" by troops who were involved in the deaths. The statement offered no details, and it was not clear if the soldiers would face any sort of discipline.

Diplomats in Jakarta, the Indonesian capital, said in interviews that the Government had undertaken a new campaign to mop up dissidents in East Timor and that the gangs might be one element of the crackdown.

"Whether the military organized these gangs, I can't say," a Western diplomat in Jakarta said in a telephone interview. "But I don't think the military is unhappy about what the gangs have been doing."

Others in East Timor have directly linked the Indonesian Army to the gangs. One member of the provincial parliament, Manuel Carrascalão, said in an interview with a local reporter that the military was behind the gang attacks because "they want to threaten anti-integration groups in East Timor."

The army had earlier announced an investigation of the killings of the six civilians on Jan. 18 in the district of Liquica, about 17 miles west of the provincial capital, Dili, and promised that it would punish – and possibly court-martial – soldiers who had violated military law.

At the same time, army spokesmen had defended the soldiers, insisting that the six men had been killed in a raid on a camp of the outlawed separatist movement known as Fretilin.

"I have no doubt about my soldiers," said Gen. Adang Ruchiata, the local army commander. "They did nothing wrong."

Neighbors of the six men have told local reporters that the dead men had been villag-

ers with no formal ties to the separatist movement.

Human rights groups and foreign diplomats agree that the Government moved aggressively against groups in East Timor after protests by Timorese dissidents in Dili and Jakarta during a meeting of Asian and Pacific leaders in November, which President Clinton attended.

Days before Mr. Clinton's arrival in Jakarta, a group of East Timorese protesters scaled the walls of United States Embassy, where they remained until they were granted safe passage to Portugal. During the meeting, the Government allowed foreign reporters free entry to East Timor, but it has since reimposed restrictions on travel there.

Although Indonesia has tried to assert itself as a leader among developing nations, its efforts have been repeatedly undermined by human rights abuses in East Timor.

In the 20 years since the invasion, Indonesia has faced waves of international condemnation over its treatment of the East Timorese.

DISAPPEARANCES TO BE INVESTIGATED

Reuter, 28 February 1995. Abridged

Some sources in East Timor believe that five bodies wrapped in rice-bags discovered some weeks ago were the remains of the five youths referred to in this item.

The level of response by the authorities in Dili suggests that there is a push from Jakarta not only to appease international opinion but also to bring about the downfall of the army officers currently in charge of security in East Timor. – TAPOL

Jakarta – Indonesian police in East Timor said on Tuesday they would investigate reports that five East Timorese have been missing since their arrest last month at a pro-independence rally. Residents said by phone from Dili there were rumours that the five youth, detained on January 9, had died in custody.

"There are rumours about the missing five and we are investigating the truth about the reports," East Timor police chief Col. Andreas Sugianto told Reuters.

The military said the government-appointed human rights commission are investigating the incident.

The UN Human Rights Commission in Geneva was due to debate this week a report by its special rapporteur on torture (sic: should be extrajudicial killings) which is critical of Indonesia's role in the territory.

In a report issued in Geneva, the US-based Human Rights Watch called on the commission to push Indonesia to halt what it

called "a downslide" in respect for human rights in East Timor.

"While the Indonesian government has a clear obligation to respond to acts of violence in East Timor since November, including arson and assault, many of the actions of its security forces have gone beyond the bounds of international human rights and humanitarian law," it said.

Residents in Dili said the five youths, aged between 18 and 35, disappeared after taking part in a demonstration outside Dili's university campus. "We are convinced they are dead. No-one has heard anything about them since the day they disappeared," one resident said.

Sugianto said the youths might have returned home, adding that their families had not registered complaints with the police.

Residents rarely report such cases to the police for fear of drawing attention to themselves.

CALL FOR UN PRESENCE

Joint Statement from BCET and TAPOL, March 2, 1995

The British Coalition for East Timor, and TAPOL, the Indonesia Human Rights Campaign, are calling on the United Nations to establish a human rights monitoring presence in East Timor with the utmost urgency. The situation is becoming more volatile and serious day by day, and an independent international presence is essential.

We want the UN to set up a human rights monitoring team of trained and competent individuals from outside the region, which would operate, at an absolute minimum, for three months. We strongly urge that the UN consider making the presence of such a team permanent. If this is not possible, we would call for the permanent presence of a representative of the Secretary-General to be based in Dili, the capital of East Timor.

Any such team or representative should report directly to ESCAP (the Economic and Social Council for the Asia-Pacific region) in Bangkok or to the Secretary-General in New York. This would ensure that their presence does not imply recognition of the Indonesian occupation of East Timor. In essence, this reflects the position of the Catholic Church of East Timor which is not part of the Indonesian diocese but is responsible to, and administered by, the Vatican, not the Bishops' Conference of Indonesia.

Background

The human rights situation in East Timor has deteriorated drastically since November 1994. In November and January, there were serious outbreaks of urban violence, sparked by the killing of Timorese by Indonesian settlers. These outbreaks, which led to con-

siderable destruction of property and some deaths, were made worse by the extreme and violent police reaction. It is also possible that they were the result of deliberate provocations.

Nine young Timorese are reported to have been shot dead on January 9, shortly after a peaceful demonstration. The father of one of the young men is also said to have been killed, after he went to battalion headquarters to enquire after his son. Indonesian police have acknowledged that five of these young men are considered to be "missing." Local inhabitants believe that these five youths are already dead.

On January 12, six civilians were executed in cold blood in the village of Liquica, an incident which has drawn such condemnation that even the Indonesian government is treating it seriously. Death squads, known as "ninjas," have been operating in Dili, with at least twenty-nine "disappearances" and eight killings confirmed by the pro-Indonesian local administration. In response, the army has deployed troops throughout Dili, who are, for the most part, arresting and killing pro-independence activists rather than taking action against the "ninjas."

Meanwhile, many East Timorese youths are standing trial for participating in peaceful demonstrations in November and January. They are likely to be given long prison sentences.

Some moves to address these extreme abuses have been made by the Indonesian government and by the semi-independent National Commission on Human Rights, particularly with regard to the killings in Liquica. But it is clear that the Indonesian government and military are very much parties in the conflict, and cannot be considered in any way as objective or independent bodies.

It is vital that there be a presence in East Timor which is genuinely and entirely independent. Such a presence could collect reliable information on human rights abuses, monitor and hopefully prevent further incidents, and provide some protection for the beleaguered people of East Timor.

We hope that in the longer term, in accordance with the Peace Plan of the CNRM, the UN specialized agencies could also be established in East Timor in order to build long-term stability, free of military control. But at this time, it is the simple prevention of atrocities that is a priority.

The British government, as a permanent member of the UN Security Council, can and should take a leading role in pressing for such a presence to be established. The government states that it has never recognised the Indonesian annexation of East Timor, and says that it is concerned about all reports of human rights violations. If this is true, Britain

should use its position on the Security Council to make sure that a UN human rights monitoring team is dispatched to East Timor as quickly as possible. We must press the Foreign Office to take action at the UN immediately.

We call on all peace and human rights organisations in the UK, along with the UN Association to join us in this important campaign.

30 ARRESTED IN DILI AND LIQUICA

AP, UPI and Portuguese Radio, 6 March 1995. Abridged

Jakarta – Indonesian military authorities have arrested about 30 pro-independence activists, army and police officials said Monday. The army chief, Col. Kiki Syahnakri, said the authorities "arrested supporters and followers of the Fretilin in Dili and in the Liquica area, 30 miles away.

The authorities believe the rebels have set up a new stronghold in Liquica. Syahnakri did not say how many people were detained but an officer in the Dili police command who refused to be identified said about thirty people were arrested.

The officer said some of those arrested were suspected of disseminating the 'ninja' issue. The arrests came a week after the National Commission for Human Rights accused the military of intimidation and torture of civilians.

AP adds:

Some of the detainees were employees of the local government. The arrested were believed to be the first since a report from the National Commission for Human Rights accused the army of human rights abuses.

Major-General Adang Ruchyatna [commander of the military command in Bali] said the Commission's findings would not inhibit soldiers from carrying out their duties in East Timor.

IN Portugal, Fretilin representative Mari Alkatiri told Portuguese radio that the 30 arrests were in response to the growth of the resistance movement and its success in dealing with the 'ninjas.'

"The wave of arrests continues," said Alkatiri. "If we ask why they are doing it, it all becomes very clear; the clandestine resistance continues to grow and this is ... a kind of reaction to the emergence of a self-defence organisation to the fight the ninjas."

AI: 30 MORE DETAINED IN DILI AND LIQUICA

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UA 58/95 Fear of torture/Arbitrary detention

Up to 30 pro-independence supporters detained in Dili and Liquica, East Timor

On 4 March 1995, up to 30 East Timorese, including several civil servants, were arrested by the Indonesian army in Dili, the capital of East Timor, and in Liquica, west of Dili. Amnesty International fears for their safety in view of recent reports of torture of detainees held in military and police custody. The organization is also concerned that some may be being held solely for their peaceful opposition to Indonesian rule in East Timor. East Timor's military chief, Colonel Kiki Syahnakri was quoted on 6 March as saying the group were being held in military custody in Dili. Amnesty International does not know the names of those detained or their exact whereabouts.

Colonel Kiki Syahnakri has said that the group were arrested because they were believed to be "supporters and followers of the Fretilin," the Revolutionary Front for an Independent East Timor. However Indonesia's own National Commission on Human Rights was quoted last week as saying that there had been no indications of armed resistance in one of the locations of the arrests, Liquica, for the last 10 years.

BACKGROUND INFORMATION

The arrests are part of a crackdown by the military authorities in East Timor since widespread unrest resurfaced in November 1994. Since then, dozens of individuals have been subjected to short-term detention, and large numbers of people are facing trial, some for their involvement in an entirely peaceful demonstration. There are continuing reports of torture, extrajudicial executions and "disappearances." In addition, pro-independence activists have been subjected to attacks by so-called Ninja gangs, who appear to have been acting in connivance with the security forces. While attacks by Ninja gangs appear to have subsided in Dili, residents in more remote towns claim that attacks by the gangs are continuing.

Last week, the Indonesian National Commission on Human Rights announced that six East Timorese killed by the army in Liquica in January 1995 were civilians, not armed members of the resistance. An Honorary Military Council, appointed by the Indonesian Government, is still conducting an inquiry into the incident.

RECOMMENDED ACTION:

Please send telegrams/telexes/faxes/ express and airmail letters either in Bahasa Indonesia or in your own language:

- urging the authorities to provide details of those detained on 4 March 1995 in Dili

and Liquica, including their exact whereabouts and any charges to be brought against them, and urging that they be given immediate and regular access to relatives and lawyers;

- asking that all possible measures be taken to ensure the safety of the detainees;
- calling on the authorities to release any prisoners being held solely for the peaceful expression of their beliefs;
- calling on the Indonesian government to allow independent human rights monitors access to East Timor.

TWO NEW BATTALIONS, 180 ARRESTS EXPECTED

LUSA, March 7. Summarized from Portuguese.

Lisbon - A source from the resistance told LUSA today that two army battalions arrived Sunday in Dili, where they are expected to stay until May, with the task of barring demonstrations against the occupation until the next meeting between the foreign ministers of Portugal and Indonesia, scheduled for May 19 in NY. These are reported to be battalions 643 and 521, which are to operate in the Western and Eastern parts of the city, respectively. Thus, the number of battalions in ET is now ten.

Jakarta has been stating for months that seven of these battalions perform strictly civil duties, but a collection of maps and documents captured in September by the guerrilla, and recently published in the Portuguese paper "O Publico," shows that this version is false.

Meanwhile, the Indonesian military, under supervision by colonel Prabowo, have converted a house in Dili by the beach into a strategic fortress. According to the resistance, the conversion cost 200 million rupies, and its purpose is to headquarter the military operations in Dili.

The Clandestine Front of the resistance gathered information according to which the military have made a list of 180 Timorese public officials from Dili who are to be arrested in the next few weeks, under charges of either being members of or supporting the resistance.

The same source told LUSA that ET governor Abilio Osorio Soares was asked to sign the arrest warrants, which he refused to do. His refusal is reportedly one of the reasons why he was transferred to Jakarta. The official reason is that he is to attend a 4-month education course.

LIST OF TIMORESE RECENTLY ARRESTED

From Rob Wesley-Smith, Australians for a Free East Timor, Darwin. March 10

Recently incarcerated and tortured victims of the brutal occupation of East Timor: another appeal to the world and urgently to the Australian ambassador now in East Timor.

News has been received of some names of recent victims of Indonesian military occupation of East Timor.

We appeal to governments, human rights organisations and NGOs to demand from Indonesia, access to the listed people to ascertain their condition and that they be released back to their communities immediately and all charges dropped.

Further, we are sending this to the Australian government to ask its ambassador, Mr. Taylor, to personally ascertain the well being of these people before he leaves East Timor - at least then he may have accomplished something useful instead of having cups of tea with Kiki Syahnakri and Governor Soares.

Meanwhile the public relations branch of the Australian Defence Force in their Wednesday 8 March press release, states that the Indonesian frigate the "Kri Fatahillah" with three military observers will participate in the Kakadu 2 Naval exercises to the north of Darwin from the 13th to 31 March.

The names of some of the Timorese arrested are:

a. Captured on 12th November 1994

1. Jorge Amaral
2. Luis Tavares
3. João Manuel
4. Alexandrino da Costa
5. Alfredo
6. Inacio di Jesus

b. Captured in front of governor's office.

1. Mario Pinto da Costa
2. Benaito Salon
3. José Domingos (?)
4. Lomos Brito

c. Captured at the East Timor University at demonstration 9/Jan/95

1. José Antonio Belo
2. José Pinto
3. Carlos Barrelo
4. Filomeno dos Santos
5. Ilipolito da Silva
6. Aping da Costa
7. Filipe

d. Others captured at various places Nov.94 - March 95

1. Matias

2. Henrique Belmiro
3. Alves Riveiro
4. Antonio me Soares
5. Augusto da Costa
6. Octavianos da Conceicao
7. Benjamin da Costa
8. Filipe Mascarenhas
9. Mateus Amaral
10. Amandio dos Reis
11. Marcelino A Ribeiro
12. José de Jesus Lemos
13. Nelson Guterres
14. José Soares
15. Manuel do Rego
16. Sancho Guterres
17. Afonso Guterres
18. Antonio de Carvalho

EAST TIMOR CRACKDOWN 'WORST SINCE MASSACRE'

*The Australian, Saturday March 11 1995
Patrick Walters in Dili - slightly abridged.*

Leading East Timorese NGO spokesman, Florentino Sarmento, said that the human rights situation in East Timor had continued to deteriorate and was now worse than at any time since 1991. He said there was now 'deep unrest' among the East Timorese. 'Since November there have been disappearances, arrests and arbitrary detentions. It's frightening.'

He said that Jakarta had failed to learn any lessons from the November 1991 massacre. The violent state of affairs had continued and had led to the growth of a very strong East Timorese nationalism.

'East Timorese are really obliged to live on their own rather than live together in peace with the Indonesians,' Mr. Sarmento said.

A disillusioned supporter of East Timor's integration into Indonesia, Mr. Sarmento now argues that a measure of greater political autonomy for the province which recognizes East Timor's different historical connections is a necessity for political stability. However the autonomy proposal put forward by Governor Abilio Soares & Bishop Belo had been ignored by Jakarta. Mr. Sarmento said it was no longer good enough for Indonesia to simply focus on economic development in the province. A political settlement, while not questioning Indonesian sovereignty, had to address the problem of the human dignity of the local population.

The Australian Ambassador, Alan Taylor, has arrived in Dili for a 5 day visit. After meeting the deputy Governor, Haribowo, on Thursday he visited Australian-funded water projects on the outskirts of Dili. On Friday he travelled to Bacau & Los Palos to talk

with local authorities and to visit some schools.

Also in Dili is Rev. Alan Gill, General Secretary of the National Council of Churches in Australia. Mr. Gill is visiting East Timor for 5 days.

He said he believed there was still a 'deep sense of alienation' felt by the people of East Timor about the political situation in the province. While there had been some surface improvements since his 1992 visit he found that 'all the people I have talked to say that nothing has really changed. They speak of the heavy military presence, frequent violations of human rights and surveillance by security people.' He said that Australian churches should build closer links with East Timor.

LIQUICA KILLINGS EXPOSE ARMY

ABRI COVER-UP, TERROR CAMPAIGN ALLEGED

East Timor CNRM- National Council of Maubere Resistance MEDIA RELEASE, 25 January 1995

INDONESIAN MILITARY CONTINUE CONTEMPTIBLE ACTIONS AGAINST EAST TIMORESE CIVILIANS

Last week CNRM denounced as lies the much heralded Indonesian military claims of 13 January that ABRI troops had killed six East Timorese guerrillas in battle. The truth, as reported by civilian and Church sources, was that the Indonesian military executed six civilians by shooting. While ABRI denied the CNRM accusation, BBC confirmed it through its own sources.

It has now been revealed from Dili that in order to conceal its contemptible latest massacre of innocent civilians, large numbers of ABRI troops have meanwhile been placed in the Liquica area. They have been intimidating the local population, including the Catholic priest Father Rafael Santos, to prevent further disclosure of details of the massacre, including confirming that the dead were civilians. As part of their intimidation campaign, and in order to justify their increased presence and control ABRI also invented the absurd story that East Timorese youth were planning to exhume the corpses and stage a demonstration.

Meanwhile an ABRI instigated campaign of terror is under way against civilians considered hostile to the occupation authorities. Black shirted youths are sent roaming through Dili streets at night to create disturbances in Vila Verde, Taibessi, Toko Baru and other quarters. Heavy stoning of private houses has been taking place during the last few days.

Of the East Timorese youths detained in Dili after the anti-Indonesian demonstration on 9 January four still remain unaccounted for. These are Francisco Amaral, Eduardo(?) Soares, Julião Pinto, Eustaquio Pinto, all of the Matadouro quarter of Dili. On 20 January the badly mutilated corpse of a youth was found in Kaikoli. It is possible that he may be one of the four disappeared.

It is reported that ABRI is also intensifying its campaign of hostility against Bishop Belo. In his recent Christmas message the Bishop called for East Timorese unity. He included Indonesians among the external forces considered responsible for creating disunity in East Timor. This is said to have

greatly angered the authorities. As part of the current ABRI campaign against the Bishop, and to further exacerbate divisions and religious conflict in East Timor, the story is being spread that a group of Baucau people recently held a clandestine meeting to plot the killing of Bishop Belo. Unfortunately for the credibility of the Indonesian military, the names they chose for the alleged participants in this supposed plot are all of East Timorese people well known in Church circles. Their loyalty to the Bishop is beyond question.

INTERNATIONAL PROTEST OF EAST TIMOR KILLINGS

LUSA, Feb. 8 summary:

The embassies of Australia, Canada, Holland and the US asked the Indonesian government for clarifications on the killings of 6 East Timorese on January 12. The spokesperson of the US embassy, Pamela Smith, said to France Presse that the embassy was aware of the situation and have already brought up the issue with the Indonesian government, which guaranteed that an inquiry on the case had been open. The same was said by the embassies of Australia and Canada, while the Dutch embassy refused to comment.

However, in Dili, Major Simbolon, spokesperson for the local military command, said he had no knowledge of an enquiry commission in ET. Sources from Jakarta said the commission of enquiry was to investigate also the allegations of the existence of a "ninja" terrorist group.

The "ninja" group is accused of having sequestered at least five youths in the dawn of January 10, whose whereabouts are still unknown.

INVESTIGATION INTO LIQUICA KILLINGS

Radio Australia & 'The Australian,' Feb. 9

Radio Australia reporter Michael Maher reports that Indonesia has announced it will investigate the deaths of 6 villagers in Liquica. This, he says, follows representations made by the US, Australian & Dutch embassies after reports from eye-witnesses said that these people were killed by soldiers in revenge for the killing of an soldier by guerrillas.

He interviewed Dr. Juwono Sudarsono, deputy governor of the National Defence College in Jakarta:

"Given the circumstances in the field, particularly low pay sustained by troops in the field and the need for training which is reflected in the day-to-day behaviour of the troops, I think we have a very difficult situa-

tion in Indonesia. For the next 5 to 10 years, it will be a long haul for the large majority of whoever commands the troops in East Timor to really be able to get a grip on the troops at the ground level.

"I think for the next 5-10 years we will still have these reports if only because structurally the conditions of poverty, of low pay and low skill training needs a lead time of at least 5 years."

Michael Maher: "So there is a problem you think with discipline in the lower ranks of the forces?"

JS: "Oh definitely, never mind conditions in East Timor, troops in the central commands in Java itself have problems with discipline arising largely from low pay, poor training and general conditions. I think it's going to be a big problem for us for a long long time."

Maher adds that a Jakarta based diplomat who regularly travels to East Timor describes the situation there as 'dire.' He links the announcement of this investigation to changes in ABRI command positions.

The Australian has a more detailed report on the proposed investigation. Patrick Walters reports that representations on the Jan 12th Liquica killings were made by the US, Japan, Canada, Australia & Holland. Independent sources said that the six were civilians killed in the village of Beniquito.

ABRI headquarters confirmed to 'The Australian' that a team coordinated by the Inspector-General of the armed forces would look into the killings. It is expected to leave for East Timor in a few days.

There have been two other East Timorese, a school teacher & a farmer, shot dead by ABRI troops in the past fortnight. According to diplomatic sources the ABRI investigators may also examine the activities of armed vigilantes in Dili who have been accused of abducting at least 5 East Timorese youths who disappeared without trace earlier in January.

The US ambassador, Mr. Robert Barry, is believed to have raised the alleged shooting of Fretilin guerrillas, with Ali Alatas late last week.

The article ends with speculation that retiring ABRI chief of general staff, Lt-Gen Herman Mantiri may take a diplomatic post, perhaps in Canberra.

MILITARY ADMITS KILLING CIVILIANS

LUSA, Feb. 9. Free translation/summary from Portuguese.

The Indonesian military admitted for the first time today that it had killed civilians on January 12 during an incident in Liquica. The

original official version was that the 6 Timorese killed were guerrillas involved in a shooting against Indonesian forces, but when faced with the requests for clarification of these deaths from several foreign embassies, the local military commander admitted there had been an "accident" involving civilians.

Colonel Kiki Syahnakri said that the Indonesian forces had gunned down four civilians "accidentally" because they had suspected them of collaborating with the guerrilla.

The Indonesian Human Rights Commission, presided by Judge Ali Said, announced in Jakarta that it will send a commission of inquiry to ET. Ali Said said that human rights violations are hurtful not only of the victims but also of the country's image.

Bishop Belo said he was very upset about the constant deaths of civilians by the Indonesian armed forces and revealed he had already written a personal letter to Suharto protesting the human rights violations in ET. According to the Bishop, at least 14 Timorese have been killed by Indonesian forces since December. "If I don't receive a reply [from Suharto], I will inform the UN Secretary General of the growing human rights violations and I will issue an appeal to the world for it to hear our cry," said the Bishop.

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Timorese working for the Indonesian army and inhabitants of Dili got involved today in confrontation at several different locations in the city, said Bishop Belo, according to Agence France Presse.

INDONESIA ADMITS ERROR IN EAST TIMOR KILLINGS

Reuter and AP, 11 Feb. 1995, Abridged

Comment from TAPOL: Now that the murder of six civilians on 12 January has threatened to become an international issue, the regime has hastened to assure the international community that it has carried out its own investigations. With the Bacre Waly Ndiaye report still fresh in our minds, no-one should be taken in by such assurances.

Wire service reports from Jakarta reveal that while Suharto and Feisal Tanjung in the capital want to show that they are handling the tragedy to the satisfaction of western governments, the military in East Timor insist that they have done nothing wrong. Nothing less than the demilitarisation of East Timor will resolve the issue.

Jakarta – Indonesia said Saturday that soldiers involved in the controversial killing of six East Timorese last month might face court martial. The killings prompted expressions of concern from several western embassies, including the US, Australia and Can-

ada. Timorese exiles have said the six were civilians, not guerrillas.

State secretary Moerdiono said army reports to President Suharto about the incident mentioned actions by the soldiers which violated established procedures. He did not elaborate but said action would be taken against the errant troops. "We do not rule out the possibility that they will be court martialled," he told reporters.

The army previously insisted that the six were guerrillas killed in an army ambush.

Earlier on Saturday, the official Antara news agency quoted the East Timor military commander in Dili as repeating the denial that the six were civilians. "The people belonged to the Fretilin guerrilla movement," Colonel Kiki Syahnakri was quoted as saying on Friday. He said there was strong evidence they were guerrillas because the military found on them important documents belonging to Konis Santana, the Fretilin leader. The colonel said his troops staged an ambush after being tipped off by local people.

Jakarta has sent a team to investigate the deaths and Moerdiono said Saturday the inquiry was still under way.

[AP adds]

Australian Foreign Minister Gareth Evans said Thursday he was encouraged by the move by the Indonesian government to investigate the killings. "I think they are conscious that there is so much international spotlight on East Timor these days that they can't afford to get away with extreme misbehavior of this possible kind. But I make no judgment," he was quoted as saying.

Meanwhile another masked man who claimed to have been sent by the military to rape women and steal property of the local people was caught and beaten Friday by people in the village of Vilaverde, near Dili. He was identified as Mantias, 24, a trader in Dili.

Mantias, wearing military uniform was set free by his captors Saturday morning.

On Thursday two masked men dressed in black were caught and handed over to the police. The said they were sent by the military to terrorise pro-independence East Timorese activists.

SOLDIERS MAY BE COURT-MARTIALED

VOA, 2/11/95. By David Butler, Bangkok

Authorities in Indonesia have raised the possibility that soldiers involved in the killing of six people in East Timor last month may be court-martialed. David Butler reports.

Until Saturday, the official explanation for the deaths in a raid a month ago on a group of men in western East Timor was that they were fighters for the Fretilin resistance

group, which seeks independence for East Timor.

On Saturday, Indonesian State Secretary Murdiono said a report from the armed forces chief to President Suharto said some soldiers violated established procedures.

The state secretary did not elaborate on the violations. He said appropriate action would be taken against the offenders and they might be court-martialed.

Earlier, the Indonesian military commander on East Timor, Kiki Syahnakri, said four of the six men killed in the raid were civilians, not guerrillas. However, he said the four were informants for the resistance group.

On Thursday, East Timor's Roman Catholic bishop, Carlos Ximenes Belo, said he would complain to the United Nations if President Suharto failed to respond to his letter protesting the killings.

The United States, Canada, Australia, and New Zealand all expressed concern about the raid.

Meanwhile, there have been several reports in recent days of gangs of hooded men raiding the homes of local aid workers and pro-independence East Timorese. Residents told news correspondents this week the Indonesian armed forces are doing nothing to stop the nighttime raids.

Indonesia invaded East Timor in 1975 after the abrupt withdrawal of Portuguese colonial authorities. It annexed the territory in 1976.

Tension on the island is between the largely catholic indigenous population on the one hand and – on the other – the security forces and Muslim settlers from elsewhere in Indonesia.

Some diplomats in Jakarta say the army is showing the strain of months of political demonstrations and religious tension.

EAST TIMOR: DID THE ARMY SHOOT CIVILIANS?

Government Indicates: "It had nothing to do with the guerrillas"

Asahi Shimbun, Feb. 12, 1995. By: Fukuda. Translated from Japanese.

Jakarta – On Feb. 11, the Indonesian Government suggested that it was not guerrillas but unarmed civilians who were killed in an incident last month in the western sector of East Timor when Indonesian government troops shot to death six people who they said were pro independence guerrillas. The United States and Australia had expressed concern over the incident and Indonesia wanted to avoid international criticism over human rights.

At a press conference on this day, Chief of Staff Murdiano said that "the troops that

were there at the time took actions that went against army discipline." He stated that "It is possible that this will be brought before a military court," in effect admitting that the six people killed were not members of the Revolutionary Front for an Independent East Timor (FRETILIN).

The incident occurred on January 12 in a town some 80 km west of Dili in East Timor. The military spokesman in East Timor said at first that, alerted by local people who had suffered looting at the hands of the guerrillas, government troops had swooped down on them, shooting six and wounding some 30 people. But after being pressed for clarification of the incident by the U.S. and other countries, the army, under instructions from President Suharto, sent a team to East Timor to investigate.

SOLDIER SAID OUT OF LINE IN EAST TIMOR KILLINGS

Jakarta Post, February 12, 1995

JAKARTA (JP): Minister/State Secretary Moerdiono yesterday said that some members of the Armed Forces (ABRI) violated procedures in last month's killing of six people in East Timor.

Moerdiono said Armed Forces Chief Gen. Feisal Tanjung reported the incident 10 days ago to President Soeharto. The President then called for an immediate inquiry and for the soldiers responsible to be punished.

"That could mean court martial," he told reporters after meeting with President Soeharto at Merdeka Palace.

According to Moerdiono, the ABRI chief reported to Soeharto that some soldiers "acted beyond established procedures" during the incident.

Details of the Jan. 12 incident in Gariana, a village in the Maubara district of the Liquica regency, are still not clear.

East Timor military chief Col. Kiki Syahnakri said earlier that the six killed were all members of the Fretilin, an armed separatist movement. Kiki also insisted that they were all killed during an armed contact after they resisted arrest.

Some local East Timorese, according to foreign press reports, said they were civilians.

Kiki was quoted by Antara as saying last Friday that there was strong evidence the six were guerrillas because the military found important documents on them. The documents reportedly belong to Coni Santana, the Fretilin leader.

Syahnakri said his troops ambushed the Timorese after being tipped of by locals annoyed with the guerrillas.

"The six were Fretilin members who often rob the local people," he asserted.

Armed Forces chief spokesman Brig. Gen. Syarwan Hamid announced yesterday that a fact finding team comprising seven officers, led by Brig. Gen. Sumarna T. from the ABRI Inspectorate General, was sent to East Timor on Feb. 7 to investigate the incident.

Syarwan said in a statement that the Army Chief of Staff had been asked to form a Military honorary Council to follow up the results of the investigation and determine the proper course of action.

It has been more than three years since the Army has formed such a council. Last time was in reaction to the bloody clashes between troops and East Timorese demonstrators in Dili, capital of East Timor, on Nov. 12, 1991.

The council, led by Maj. Gen. Feisal Tanjung, then the chief of the Army Staff and Command College, later recommended action be taken against 19 soldiers, including two senior officers. Some were expelled from the force and a number of junior field officers were later court martialled.

The National Commission on Human Rights on Wednesday also announced that it was sending a three person fact finding team, led by East Timor native Clementino Dos Reis Amaral, to investigate the incident.

This is also similar to the one commissioned by the government in the wake of the Nov. 12, 1991 Dili incident. That commission, led by Justice M. Djaelani, later found that soldiers were excessive when dealing with demonstrators. The commission also determined that there were "about 50" casualties, higher than the original figure given by the military but lower than those given by international nongovernmental organizations.

The Liquica killings have again prompted expression of concern from several Western embassies, including the United States, Australia and Canada, although not to the same extent as the international uproar that followed the November 1991 incident.

Moerdiono said yesterday that the military had launched the investigation in its own interests and not because of foreign pressure.

EAST TIMORESE SAYS HE WITNESSED LIQUICA KILLINGS

Reuter 13 February 1995 Abridged

Dili – An East Timorese man has claimed to be a survivor of last month's killing in the troubled territory and said he was ready to testify that Indonesian soldiers had shot civilians in the incident.

The man, who asked not to be identified, said on Sunday he was a witness to the incident in Liquica, 36 km (22 miles) west of Dili, where soldiers shot six civilians whom the man claimed were his friends.

"I am willing to testify before the Indonesian Human Rights Commission and the Military Council. But my life should be protected and I should not be put into jail," he told Reuters in Liquica.

The armed forces has sent a seven-member team to investigate the killing in the former Portuguese colony and ordered the army chief to set up a military council to follow-up the findings of the investigation.

The government-appointed human rights commission also plans to send a similar team, but an official at the commission told Reuters on Monday it was still not known when they would leave for East Timor.

The Timorese man, who was interviewed after a tip-off from local people in Liquica, said during the January 13 incident Indonesian soldiers had for no apparent reasons killed the cattle first before storming a house where he and the other six were hiding.

"My friends were killed in the attack. An armed forces member then came to the house to kill me, but I managed to run away after stabbing him with a knife," he said. The man said there were other survivors in the killing, but he did not say how many.

The killings prompted expressions of concern from several Western embassies, including the United States, Australia and Canada.

A number of residents in Liquica said on Sunday they had become too scared to work in their fields since the incident, which has spotlighted the simmering unrest in the territory.

The capital Dili has been swept by a wave of terror in recent weeks with residents saying that hooded gangs are roaming the streets and attacking people opposed to Indonesian rule. Indonesia's military however say the gangs are locals opposed to the territory's integration with Indonesia.

JAKARTA'S EAST TIMOR INQUIRY

The Australian, editorial 14 February 1995 reads in part:

Last month's killing of six people near the village of Beniquito, and President Suharto's order for an inquiry, suggest two things about the security situation on East Timor. The first is that the conflict between the Indonesian military and the island's population has worsened - contrary to the assertions of the Indonesian military. The second is the Jakarta may be moving towards a view held by many observers - that its East Timor policy is not working and needs to be rethought.

It is the case that the armed forces (ABRI) still cannot guarantee security in the province after nearly 20 years' occupation. Moreover, ABRI's alleged brutality in East Timor has

become a growing concern for Indonesia both at home and internationally.

INDONESIAN ACADEMICS PROTEST MILITARY KILLINGS OF EAST TIMORESE CIVILIANS

CNRM media release, 1 March 1995

Indonesian intellectuals from the Satya Wacana Christian University (UKSW) have expressed their concerns at the recent massacre of East Timorese civilians by the Indonesian Armed Forces (ABRI). Calling themselves, the Solidarity Forum for Upholding Human Rights, 55 prominent members of the University two weeks ago wrote a letter to the Indonesian President, the Chief of the Armed Forces, and the National Commission on Human Rights. The letter was only released to the international public earlier this week.

Complaining about the fact that human life seems to be valueless in their beloved country, where law is ignored by power and the strength of arms, the brave Indonesian academics demand that the root causes of the Liquica massacre be thoroughly investigated. They call for the work of the National Commission on Human Rights to proceed without pressures, independently and objectively; and for this problem to be objectively resolved according to the law.

The UKSW academics also appeal to the Indonesian Government to end all forms of 'security approach' in their dealings with East Timor, replacing it with a more humane way to maintain local order.

This latest appeal is highly significant. It points to the increasing awareness among Indonesian intellectuals about their government's responsibility for the tragic East Timor situation. Coming from UKSW makes this appeal even more outstanding. This academic community is currently undergoing turmoil as a result of the dismissal of a most vocal member, the well known Dr. Arief Budiman. Another member, Dr. George Junus Aditjondro, of international fame for his brave and outspoken criticism of Indonesian policies in East Timor, has been under interrogation by police, facing a possible trial. Aditjondro is accused of insulting government officials at a seminar. The true aim seems to be to punish him for exposing and criticising Indonesia's shameful East Timor occupation record.

In the context of attacks on academic freedom from both the Indonesian authorities and those of the university, the daring protest by 55 members of the academic community of UKSW deserves high praise. It once again underlines the increasing concern by conscious Indonesians about the scandalous

government handling of the East Timor conflict. As Indonesians gain access to more information about the 20 year old war, they reject with increasing strength the shameful and damaging policies followed by their rulers in illegally occupied East Timor.

QUESTIONS ON TIMOR POLICY

Jakarta Post, Feb. 24, and VOA, March 1. summarized

According to a Voice of America report, 50 Indonesian academics and students made public a letter they had sent to the Indonesian government, asking for a "change in policy" on East Timor and asking the government "not to use force." One of the signatories was Muladi, the rector of Diponegoro University in Semarang, and a member of the KOMNAS HAM who took part in the investigation of the Liquica killings. Muladi was quoted as saying that "conditions were still the same" in East Timor and that "something must be wrong," and recommending that the government set up a special team to "formulate new ways of handling developments."

In the Jakarta Post of February 24, Muladi is quoted as saying - in what initially looks like, but on closer examination is not, a contradiction - that the government should not be too hard on the soldiers who carried out the Liquica killings. The reason he puts forward is that morale among soldiers in the territory is already so low that harsh punishment could cause other soldiers to "hesitate to accept assignments in East Timor."

ABRI chief spokesperson Gen. Syarwan Hamid has also expressed concern over the morale of the troops in East Timor, which, he says, could lead to destabilization of the region.

These statements, taken together, strongly suggest that even those most reluctant to admit to problems are gradually being forced to recognise that something must be done about East Timor.

KOMNAS HAM TO REPORT THIS WEEK

AFP, 19 February 1995. Abridged

This is the first time we have seen that the Commission chair, Ali Said, has been involved in any investigation by the Commission, which suggests the importance attached to this particular mission. TAPOL

Jakarta - The National Commission on Human Rights (KOMNAS HAM) has promised to make public a report on its investigations into the killing of six East Timorese in Liquica by the end of this week, Antara news agency reported here Sunday.

"The result of the investigation will be announced not later than Feb. 24," commission member Clementino dos Reis Amaral said in Dili over the weekend.

A team of five from the commission led by Chairman Ali Said arrived in East Timor to investigate the shooting in Liquica last month.

According to various reports, the team have met with a number of prominent community leaders in Dili, including Bishop Belo. But a visit to the site of the killings was called off on Friday because of "bad weather," the reports said.

Suara Pembaruan daily reported that members of the commission had visited the village Sunday where the killings took place and interviewed ten key witnesses but commission members refused to comment on the discussions before leaving for Jakarta.

Amaral said in an Antara dispatch that Belo had agreed that the local Church's own Commission on Justice and Peace would cooperate with the Jakarta-based Human Rights Commission although the body was not considering setting up a branch in Dili.

A separate report obtained by a source in Dili Sunday said the commission would also meet with 12 people in police detention who it is alleged are members of masked 'ninja' gangs responsible for a number of late night disturbances in Dili in recent weeks. While police alleged the 12 are members of anti-integration groups responsible for terrorizing the population, other sources say they included university students and village heads who are not associated with the ninja gangs. The gangs are widely believed to be paid for and organised by Indonesian security agencies.

ABRI COMMANDER VS. HUMAN RIGHTS COMMISSION?

Voice of America, 2/20/95. By Yenni Djahidin, Jakarta

Indonesia's military chief says pro-independence groups were behind recent gang unrest in the troubled territory of East Timor. Meanwhile, as Yenni Djahidin reports from Jakarta, a government-sponsored Human Rights Commission which ended a visit to East Timor during the weekend is preparing its report about the killing of six civilians in January.

Armed forces commander, general Feisal Tanjung, re-stated the government position the six persons killed by soldiers in January were members of or sympathized with the pro-independence Fretilin organization.

Appearing at a parliamentary hearing, the general said two of the six were members of Fretilin, while four others were sympathiz-

ers. He said they were killed during a clash with soldiers in the Liquica area of East Timor, in which two Indonesian soldiers were also wounded.

The killings, and an international outcry that followed, sparked two investigations – one by the military, another by the government national human rights commission.

Western embassies, including those of Australia and the United States, have cited evidence they say contradicts the government's version of events.

Commission spokesman Marzuki Darusman says results of the panel's probe will be announced no later than the end of this week. The military has declined to give a date for releasing its report.

Asked whether he thought the two teams would come up with different findings, general Tanjung said they had different approaches and a different emphasis.

In his statement in parliament, general Tanjung also said gangs that had terrorized residents in Dili and other locations were controlled by anti-integration forces. He said some had been captured and would be put on trial.

But residents, church leaders, human rights groups, and western governments have said there was evidence the gangs were linked to the military.

A Reuter news agency report (Monday) quoted residents of Dili – contacted by telephone – as saying the situation had eased a bit, but an atmosphere of tension remains. They said there were reports of continuing arrests by authorities in Dili and other villages.

Mr. Darusman said the results of the two investigations might agree or disagree, but insisted the members of the government-approved commission are an independent group able to issue their own findings.

TANJUNG AND HARTONO DEFEND KILLINGS

AP and AFP, 20 and 21 February 1995.

Abridged

Comment: The army's version of the killing of six civilians in Liquica is clearly emerging. They are now combining two incidents, the armed clash that took place on one day and the incident on 12 Jan when troops returned to the village in search of guerrillas, found none and executed six villagers in revenge. TAPOL

Jakarta, AP – Indonesia's military commander on Monday defended the killing of six East Timorese by soldiers last month, saying they were connected with the guerrilla group. Gen. Feisal Tanjung, armed forces commander, told a parliamentary hearing that four of the dead were informants for Fretilin and two were armed members.

The alleged informants were persuaded to guide the troops on 12 Jan to a Fretilin hide-out where some 45 rebels were hiding. In the firefight to capture the guerrillas, the informants tried to run away and were shot down, Tanjung said. Two rebels were also killed and one soldier was seriously injured, he said. The other rebels escaped.

Tanjung said the army will take disciplinary action against soldiers suspected of violating military procedures during the incident.

Tanjung said the 45 rebels in hiding in Gariana were preparing to take over the Liquica district. "If Liquica fell to the guerrillas, they could easily have got press coverage of their activities because the district is close to Dili," said Tanjung. He said the military is determined to hunt East Timorese rebels and arrest civilians who support the guerrillas.

AFP – Army chief General Hartono formed an Honorary Officers Council on Tuesday to investigate last month's killing of six people in East Timor by Indonesian soldiers, Antara said.

The Council will be composed of high and middle ranking officers, to investigate what really happened on the site," Hartono was quoted as saying Monday.

But several eyewitnesses have said they were civilians executed by soldiers avenging the deaths of comrades in a clash with guerrilla in the same area on the previous day.

Hartono said the formation of the Council did not represent an admission of guilt on the part of the military but was to establish "whether mistakes of my underlings were real mistakes or merely procedural." But he echoed his superior, General Feisal Tanjung, who said earlier Monday that the six killed were definitely members of Fretilin and not civilians as some alleged.

KOMNAS HAM MAY ISSUE CONTROVERSIAL REPORT

Kompas, 20 February 1995. Abridged

[Update: It was widely believed that the Commission's report would be made public on Friday, 24 February but on Thursday, it was reported from Jakarta that the team felt that it had not collected enough information and had decided to return to East Timor for further investigations. – TAPOL]

Dili – The National Commission for Human Rights (KOMNAS HAM) will shortly announced the results of its investigation into the Liquica Affair which resulted in the death of six persons on 12 January. The Commission is aware of the risks it is taking, including the possibility that some parties will not agree with its conclusions.

The chair of the Commission, Ali Said, said at Komoro Airport, Dili, after spending four days leading the Commission's team to East Timor, that the findings will first be discussed at a plenary session of the Commission. The other members of the team were Marzuki Darusman, vice chair of the Commission, Clementino dos Reis Amaral, Prof. Muladi and Djoko Sugianto.

Before leaving Dili, the team paid a visit to Hudilaran to inspect property damaged by the 'ninjas.' It also went to Wira Husada Hospital to visit the soldier who was wounded during the Liquica affair but were told that he had left the hospital a few days earlier.

The team met several civil and military officials, Bishop Belo as well as several witnesses of the Liquica affair and felt that it had gathered enough information to complete its task.

Ali Said that the results of the team's findings would be made public. "We know this entails risks. Some will agree, others will disagree, some will accept and others will reject," the Commission chair said. He gave an assurance that the Commission would show that it was independent and not accountable to anyone.

Referring to the abuse of human rights in East Timor, Ali Said: "It's not easy to formulate things in a brief period. We need to know the position of East Timor. It's a former colony and hence different from other provinces, even places close by like NTT. That's why we need to understand the background.

Asked whether the many reports of abuses in East Timor meant that the Commission would often visit the territory, he said: "The existence of the Commission is related to human rights violations. As long as violations occur, we shall be regular visitors to the territory."

Asked why the many complaints about East Timor came from abroad, not from Jakarta, the Commission chair said: "You shouldn't blame the people here for that. The communications from here to the centre are not as smooth as we would like. It's quite understandable if people here make contact with people abroad. But the point is that these reports should not be manipulated for political purposes."

He also express disappointment at reports that the team had only met with Bishop Belo for ten minutes whereas in fact, the meeting lasted an hour and a half

KOMNAS HAM MEMBER INTERVIEWED

Tiras, 9 March 1995. The interview was done on February 20.

The following are extracts from an interview of Clementino do Reis Amaral, member of the National Commission for Human Rights (KOMNAS HAM), after the Commission's team spent four days in Gariana Village, 35 kms west of Dili

Q: When did you get back to Jakarta?

A: Last night. (19.2.1995)

Q: What were the findings of the KOMNAS HAM team in East Timor?

A: I can't talk about the substance because we have an agreement. Wait until we've had our meeting.

Q: What is the team's analysis after doing field investigations?

A: From our investigations, both Bishop Belo and the local people said that the six people (killed) were civilian inhabitants. They were not Fretilin.

Q: Is the team convinced that the people who were murdered were civilians?

A: I repeat: They were all civilians. And all the village inhabitants knew the six people. The inhabitants of Gariana told us that the GPK [the regime's way of referring to the armed resistance] came there only in December. How come, after just a month, they could have influenced the people there? We've been there influencing them for such a long time, not the GPK.

There's been no sign of the GPK there for ten years. And anyway, one of the people murdered was the Gariana kampung chief. Altogether four were from Gariana. The other two were from a neighbouring village.

Q: How many people did you interview to reach a good result?

A: We interviewed eleven people. We only interviewed one person from officialdom, the field commander First Lieut. Jeremias. We spent two hours interviewing him. We didn't interview the regional commander (danrem) because he's not the field commander. We met him of course but we didn't interview him.

Q: Are you of the same opinion as Bishop Belo?

A: No, our information is not the same as Bishop Belo's. His information comes from other people. We went out to the field and we received our information direct from the local inhabitants.

Q: What happens if your findings differ from those of the armed forces?

A: There will certainly be differences. How can we prove that the six were Fretilin members? When we went there, not a single person said that the six were GPK. All the six who were murdered were good people.

Q: Will you coordinate with the armed forces before publishing your report?

A: Why should there be any coordination? If that were to happen it would mean we aren't independent. We'll be announcing our findings soon.

Q: Have you any comments about the formation of a Military Honorary Council?

A: I have no right to comment. What's important that we all went there to perform our tasks properly, objectively and fairly. Not just listening to one side but to several sides. The people should also be heard because the people know very much about the incident, about the lives and the background of those six people.

If we accuse the kampung chief of being GPK, that means that the kampung chief was not loyal to the republic. How is that possible? That would mean that guidance from our side has been a total flop. If the kampung chief is a member of Fretilin, I think that the sub-district and district chiefs and the military commander of East Timor should all be sacked. What use are they if the kampung chief is a Fretilin member?

Q: Is it your impression that the local people, in answering your questions, were under any external pressure?

A: When we carried out our interviews, it was our impression that there was no external pressure from anywhere. They all spoke freely.

Q: What is the solution for East Timor?

A: The military should be reduced. If there are too many of them, one or two elements can spoil the good name of the armed forces. Even just an individual. The five principles of the Pancasila should be properly upheld. There's no point all sorts of people rushing off to UN conferences. The first thing is to implement the Pancasila.

MILITARY COMMISSION ADMITS WRONGDOING IN LIQUICA

Free translation/summary from Portuguese.

LUSA, Jakarta, Feb. 25 - The Indonesian armed forces in Jakarta admitted today that the Indonesian soldiers were at fault in the killing of six Timorese on January 12 in Liquica, during an operation during which they surrounded a group of guerrillas.

These declarations result from an investigation carried out by a Military Commission formed for the purpose of establishing re-

sponsibilities in the killings of the six. The Commission, composed of superior officers, concluded there had been violation of the normal military procedures.

The Indonesian armed forces repeated that the six killed were FRETILIN members.

Military Commander Feisal Tanjung said that he will "firmly punish the military at fault," while the Army Commander General Hartono declared having created a 36-member Council of Officers to try the military involved in the killings.

Meanwhile, the Indonesian National Human Rights Commission returned Friday to ET for the second time, to continue the investigations related to this case. For four days last week, the team contacted military, government and church officials, legislators, witnesses and family members of the victims.

KOMNAS HAM STILL PROBING LIQUICA

Reuter, 26 February 1995. By Dean Yates, Abridged

Jakarta – Indonesian's human right commission (KOMNAS HAM) has said it would investigate the suspicious burning of a hut regarded as key evidence in the killing of six people by Indonesian troops in East Timor last month.

Antara news agency on Sunday quoted commission member Marsuki Darusman in Dili as saying the team was not ready to suspect foul play in the burning of the hut. He said the incident would hinder its investigations in the 12 Jan killings in Liquica west of Dili.

The military said two rebels were shot dead in the hut during a skirmish and four civilians who led the troops to the area were shot dead while trying to escape. But differing versions of the incident indicate at least four of the six East Timorese may have been shot inside.

"The hut should not have been burnt because it serves as a very essential element in the whole authentication process aimed at collecting field facts. Our team will investigate why the hut was burnt," Darusman said.

He gave no details on how or when the hut was burnt and the army and police in Dili were not taking phone-calls. It what appears to be a veiled (sic) attempt to shut down on information coming out of the territory, police and military officials said in Dili on Friday that they would not discuss problems in East Timor with the press until further notice. Foreign journalists have also been denied permits to visit East Timor following a string of incidents in recent months.

Darusman said the 5-member team would continue its investigation even though the hut

had been burnt. He said he had hoped to cross-check eyewitness accounts from villagers living near the hut of the killings. The govt.-appointed commission is making its second visit to East Timor this month to check information given by several witnesses regarding the Liquica incident. It was unclear when the team would return to Jakarta and announce its findings.

It was also unclear if ten East Timorese detained by army intelligence on Thursday in connection with the Liquica killings had been released.

Manuel Carrascalão, member of the local government in East Timor, said Saturday that ten mostly male youths from Liquica were summoned by Dili police to answer questions over the killings but were later detained.

MILITARY ADMITS ERROR IN EAST TIMOR

Financial Times, 27 February 1995. By Manuela Saragosa. Abridged

This report goes much farther than latest Reuter reports in stating that the army council accepts that the Liquica killings were unjustified. We need to see the official Antara report of the DKM statement.

The political background may be that the ABRI leadership in Jakarta with Suharto's backing want a clean-up in the army in Dili and if that means telling the truth for once, then so be it. – TAPOL

Jakarta – Indonesia's army has admitted that six people killed by its soldiers in the politically disputed territory of East Timor were victims of mistaken identity.

The military said that the victims had been unarmed civilians and not, as originally alleged, armed members of East Timor's independence movement. Military officials were quoted in local newspapers as saying that there had been "a violation of procedures" and that the soldiers involved would be "firmly punished."

TEXT OF THE KOMNAS HAM STATEMENT

PRESS STATEMENT ON THE INCIDENT IN LIQUICA, EAST TIMOR ON 12 JANUARY 1995.

Issued March 1, 1995. Unabridged.

I. After carrying out investigations on the ground about the Liquica incident in East Timor on 12 January 1995, the National Commission for Human Rights can confirm that during a lawful [yang syah] military operation on that day, six non-combatant civilian inhabitants who were suspected of being supporters of the Security Disruptors Gang (GPK) were killed although it has not

yet been possible to ascertain the status of those people.

II. The following conclusions can be drawn from the situation and sequence of events of the incident:

1. The security forces who were given the task of extracting confessions from the six persons were responsible for acts of intimidation and torture.
2. Recklessness was shown towards the safety of the civilian inhabitants, placing them in a situation of great danger during an armed conflict, resulting in the deaths.
3. Some findings still need to be examined further with regard to these unnatural (tidak wajar = 'not fitting') deaths as the result of shooting in violation of the law.
4. The right of the families to obtain information about the deaths of these inhabitants was also neglected and the bodies of the victims were treated in an inhumane fashion.

III. This incident occurred as a consequence of deviations from the orders issued to members of the district security patrol.

IV. Fully conscious of the complexities of the situation and conditions faced by ABRI, the armed forces, in carrying out its duties in East Timor, the National Commission for Human Rights deeply regrets the aforesaid incident on 12 January 1995 which in essence is a violation of basic human rights, and at the same time expresses its appreciation for the prudence shown by the ABRI leadership in speedily setting up an Officers' Honorary Council (DKP) in order to resolve the issue in accordance with the laws in force.

Jakarta, 1 March 1995

Chairman, National Human Rights Commission,
Ali Said, S,

KOMNAS HAM ON "UNLAWFUL KILLINGS"

AFP, 1 March 1995. Abridged

Jakarta – Indonesian soldiers tortured and killed six unarmed East Timorese whose deaths in January set off new tension in the territory, a govt.-appointed human rights commission said Wednesday.

"The shooting in East Timor's Liquica rency on 12 January also heightened international concern at Indonesia's actions in the former Portuguese colony.

And at the same time as the Indonesian National Commission on Human Rights (KOMNAS HAM) gave details of its investigation, the government was criticising a UN report into the 1991 massacre in East Timor presented earlier this year.

The KOMNAS HAM contradicted the military's account that troops had shot dead two separatist guerrillas and four members of

a pro-independence clandestine network in Gariana village. Speaking of the two-week inquiry, Ali Said, the commission chairman, said "six-non-combatant civilians" were "shot unlawfully" by the military.

He said the commission had concluded "there were acts of intimidation and torture by the security apparatus who had been given the task at the time to subtract confessions from the six said people."

East Timor sources, including one close to the Catholic Church, said the six were killed in retaliation for the deaths of soldiers in the village on the previous day. Witnesses said there had been a clash with guerrillas on 11 January.

The chairman and other members of the commission declined to give more details on the shootings or the claimed intimidation and torture. They said a full report was still being prepared to give to the authorities.

"This incident took place as a result of actions that deviated from the orders issued, by members of the area security patrol," said the commission chairman. He added that the commission "deeply deplore" the incident which "in its essence, is a violation of human rights."

Commission member Marzuki Darusman, said "the six civilians were unarmed." He added that human rights violations had occurred "before, during and after the incident."

The commission, according to Marzuki, did not find "conclusive evidence" that the six were anti-government or members of separatist groups. He said the inquiry also found "there was an attitude of recklessness by the soldiers, endangering the lives of the civilians." "We will have to report our findings to the government for further action," Marzuki said. But he added that further investigation by the authorities and the military were needed to get at "the whole story"

ALI SAID - TORTURE & MURDER IN TIMOR

Voice of America, 3/1/95. By David Butler, Bangkok

In Indonesia, the government's Human Rights Commission said today (Wednesday) security forces tortured six civilians before killing them in an incident in East Timor in January. As David Butler reports from our Southeast Asia bureau in Bangkok, the Human Rights Commission also said the six were not East Timor insurgents.

The chairman of the Indonesian government's Human Rights Commission told reporters six men who died in a military operation on East Timor were maltreated and then killed.

Commission chairman Ali Said said the six – who were killed January twelfth in Liquica

village – were tortured by Indonesian troops before they died.

Mr. Said said the incident in Liquica happened because a regional security patrol violated orders. He said there should be further investigation into what he called the unnatural deaths caused by unlawful shootings.

He said there was no proof the villagers were members of Fretilin, the small band of East Timorese fighting for independence for the former Portuguese colony.

Indonesia annexed East Timor after the Portuguese abandoned it twenty years ago. The United Nations has never recognized Indonesian sovereignty over the territory.

Also on Wednesday, 50 academics and students made public a letter they sent to Jakarta asking the government to change its policy toward East Timor. The letter asks the government to stop using force.

One of the petitioners is Professor Muladi, rector Java and also a member of the Human Rights Commission.

He was quoted in Wednesday's edition of the *Jakarta Post* newspaper as saying although East Timor has been part of Indonesia for nearly twenty years, conditions there are still the same and something must be wrong.

Professor Muladi said the government should form a special team to formulate new ways of handling developments in the territory. He said the team should report directly to president Suharto.

TIMORESE SIX 'UNLAWFULLY' SHOT DEAD

The Canberra Times, Thursday, March 2, 1995, by Terry Friel, AAP South East Asia Correspondent

JAKARTA, Wednesday: In a report heavily critical of the military, Indonesia's human-rights commission has found soldiers "unlawfully" gunned down six unarmed civilians in an incident in the troubled province of East Timor in January.

The commission also found the soldiers committed serious human-rights abuses, including torture and intimidation, in events leading up to, during and after the January 12 killings at Liquica, west of the provincial capital, Dili.

"Unnatural death did happen as a result of unlawful shootings," commission deputy-chairman Marzuki Darusman told journalists today. "Human-rights violations did occur at every stage of the enterprise."

The commission's brief report issued today did not go into details of the incidents.

These will be issued after the full report is presented to the Indonesian Government.

The commission found the soldiers were engaged in a legitimate military operation against Fretilin activity in the area.

There had been a firefight between Indonesian troops and Fretilin guerrillas the day before the January 12 incident.

But the commission said the soldiers "recklessly" put the six civilians in a dangerous situation which led to their deaths.

And the military had ignored the families' right to information about the deaths and the fate of the six, it added.

It's understood the six men were shot at close range.

The commission has no power to punish and made no recommendation of action against the soldiers involved, but if supported the establishment of a special military honour council which is conducting a separate probe and has the power to order soldiers be court-martialled.

The Indonesian armed forces (ABRI) initially claimed the six were members of the pro-independence Fretilin guerilla movement killed in an armed clash with troops, a claim rejected by independent sources, including the Catholic Church.

Several foreign governments, among them Australia, also expressed public doubt about the military's version of events.

The human-rights commission said it had been unable to determine if the six were Fretilin members or supporters.

But Mr. Marzuki told reporters: "We did not find conclusive evidence that the six civilians were GPK." GPK, or Security Disturbing Movement, is a general term applied to rebel groups in Indonesia, including Fretilin.

"While realizing the difficulty of the situation and conditions ABRI faces in carrying out its duties in East Timor, the National Human Rights Commission is deeply upset by the incident of January 12, 1995," the commission said.

The commission's report is at odds with recent comments by senior military officers and the results of an initial military inquiry.

The ABRI investigation, which will form the basis of the military honour council's investigations, found that while the soldiers had violated procedure, two of the dead were members of Fretilin and the other four were members of the clandestine pro-independence network backing the guerrillas.

ABRI commander Feisal Tanjung, while pledging tough action against soldiers found guilty of misconduct, has also publicly defended the shootings, insisting the six were linked to Fretilin.

The commission's report comes as the United Nations Human Rights Commission in Geneva discusses Indonesia's rule in East Timor and US-based human rights watchdog Human Rights Watch/Asia released a report critical of human rights abuses in the disputed province.

The UN commission is widely expected to adopt a chairman's statement on East

Timor by consensus - that is, with Indonesia's agreement - this week.

A recent report by special UN investigator Bacre Waly Ndiaye was sharply critical of Indonesia's human rights record in East Timor, finding arbitrary arrests, disappearances and torture and extra judicial executions continue to occur.

He also pointed to an "atmosphere of fear and suspicion currently prevailing in East Timor." He urged the UN Human Rights Commission yesterday to press Indonesia to open a new inquiry into the 1991 Dili massacre, in which troops shot dead scores of civilians.

Fretilin has been waging a low-scale guerilla war against Indonesia since Indonesian troops invaded the former Portuguese colony in 1975 and annexed it in 1976. The annexation is not recognised by the UN, which still regards Portugal as the administering power.

TAPOL CALLS FOR MILITARY WITHDRAWAL

TAPOL, the Indonesia Human Rights Campaign, issued the following Press Release 1 March 1995

TAPOL welcomes the statement issued in Jakarta today by the Indonesian National Commission on Human Rights confirming that six villagers in Liquica shot dead by Indonesian troops on 12 January had been "killed unlawfully" by troops "acting with recklessness." The Commission has in effect recognised that there is no respect for life in occupied East Timor.

The statement by a body created two years ago by President Suharto and chaired by retired General Ali Said, a long-time associate of the President and until recently president of the Supreme Court, means that people very close to the regime are now acknowledging that the human rights situation in East Timor is intolerable under the forces of military occupation.

In view of this significant development, TAPOL believes that the only response of the international community to the Commission's findings is to press for the withdrawal of all military forces from occupied East Timor as a matter of urgency. It may well be that the Commission's findings will compel Jakarta to replace the officers now in command in Dili and in Bali which is where the military command that oversees East Timor is based, and to discipline or court-martial other officers, but this will not be enough.

Carmel Budiardjo of TAPOL said today:

"After the Santa Cruz massacre in November 1991, several senior officers were replaced and lower officers were disciplined but the human rights situation did not improve. In fact it has markedly deteriorated in

the past year. The only effective remedy is the withdrawal of all military forces."

TAPOL also welcomes the Consensus Statement issued in Geneva today by the UN Human Rights Commission, providing for a visit to East Timor by the UN High Commissioner for Human Rights, Sr. Jose Ayala Lasso.

TAPOL hopes that this visit, which represents a new stage in the UN's disquiet over the situation in East Timor, will take place without delay. It believes that the only way to protect the lives and basic human rights of the people of East Timor is for the UN to have a permanent presence in the territory. It hopes that Sr. Lasso's visit will result in the UN establishing a permanent presence in East Timor. This can happen either with the opening of UN agency offices which are answerable to their head offices in New York or by sending a permanent UN human rights monitor team to the country.

INDONESIA SAYS RIGHTS COMMISSION REPORT 'USEFUL'

Reuter, 2 March 1995. By Dean Yates. Abridged

Jakarta - Indonesia said on Thursday a national human rights commission report that accuses the military of torture and murder in East Timor will be useful for further investigation into the killing of six people in January.

The government also said it would welcome a visit this year to East Timor by Jose Ayala Lasso, the UN High Commissioner for Human Rights.

Western diplomats, who expressed surprise at the report's candor, said it and extensive media coverage on Thursday of the findings could also bolster what appears to be growing domestic concern over the situation in East Timor.

"I was not surprised by the reports. The findings will certainly be useful input for the workings of the (army's) DPK," the Foreign Minister spokesman Irawan Abidin told Reuters. When asked if the report contradicted an earlier version of the incident put forward by the armed forces, Abidin said: "I think people can make their own conclusions."

He said the government looked forward to the visit by Lasso, who will be the highest-ranking UN official ever to visit East Timor. This is something we are looking forward to. We hope this visit will expose the development in East Timor and hopefully give a clear picture, a balanced view," he said.

GEORGE ADITJONDRO INTERVIEWED ON ABC RADIO

ABC Radio (Australia). March 3 transcribed by: Matebian News

Presenter: Indonesia's human rights commission has found the country's armed forces is guilty of intimidating, torturing and unlawfully shooting six East Timorese earlier this year. The Commission handed down its findings after making two separate visits to the troubled former Portuguese colony to interview eye witnesses to the killings. From Jakarta, Michael Maher reports that the findings come as the Indonesian military faces growing pressure to change its approach to East Timor.

MM: when the Suharto Government appointed the board of Indonesia's human rights commission a little more than a year ago, many observers expected the body to be a sham one. However, the commission has showing itself willing to speak out on occasion, and in this particular instance, has challenged Indonesia's all-powerful armed forces. In January, six men were killed by soldiers in the Liquica regency of East Timor, while the military command in the former Portuguese colony maintain the six were pro-independence guerrillas, very soon after the shootings, eye witness reports began to emerge which put forward a very different story. Those accounts told of six civilians summarily executed by the patrolling Indonesian troops. After two separate visits to East Timor, the human rights commission has now made plain which version of events it is more inclined towards. Marsuki Darusman is a key member of the commission:

MD: Certain violations of human rights did occur; before the incident, during the incident, and subsequently after the incident. ____ and torture did happen. We believe also that there was an attitude of recklessness on the part of the military unit in endangering civilians in the context of an armed conflict. There are certain findings that indicates that unnatural death did happen as a result of unlawful shootings; and that subsequently, the families were not informed properly on the death of their kin, relatives, and that the handling of the bodies were not properly taken care of. As far as the commission is concerned, our concern is whether or not human rights violations did occur; and that is what we are stating here: human rights violations did occur at every stage of that exercise.

MM: While the armed forces own inquiry has already conceded that its troops were guilty of irregularities, it stood by its

claim that the six men shot were either members or sympathisers of East Timor's pro-independence movement. The human rights commission said it was unable to find conclusive evidence to support that claim, and it is describing the deceased as unarmed civilians. As to the reports that the six were executed, the commission has said it is leaving open the option of requesting that the bodies be exhumed.

Presenter: Michael Maher in Jakarta.

Now, one of Indonesia's leading dissident academic says he is surprised by the strength of the report condemning the East Timor killers. Dr. George Aditjondro says the Commission report may be part of a wider strategy by President Suharto to strengthen his position over the military. Dr. Aditjondro, who is doing research in Australia, told AM's Ben Wilson that the military will find it hard to ignore the adverse findings.

GA: Definitely. That the commission could come out with such a strong statement and, specially coming from the Chair of this commission, Ali Said, it is very unusual.

BW: Why is it unusual? Is the commission considered to be a puppet of the Indonesian government, or is it just considered not to have any power?

GA: The commission consists of a very diverse type of people; people who are really on the Government's payroll, civil servants; there are lawyers who are active in the parliament - people like Marzuki Darusman and Bir Marbung (?) - but this became a commission report, not only a report from individual members of the commission; and aired through the mouth of the chairperson, and in such a delicate issue like East Timor, it seems to me very unusual and very surprising. On the other hand, I am also very delighted that there is a progress made by this _____ in relation to talking about issues of East Timor.

BW: The fact that the commission has used the words 'shot unlawfully' and that it had found no conclusive evidence that the six are anti-government or members of separatists groups, does that show that there is growing willingness in the commission to stand up to the government and to stand up to the military and human rights abuses.

GA: Yes. Although we still have to look at it in a broader context of is going on in Indonesia where it seems to me there is some tension between Suharto and the armed forces. So, it might be that the commission also has made use of this, you can say, this opening, or this conflict by airing a lot of criticism; very strong criticism. Undoubtedly, this is a very strong criticism against the armed

forces. By using "unlawfully shot" and so on...

BW: But do you think the Indonesian military will be able to shake off this, or ignore this very direct attack on its credibility?

GA: No. Because it comes from a commission which has been installed by a Presidential Decree. So, declining or simply turning down or may taken action, putting pressure on the commission members might indirectly be an insult against the President who installed this commission, it is like an indirect insult against the President. So, this a very hot potato in the hands of the armed forces.

SOEYONO: "ABRI IS NOT A GOVERNMENT TOOL"

Forum Keadilan, 16 March 1995. Translated from Indonesian

Remark: ABRI's independence of government is of course a historical fact in Indonesia, but stressing it at this time of confrontation with the Palace over Liquica sounds quite provocative, even in the mouth of a hard talker like Soeyono. — Gerry van Klinken.

Interview with incoming ABRI Chief of General Staff Lt-Gen Soeyono, formerly Commander of Central Java Military Area (Diponegoro). The 51-year old son-in-law of Women's Affairs Minister Mien Sughandi feels his career got a big boost in 1989 after being Presidential Adjutant. He has field experience in East Timor and with Kostrad airborne command. In Central Java he was known for his antipathy to intellectuals, NGO's, and the press. Questioned on ABRI support for the government position on the Kedungombo dam controversy, he said:

A: Hang on. ABRI is not a tool of the government. Sapta Marga (ABRI motto) and the Soldier's Oath say that out loyalty is to the nation and the state. Sure, Pak Mitro (former Kopkamtib Commander Gen. Soemitro) once said ABRI was the tool of government. But in my time that is not so....

Q: So does that mean ABRI has changed?

A: I already said that. Formerly the soldier's oath used to say that ABRI was subject to the government. Now it doesn't.

Soeyono then explains how government funding for ABRI has deteriorated over the last 25 years, concluding:

A: one might say ABRI has not experienced any development yet.... ABRI has only just entered the Fifth Five Year Plan, that's one Five Year Plan behind.

Q: Yet despite this underdevelopment, ABRI still looks strong.

A: That's because it is close to the people, especially in the villages. But if anything

happens, we're just pushed into a corner. Like what happened in East Timor, two generals were forced to.. All their expensive education just thrown away. Nevertheless, because it is close to the people it is still strong and advanced.

Q: Compared with who?

A: Ya, compared with other countries. Even in ASEAN there are still countries where the military is loyal to a sultan or a king, but not us.

He suspects that anti-ABRI feelings are being stimulated by an 'anti-national unity' group anxious to secure the presidential palace for themselves, similar to communists.

Udayana Military Area Commander Maj-Gen Adang Ruchiatna says in an interview he spends more time on East Timor than on any other area under his jurisdiction. Asked his own concept for overcoming the security disturbances in East Timor, he said:

A: Give me more troops, and I will clear up everything.

Q: But their armed strength is small, why do you need more troops?

A: Don't just think about them. It's the clandestine that have to be watched, they're everywhere in this city. If I catch them, woouu... there'd be a lot. Those with weapons could be dealt with by just 40 soldiers.

Q: Is it territorial or battle troops that need to be added?

A: Ya, any kind of troops. Police should also be increased.

Q: If the number of troops is increased, it might create a climate of fear.

A: True. That's if you look at it from their point of view. With a small ABRI presence, they can move around freely. Is that what you want? That's what is being spread around in the international world. Yet anywhere else that is the method of dealing with such things. Even in America if they want to overcome a situation, they add more troops.

Q: But, after the Dili Incident, the number of troops has been reduced?

A: Well, how should I put it <Bagaimana ya>? Ah, even if I talk like this they still wouldn't give them to me. But whatever theory you use, the military anywhere, faced with a situation like this, will think the way I do.

He then went on to express his frustration with the manipulation of international opinion at the UN by 'them.' 'The key lies at the UN. So long as it is not finalized there, the situation will always be like this.' He rejects suggestions of special status as quite unnecessary. He also rejects suggestions of a referendum as just one of 'their tricks.' 'A lot of people have been coming just asking us to finish them off. We're just waiting for the

order. If that's what we want, it would be easy. But what would become of these people?.'

Cover story on East Timor based around the Liquica incident.

The Catholic version (Father Raphael dos Santos) gets full play next to the ABRI version, complete with diagrams. There's a chronology of unrest the last three years, and an examination of the now-dead autonomous region proposal. The CNRM Peace Plan is explained, and there are interviews with 'responsible' East Timorese in Indonesia who generally paint a dark picture of dissatisfaction. Special box of interviews with East Timorese students in Java, mostly complaining of intimidation back home. Governor Abilio Soares says 'If Indonesia owns East Timor, the young East Timorese do not feel they own Indonesia.' Even an interview with Xanana in jail, the first ever in the Indonesian press, in which he criticizes Indonesia's readiness to deal with convinced Marxist Abilio Araujo.

XANANA STILL THE LEADER

EARTHQUAKE CONDOLENCE FROM XANANA

The following earthquake condolence message was received by the Japanese East Timor solidarity group from Xanana Gusmão, imprisoned leader of the East Timorese resistance. A Japanese translation was sent to Diet member OKAZAKI Tomiko with the request to convey to the Prime Minister.

Translated from Portuguese, via Japanese.

His Excellency Prime Minister Tomiichi Murayama

With sentiments of deep condolence, the National Council of Maubere Resistance, on behalf of all the people of East Timor, expresses its heartfelt solidarity with all of you in Japan in the midst of sorrow and suffering caused by the destruction of the Kobe area.

In 19 years of war resisting the Indonesian occupation, the East Timorese people know well the meaning of want, the visage of death, and what it is that tears express.

The damage from the catastrophe is fearfully destructive, but even heavier than the physical destruction is the fact that the lives of thousands of people have been lost and that tens of thousands of people are in very difficult circumstances.

But we believe that the Japanese people, with your traditional spirit of courage and

commitment, will be able to overcome these difficult conditions.

Your Excellency, Mr. Prime Minister, we sincerely pray that your government will be given the wisdom and intuitive power to deal with this natural catastrophe.

Sincerely,
For CNRM

Kay Rala Xanana Gusmão
Member of CNRM
Commander in chief of Falintil
In Cipinang Prison, 19 January 1995

XANANA'S LETTER TO SOLIDARITY GROUPS

Translation of the letter written in Portuguese from Cipinang Prison, dated 22 January 1995, addressed to East Timor solidarity groups in Europe, from Xanana Gusmão, leader of the armed Timorese Resistance movement.

My dear friends of East Timor,

It is still not too late to wish you a prosperous New Year and also success, as representatives of European solidarity groups, in your efforts to achieve firmer conviction in Europe that there can be no just solution if such a solution does not reflect the desire to consider the essence of the problem of East Timor.

It is now about 3 weeks since the meeting between ministers Durão Barroso and Ali Alatas was held in Geneva under the auspices of the UN Secretary General.

The Geneva talks were expected to result in substantive progress, especially after the Report on the Santa Cruz massacre from the UN Special Rapporteur, which we thought would weaken Jakarta's position. However, paragraph 3 of the UN communiqué has, to a certain extent, disappointed us. But we firmly believe in the integrity of the UN Secretary General, whose first responsibility in that capacity is to defend the universal principles that are the goals of the UN itself.

In Jakarta, the idea that they can continue to impose their viewpoint has, therefore, been given a boost. The fact that such a clearly explicit condition was set on the political status of the territory not being discussed is really regrettable. Nevertheless, we accept that, since it is {the UN Secretary General who is charged with dealing with the problem, together with the two states directly concerned - Portugal as the territory's administering power and Indonesia as the invading and occupying power - we Timorese, should not take it upon ourselves to settle the issue "alone," at this first meeting under the umbrella of the UN.

Everything indicates that the opportunity is therefore there for the Timorese to take along and pour out their ideas, while they

hide the objectives. We still believe that, following the valuable efforts of the UN Secretary General, it is the UN mandatory who has full authority to undertake initiatives in order to unblock the process, held back only by Jakarta's inflexibility.

The wording of paragraph 3 of the UN's communiqué has allowed Jakarta to consider that the envisaged meeting between Timorese boils down to the idea and general agreement behind the London reconciliation meeting. The Timorese Resistance will, in due course, have to analyze the speculative meaning that Ali Alatas gives that meeting.

Meanwhile, we continue to insist most energetically on the participation of Mnsgr. Ximenes Belo. Without his presence, we believe it is unlikely that ideas reflecting the main concern - the situation in the territory - will be forthcoming.

We continue to give all our backing to the efforts of the UN Secretary General, and we will certainly agree to his request to avoid situations which could obstruct the talks process.

However, we wish to make it quite clear that we refuse to let the meeting be interpreted merely as our consent to the spirit behind the London reconciliation meeting. Jakarta cannot expect the Timorese Resistance to become reconciled with a pro-integration faction as if there were a battle or a dispute between the Timorese and as if East Timor's main problem was that a few Timorese were opposed to integration.

It is Jakarta that should become reconciled with the universal principles and with international law, which it violated when it sent its army to invade and occupy East Timor.

The Timorese Resistance has already made necessary, and fair concessions, even to the point of safeguarding Indonesia's own image by offering it the chance to put political reality in East Timor to the test, in fair, internationally supervised acts, giving both sides equal opportunities.

If it is true, as Jakarta claims, that whereas 29 young Timorese occupied the Embassy compound, thousands of civil servants took part in a demonstration celebrating Indonesian civil service day, and in support of integration, and if it is true, that the choice of Harmoko is widely supported (as Jakarta wished to prove by showing pictures of "massive" crowds cheering him), then what has Jakarta got to fear from a referendum held under international supervision? If Jakarta is convinced about its statements that the guerrillas have been reduced to a few dozen unarmed men who do not even have the support of their own people, then why will it not agree to a plebiscite?

Ali Alatas is trying to convince public opinion that Indonesia agreed to a specific proposal from nice Perez de Cuellar and that,

by not likewise agreeing, it was Portugal that did not want to settle the problem. Ali Alatas is forgetting that the resolutions passed by the UN General Assembly and by the Security Council in December 1975 called for the immediate, total and unconditional withdrawal of Indonesia's invading forces, and appealed to all countries to respect East Timor's right to self-determination and national independence, and to recognise Portugal as the territory's administering power.

We shall have to constantly remind the powers that be of the fundamental problem - the violation of international law. We shall also have to keep reminding Jakarta of East Timor's legal and political status as seen by the UN and the international community at large.

Another important factor is the excellent Report on the Santa Cruz massacre by the UN Special Rapporteur. We welcome the integrity, seriousness and recognised ability of Mr. Bacre Waly Ndiaye, at a time when human rights specialists are echoing the statement made by the murdering Suharto that it was because of human rights that he had so many people killed in East Timor.

While his report constitutes documentary evidence of human rights violations in East Timor, it only highlights one of Indonesia's most recent barbarities, and leaves many questions unanswered.

We therefore appeal to the UN to ensure that investigations of this kind continue, because over two hundred thousand Timorese lost their lives in the war of occupation conducted by Jakarta's generals.

Hundred of places, scattered throughout the territory, are still silent witnesses of Timorese massacres that the world has never heard about. The UN Human Rights Commission should keep on urging Jakarta to agree to a thorough, free, independent investigation, by the UN or other impartial international organisations, into human rights violations in East Timor.

Before finishing, in the name of the long-suffering Maubere People, I would like to express sincere thanks for all the dedication and effort which the international solidarity movement has expended on our just cause. An eternal thank you from the Maubere People.

THE FIGHT CONTINUES ON ALL FRONTS! TO RESIST IS TO OVERCOME!

Kay Rala Xanana Gusmão
Member of the CNRM and Commander of
the Falintil
Cipinang Prison, 22 January 1995.

XANANA GUSMÃO SOLIDARITY MESSAGE TO FILIPINO POLITICAL PRISONERS

*CNRM Falintil – National Council of
Maubere Resistance
4 February 1995 (delivered to APCET meet-
ing in Bangkok)*

Meetings like this one of APCET are important fora for Asia Pacific peoples to express the communion of interests that unite us. Here, we who originate from diverse areas of this region clamor for our rights which have been violated by military regimes such as that of Myanmar or by expansionist dictatorships such as Suharto's in Indonesia. As political prisoners, the East Timorese know the repression of anti-democratic regimes very well. They feel in their own skins the most incredible forms of violation of human rights.

When our eyes glance over the region, we are horrified. Human rights are discredited by governments, or are simply interpreted as rights of those holding political or economic power. They demand the right of not being challenged or criticised, of institutionalizing violence and crime. They justify it all before the world in the name of 'preserving peace and national security.' This is a peace which means tranquillity of spirit for those power holders and a security which means stability of corruption, of exploitation of workers, and the repression of peasants.

Examples like Aung San Suu Kyi in Myanmar, the freedom fighters in China, or the political prisoners condemned to death in Indonesia and serving already over 30 years in prison, merely point to the obvious criminal reality of these regimes. They are just like that of Ferdinand Marcos in the past. But what really shocks us is the fact that so-called democratic governments continue to detain political prisoners, calling them criminals. Nothing is easier than these maneuvers to cloud the eyes of the world. Jakarta does the same in relation to the East Timorese. It is therefore that we are able to understand very well the suffering of other political prisoners under similar conditions.

The Philippine democracy which we so much applauded initially, has proven to be of little consequence. It clearly revealed itself easily influenced by interests contrary to democracy, when it showed its subservience to the dictatorship of the Jakarta generals on the occasion of the APCET conference in Manila in May 1994. It is this which explains the presence of 291 political prisoners agonizing in 57 prisons throughout the Philippines.

In 'New Balibid Prison,' Muntlupa, Manila, Filipino political prisoners carry out a hunger strike to demand the immediate and unconditional liberation of all the political prisoners of the Philippines whose existence the Marcos government tries to hide from the world. Democracy is incompatible with the lack of political liberty and with the lack of respect for the most basic human rights.

As a small people, brutally repressed by the Indonesian colonialism, the East Timorese deplore the existence of political prisoners in a so-called democratic country like the Philippines. The East Timorese appeal for this situation to be denounced. It is incredible that it should exist in a so-called post Marcos dictatorship period.

Long live the solidarity of oppressed peoples! Long live the common struggle for Peace, Justice and Freedom.

For CNRM Kay Rala Xanana Gusmão,
Commander of Falintil, Cipinang Prison,
Jakarta, 4 February 1995.

XANANA TO RADIO MACAU

Free translation/summary from Portuguese.

Macau, Feb. 6 - Xanana Gusmão recorded clandestinely an interview to Radio Macau on January 26 which was aired today. Xanana stated he is willing to participate in a meeting among Timorese promoted by the UN and to return again to Cipinang prison after the meeting.

'I accept to leave [prison] and participate in the negotiations and then return here to Cipinang, while all political prisoners are not released,' stated Xanana.

Xanana stated once again that he would not accept to be in exile and that the Indonesian generals would never be 'stupid enough' to accept his return to East Timor in freedom.

In his interview to Radio Macau, Xanana accused the Vatican of 'cynicism,' but he praised the role of the Timorese Church, which he said is indispensable to the Resistance. Xanana expressed his desire to meet with Bishop Belo to 'improve our perspectives' and 'coordinate our views.'

According to the author of the interview, the journalist Pedro Sousa Pereira, the questions were sent to Xanana through the clandestine resistance, which then delivered to Radio Macau a tape containing Xanana's recorded answers.

Xanana stated that in his view the negotiations between Barroso and Alatas 'there was little progress due to Indonesia's inflexibility.' Xanana said that the Resistance has still time to 'ripen' its strategies for a possible future dialogue among Timorese, but in his view 'nothing can be expected from a meeting

that is oriented, in principle, to explore ideas.'

Xanana said that Indonesia accepted the dialogue among Timorese because 'it failed in its attempt to grant Abilio Araujo the representativeness necessary to the concept of reconciliation.'

'Jakarta had to do it, it had no other choice, so as to preserve the concept itself and the group (...) and in doing this it had to accept the existence of the Timorese Resistance,' he emphasized.

Xanana said that the UN should send to East Timor a permanent mission of observation. 'This is what we will always continue to demand and, besides, this constitutes one of the items in our peace plan' he said.

Xanana said that the latest UN report on the human-rights situation in East Timor 'represents a magnificent precedent,' because it constitutes the required proof of the need to investigate the actions of the Indonesian occupying forces, in particular in what refers to the November 1991 Santa Cruz massacre.

'Personally, I believe that the UN already has a renewed motivation to continue to demand of Jakarta the opening of East Timor to independent groups of investigation,' said Xanana.

'The meeting of the Human Rights Commission that will take place in February and March will have fulfilled its duty if it considers the report of Mr. Bacre in its full dimension,' he said.

Xanana emphasized that, in his opinion, 'Jakarta does not want the solution indicated in the UN documents,' and added that to the Indonesian government an "acceptable solution" 'means that the international community should accept the occupation as sovereignty.'

Xanana reaffirmed his confidence in the efforts of the current UN Secretary General and said that although the other side of the negotiations table is represented by Portugal, which is far removed from ET, that side does nevertheless 'remain firm' in its defense of ET's right to 'self-determination and national independence.'

'We have noted progress in the efforts of the UN Secretary-General and we believe in the integrity of the present UN envoy and the rightful representatives of the East Timor case,' said Xanana.

'We are confident and each UN initiative will deserve out complete support, also so that we can put an end to the suffering of our people in its search for a comprehensive solution that is fair and acceptable internationally,' said Xanana.

'The Vatican, to me, is the most cynical State in the World,' is what Xanana had to say about the actions of the Vatican relative to East Timor.

Xanana however expressed deep appreciation for the East Timor Church and wishes to meet with Bishop Belo. Relatively to Bishop Belo's Christmas message in which he stated that there are no leaders which have proven capable of unifying the East Timor people, Xanana stated that the Bishop is entitled to express his personal opinions and attributed the Bishop's statement to the chagrin the Bishop feels for the constant division among different East Timor factions.

'I believe that D. Ximenes Belo communicated to our people his chagrin for the continued division among the leaders. There are always those who are ready to take the role of breaking up the unity of our people, of creating confusion among the Timorese, and D. Ximenes Belo has all the moral, and even political, authority to express his feelings, thus alerting our people to the naïveté and total lack of responsibility by all of us, the so-called leaders,' he said.

'When D. Ximenes Belo appeals to the people to embrace the New Commandment, he does so as the leader of the Church, with the intention of preserving the existing unity inside the Fatherland because, in truth, all the confusion generated around the term "Timorese people" is the work of the leaders in the diaspora, removed as they are from ET's reality,' said Xanana.

'In the political context, the Church has an enormous role in influencing our people because it is in daily contact with the population,' he said.

Emphasizing that the 'Church is totally woven within the people,' Xanana said that 'if the Timorese priests were pro-integration, the Church would not detain the influence upon the people which it has today.'

Commenting on the recent incidents in East Timor with the youth as main protagonists, Xanana considered them as the 'logical and natural continuity of a living process. Living because it lives in the blood of our people, whom no-one should try to fool.'

Xanana then appealed to that the youth 'maintain always the high spirit of struggle and always keep firm the spirit of organizational discipline.'

Xanana took the opportunity to send a message to the Timorese residing in Macau to whom he appealed for unity in the East Timor cause.

'As your fellow-countryman and brother, I appeal to all of us to modify our attitudes and turn our thoughts to the need of remaining firmly united [cerarmos fileiras] so that we can liberate our Fatherland' he said.

Xanana said that his cell in Cipinang 'is spacious, measuring 3 by 13 meters,' including 'a room of 3 by 4 meters, a sort of living room of 3 by 3 meters, a small kitchen space, a bathroom and an enormous space to dry clothes and to grow plants.'

Describing his days as 'terribly monotonous and at times going by incredibly fast,' Xanana said he has relatively little time to 'study, read and paint.'

'I say "relatively" because one can not avoid the influence of the environment, given the adverse mentality here,' he said, adding that however he is well treated by the prison guards who 'understand the difference between a criminal and a political [prisoner].'

'They are good people,' he said, emphasizing that the workers at Cipinang prison are not policemen.

Xanana said that Cipinang is a former Dutch colonial prison, which the Indonesian government considers a model prison.

Xanana said that Cipinang has for the last 11 years included a section destined exclusively to Timorese prisoners, named the 'Tim-Tim block.' Currently, another four Timorese activists are in the Tim-Tim block.

But Xanana's cell is in a different section of Cipinang, and he is in contact with the other Timorese activists only during the mass celebrations every Friday by the prison priest. Xanana is forbidden of visiting the Tim-Tim block.

Xanana said he listens to the radio and reads newspapers, and that he thinks about 'many things,' but especially about the Timorese issue.

'[I think] in the resistance that my people conduct, in the gigantic effort of the brave guerrillas, in the issues of the

diplomatic struggle, in the politics of the different governments that contribute to the Indonesia inflexibility, in the political situation of Indonesia itself, in the lack of disposition of the Timorese in the diaspora to accept that, given the circumstances, we must utilize of greater intelligence to understand the real needs of the struggle for the liberation of our Homeland, and also in the never-tired [incansavel] labor of all of those who, around the world, have made their own this struggle in defense alone of justice and truth..,' said Xanana.

'In thinking in all of this, I feel smaller every time, when I look onto the future, which will bring even greater demands,' said Xanana.

XANANA GUSMÃO READY FOR DIALOGUE

Radio Netherlands, 7 February 1995. Translated from Indonesian

Xanana Gusmão, the leader of the East Timor resistance movement, now languishing in Cipinang Jail, Jakarta, is willing to take part in the intra-Timorese dialogue to be convened by the UN and is willing to return to prison afterwards, José Ramos-Horta, representative abroad of the CNRM, the

national resistance council, told Radio Netherlands.

Ramos-Horta confirmed Gusmão's willingness to take part in the dialogue, adding that he himself would be willing to take part if, in addition to Xanana Gusmão, Bishop Belo is also involved. If not, we will wait on instructions from Xanana Gusmão, Horta said.

Ramos-Horta said that Xanana Gusmão's willingness to return to prison after the dialogue was a mark of his goodwill in seeking a solution.

Observers say that this is a sign of the weakness of his position as long as he remains in prison. When Sukarno was involved in negotiations, the Dutch had to agree to release him and Nelson Mandela entered negotiations as a free man. But Xanana Gusmão would be placed in the humiliating position of having to return to prison. But the East Timorese leader is seen as a symbol of his people on the international arena so such a proposal is understandable even though there is no possibility of the Indonesian authorities allowing him to leave prison.

The question is, whether the UN Secretary-General will go ahead and invite him to attend, in recognition of the importance of his position, knowing full well that the idea will be turned down by Jakarta.

The UN faces a quandary: on the one hand, the dialogue should, according to the 9 January communiqué, be free whereas on the other hand, it states that there should be no discussion about East Timor's political status. Indonesia is apparently hoping that Boutros-Ghali will go down the same path as the reconciliation talks in London that were unilaterally convened by Jakarta. For its part, Portugal feels certain that it will be impossible to avoid discussion of political issues and human rights, whatever East Timorese groups are involved and the dynamics will reinforce Lisbon's position. Even at the London talks, the questions of reducing Indonesian troops and human rights were raised.

It now seems that the dialogue will lead to a vote being taken at the UN General Assembly and Boutros-Ghali will have to choose whether or not to go for a referendum along the lines of the UN decisions on Western Sahara and Eritrea. This means running the risk of a breakdown in the dialogue and the further prolongation of the conflict. The UN cannot ignore the principle of self-determination for East Timor. Even Australia, keen as it is to exploit Timor's oil, recognised in its statement at the World Court in The Hague this week that the self-determination principle must be respected. Portugal described this as hypocrisy as long as Australia goes on recognising Indonesian sovereignty over East Timor.

XANANA OUGHT TO BE IN ON TIMOR TALKS

Jornal de Noticias, 7 February 1995. Translated from Portuguese

Lisbon – Xanana Gusmão has managed, once again, to break through the barriers of Cipinang prison's walls. In a cassette recording, which he sent to Radio Macao, he says he is prepared to leave the prison for the negotiations, and return afterwards. He rejects out of hand, however, the possibility of exile in exchange for his freedom. Commenting the armed Resistance leader's position, Socialist MP Eduardo Pereira, who is on the Parliamentary East Timor Commission, referred to the importance of Xanana's presence in all the meetings dealing with the subject. "He is the voice of Timor's Resistance. He must be heard."

Eduardo Pereira admitted that, with regards the initiatives taken under the auspices of the UN, something is changing which should be encouraged. "The meeting between Timorese both for and against integration is an example of this change, although, in my view, I think it is no more than diversion tactics." Eduardo Pereira said it would be preferable to hold "tripartite meetings between commissions of Timorese and Indonesians, and at which Portugal would also have a place." He also thought that the presence of Xanana at such meetings would be "essential."

In the Radio Macao interview, Xanana Gusmão strongly criticises the Vatican's position on the situation in East Timor, contrasting it to the major role played by the Catholic Church in East Timor itself. Commenting on Xanana's statement that "the Vatican is the most cynical state in the world," Eduardo Pereira commented that he could "well understand criticism of the Vatican" just as he would understand it "if Xanana were to make similar comments about the US or Portugal."

Eduardo Pereira revealed that an inter-parliamentary forum is scheduled to be held in Portugal next May, at which some two hundred people are expected to discuss the problem of Timor.

HOW DOES XANANA GET THE WORD OUT?

Could someone explain how Xanana manages to smuggle all the written material, and now a tape recorder and cassette, into and out of prison?

From CNRM/Darwin:

As you are no doubt aware, **anything** can be obtained from corrupt Indonesian officials for the right amount of money, provided it is done covertly.

For the last 30 'New Order' years, almost everyone, from the President down, have had few qualms about merchandising their positions for private gain. On the contrary, exploiting one's office for personal profit (and more often than not, causing great damage to the common interest), is considered a natural right and privilege of an office bearer.

Isn't that the basis of the much extolled New Order 'development,' built on the basis of a collusion between foreign interests, and/or atypical local minority groups, with corrupt office holding elites? In this way the latter have sold away the country's immense natural riches primarily for their own private profit.

Why should circumstances relating to the East Timor war be different? On the ground it has been an ignominious history of plunder, extortion, and venality, which significantly accounts for the war's protracted duration. Similarly, on the diplomatic front, it has been a succession of lies, deceit, broken commitments, and attempts at trading access to potentially profitable business deals in exchange for foreign acquiescence.

The weakness and venality of New Order Indonesia clearly allows the prediction that, despite the enormous disparities existing between the two conflicting parties, Indonesia has no chance of winning its dirty East Timor war. At the most, a loss-loss outcome may be envisaged. The longer the conflict goes on in the absence of international intervention to bring it to an end, the greater the suffering and damage sustained by the East Timorese nation, and the greater the losses incurred by the Indonesian people.

It is worth reflecting on the costs to Indonesians of the hopeless war so obstinately being pursued in East Timor by the obsolete Jakarta leadership. What began as an ill-conceived adventure, grossly over estimating the capabilities of their corrupt and incompetent military machine, has become a major (if not **the** major) liability of the regime, bleeding national material and human resources.

For what? Primarily to allow a few corrupt officials to pocket massive funds allocated to the war effort, to enable the graft and incompetence of others from being exposed, and to protect the commercial interests of a further few.

In return, the lives of Indonesian youths are lost in a futile unwinnable war, much needed funds are wasted, and Indonesia's image abroad is continuously tarnished.

Every deceitful effort at covering up the shame of the bungled East Timor adventure only backfires, tarnishing the sad image of the New Order regime even further.

Under these circumstances, is the smuggling out from an unjust jail of a tape with a message of truth and honesty such a special event?

It is no different to what routinely happens in one way or another in jails throughout the entire country.

XANANA'S GREETINGS REACH PRESIDENT MARIO SOARES

Publico, 8 February 1995. Translated from Portuguese

Lisbon – A delegation of the Maubere Resistance National Council (CNRM) is to be received today by Mario Soares. The delegation will be delivering a greetings card to the President, written by Xanana Gusmão in Cipinang Prison. The audience will provide the Timorese activists (who include Domingos Sarmento Alves, leader of the occupation of the US Embassy in Jakarta) with an opportunity to discuss with the President such issues as the trial of José Antonio Neves, accused of “rebellion against Indonesia” after he attempted to send out a fax reporting on the situation in East Timor. José Antonio Neves, who is being tried in the Indonesian city of Malang, is also being supported by the Free Xanana, Free Timor Commission, which yesterday delivered a document to the UN Delegation in Lisbon, signed by two hundred Portuguese journalists. The document appealed for the intervention of UN Secretary General Boutros Ghali on behalf of José Antonio Neves.

FORUM KEADILAN INTERVIEWS XANANA GUSMÃO

The following interview appears in the latest issue of the fortnightly journal, Forum Keadilan dated 16 March 1995. This issue has a ten-page coverage on East Timor. The relevant pages were faxed to TAPOL today, March 2.

This is the first time an interview of Xanana Gusmão has appeared in the Indonesian media. The interview is published along with a photograph of Xanana Gusmão smiling, behind bars.

XANANA GUSMÃO: “ABILIO ARAUJO IS THE BRAINS OF THE COMMUNISTS”

The question of East Timor has emerged yet again. This time it's as a result of the killing of six citizens who were accused of being from the GPK-Fretilin. One of the figures leading the GPK, whom General Benny Murdani once called ‘a rat,’ is Xanana Gusmão, 48 years old, who calls himself the commander of GPK-FALINTIL and concurrently chair of the CNRM, the political wing of the East Timorese GPK, who is now serv-

ing a life sentence in Cipinang Prison, Jakarta.

To find out whether he is still involved in the disturbances in East Timor, FORUM journalist, Santoso, met him in prison a short while ago. Here is what he said:

Q: Why are you so obstinate, not wanting peace, whilst Indonesia has carried out development in East Timor?

A: Who is being obstinate? In 1983, I offered Jakarta a peace plan. But once again, Benny Murdani sent in a large number of battalions to wage war against us. In 1989, we offered ‘Dialogue without Pre-conditions’ but Jakarta again rejected it.

Q: But all these disturbances in East Timor are impoverishing the people there...

A: You have your own concept of suffering. We also have our own.

Q: Is your struggle realistic?

A: If you take a look at the peace process in the Middle East which is still so complex, would you say that Arafat is being realistic?

Q: But Fretilin's forces in the bush are finished, aren't they?

A: The forces in the bush are not the armed forces of FRETILIN. FALINTIL used to belong to FRETILIN but it no longer sides with any of the parties.

Q: The members of FALINTIL continue to decline...

A: For the past nineteen years, FALINTIL members have been shot. That's why, ever since 1979, it has been said that only 50 people were left.

Q: Under Portuguese colonialism, the people of East Timor suffered much more, didn't they?

A: Colonialism is the same as oppression. During the three years of the Japanese occupation, many East Timorese people were murdered. If you want an assessment of which was the better one, I would prefer East Timor to be integrated with Japan.

Q: Abilio Araujo calls himself the leader of the East Timorese people. What is your response?

A: In any political struggle, when a politician begins to put himself to the fore, to think of his own future, there will be a tendency to prioritize his own interests over and above the interests of the struggle.

Abilio Araujo was the brains of the communist ideology which transformed the ASDT [the Timorese Social-Democratic party which wanted independence, Ed] set up by Ramos-Horta into FRETILIN. Araujo's primary interest these days is to open up a super-market in Dili. What amazes me is that ABRI which never ceases to remind the Indonesian people of the dangers of commu-

nism do not regard Abilio Araujo as a Marxist-Maoist.

Q: But why do you go on supporting Ramos-Horta, considering that he's a corruptor?

A: As far as Ramos-Horta is concerned, the stories from Jakarta are quite different from what we know to be true.

EAST TIMORESE PRISONERS AND THEIR TRIALS

AI: INDONESIA & EAST TIMOR -- POLITICAL PRISONERS AND THE “RULE OF LAW”

November 1994

1. INTRODUCTION

The New Order government has made a habit of jailing its political opponents. Since 1966 an estimated 3,000 alleged government opponents have been sentenced, following unfair trials, to periods of imprisonment ranging from a few months to life, or even to the death penalty. Hundreds of thousands more have been detained without charge or trial, for periods ranging from a few days to more than 14 years.

The practice of arbitrary political imprisonment in Indonesia reached a peak in the years 1965 to 1967 when somewhere between 500,000 and one million real or alleged members of the Indonesian Communist Party (Partai Komunis Indonesia, PKI) were detained following an unsuccessful coup on 1 October 1965 that the authorities blamed on the PKI. Many of those detained were held, without ever being charged or tried, for periods ranging from a few days to 14 years. Some 1,000 others were eventually convicted of subversion in unfair trials and sentenced to heavy prison sentences, or to death.

The situation has improved dramatically since the 1960s. In the late 1970s the vast majority of PKI prisoners were released, and in 1981 the government introduced a new Code of Criminal Procedure which provided significant legal protection for the rights of detainees and suspects. More recently, the authorities have begun to show restraint in their use of the draconian Anti-Subversion Law, under which the vast majority of political prisoners were once tried; and some convicted of subversion have been granted conditional release for good behaviour. No political prisoners are known to have been judicially executed since 1991. Most political trials are now open to the public, foreign observers are usually permitted to attend, and the substance of charges and defence are usually reported in the press. Finally, the newly

established National Commission on Human Rights has indicated that it is concerned about the plight of long-term political prisoners, and about the practice of political imprisonment generally.

Despite these advances, the practice of political imprisonment persists, and looks set to continue in the coming years. In late 1994 an estimated 350 alleged government opponents were still held in prisons throughout Indonesia and East Timor, some 40 of them sentenced in the previous year alone.

Many of these prisoners neither used nor advocated violence and are prisoners of conscience. Virtually all were sentenced in trials that failed to meet international standards of fairness, or to comply with Indonesia's own Code of Criminal Procedure; many were tortured or ill-treated while under interrogation. Some are now serving life sentences and are unlikely to be released before they die. A few suffer serious mental and physical disabilities, others have already died in custody from ill-health. At least 22 have been judicially executed in the past decade after years in prison, while six elderly men remain on death row for political crimes allegedly committed more than a quarter of a century ago.

This report explains why, despite the government's often stated commitment to promoting internationally-accepted human rights norms and principles, the practice of political imprisonment persists in Indonesia and East Timor. It begins with an outline of the laws, regulations and codes that are used by the authorities to imprison and to intimidate real and alleged dissidents. It then looks briefly at various aspects of the process of political imprisonment, focusing on unfair trials, prison conditions, terms of remission, detention without trial, and restrictions following release.

The report also describes the experiences of some of the 350 men and women who remain in prison for their political beliefs nearly 30 years after the New Order came to power. It outlines the charges brought against them, their treatment in police or military custody, and the nature of their trials. Drawing from letters written to friends and from statements made in court, it offers a glimpse into their lives in prison, their suffering and their struggle for dignity. The report concludes with a number of suggestions for addressing the problem of political imprisonment.

2. Repressive Legislation

A wide array of repressive laws and regulations have been used to imprison, and even put to death, real or alleged political opponents, and to dissuade potential dissidents from exercising their rights. The laws also contain procedural provisions which can

encourage other violations. Significant improvements in new laws on the judiciary and in the new Code of Criminal Procedure have been undermined by official indifference and non-compliance.

Some of the most repressive laws were inherited directly from the Dutch colonial government, or from the "Old Order" of President Sukarno which the current government swept aside in the name of restoring respect for the rule of law. These laws have not only survived under the New Order, they have been widely and energetically employed to imprison its real or alleged opponents.

The current Criminal Code is inherited from the colonial period. Conscious of the need to rid the legal system of the legacy of the past, the government has undertaken to amend it. However, this initiative is unlikely to have an impact on the bulk of Indonesia's repressive legislation for two main reasons. First, the Draft Criminal Code submitted to the Ministry of Justice for review in March 1993, incorporates virtually all of the old laws on "crimes against the state" without significant amendment.[1] Second, much of the most problematic legislation is in the form of Presidential and Ministerial decrees, directives and decisions, which exist independently of, and therefore are largely unaffected by, the Criminal Code.

2.1 The Anti-Subversion Law

A cornerstone of Indonesia's repressive legislation is the Anti-Subversion Law. Originally promulgated as a Presidential Decree in 1963, this law has been used to justify the detention without trial of hundreds of thousands of alleged government opponents, and to put thousands more through show trials.[2] The vague and sweeping language of the law permits the prosecution and conviction of anyone whose words or actions can be construed as disruptive of public order, or critical of Pancasila, the government, its institutions or its policies. Article (1) of the law reads:

The following are guilty of the crime of subversion:

1. Anyone who has engaged in activities with the intention, or the apparent intention, or which s/he knew, or ought to have known might have the effect of:

(a) distorting, undermining or deviating from the national ideology Pancasila or the basic policy of the State, or

(b) overthrowing, destroying or undermining the power of the State or the authority of the lawful government or the machinery of the State, or

(c) disseminating feelings of hostility or arousing dissension, conflict, disorder, disturbances or anxiety within

a segment of the population or in society as a whole, or between the Republic of Indonesia and a friendly state, or

(d) disturbing, retarding or disrupting industry, production, distribution, commerce, cooperatives or transport conducted by the Government or based upon a decision of the Government or which has widespread influence on the livelihood of the people.

The trials conducted under this law are, in effect, political show trials aimed at intimidating real or imagined critics of the government. They have failed in most respects to conform to international standards of fairness. Significantly, in 30 years only one person tried under the law has been found not guilty.

The Anti-Subversion Law also facilitates other human rights violations, such as incommunicado detention, torture, "disappearance" and extrajudicial execution. Key provisions of the Code of Criminal Procedure designed to protect the rights of detainees either do not apply, or are commonly ignored, when the authorities invoke the Anti-Subversion Law. For example, while the Code limits pre-trial detention, and requires judicial approval of detention beyond 60 days, the Anti-Subversion Law allows detention for periods of one year, renewable indefinitely on the authority of the Attorney General. In effect, this means that political suspects can be held indefinitely at the discretion of the local or regional military commander. And while the Code clearly states that only the police are authorized to carry out arrests and investigations, in subversion and other political cases military authorities commonly assume these responsibilities.

The Anti-Subversion Law also provides harsher penalties than other laws on political crimes, including the death penalty. The standards of evidence required to produce a conviction for subversion are also much less rigorous, so that the law is commonly used where the authorities cannot find adequate evidence. The exceptional powers granted to the military and the prosecution under this law, and the heavy restrictions it imposes on detainees' rights, make serious human rights violations almost inevitable. In a frank assessment of the law, one of Indonesia's pre-eminent legal scholars, Dr. Adnan Buyung Nasution, recently commented:

The Anti-Subversion Law was clearly designed to protect and defend authoritarian power against any democratic challenge, and it has been used all along as a kind of Sword of Damocles, always threatening to cut off the head of anyone who is considered to threaten that power.[3]

The government has used the Anti-Subversion Law somewhat less frequently in

recent years. For example, East Timorese resistance leader, Xanana Gusmão, was not tried for subversion, nor were several other East Timorese tried for their political activities in the past year. This shift has been noted by representatives of some governments, who have described it as a positive development.[4]

While any reduction in the use of the law is welcome, it must be emphasized that, in cases which escape international scrutiny, the law continues to be applied as in the past. In March 1994, for example, at least three suspected members of Aceh Merdeka were sentenced to 19 years' imprisonment each for subversion. They joined some 50 Acehnese sentenced to terms of up to life for subversion over the past four years. In October the state prosecutor announced that a further five alleged Aceh Merdeka members would soon be brought to trial, also on charges of subversion. Furthermore, a reduction in current applications of the law cannot remedy the injustice inflicted upon those who remain in jail many years after being convicted at unfair trials under the Anti-Subversion Law.

Not only is the Anti-Subversion Law still being used, and not only do hundreds of prisoners continue to suffer because of its past use, but high-ranking government and judicial authorities continue to oppose its abolition. Indeed, some government officials have actually argued for extending the law's scope. Their arguments reveal the dangers inherent in the law. Responding to calls for abolition in early 1993, for example, the Attorney General accused the abolitionists themselves of being subversives:

Those who say that the Anti-Subversion Law is unpopular, are those who have the intention of committing subversive acts themselves.[5]

Despite the widespread criticism and the obvious threat that the law poses to human rights, there are indications that it will be incorporated, with minor revisions, into the new Criminal Code. Some observers have welcomed this as a step forward since incorporation might impose certain legal constraints on its use. In practice, this is unlikely to make much difference. It may simply give the law more permanence and legitimacy.

Lawyers, parliamentarians, and international human rights experts, including the UN Special Rapporteur on torture, have called repeatedly for the repeal of the Anti-Subversion Law. Some claim that it is unconstitutional, others that its content contravenes prevailing legal principles and norms. All agree that it has been an instrument of repression which is inconsistent with government claims that it respects and protects human rights.

2.2 The Hate-sowing Articles

Faced with strong domestic and international criticism of the Anti-Subversion Law, the government has turned increasingly to articles contained in the Criminal Code to imprison, or to intimidate, alleged political opponents. Seeking to evade allegations that it imprisons its political opponents, it has sought to portray prisoners charged and convicted under these articles as common criminals. However, an examination of the substance of the charges brought in such cases indicates that many are political prisoners, and frequently prisoners of conscience.

The authorities have relied especially on a series of articles which forbid "spreading hatred" against government officials. The Hate-sowing Articles (Haatzaai Artikelen) were introduced by the Dutch colonial administration in the early 1900s and, with the rest of the colonial criminal code, were incorporated into Indonesia's Criminal Code after independence. Commenting on the use of these laws, a respected Indonesian legal scholar, Loebby Loqman, said in 1992: "To date, these articles have been used against those who are considered to disagree with government policy." [6]

Articles 154, 155 and 160 are frequently used to suppress dissent. Under Article 154, "...the public expression of feelings of hostility, hatred or contempt toward the government..." is punishable by up to seven years' imprisonment. Article 155 prohibits the expression of such feelings or views through the public media, with a maximum penalty of four-and-a-half years' imprisonment. Article 160 prescribes a maximum of six years' imprisonment for (inciting) others to disobey a government order or to break the law. Article 134, although not usually described as one of the Hate-sowing Articles, punishes "insulting the President" with a maximum sentence of six years' imprisonment.

These articles have been used in recent years, both singly and in combination, to imprison a range of alleged government critics, including trade unionists, student demonstrators, human rights activists, and members of communities protesting against forced eviction from their lands by government authorities.

2.3 The Code of Criminal Procedure

It is not only repressive laws which have contributed to the human rights problem in Indonesia, but the often arbitrary way in which even the best laws have been implemented. Laws which provide some protection for detainees or defendants are often emasculated by Ministerial and Presidential Decrees or regulations on their implementation. Even in the absence of such regulations, laws which protect the rights of ordinary

citizens or which circumscribe the power of the state, are frequently ignored by government and military officials. This is most evident in the implementation of the Code of Criminal Procedure (Kitab Undang-Undang Hukum Acara Pidana, KUHAP).

Introduced in 1981, the Code of Criminal Procedure was justly hailed by legal experts as a significant improvement over its predecessor, particularly in the protection it offered the rights of detainees and defendants.[7] Among the more positive provisions in the Code relating to the protection of the rights of detainees and witnesses are the following:

Sole responsibility for arrest, detention and investigation in criminal cases rests with the Police. (Article 18)

Suspects must be served with a written warrant of arrest, unless they are caught in flagrante delicto, and their relatives must be furnished with a copy of the warrant. (Article 18)

Detainees have a right to consult with and to be accompanied by legal counsel of their own choice at all stages of interrogation (Articles 54, 55 and 57).

Legal counsel should be free to meet and speak in confidence with their client. (Articles 70 and 71)

Detainees have a right to have access to medical professionals (Article 58).

Arrests are valid for a maximum of 24 hours, after which the authorities must authorize detention or release the suspect (Article 19)

A conviction may not be based on only one piece of evidence and therefore may not be based solely on a suspect's confession. (Article 183)

Duress in any form may not be used by investigating officials to obtain information from a suspect or witness. (Article 117)

Suspects/detainees have a right to challenge the legality of their arrest and detention in a pre-trial hearing, known as *praperadilan*. (Articles 77 to 82)

In practice, key provisions in the Code are often ignored, or their implementation obstructed by those in positions of power. The problem was summarized by a military commander in Aceh who told lawyers from the Indonesian Legal Aid Institute in 1991: "You can eat your [Code of Criminal Procedure]. It doesn't apply here." For example, detainees are entitled to have a lawyer but many do not have one at the time of interrogation. Police and military authorities regularly deny detainees access to relatives and lawyers and obstruct their efforts to provide legal aid.

The effectiveness of certain provisions in the Code are undermined by other provisions, or by Ministry of Justice guidelines

for their implementation. For example, while arrests are valid for only 24 hours they can be extended for a further 60 days without judicial review. One implementing guideline stipulates that suspects may have access to a lawyer only during working hours; but interrogation frequently occurs at night, outside working hours. Moreover, the Code does not require investigating authorities to inform legal counsel of their intention to interrogate a suspect, and as a matter of course they prefer not to do so. While one article of the Code indicates that lawyers should be free to talk in confidence with their clients in prison, another waives this provision where the suspect is accused of a "crime against the state," that is a political crime. A ministerial guideline requires that a prison official be present during conversations between detainees and their lawyers.

The guarantees in the Code are not backed by effective legal sanctions against non-compliance. The Code forbids the use of duress to extract information from a suspect or witness - and the use of torture is a criminal offence under the Criminal Code - but there is no clear rule excluding the use in court of evidence or testimony improperly obtained by the authorities. An accused may complain in court that a confession or testimony was extracted under duress, but the judge decides whether to admit the complaint as evidence. Judges usually dismiss or ignore such pleas, and sometimes threaten defendants with legal action for perjury.

In addition, the judiciary's lack of independence means that judges are disinclined to pursue alleged breaches of the Code which emerge during a trial. Although the system of pre-trial hearings, introduced in the 1981 Code, should allow for some control in cases where torture has been used in investigations, judges are reluctant to rule against the police or other state authorities.

These problems are especially acute in the case of political detainees. As noted above, certain guarantees in the Code of Criminal Procedure do not apply to detainees accused of subversion. The Anti-Subversion Law also grants the security forces expanded powers of search and seizure, and imposes much heavier restrictions on detainees' access to legal assistance, relatives and doctors. In the rare event that an allegation of torture or ill-treatment is formally raised in court by a detainee, members of the judiciary tend to be even more reluctant than usual to take remedial action.

3. The "Rule of Law"

Indonesian government and military authorities claim that the New Order is based on the "rule of law" rather than political power. But the practice of political imprisonment in Indonesia and East Timor tells a

somewhat different story. Far from demonstrating the supremacy of law over power, it reveals how the law can be applied arbitrarily against alleged dissidents, and how readily the judicial system can be influenced by those in power.

3.1 A Dependent Judiciary

In law, the Indonesian judiciary is independent of the executive; the reality is very different. Limitations on judicial independence are particularly evident in political cases, where the military has unquestioned authority and judges avoid rulings which would embarrass the government or the security forces. This lack of independence is partly institutional. Judges, court officials and public prosecutors are in practice dependent on the executive branch for their salaries, promotions and other benefits. Those who defy the executive and the military may find their career prospects limited.

Several laws and regulations undermine the independence of the judiciary. All government employees, including judges, must be members of the sole civil servant's organization, Korps Pegawai Negeri Republik Indonesia (KORPRI), which operates under the auspices of the powerful Ministry of Home Affairs. The President may intervene directly in judicial matters, by indicating cases which he wishes to see pursued. The Supreme Court may determine whether government decrees and instructions conform with basic laws, but does not have the power of full judicial review.

Even where the judicial system provides formal guarantees of autonomy and impartiality, these are routinely undermined, particularly by the military. Whatever the law may say, the judiciary is an arm of the regime. This has been evident in virtually all political trials.

3.2 Political Trials

The Indonesian Government has sought to justify the imprisonment of political opponents on the grounds that they have been tried and convicted "in accordance with the law." For example, an official of the Indonesian embassy in Vienna sought to reassure Amnesty International members that:

Indonesia respects both national and international laws. Indonesia, as a country based on the rule of law, does not tolerate actions such as groundless arrests. Indonesia, as other countries, surely adheres to the principle that suspects may only be arrested and detained with solid reason. The procedures of detention and the grounds on which individuals can be arrested are stipulated in the Indonesian Code of Criminal Procedure (KUHP). [8]

But the reality is that, at virtually every stage of the investigation and trial process,

defendants in political cases encounter treatment at odds with minimal guarantees in Indonesian and international law.

The charges are often so vague, the evidence of guilt so patently thin, and the sentencing so draconian that they are clearly designed as a public warning against dissent. They are effectively show trials, characterized by the following general features:

Once charges have been filed, guilt is assumed and conviction is a foregone conclusion.

Defendants are routinely denied access to legal counsel of their choice, and defence lawyers are often refused access to court documents before the trial starts.

Political cases are often handled by inexperienced, court-appointed lawyers who provide an inadequate defence.

Defendants are often convicted on the basis of uncorroborated confessions or testimony extracted under duress.

Trials are conducted in Indonesian, which is not always understood by defendants, and competent translators are not always provided.

Defendants are frequently denied the right to cross-examine prosecution witnesses, while witnesses for the defence are often barred.

Evidence of ill-treatment, torture and other irregularities in the pre-trial process are routinely ignored by the courts.

Defence lawyers, prosecutors and judges are subjected to pressure from military and government authorities to ensure a guilty verdict.

The government has sought to answer domestic and international criticism by pointing out that political trials are open to the public, and by permitting international observers to attend them. Such openness is welcome, but it is not in itself a guarantee that trials will be fair. The Indonesian authorities, and some other governments, have been quick to applaud the presence of foreign observers at political trials. But they have frequently failed to mention that almost all such observers - representing a range of international organizations - have found that the trials attended failed to meet basic standards for fair trial.

3.3 Treatment of Prisoners and Conditions of Release

Torture and ill-treatment are prohibited under the Indonesian Criminal Code, the Code of Criminal Procedure and by various ministerial regulations. According to the authorities, they are also proscribed by armed forces service oaths. However, these laws and regulations have not prevented torture and ill-treatment or provided effective avenues for redress. Nor have they been effective

tive in ensuring that the perpetrators are brought promptly to justice.

Torture and ill-treatment are commonplace in Indonesia and East Timor and regularly result in death or serious injury. Methods of torture and ill-treatment appear to be standard, with a similar repertoire of techniques reported throughout the various regions of Indonesia and in East Timor. Most political detainees experience some or all of the following methods: beating on the head, shins and torso with fists; lengths of wood, iron bars, bottles, rocks or electric cables; burning with lighted cigarettes; electrocution; slashing with razor blades and knives; death threats, mock executions and deliberate wounding with firearms; immersion for long periods in fetid water; suspension upside-down by the ankles; isolation, sleep and food deprivation; mutilation of the genitals, sexual molestation and rape. While this does not prove that torture is overt government policy, it does indicate that it has become institutionalized within the armed forces.

The treatment of political detainees generally improves after they have been sentenced and transferred to the prison system. Yet serious problems remain, particularly in more isolated areas and in high security prisons where access to lawyers, doctors and relatives may be heavily restricted. Health problems such as skin disorders, respiratory ailments and stiffness arising from unsanitary or unhealthy conditions are common. There are also periodic reports of the injury or death in custody of political prisoners in such prisons. Correspondence to and from political prisoners is often censored or intercepted. Corruption is rife in the Indonesian prison system, and prisoners without access to an independent source of income or basic daily necessities face serious difficulties.

Some political prisoners benefit from the rules on remission of sentences. Remissions of up to four months are granted annually on national independence day (17 August) to all prisoners considered to have behaved well. Recently revised regulations allow for the conditional release of most prisoners after they have served two-thirds of their sentence. However, other rule changes make early release unlikely for some. A 1987 presidential decree means political prisoners serving life sentences can only gain remission through a presidential pardon.

Political prisoners are seldom released unconditionally. Some of the conditions imposed contravene international human rights standards upholding the rights to freedom of thought, expression and opinion. Prisoners are required to demonstrate that they have reformed politically. Most must undergo political "re-education" in prison, and are required to swear allegiance to the state and Pancasila before release.

3.4 Detention Without Charge or Trial

In addition to the estimated 3,000 alleged political opponents jailed after unfair trials since 1965, many thousands of prisoners have been detained without charge or trial, some for 14 years. Arbitrary and incommunicado detention is routinely practised to intimidate suspected opponents and to gather political intelligence during counter-insurgency operations. It is also used to prevent or break up strikes, peaceful gatherings, demonstrations and exhibitions.

This practice has been widely criticized, forcing a shift in official tactics. Arbitrary detention now tends to be short-term; suspects are interrogated, often threatened or ill-treated, but released within the 24-hour legal limit. This allows the authorities to disrupt peaceful protests, and to intimidate suspected leaders, and still claim to be acting "in accordance with the law." Mass arbitrary detentions have also been justified in the interests of "national security."

Some of those held in arbitrary, unacknowledged military custody "disappear," making them vulnerable to torture and extrajudicial execution. This problem has been most acute in Aceh and East Timor, but conditions conducive to "disappearance" exist wherever the authorities are able to invoke the interests of "national security." In such situations the legal provisions designed to protect detainees' rights are either ignored or superseded by exceptional laws. The danger is greatest where detainees are held by units of the counter-insurgency force Kopassus. In the words of one Acehnese: "If you're taken away by the military you have a 50-50 chance of coming back. If you're taken by Kopassus you can forget it."

3.5 Restrictions on Released Prisoners

Years after their release, many political prisoners face severe restrictions on their civil and political rights, and some effectively remain under house or city arrest. The problem is especially acute for those once imprisoned as PKI members or supporters. Although most were never tried or found guilty of any offence, their identity cards are marked "ET," an acronym signifying "Former Political Prisoner." This mark carries with it a powerful political and social stigma, as well as real legal limitations, that affect not only former detainees but also their relatives, including many who were not even born at the time of the 1965 coup.

Former prisoners or PKI members, and often members of their families, are prohibited from working in any occupation which might give them the opportunity to influence public opinion, for example as journalists, teachers, village heads, actors, puppeteers or religious preachers. Severe restrictions on freedom of movement mean that they are

effectively under house or town arrest, and must seek special permission to travel or even to move house. Many, including those who were never tried, must report to military or police authorities on a regular basis for years.

Former PKI prisoners also suffer political restrictions. They are granted the right to vote only with the explicit approval of government and military authorities, after investigations to establish their political attitudes and behaviour. Before the June 1992 national elections, the government announced that 36,345 former PKI prisoners would not be permitted to vote. Political party candidates are required to undergo political screening before their nomination can be accepted; those who pass the test but are later discovered to have had some link to the PKI are likely to be forced from office.

4. THE PRISONERS

The estimated 350 political prisoners held in late 1994 included advocates of independence for East Timor, Aceh and Irian Jaya, Islamic activists, former members of the PKI, university students, trade unionists, and human rights activists. They were in prison for "crimes" such as raising flags, advocating closer ties among Muslims, criticizing the state ideology Pancasila, disseminating information about human rights violations, demonstrating for democratic reform, and resisting forcible eviction.

East Timor

Hundreds of suspected opponents of Indonesian rule in East Timor have been tried and sentenced to lengthy prison terms since the invasion of 1975. Many were convicted of rebellion in a series of trials that began in 1984. However, political show-trials have continued in the 1990s, leading to the imprisonment of scores of people on charges including subversion, rebellion and "the expression of hostility" toward the government of Indonesia.

At the end of 1994 some 24 East Timorese were serving sentences ranging from a few years to life imprisonment for various political offences. Most were accused of organizing the procession to the Santa Cruz cemetery in November 1991 - during and after which Indonesian security forces opened fire killing up to 270 people - or the peaceful protest against the massacre held in Jakarta later that month. Many were held incommunicado and tortured while being interrogated.

In addition to those tried, thousands of East Timorese have been held without charge or trial, for periods ranging from a few days to several months, since late 1991. Many have been denied access to their relatives and

lawyers and some are known to have been ill-treated and tortured.

Aceh

At least 50 people have been sentenced to prison terms of between three years and life since 1991 for their alleged links to Aceh Merdeka, an armed rebel group seeking independence for Aceh and parts of North Sumatra. All have been convicted in unfair trials under the Anti-Subversion Law, including at least three men sentenced to 19 years each in 1994. The trials of a further five alleged Aceh Merdeka members were announced by the authorities in October. At least 24 of those sentenced appeared to be prisoners of conscience, having neither used nor advocated violence.

Trials of the alleged leadership of Aceh Merdeka – including university lecturers, civil servants and school teachers – began in March 1991, at the height of an intensive counter-insurgency campaign in which some 2,000 civilians were killed. The public prosecutor acknowledged that members of this group “were not armed” but charged that they were “...the brains which planned the terrorist actions” of Aceh Merdeka. There was little or no evidence that any of this group had advocated violence or planned violent acts; in fact, some appeared to have argued openly against violence.

In addition to those jailed after unfair trials, at least 1,000 people were held in unacknowledged, incommunicado detention in Aceh and North Sumatra for periods ranging from a few days to more than a year between 1989 and 1994. Scores and possibly hundreds of Acehnese political detainees “disappeared” in custody, and many are feared to have been killed.

Irian Jaya

More than 140 people have been jailed for subversion since 1989 for advocating Irian Jaya’s independence. At least 50 remained in jail in late 1994, over half of whom were prisoners of conscience, serving sentences of up to 20 years’ imprisonment. Many of these prisoners are held in East Java, more than 1,500 miles away from Irian Jaya, making it difficult for their relatives to visit them.

Among those jailed in 1989 was a group of 37 people who staged a peaceful flag-raising ceremony in December 1988 to proclaim the independent state of “West Melanesia.” None of the group had used or advocated violence, a fact acknowledged by the Regional Military Commander for Irian Jaya one month before the group’s leader, Dr. Wainggai, was sentenced:

[It is] really nothing more than a diplomatic group....It is not an armed movement....He had got together a few people to act as functionaries of a new

state but he hadn’t got around to making any laws.

More than 40 other suspected supporters of independence were arrested and tried for subversion in 1989 and 1990, and sentenced to up to 17 years’ imprisonment. Most were accused of planning to commemorate the 1988 proclamation.

Muslim activists

Hundreds of Muslims have been jailed in Indonesia over the past 15 years. Most were accused of criticizing the government, of undermining Pancasila, or of attempting to establish an Islamic state. As of mid-1994, an estimated 150 Muslim prisoners remained in jail, including at least 50 prisoners of conscience.

One of the most significant series of Muslim trials began in 1985, a year after soldiers had massacred scores of protesters in Tanjung Priok, Jakarta. Around half of the 200 people arrested in connection with the protest were subsequently brought to trial. Some were accused of acts of violence, but scores were sentenced to years in jail because of their peaceful beliefs. Several prominent opposition figures were also jailed after criticizing the government’s handling of the affair and calling for an independent inquiry.

The next major series of trials began in 1986 and continued until 1989. The defendants were members of small Islamic communities, known as *usroh* and based in Central Java, which aimed to spread Islamic teachings and values. At least 40 *usroh* members were convicted of subversion, for allegedly seeking to establish an Islamic state and undermine Pancasila. Little or no evidence was presented to substantiate these allegations.

In early 1989 the spotlight shifted from the *usroh* groups after government troops attacked an alleged militant Islamic sect in Lampung, known by the name of its leader, Warsidi. In the aftermath of the assault, which may have left as many as 100 people dead, the government began a widespread crackdown against Muslims believed to be linked with the “Warsidi Gang.” Scores of Muslim activists were arrested in subsequent months in Lampung, Nusa Tenggara Barat, West Java and Jakarta. Most were tried for subversion in 1989 and 1990. All were found guilty and sentenced to terms of up to life imprisonment.

PKI prisoners

A minute fraction of the more than 500,000 people arrested after the 1965 coup, about 1,000 in all, were brought to trial and sentenced to lengthy prison terms or condemned to death. Some 30 remained in prison in late 1994, more than a quarter of a century after their arrest. Most were believed to be prisoners of conscience. Because of their

advanced age, a number of PKI prisoners have died in custody; others suffer serious physical and mental disabilities.

The trials of those accused of PKI membership or participation in the coup were uniformly unfair. The virulent anti-communism which followed the 1965 coup meant that few witnesses dared testify on behalf of suspected PKI members on trial for subversion. Defence lawyers acting for PKI members were accused of communist sympathies, threatened and harassed. Many of the witnesses were also prisoners, and in some cases the “evidence” they gave was extracted under torture. There were also serious doubts about the impartiality of the judges, particularly those who headed the special military courts which sentenced high-ranking PKI members to long prison terms or death. Many PKI prisoners were denied the right to appeal; those allowed to appeal often waited 10 or 20 years to learn that their appeals had been rejected.

In addition to those tried, hundreds of thousands were held without charge or trial for periods ranging from a few days to 14 years. A number of former PKI prisoners from both categories, tried and untried, remain under house arrest and face serious restrictions on their civil and political rights and freedom of movement.

Other Political Prisoners

The government has also used repressive legislation to imprison scores of people whose dissenting voices, or criticism of government policy, are deemed unacceptable to those in power. These have included dozens of students sentenced to prison terms ranging from a few months to nine years for their non-violent political activities. Many other students have been detained without charge for short periods, apparently to disrupt their activities – however lawful – and to obtain information about their organizations. The government has used various methods, including short-term detention and imprisonment, to silence the advocates of workers rights and to undermine independent trade unions. Members of farming communities involved in land disputes with private or official bodies, and activists working with them, have suffered a range of abuses, including intimidation, death threats, attempted murder and imprisonment. Some are prisoners of conscience.

Recommendations to the Government of Indonesia

1. Release immediately and unconditionally all prisoners of conscience – those held solely for the non-violent expression of their political or religious views.
2. Ensure that all those detained without charge in connection with their alleged po-

litical activities, are charged with a recognizably criminal offence and brought to trial promptly and fairly, or released.

3. Ensure the release, or the speedy and impartial review of the trials of all those sentenced in unfair political trials.
4. Prohibit explicitly by law all forms of torture and other cruel, inhuman or degrading treatment or punishment and ensure that all such acts are recognized as criminal offences, punishable by penalties which reflect the seriousness of the crime.
5. Guarantee that all detainees, including those held for suspected national security offences, are permitted prompt and regular access to lawyers of their choice, and to doctors and relatives.
6. Ensure that any person deprived of their liberty shall be held in an officially recognized place of detention and be brought before a judicial authority promptly after arrest.
7. Take all necessary steps, including the enforcement of existing legislation and the introduction of further legislation, to ensure that statements extracted under torture or other ill-treatment cannot be admitted as evidence during any legal proceedings, except against a person accused of torture as evidence that the statement was made.
8. Promptly repeal the Anti-Subversion Law and conduct a thorough review of all legislation pertaining to national security and public order to ensure that national security interests cannot be invoked to imprison people for the peaceful exercise of their right to freedom of expression
9. Abolish the death penalty and commute all existing death sentences.

Recommendations to UN Member States

1. Urge the Government of Indonesia to invite the UN Working Group on Arbitrary Detention to visit Indonesia and East Timor.
2. Urge the Indonesian Government to permit regular and unhindered monitoring of human rights in Indonesia and East Timor by domestic and international human rights organizations, including Amnesty International.
3. Encourage the Government of Indonesia to accede to the International Covenant of Civil and Political Rights and its Optional Protocols; and to the International Covenant on Economic, Social and Cultural Rights.
4. Encourage the Government of Indonesia to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to recognize the competence of the UN Commit-

tee against Torture to receive individual complaints and to hear inter-state complaints.

FOOTNOTES/ENDNOTES

- [1] Commenting on the draft Criminal Code in 1993, the then director of the Indonesian Legal Aid Institute, Abdul Hakim Nusantara, said: "...the draft is very, very dangerous especially on definitions of crimes against the state."
- [2] The original legislation was Presidential Decree No.11/1963 on Eradicating Subversive Activities. In the aftermath of the 1965 coup, Sukarno's Presidential Decrees were deemed to be unconstitutional, and provision was made for their review. In 1966, the Indonesian representative assembly (MPRS) recommended the review of Presidential Decree No.11/1963 with a view to its possible repeal. However, in 1969, on the initiative of the Minister of Justice, the decree was enacted into law, as UU No.11/PNPS/1963 (Act No.5 of 1969).
- [3] Adnan Buyung Nasution, cited in Suara Pembaruan, 3 May 1993.
- [4] For example, in April 1994 an Amnesty International member received a letter from the State Department of the United States of America. While the letter deplored the torture and unfair trial of Adnan Beuransyah, a possible prisoner of conscience, it also noted that "the Indonesian Government has been much more selective during the past year in applying the Anti-Subversion Law, which is a positive development."
- [5] Attorney-General Singgih, cited in Republika 5 February 1993. On the same occasion, Singgih defended the subversion law by saying it is "...very important for the protection of the state ideology Pancasila," Jakarta Post 5 February 1993.
- [6] Another Indonesian human rights lawyer (Nursyahbani K) commented: "Expressing an opinion is always regarded by the authorities as incitement or hatred of those in power." Forum Keadilan, 26 November 1992.
- [7] The rights of suspects and defendants are spelled out in Chapter VI of Indonesia's Code of Criminal Procedure (KUHP). A 1982 Ministry of Justice Circular argued that the new Code conformed with international human rights law. See Chapter IV of Ministry of Justice Circular M.01.PW.07.03 TH 1982.
- [8] Letters to various Amnesty International members from the Counsellor, Head of Information and Cultural Affairs, Indonesian embassy, 12 August 1994.

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TWENTY-SEVEN TO FACE TRIAL IN EAST TIMOR

The Australian, Jan 17 1995

Dili police chief Andreas Sugianto said yesterday that 11 East Timorese and 1 man from Sulawesi will face criminal charges over Bacau riot on New Year's Eve. 16 East Timorese youths would also face trials over a pro-independence protest in Dili on January 9th.

TIMORESE ENDS HUNGER STRIKE, ASKS FOR PRISON TRANSFER

Reuter, 24 January 1995. Abridged

Jakarta – Six East Timorese, jailed in Central Java for involvement in 1991's Dili bloody demonstration, have ended their hunger strike to demand the authorities transfer them to their hometown, an official said on Tuesday.

The official from the justice office in Semarang, 250 km (156 miles) east of Jakarta told Reuters the Timorese had ended the strike and submitted request for transfer to a Dili prison, but it was up to the director general for correctional institution in Jakarta to make further decision.

The Jakarta Post quoted chief of central Java justice office Soeroso as saying on Monday the inmates wanted to be moved to Dili so that they would be closer to their families.

"Their reasons are quite human," he said. It was not immediately clear as when the Timorese started the strike.

Director general for correctional institution was not available for comments on Tuesday.

SIX EAST TIMORESE PRISONERS STILL HOPE TO BE MOVED TO BECORA

Kompas, 4 February 1995. Abridged

Yogyakarta – The families of the group of six convicted East Timorese prisoners from the 12 November 1991 incident who are still in Kedungpane Prison, Semarang, Central Java still hope to be moved to Becora Prison, Dili, to be near their families.

This hope was expressed by one of the lawyers of the group, Artidjo Alkostar, of LBH Yogyakarta who has just met relatives of the six in East Timor. Nur Ismanto, director of the LBH said that he had also brought some money from relatives for Filomeno da

Silva Fereira who is serving a sentence of five years and eight months. He is suffering from tuberculosis.

Nur Ismanto said that they had sent a request three times to the Director-General of Prisons at the Justice Department but no reply had been received. This compelled the prisoners to start a hunger strike which went on for ten days in January.

Their lawyers have not yet been able to meet their clients since their first meeting in the middle of January. That meeting took place with the assistance of the Prisons Director-General, Baharuddin Lopa.

During that meeting, the six prisoners told their lawyers that they wanted to serve the rest of their sentences in Becora Prison, Dili to be close to their families.

As of Feb. 21 we have seen no more recent reports than this and assume that the situation still remains the same. — TAPOL

NEW TRIALS IN EAST TIMOR

From Human Rights Watch/Asia, 29 Jan.

Trials of six East Timorese have begun in Dili with Ponco Atmono, the lawyer from Musyawarah Kesatuan Gotong Royong (MKGR), the Golkar legal aid group, acting as counsel. He is the same court-appointed lawyer who "defended" the two East Timorese now imprisoned in Kupang, Bonifacio and Carlos Lemos.

The six on trial, all arrested in connection with the disturbances in Dili on November 12-14, 1994, are Jacinto dos Santos Loho; Elidio Maia; Julio Araujo de Jesus; Marcelino da Costa; Pransitas Kalu (the name is West Timorese); and S. Neves. Very few people in Dili were informed that the trials had begun. It was only after the district court building was ringed by police and military that it became known more widely. For all practical purposes, the trials were closed: no loudspeakers were set up so that the proceedings could be heard (as often happened in the trials of students in Jakarta or in the trials of Xanana and the defendants arrested after November 12, 1991). Military personnel also ensured that the courtroom was cleared of spectators.

There are between 18-19 other defendants to be tried in connection with events of November 12-14, but their trial dates have not been announced. Sixteen others will be tried in connection with the demonstration in front of the University of East Timor. They include Alfredo Lopes; José Pinto; Filomena dos Santos; Alexander da Costa; Bendito Salom; Jhon [João?] Manuel; Mario da Costa; Inacio da Jesus Sandos; Carlos Arnes Bareto; Luis Tavarez; José Hendriques; Lemos Bareto; Aping da Costa; José Antonio Belo; and Ipolito da Silva. José Antonio Belo is a stu-

dent of English literature at UNTIM; José Pinto is a student in the sopol faculty of UNTIM; and Alexander da Costa is a high school student. All have given power of attorney to the Jakarta-based Joint Committee for the Defence of East Timorese.

TIMORESE COULD FACE FIVE-YEAR SENTENCES

AFP 31 January 1995

Comment: Although the item says the trials began Monday, other sources suggest they started last week, possible Friday or Saturday. The trial proceedings are rushed through as always with trials in Timor. These are show trials to the Nth degree. There could not possibly have been any investigation of the charges on behalf of the defence. Nor is it clear what the charges were.

Jakarta – Two East Timorese are being tried in Dili for their alleged involvement in three days of unrest there in November, reports said Tuesday.

The Antara news agency said separate trials began Monday for Adilion Maia and Marcelina da Costa, on charges of taking part in riots that followed the death of an East Timorese trader at the hands of an Indonesian migrant at the town's main market on November 12.

Antara said the prosecutors at both trials are asking for five year jail terms.

The military has said that 27 people remain in detention for criminal actions during the riot and that their trials were being prepared.

Muhamad Sakir, 30, a trade from Ujung-panjang in South Sulawesi, was jailed for 14 years earlier this month for killing East Timorese trader Mario Vicente during the brawl in Dili's Becora market

PROSECUTOR WANTS FIVE YEARS FOR NEVES

BBC monitoring of N Zealand radio report, 27 January 1995

An Indonesian public prosecutor has asked for a sentence of five years' imprisonment against an East Timorese student leader for plotting secession from Indonesia, New Zealand radio reported today.

José Antonio Neves is alleged to have lead a group which had links with the East Timorese guerrilla and sought support from East Timor exiles and human rights groups abroad. The trial is being held in the East Javanese town of Malang

APPEAL TO UN FOR JOSÉ ANTONIO NEVES

Yesterday, 8 Feb., the LXLT commission was received by the UN representation in Lisbon in order to deliver this appeal. Actions similar to this one and carried out by other solidarity groups, can be positive "to soften" José Neves case epilogue.

APPEAL TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

Lisboa, 27 January 1995

His Excellency Dr. Boutros Boutros-Ghali Secretary-General of the United Nations

Your Excellency,

José Antonio Neves is a Timorese graduated in Theology, who is currently being tried in Malang, Eastern Java, under the accusation of rebellion against the Indonesian state. José Neves was arrested in May 1994, in one Malang Post Office, when he was trying to fax to the exterior some updated information about the East Timor situation.

The trial sessions have been going on for several weeks and the sentence is expected to be read next 1st of February. According to the Indonesian law, the presented accusation leads to a lifelong imprisonment.

Your excellency, presenting our deepest concern regarding this situation, we do it as citizens and mainly, as journalists. As Media professionals, we think that is completely intolerable to deny human beings, one of the most basic rights; the right to be informed and the right to free expression. Far worst, is to think that someone might be life imprisoned on account of this.

The fact that the United Nations Human Rights Commission has started its sessions where the Indonesian performance, on the referred issue, will be judged by the international community, highlights on our view the convenience of this appeal. We ask you to use your good offices near to the Indonesian government so that the José Neves trial does not end in the predictable epilogue.

This appeal was signed by nearly 200 Portuguese journalists from TV, Newspapers, etc.

JOSE ANTONIO NEVES GETS FOUR-YEAR SENTENCE

Reuter, 17 February 1995. Abridged

Jakarta – An East Timorese leader has been sentenced to four years in jail on charges of plotting the secession of the territory from Indonesia, defence lawyers said Friday.

José Antonio Neves, who until his arrest last May was the leader of the underground Renetil student movement, was convicted on Thursday of seeking support from exiles and

human rights groups abroad, one of his lawyers, Munir, told Reuters.

"The court said in its verdict that Neves, in his capacity of an activist from a clandestine movement, is responsible for the sending of documents on East Timor abroad," he said.

The prosecutor had earlier asked the court to sentence Neves to five years.

Munir said the defendant asked the court for a week to decide whether to appeal against the verdict.

Renetil, which boasted 70 members among Malang's East Timorese community, was largely broken up after Neves and several other members were captured along with documents during the May raid.

STATEMENT OF JOSÉ ANTONIO NEVES

Malang, 26 February 1995. Released by CNRM

I, José Antonio das Neves, citizen of East Timor by nationality and patriotic conscience, and Portuguese citizen based on international law, having been sentenced to four years of prison by the District Court of Malang, Central Java, Indonesia, after being found guilty of accusations of engaging in public order disturbing activities and being involved in resistance activities against the invasion and illegal occupation of East Timor by Indonesia, hereby declare:

1. I reject the above mentioned sentence pronounced against myself;
2. I shall not appeal nor engage in any other juridical recourse to higher Indonesian Court authorities in relation to the sentence passed against me.

I also take this opportunity to appeal to the International Community to:

1. Apply pressure on the Indonesian Government to put an end to all the punishments being exerted against East Timor citizens being held in Indonesian prisons;
2. Induce the Indonesian Government to cooperate with the United Nations, Portugal and the East Timorese people to find a speedy and unequivocal definition for the political status of East Timor according to International Law.

I attach my signature to this true statement, which is to be brought to the knowledge of the International Community.

-signed under RENETIL seal -
(José Antonio de Jesus das Neves)

CNRM COMMENT ON NEVES STATEMENT AND TRIAL

Media Release, 27 Feb. 1995. Abridged.

José Antonio Neves, East Timorese theology student and secretary of the student

national resistance organisation RENETIL, was sentenced on 15 February 1995 by an Indonesian Court to four years jail. Last May he was arrested in the Central Java city of Malang while sending faxes with East Timor human rights violations information to human rights monitors overseas.

Neves was pronounced guilty of charges of plotting the secession of East Timor from Indonesia. The Court's verdict said Neves was responsible for the sending of documents on East Timor overseas. He was convicted of seeking support from exiles and human rights groups abroad.

...

Neves' trial in recent months gave an opportunity to prominent Indonesian human rights lawyers defending him, such as LBH (Legal Aid Foundation) lawyer Luhut Pangaribuan, to openly challenge the legality of the Indonesian annexation of East Timor. The defence team's rebuttal read on 19 October 1994, argued that CNRM the resistance organisation of the East Timorese people, and its component

RENETIL, are lawfully recognised in international law and also by the Government of Indonesia. The court proceedings, they argued, "cannot be divorced from international law in so far as they concern the acquisition of the territory of East Timor by....Indonesia."

Their rebuttal recalls that territory acquisitions by military force are illegal under international law, adding that such territories are the concern of the UN and continue having the right of self-determination.

The juridical consequence of the acquisition of East Timor by force, in violation of international law, according to the Indonesian LBH lawyers, is that

"the struggle of the people of East Timor for independence, for their own government - not under the Republic of Indonesia - as has been waged by the accused [Neves]is justified according to ... international law.

The rebuttal noted that the independence struggle of the East Timorese people is organised by the CNRM, whose leader Xanana Gusmão in 1992 proposed a Peace Plan initiative to resolve the East Timor conflict. It also argued that Indonesia has recognized in political terms the existence of CNRM by commitments it has made under a tripartite consensus with Portugal under UN auspices. These included the meeting last October between Indonesian Foreign Minister Alatas and CNRM's Special Representative overseas, José Ramos Horta.

The LBH lawyers concluded that :

- a) The East Timor dispute is one of acquisition of territory, which is not yet resolved;

- b) "the Government of the Republic of Indonesia has, under law, recognised that

CNRM and all its organs including RENETIL, must be respected under international law as a form of struggle which has the legitimate right to take actions and undertake efforts to seek support, as was done by the accused. It therefore follows that the action of the accused as a RENETIL activist are not criminal acts."

These unprecedented statements by Indonesian lawyers in an Indonesian Court were followed on 14 December by a strong testimony presented by highly respected Indonesian academic Dr. George Aditjondro. He testified as an expert defence witness. Aditjondro compared the struggle of the East Timorese and the Palestinians, Saharawis, Bosnians and the anti-Apartheid South African struggle. Aditjondro stressed the strong parallel between present nationalist activities of East Timorese students in Indonesia and that of Indonesians studying in Holland during the Dutch colonial time, which led to the 1945 Declaration of Independence.

The prosecution's response on the defence arguments contained little more than attempts to attack the personal integrity of the defence, questioning the strength of their nationalism and accusing them of not being good patriots.

The case of José Antonio Neves, is thus yet another example of the blatant injustice of Indonesia's treatment of the East Timorese. It also points to the inconsistencies of the Indonesian Government's approaches to the issue. Most significant, however, is the evidence of increasing awareness by a growing number of prominent Indonesians about the true nature of the East Timor conflict. As they gain access to more information about the 20 year old war, their rejection of the shameful and damaging policies so far followed by their rulers is articulated with increasing strength, even in law courts, as the Neves trial shows.

12 "NINJAS" TO BE TRIED; TRIAL OF ATIKO MARTINS

Free translation/summary from Portuguese.

LUSA, Jakarta, Feb. 22 - Twelve people will be tried for their alleged involvement in a terrorist group known as the "ninja" vigilantes. The suspects were captured in January by Timorese groups of civil defense, and were delivered to local authorities.

Meanwhile, a public prosecutor in Dili, Lappy, said today he will ask for a two-year sentence for a Timorese youth who is being tried for alleged involvement in the November "disturbances" in Dili. Atiko Silvano Ribeiro Martins, 19, is accused of having

caused damage to a restaurant, and having set on fire a motorbike on November 13.

TIMOR RIOT TRIAL

Sydney Morning Herald, March 2, 1995

Jakarta, Reuter, Monday: Indonesia will try 27 East Timorese and one Sulawesi man on various charges over a riot and independence protest which rocked East Timor earlier this month, a police official said.

The chief of police in the former Portuguese colony, Mr. Andreas Sugianto, told Reuters by telephone that 11 East Timorese and one man from Sulawesi would face criminal charges over an ethnic riot in Baucau, 180 kilometres east of Dili, on New Year's Day.

Three people were killed in the riot and the trial is likely to go ahead next month.

Mr. Sugianto said 16 East Timorese youths would also face trial over an independence protest in the capital, Dili, on January 9 which coincided with a fifth round of United Nations-brokered talks between Indonesia and Portugal in Geneva. The UN still regards Lisbon as the administering authority in East Timor.

EVENTS IN INDONESIA

INDONESIA ON WOMEN IN EAST TIMOR

The following reply to the National Council of Women of New Zealand was published in their newsletter, Circular 379, February 1995. International News and Views, from the International Secretary, Val Penty

Reply from Kowani, Kongres Wanita Indonesia (dated 19 Nov. 1994)

We apologise for the belated reply as we have been occupied by both national and regional ASEAN activities.

In order to give you a more up to date description of the women's status in Timor Timur (East Timor) we have contact the person in charge with WID in Timor Timur; her name is Mrs. Enny Sumakso, one of the Chairpersons of the Central Activity Team of the national PKK movement. Communication with Timor Timur is not easy, this province being area 3000km way from Jakarta.

Our response to your letter is a long one, as it should be backed up by latest data.

Please know that the question of welfare and safety of those who live in Timor Timur, the women and children in particular has always been the concern of KOWANI, and beyond any doubt also the concern of the

Indonesian society and the Indonesian Government.

In fact we see it in a much broader context of improving the quality of women, the quality of family life in general, bearing in mind their background situation compared to the other parts (provinces) of Indonesia, due to their neglected conditions before they became part of Indonesia.

With regard to violation of women's rights in this province as you pointed out in your letter we like to state that violation of women's rights and that of other human rights occurs not only in Indonesia, but happens in every country of the world.

We are pleased to inform you that a special commission, the National Commission on Human Rights has been an existence in Indonesia for the past two (2) years, with 2 prominent women NGO leaders and human rights fighters among its 25 commission members.

At this point we'd like to share with that very recently the Second National Workshop on Human Rights has been convened in Jakarta by the Department of Foreign Affairs in Co-operation with the National Commission on Human Rights; this Seminar was attended a.o. by the Secretary General of the United Nations Commission on Human Rights, Mr. John Pace and the Director of the Australian National Commission on Human Rights, Mr. Burdekin, and among its adopted recommendations was the crucial role of Human Rights Education and promotion not only directed to the society at large, but also to the Law Enforcing and Secretary Systems, the Police and the Armed Forces, involving also NGO's; equally important is the integration of Human Rights education in the formal school and training curricula.

However, since the allegations concerning the abuse of personal rights of some women are not substantiated and quite often [are far from] the factual truth, it is rather difficult for us to respond in a direct manner.

Please also know that the ICRC has been present in Timor since 1979 to monitor possible human rights violation cases.

The role of women NGOs and PKK in promoting women's status

The women's right to education and health has been implemented slowly but surely.

- Literacy classes, now covering 2743 Literacy Groups (each group composed of 10 families) are combined with income generating skill training.
- 84 Community Libraries are in operation
- 768 Village based Health Service Posts (Fosyandu) provide primary health care services and health education, Mother & Child Health Care, Nutrition Education &

Immunization, and Environmental Education.

The above activities are co-ordinated by the local PKK activating team, operationalized by 9-43 Women Development Cadres.

Despite the intensive endeavours by PKK, the illiteracy rate is still high, likewise is the INR. As this is closely linked with the local traditional attitude towards women, who are still considered as second rank citizens.

In promoting education and health, the PKK activating team is asking every effort to have informal leaders supporting development of women and promoting the women's status in the family and society. This includes minimizing cases of violence against women and children in the family mostly caused by the high temperament of the East Timor male person.

In implementing the 10 programmes of PKK, the activity team and cadres are fully supported by the local government administration, and hopefully very soon with the support of religious and other informal leaders.

Women('s) organisation[s] have with the aid of the government set up a women skill training center in Dili, which is most of the time in operation.

Public schools are open to male and female students alike, covering primary up to senior secondary schools.

From the 14 Districts of Timor Timur, 11 among them are headed by a local native, who are expected to know best what the local needs and aspirations are. It must be admitted that the local traditional attitude towards women is not too conducive to the process of mainstreaming of women.

We hope this information will help you form a more positive image of the women's situation in Timor Timur.

A great deal more needs to be done, re-thinking, motivating and people's participation. Please feel free to contact Mrs. Enny Soemakso, our contact person for Timor Timur through KOMANI.

With my personal warm regards
Mrs. Enny Busiri, President of KOWANI

JAKARTA STUDENTS, WORKERS CLASH WITH MILITARY

By Max Lane, Green Left, Jan 22 1995

Several activists from the Students in Solidarity with Democracy in Indonesia (SMID) were released from jail in Jakarta on January 15. They had been held in prison since January 10, when 1000 workers and 100 students clashed with the military in the

industrial area of Tangerang on the western edge of Jakarta.

The rallies were protesting against the disastrous safety record at the Ganda Guna Indonesia factory, where more than 30 workers are recorded as having lost fingers or other parts of their bodies. The workers also demanded food and transport allowance increases of approximately A\$1. This was the 10th time the workers had gone out on strike.

Among those arrested was Munif Laredo, the president of SMID. The students and workers were marching from Tangerang to the local provincial parliament when they were surrounded by troops from the local military and police command. Scuffles broke out as the military tried to arrest the student leaders and the workers held on to the students, attempting to block the arrests.

The rally was broken into two by the military attack. One section of the workers marched on to the parliament, and the other marched to the Tangerang police station.

Further actions were later held in solidarity with the arrested students. According to a statement issued by the Centre for Indonesian Working Class Struggle (PPBI), later on January 10 SMID and PPBI workers briefed members from the Alliance of Independent Journalists on events. Also present were representatives of the Indonesian Prosperity Workers Union (SBSI), the Peoples Democratic Alliance, the student group PIJAR and other organisations.

On January 11, 15 SMID students and four workers from the Ganda Guna factory picketed at the offices of the government's official Human Rights Commission. They were later received by commissioner Amaral.

On January 11, the workers continued their strike despite a leaflet issued on January 10 by the regime's puppet union, the All Indonesia Workers Union (SPSI), stating that if workers wanted to remain safe they should return to work. A delegation met employers and were offered a small increase in food allowance. A number of workers' houses were raided on January 11 and 12 and the workers found there kicked and beaten by local military.

An assembly of workers on the evening of January 12 resolved to continue the strike. On news that the students were still detained, the workers resolved to rally demanding the release of the students. Following more actions, the students were released on January 15. The struggle in the factory continues.

TRADE UNIONISTS ACTIVISTS' SENTENCES INCREASED

Urgent Action issued by TAPOL, the Indonesia Human Rights Campaign, Jan. 24.

It was announced today that two union activists, Muchtar Pakpahan and Amosi Telaumbanua, have had their sentences increased by the high court in Medan. We include below the Reuter report for ease of reference. Pakpahan's sentence went up by one year to four years. Amosi's sentence was more than doubled from 15 months to three years.

According to our information, the lawyers of the two men were not allowed access to their clients in advance of the appeal to the high court. Nor have SBSI activists been allowed access to the men.

We have also been informed that Pakpahan is suffering from a kidney complaint and has not been granted permission to get hospital treatment.

INDONESIA INCREASES UNIONISTS' JAIL TERMS

Reuter report from Medan, 24 January

Indonesia has extended the jail terms of two trade unionists, including independent labour leader Muchtar Pakpahan, convicted of inciting workers in the Sumatran town of Medan, local newspapers said on Tuesday.

The papers said the High Court in Medan extended Pakpahan's jail term by one year to four years and that of Amosi Telaumbanua, who led the local branch of Pakpahan's SBSI union, to three years from the previous 15 months after they appealed their sentence.

"Jail sentences by the Medan District Court to both defendants were not equal with the crime they committed," Judge Nurat Ginting said when sentencing the defendants.

The papers said Pakpahan's lawyers deplored the ruling, made on January 16 but only made known to them through newspapers. Confirmation was not immediately available.

Pakpahan and Amosi were sentenced last year along with up to 70 other worker activists following one of Indonesia's worst incidents of unrest in years.

A demonstration by the SBSI, the officially unrecognized Indonesia Welfare Labour Union, and other worker groups last April brought Medan to a standstill. A race riot was sparked which one ethnic Chinese businessman was killed.

Indonesia has been hit by simmering industrial unrest by a 80-million strong workforce angered by low wages and poor working conditions.

The United States and European Union have protested against the original verdicts.

ACTION NEEDED

- Please fax the following authorities,
- protesting against the increased sentences, abhorring in particular the remark made by the judge.
 - protesting at the lack of access for lawyers and the men's trade union colleagues.
 - calling for immediate medical treatment for Pakpahan.
 - calling for the release of the two men who were only acting in the performance of their duties as workers' leaders, in accordance with Indonesian law as well as in according with international standards.

To: Minister of Justice Oetoyo Oesman, Fax: +62-21 310 4149 or 525 3095

Minister for Manpower Abdul Latief, Fax: +62-21 840 2746

Support messages please to: SBSI, Fax: +62-21 489 8465

And kindly let us know of actions you take.

Thank you,

C. Budiardjo, TAPOL

AI ON PRISONERS IN INDONESIA

AI FI020/95 INDONESIA POCs

EXTERNAL (for general distribution) AI Index: ASA 21/09/95

30 January 1995

Further information on UA 20/95 (ASA 21/08/95, 25 January 1995) - Prisoners of conscience/Medical concern

INDONESIA Muchtar Pakpahan and Amosi Telaumbanua, labour rights activists

Muchtar Pakpahan has now been visited by a doctor and is receiving medical attention. Network participants are therefore asked to stop sending appeals asking for him to receive medical treatment.

However, appeals expressing concern at the increased prison sentences handed down by the High Court to Muchtar Pakpahan and Amosi Telaumbanua and demanding their immediate and unconditional release can continue.

BACKGROUND INFORMATION

Muchtar Pakpahan is National Chairman of the independent labour union Serikat Buruh Sejahtera Indonesia (SBSI) and Amosi Telaumbanua is Chairman of SBSI in Medan. They were among more than 100 workers arrested in Medan in April 1994 during a week of strikes and demonstrations. Muchtar Pakpahan and Amosi Telaumbanua were charged under Articles 160 and 161 of Indo-

nesia's Criminal Code, which prohibit public criticism of the government. These articles are often used by the government against alleged political opponents.

Amnesty International is concerned that the authorities may have used the unrest in Medan as a pretext for a broader crackdown on peaceful labour activism and to silence the advocates of workers' rights.

In January 1995, the High Court in Medan, Northern Sumatra, increased the jail sentences of Muchtar Pakpahan and Amosi Telaumbanua from three to four years, and from fifteen months to three years, respectively. Amnesty International believes the two are prisoners of conscience.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/ express and airmail letters:

- welcoming reports that Muchtar Pakpahan has received medical attention;
- reiterating concern at the increased sentences of Muchtar Pakpahan and Amosi Telaumbanua;
- continue to press for their immediate and unconditional release.

APPEALS TO:

Minister of Justice:

Haji Utoyo Usman S.H. [Salutation: Dear Minister Utoyo Usman] Menteri Kehakiman Jl. H.R. Rasuna Said Kav. 6-7 Kuningan, Jakarta Selatan, Indonesia. Faxes: +62 21 525 3095

Telegrams: Minister of Justice, Jakarta Selatan, Indonesia

AND, IF POSSIBLE, TO THE

FOLLOWING:

Chairman, National Commission on Human Rights:

Lt. Gen. (ret.) Ali Said Ketua, Komisi Nasional Hak Azasi Manusia Departemen Kehakiman RI Direktorat Jenderal Pemasyarakatan Jl. Veteran No. 11 Jakarta Pusat Indonesia Faxes: +62 21 525 3095 (c/o Ministry of Justice)

Minister of Manpower:

Drs. Abdul Latief Menteri Tenaga Kerja Jalan Jenderal Gatot Subroto Jakarta Indonesia Faxes: +62 21 840 2746

SOEHARTO VS. ABRI ON PDI

INDONESIA: Political Maneuvers

Oxford Analytica Asia Pacific Daily Brief(c)
Wednesday, February 1, 1995

EXECUTIVE SUMMARY

INDONESIA: The government is seeking to undermine the influence of opposition Indonesian Democratic Party supporters within the military. Moves against the Indonesian Democratic Party (PDI) are aimed at

improving the election prospects of the ruling GOLKAR in 1997. The prospects for a smooth presidential succession look increasingly remote as conflicts between the palace and Suharto's military critics continue. Military reshuffles and moves against the PDI will at best have short-term consequences. See APDB today. INDONESIA: Political Maneuvers

EVENT: The government is seeking to undermine the influence of opposition Indonesian Democratic Party supporters within the military.

SIGNIFICANCE: Moves against the Indonesian Democratic Party (PDI) are aimed at improving the election prospects of the ruling GOLKAR in 1997. The emergence of Megawati Sukarnoputri, daughter of former President Sukarno, as PDI leader, has particularly worried the government.

ANALYSIS: Undermining the opposition Indonesian Democratic Party (PDI) has long been a preoccupation of President Suharto's government. Most recently, there have been suggestions that the ruling GOLKAR has been seeking to exploit differences between the PDI leadership and local representatives.

Since 1993, the PDI, which is the smaller of the country's two legal opposition parties, has been led by Megawati Sukarnoputri, who is the eldest daughter of former president Sukarno. Since 1982, the PDI had seen its share of the popular vote rise from 6 to 11% in 1987 and 15% in 1992. It now has 56 seats in the 500-seat parliament. Much of this increase had been at the expense of GOLKAR, which has seen its share of the vote decline from 73% in 1987 to 68% in 1992.

The government is afraid that its support may decline further in the run-up to the 1997 general election. There are four main reasons for this:

- former president Sukarno's name still has a charismatic ring to it;
- the PDI is well regarded by young voters in a country where 50% of the population is under 25;
- The PDI has been seeking to establish itself as the 'civilian' alternative to the military-bureaucratic rule of GOLKAR; and
- Megawati's popularity is high among disgruntled army officers.

Moreover, some within the government are aware that the new GOLKAR chairman, Information Minister Harmoko, who is a long-time Suharto man, is unpopular.

Support for Megawati among elements of the armed forces (ABRI) is of particular concern for Suharto. Ever since the fall from favour of former military intelligence chief and armed forces commander General 'Benny' Murdani in the late 1980s, Suharto

has faced growing opposition from the armed forces. Military discontent has in particular been directed at his civilian associates, of which Harmoko, Research and Technology Minister BJ Habibie, and timber tycoon Bob Hasan, have been the most prominent.

The contempt in which these civilian ministers are held by military circles was highlighted in 1993 when former deputy chairman of the military faction in parliament, Major-General Sembiring Meliala, stated in the now banned weekly publication DeTik that "without President Suharto's mandate, Harmoko and Habibie are nothing – when the president is no longer in power, they will vanish."

At the centre of the military opposition has been the Armed Forces Strategic Intelligence Agency (BAIS-ABRI), where many Murdani loyalists continued to serve even after their patron was moved to the largely powerless defence minister portfolio in 1988. Foremost among these loyalists is the former director of the 'internal affairs' section of BAIS-ABRI, Brigadier-General Agum Gumelar. He helped to arrange Megawati's election as PDI chairwomen at the party's Surabaya conference in 1993.

Conscious of the growing threat posed by the popularity of the PDI and support for it within the military, Suharto has adopted a two-pronged strategy:

1. Military reshuffles. Suharto has taken steps to ensure loyalty within the military. Four changes especially stand out:
 - He has liquidated BAIS-ABRI, replacing it last year with a new, slimmed-down agency, Badan Intelijen ABRI, or BIA, headed by an 'assistant for intelligence,' who reports to the armed forces chief of staff and no longer to the armed forces commander.
 - He has purged Murdani loyalists from military intelligence. Gumelar, for example, was relieved of his position as special forces commander last September and appointed head of the Bukit Barisan (North Sumatra) military region. His 'internal affairs' directorate at the former BAIS-ABRI was also subsequently abolished.
 - He has reoriented BIA to intra-military surveillance, with high priority being given to the rooting out of officers critical of either himself or his civilian supporters.
 - He has extended indefinitely the term of Armed Forces Commander-in-Chief General Feisal Etno Tanjung, who is close to Habibie.
2. Anti-PDI campaign. At the same time, Suharto has struck out against the PDI. This has involved accusing the party of

containing communist sympathisers. Both Tanjung and Home Affairs Minister Yogie Memed have given credence to allegations made by former PDI central executive member, Jusuf Merukh, and other PDI malcontents that perhaps as many as 300-400 current PDI members may have links with the former Indonesian Communist Party (PKI).

In addition, Suharto is thought to have encouraged the West Java (Siliwangi) Military Command to endorse accusations against the chair of the PDI's West Java chapter, Djadjang Kurniadi, that he was a former member of the leftist faction of Sukarno's Indonesian Nationalist Party (PNI), and was involved directly or indirectly with the attempted coup in 1965.

Outlook. Given its links with the PDI, it is unlikely that ABRI will go along with Suharto's anti-communist witch-hunt against the PDI. So far, only two senior officers (Tanjung and Central Java Regional Commander Major-General Soeyono) have stated publicly that they take the charges against the PDI seriously. There is even an outside chance that key figures in the military might withdraw their support for GOLKAR in the 1997 general election because of their antipathy to Harmoko. However, what is clear is that the battle lines are now being drawn for the inevitable struggle over the presidential succession in April 1998, when Suharto's sixth and almost certainly last five-year presidential term comes to an end. At this point, powerful forces within the military are likely to be drawn into a conflict with Suharto's family and civilian supporters.

CONCLUSION: The prospects for a smooth presidential succession look increasingly remote as conflicts between the palace and Suharto's military critics continue. Military reshuffles and moves against the PDI will at best have short-term consequences.

APPEAL FOR SUPPORT: ARIEF BUDIMAN

From kipp@kenyon.edu, Feb. 8

Dr. Arief Budiman, a sociologist with a degree from Harvard, has been dismissed from his position at Universitas Kristen Satya Wacana (UKSW) in Salatiga in connection with his involvement in the Kelompok Pro-Demokrasi (KPD) there. KPD has called for democracy both within and outside the University, and leading UKSW academics have come under attack (mostly covert) from powerful figures outside the University. Arief Budiman, widely supported by students at UKSW and elsewhere and by many of his faculty peers, has continued to put democracy into practice in a series of frank, critical articles on a wide variety of sensitive

issues. These have been published in the Indonesian print media, including the new weekly, *Tiras* (replacing the banned *Editor*), and the newsletter *Independen* produced by the Alliance of Indonesian Journalists.

Arief has not received a salary from UKSW since early November and has filed a civil suit against the University. One of his colleagues, Dr. Ariel Heryanto, is organizing an appeal to scholars in Indonesia and elsewhere to express support for Dr. Budiman, who has become a scapegoat in the University's attempts to repress the KPD.

Dr. Heryanto asks for two forms of support from individual scholars: (1) a brief written statement, and if possible (2) a financial contribution, if only of symbolic dimensions.

Written statements can be returned to me by e-mail by March 1, 1995. I will forward them, and collect hard copies to forward later.

Alternately, you (or others in your program or department) can send a statement by regular mail, preferably on your institution's letterhead, directly to the UKSW address provided below.

Letters sometimes get "wall-postered" to boost morale in the KPD. Letters from a wide variety of persons and places – Indonesians and non-Indonesians – will make an important statement.

Contributions of money from people living in the US should be sent to me by personal check. Because of the cost and hassle of transferring money into Indonesia, I have agreed, as Chair of the Indonesian Studies Committee in the Association for Asian Studies, to serve as the collection point for people in the USA who wish to help Arief and the KPD with a gift.

Please make the check payable to Rita Smith Kipp, and on the memo or elsewhere say that it is for SAB (Sahabat Arief Budiman).

Your written statements, whether sent by e-mail or letter, may be quite brief, or as elaborate as you wish, but at a minimum should include (1) the UKSW address given below (2) your institutional address and (3) an indication of how much money you are contributing, if any. The following format provides the address and a minimalist example:

Dr. Limson U. Sangalang
Bendahara SAB
d/a Program Pascasarjana, Studi Pembangunan

Universitas Kristen Satya Wacana
Jalan Diponegoro 52-60
Salatiga 50711A, INDONESIA

Dear Dr. Limson,

I wish to convey my support for Dr. Arief Budiman who has been dismissed from

UKSW as result of activities in the Kelompok ProDemokrasi.

I am also sending a check in the amount of _____ to Rita Smith Kipp, Chair of the Indonesian Studies Committee, who is collecting contributions from people in the USA sympathetic toward Dr. Arief Budiman and his cause.

Sincerely,
Your Name
Position
Institutional Address

If you want more detailed information about the KPD and Arief's situation, (for purposes of writing your letter, or just as background) I will be happy to forward two documents, both in Indonesian, at your request: (1) a recent essay by Arief Budiman, "Demokrasi: Mencari Konsep Praktis," and (2) Dr. Heryanto's appeal, aimed primarily at scholars in Indonesia.

Thanks in advance.

Rita Smith Kipp
Chair, Indonesian Studies Committee
Department of Anthropology/Sociology
Kenyon College
Gambier, Ohio 43022 USA

JAKARTA READING 'OBJECTIVE' FILM ON EAST TIMOR

AFP, 6 February 1995

Jakarta – The Indonesian government will complete a film giving what it calls 'objective information' on the former Portuguese colony East Timor next month, Antara news agency said Monday.

The government plans to show it to the "silent majority (in East Timor) who want to obtain new and objective information," Antara quoted Foreign Ministry spokesman Irawan Abidin as saying.

The 'semi-documentary' directed by Australian journalist Frank Palmos, was not aimed at confronting propaganda by (the) pro-independence movement Fretilin, Antara quoted him as saying. Nor was it retaliation against 'anti-Indonesian films' such as *Death of a Nation* by Pilger and *Second Massacre* by Max Stahl, Abidin said.

FILM REVIEW

From Steve Falbo, Swedish East Timor Committee, Feb. 17

We got a hold of the Indonesian Embassy's new twenty-minute videotape called *East Timor Speaks to the World*. Most of it treats East Timor as a tourist paradise and Fretilin as a group of terrorists with no support from the people, surprise, surprise. There is an edited interview with Bishop

Belo reiterating the church's call for unity and then two interviews which are transcribed below:

Mauhudu Kadalak:

Under the administration of Portuguese the East Timor people we can tell that they have a life is full of suffering and the East Timor people they haven't a life that can be called a good life. But now we can see that the situation is over and the new government is a reality and I don't think anyone can deny it.

MaHuno Bulerek:

The economic situation as I said in the beginning there are some development, I also recognize, not here in Dili, but also in the jungle many people who when they discuss about the situation between me and my members, or between me and the leadership and also our members, we recognize the situation, mainly the houses, the roads and so on.

These two interviews come after a brief voice-over saying that they have obviously switched sides since they were captured. The tape spends a good deal of time showing high-level envoys who support the integration and describing the military's main role as helping to build houses. This tape also is the source of the 793 churches in Timor today quote that was so hotly debated in Hong Kong last week.

SUHARTO ENSURES HIS SUCCESSION

THE AUSTRALIAN, Tuesday, February 14, By: Patrick Walters

"The next president of Indonesia will be Suharto [again] or someone else." Thus a Western military attaché summed up cheekily in his farewell cable from Jakarta some months ago.

In the view of several respected political pundits in Jakarta, a number of recent events have pointed towards one conclusion - that Indonesia's long-serving leader is contemplating running again when his term expires in March 1998.

The President is now maneuvering to ensure that, health permitting, he and no one else will be in a position to control the succession.

The Government's destabilization of potential opposition forces such as the Indonesian Democratic Party [PDI], led by the late president Sukarno's daughter, Megawati Sukarnoputri; the continuing clampdown on press freedom; and the disciplining of outspoken elements within the ruling political

organisation, Golkar, suggest that nothing is being left to chance.

Nowhere is Suharto's masterful manipulation of the political realm more evident than where it matters most - ABRI. Indonesia's armed forces, particularly the army, remain the principal instrument the President has relied on to underpin his leadership over nearly 30 years.

Here the President is determined to prevent a repetition of what happened in 1992, when a disgruntled ABRI took the initiative and nominated its own candidate, the then ABRI chief Try Sutrisno, for the vice-presidency in advance of any declaration by Suharto.

His latest army appointments have placed presidential loyalists in key positions, some of whom have strong Islamic connections. They have perturbed ABRI traditionalists worried about the future role of Islam in mainstream politics.

On Saturday Suharto, now 73 and troubled by kidney problems, installed a new army commander in place of his brother-in-law, General Wismoyo Arismunandar. The appointment of the new commander, General Raden Hartono, stunned and disappointed many senior officers in the armed forces.

In appointing Hartono, a staunch Muslim from Madura an ally of research and technology minister Dr. B.J. Habibie, and friend of the President's eldest daughter, Tutut, Suharto, overrode the wishes of his senior military leadership. "Habibie wins. ABRI loses," was how one military analyst described the impact of the latest presidential machinations.

Suharto chose not to promote Wismoyo, who had proved a popular army commander, to the post of armed forces commander now held by General Feisal Tanjung. During his tenure, Wismoyo had become increasingly distant from his supreme commander. His desire to wield a more cohesive force and his implementation of a "back-to-basics" program in the army earned him the respect and loyalty of a core group of younger military officers.

Wismoyo made little secret of his dislike for Habibie and the technology minister's steadily increasing influence over ABRI's affairs. Married to a younger sister of Ibu Tien Suharto, his personal relations with the presidential palace have also been strained for some time.

With Wismoyo retiring from the army last Friday at the mandatory retirement age of 55, Suharto chose Hartono rather than Wismoyo's deputy, the well-regarded Lieutenant-General Suryadi.

Hartono, 53, the former chief of ABRI's socio-political affairs division, is a clever and capable officer, but not an infantryman. The son of a kyai, or Islamic scholar, and a de-

vout Muslim, Hartono is popular in East Java and is a supporter of the Indonesian Muslim Intellectuals Association [ICMI].

For the key post of chief of the general staff, Suharto again ignored the preferences of his army leadership and chose Major-General Soejono, the Central Java military commander. Soejono is well liked in the Suharto family, served as presidential adjutant in the late 1980s and is tipped as a future PANGAB or armed forces chief.

Lower in the military hierarchy and waiting in the wings is the President's son-in-law, the extremely able and ambitious Colonel Prabowo Subianto.

The promotion rounds later this year are likely to see the current deputy commander of the elite special forces unit, KOPASSUS, promoted to command the unit by the end of 1995. From there the way will be clear for Prabowo to become a major-general and possibly Jakarta military commander in the lead-up to the 1998 presidential election.

While supporters of Habibie have hailed the changes as a significant win for their mentor and for Islam in national politics, analysts in Jakarta see the latest ABRI promotions as more important in confirming that Suharto is keeping his options open about the succession.

One scenario sees the President standing again in 1998 with Habibie as his running mate - a prospect that would be anathema to mainstream feeling within ABRI.

Suharto is steadily becoming more remote from his Government and the armed forces. These days he rarely attends Cabinet meetings and consults less frequently with his ministers. He now tends to rely on an inner core of family members and confidants for advice.

While Suharto has demonstrated astute political judgment and imagination in dealing with external issues such as the Asia-Pacific Economic Co-operation Forum [APEC], the course of domestic politics over recent months shows an increasingly intransigent attitude on the part of the President.

Nowhere has this been more evident than in the handling of the East Timor issue, which has become a festering sore for Jakarta.

There is an open letter now circulating in Jakarta which paints a critical picture of the drift in the political leadership of the country and the discord within the armed forces leadership. Believed to have been authored by a retired army officer or group of officers, the letter describes a confused and directionless Cabinet whose authority is eroding.

"Ministers are allowed to go their separate ways, within no co-ordination, and even contradict each other," it says, citing in particular Habibie and a number of his supporters in Cabinet.

"Looking at the Government as the body which runs the country, its authority decreased in 1994. In some cases, even, its authority has vanished."

"Suharto's power is still too strong to be shaken," it concludes.

INDONESIAN ARMY CLAIMS REBEL SHOT DEAD IN ACEH

Reuter, 16 February 1995. Abridged

Comment: Knowing what happened in Liquica, East Timor where the army shot dead six civilian who, they alleged, were guerrillas, one wonders who this victim in Aceh really was. TAPOL

Jakarta – An Indonesian separatist rebel in the far northwestern province of Aceh was killed after a shoot-out with security forces, the official Antara news agency said on Thursday.

The agency quoted the local military chief of staff, Lieutenant-Colonel Hery Cahyana, as saying on Wednesday that the rebel, whose name was not given, was shot dead during a patrol.

It was not clear where the incident took place but Antara said two colleagues of the dead man, who belonged to the Aceh Merdeka (Free Aceh) movement, escaped.

"We have frequently called on members of the movement who are still in the jungle to surrender and assured them they would be treated well," Cahyana said in Banda Aceh, 1,800 km (1,125 miles) northwest of Jakarta.

Another member of the movement, Harun Abu Bakar, was shot dead by security officers in December. Antara said at the time that soldiers found a gun and 75 bullets on him.

INDONESIAN PRIEST RAISES QUESTIONS

Jakarta Post, 24 Feb. Summarized.

The paper includes an article quoting Gregor Neonbasu, a Roman Catholic priest known to be extremely pro-Indonesian. Gregor spoke at a meeting organised by the "Association of Indonesian-Portuguese Friendship." Suharto's daughter Tutut, who set up the association, was present at the meeting.

Even in this setting, it was impossible for Gregor to avoid raising doubts about Indonesian policy in East Timor, suggesting how deep the discomfort is running at this point. He advised the government to "review its development strategy or face prolonged conflict with the indigenous peoples" and stated that the military are "making the East Timorese people scape-goats for the persistent social conflict."

He said that development had to "incorporate local cultural values" and that "the government and ABRI should also help the East Timorese find their own identity while carrying out development in that province.

INDONESIA: ELECTORAL SYSTEM TO BE REVIEWED

By Yuli Ismartono

JAKARTA, Feb. 25 (IPS) - Indonesian politics may be headed for change now that President Suharto has called for a review of the country's electoral laws, with the possibility that the current proportional representation system will be replaced.

In a surprise statement earlier this week, Suharto also said there was a need for a review of the methods by which members of the military are appointed to the House of Representatives.

Ever since the 1965 aborted coup in which Indonesia's first president, Sukarno, was deposed, the military has been a major force in Indonesian political life. One-fifth of the 500 seats in parliament are reserved for appointed military officers.

According to State Secretary Mardiono, Suharto has asked the Indonesian Institute of Sciences (LIPI) to study which election system is "best and most applicable for us."

Murdiono said the proposed review came in response to criticisms that democracy – and politics in particular – was not being "properly implemented." Indeed, opposition parties have long been saying the government put too much emphasis on stability, at the cost of 'real' democracy.

"There are people who say our stability is artificial, and that democracy does not really exist because we have lawmakers who are appointed rather than elected," Mardiono told reporters Thursday.

Under the present system, voters also do not get to elect individual candidates but one of the three political parties – the government's functional group GOLKAR, the United Development Party (PPP) and the Indonesian Democratic Party (PDI) – which then sends its representatives to parliament.

GOLKAR, with its developed organisational structure and extensive reach, has benefited the most from the proportional system. In all of Indonesia's five general elections so far, it won a clear majority.

But public criticism over the system has been increasing, particularly following the recent expulsion from parliament of GOLKAR representative Bambang Warih Kusuma.

Kusuma was accused of 'aggressive' questioning of some cabinet ministers' policies. But political analysts say his real sin may have been to expose last year the irregulari-

ties of Kanindo, a giant textile company owned by people whom many simply describe as "of influence."

This drew sharp protests from the public. Many Indonesians say the right to expel members of parliament belonged to those who voted them in. But those defending the expulsion argued that the MPs do not represent the people, but their respective parties.

Still, analysts remain cautious even as they say Suharto's recent call for a review of the election system is positive.

Political scientist Amir Santoso of the University of Indonesia in Jakarta, for example, says a change is timely because people have the impression that they are voting for a party symbol rather than an individual to represent them.

He says Suharto's move "means there is an awareness for a need to change the system, because although it works, it still has many weaknesses."

But the academic says the alternative district system in which candidates are elected directly and thus may represent their constituents can be detrimental to the weaker parties "if inappropriately implemented."

"GOLKAR with the strongest political bases could easily garner all the seats while the PPP and PDI get none," says Santoso, adding that the ideal system would be a combination of the district and proportional system.

Aware of their low chances in a district system, the PDI and PPP have refrained from endorsing it, although they have been calling for a revamp of the electoral system.

"What's important is that the political parties be included in the planning and implementation of the elections," says PDI chair Megawati Sukarnoputri, daughter of the late Sukarno.

Murdiono, though, has clarified that Suharto did not say the district system was to be adopted. Said the official: "He asked LIPI to study ... whether the current electoral system needs to be improved and, if so, how it can be improved."

Meanwhile, analysts say the real problem may be how a system that has allowed military men to be MPs with ease could be changed. Among the electoral system issues to be studied are not only the mechanism allowing their selection, but also their numbers.

Experts say the generals who have dominated the country for almost three decades may not take all these too kindly.

In line with its 'dual function' role in Indonesian society, the military is involved in all aspects of socio-political as well as economic life. Until recently, most senior administrative positions, from governors to district chiefs, were held by active or retired military officers.

But there have been calls of late within the army for a 'return to basics' and a gradual dissociation from direct political life – albeit without relinquishing civic responsibilities.

Analysts say the military itself realizes the need for an adjustment in its outlook and position in the community.

SUHARTO PLANS E. TIMOR VISIT THIS YEAR

The Canberra Times, 1 March 1995

Dili: Tuesday (AP, AAP) — President Suharto plans to visit the former Portuguese colony of East Timor in June to mark its 20th anniversary as Indonesia's newest province, a church official reports.

Mario Luis, a Roman Catholic official, quoted President Suharto's daughter, Siti Hardiyanti Rukmana, who visited Bishop Carlos Filipe Ximenes Belo in East Timor last Friday.

She handed a message from President Suharto to Bishop Belo, Mr. Luis said.

"Among other things, the message contained President Suharto's plans to visit East Timor in June to celebrate the 20th anniversary of East Timor's integration with Indonesia," he said.

It also indicated Dr. Suharto's desire to meet Bishop Belo, one of the more outspoken critics of Indonesia's rule of the troubled territory.

Dr. Suharto, 74, has indicated he would like to see the problems of East Timor resolved before 1988, when he ends his sixth five-year term as president. He last visited East Timor in 1988.

Earlier this month, Bishop Belo sent the President a letter expressing concern over alleged human rights violations by Indonesian troops.

While declaring that the church was ready to cooperate with the Government and the armed forces in keeping peace in the province, Bishop Belo said the military should respect human dignity and the local culture.

In the most recent of many bloody incidents, troops shot and killed six East Timorese on January 12, asserting that they were separatist rebels and informants. This is disputed by Bishop Belo and independent groups, and a state-sponsored group is investigating the shooting.

On Saturday, the armed forces admitted that soldiers erred in killing six civilians in a raid on a rebel camp last month.

The military said its own investigators "found there was a violation of procedures during the military operation."

Meanwhile, a spokesman for Indonesia's Foreign Ministry, Irawan Abidin, said on Monday that Bishop Belo had obstructed to

the East Timor problem by his criticism of the authorities.

"He is the source of the problems. Actually he knows little about East Timor and the sufferings of the people in the past, before the integration with Indonesia," Mr. Abidin told the Press.

"What does he want? may be he wants to become something like Cardinal Sin in the Philippines or perhaps (Archbishop) Desmond Tutu in South Africa," Mr. Abidin said.

Indonesia is to beef up its presence on a strategically important island group, near the disputed Spratly Islands and the site of a \$US35 billion (A\$47 billion) gas development, to improve defence and security in the area.

Indonesia will launch a 15-year program to move families from more crowded parts of the archipelago to the Natauna Islands, the Transmigration Minister, Sistwono Yudohusodo, said. The migrants will be used to develop palm oil and rubber plantations.

Natauna's strategic significance and growing tensions over the nearby Spratlys warranted increased attention from the central government in Jakarta, he added.

Six countries, including China and Vietnam, claim all or part of the Spratly Islands, where tensions between rival claimants have been increasing.

INDONESIA LEANS ON VATICAN TO LEAN ON BELO

Additional material summarized and translated from LUSA, Feb. 27

A spokesperson for the Indonesian foreign minister, Irawan Abidin, stated today that the government would like that Bishop Ximenes Belo give up political issues. The Indonesian government has inclusively solicited intervention by the Vatican to try to convince the Dili Bishop to dedicate himself exclusively to religion, Abidin told Associated Press.

Abidin stated that Indonesia had also requested authorization from the Vatican for that the ET Church stay under the jurisdiction of the Indonesian Church Council. At present, the Dili Bishop is nominated by the Vatican, which does not recognize the integration of ET into Indonesia.

The Foreign Minister spokesperson accused Bishop Belo of obstructing the government efforts to find a solution to the ET question, through his frequent criticisms of the authorities. "He is the source of the problems. In reality, he knows little about ET and its peoples sufferings before the integration into Indonesia," said the spokesperson, adding that the Bishop was away from ET for several years, having returned only in 1982. "What does he want? Perhaps

he wants to become someone like Cardinal Sin in the Philippines or maybe like Desmond Tutu in South Africa," added the ministerial spokesperson.

THE INDONESIAN HISTORY AS OPIUM FOR THE EAST TIMORESE AND INDONESIAN PEOPLES

By George J. Aditjondro. Paper given at Asian Studies Seminar Series, Murdoch University, 3 March 1995.

Marx once labelled religion as opium for the people. The validity of that claim is still debatable – especially looking at the role of the Catholic church in East Timor. However, analogous with Marx's claim, the ruling elite in Indonesia has for twenty years intoxicated the Indonesian people to accept East Timor's annexation, by using five important historical myths.

The first myth – which grew out of Indonesia's long history of anti-colonial struggles against European colonizers – is that colonialism is a European monopoly, which has extended globally to become a Western monopoly. Hence, the Indonesian regime has quite successfully sold the idea to its subjects that the international campaign to enable the East Timorese people to exercise their right to self-determination is a "Western" – thus, "neo-colonial" – plot against Indonesia. Seen from that perspective, Portugal's role as the major spokesperson for the East Timorese people in the international arena, tends to be counter-productive in building up support within Indonesia for the East Timorese cause.

The second myth is that only Islam can become the motivating force for independence movements. Although strong support exists in Indonesia for Islamic-inspired independence movements in Palestine and Bosnia, no similar connection has been made between Catholicism and the independence movement in East Timor. This misunderstanding grew out of Indonesia's anti-colonial experience, where Christianity was associated with the Western colonizer and Islam with (non-Western) colonized people.

The third myth is that the Tetun-speaking kingdom of Waihalé in West Timor, once united the whole island of Timor under its sphere of influence, which justifies a contemporary unification of the island within the Republic of Indonesia. This is a myth which has often been reiterated by Indonesian social scientists, which suffers from several important flaws.

First, even if it were true that a certain kingdom once united the whole island, does the population of that island at this present point of time, hundreds of years later, still

want to be united under the administration of the Indonesian Republic, which is not the same as the old Waihole kingdom? Secondly, even the validity of that historical claim can be debated from various angles. If it was really true that the Tetun speaking kingdom of Waihole did unite the whole island, why is it that Tetun has not even become the lingua franca of West Timor, where Atoni is much more widely spoken? And even in East Timor, Tetun was only one of the more than thirty vernaculars in East Timor, prior to the arrival of the Portuguese?

In addition, the popularity of Tetun, especially its Dili variety, Tetun Praca, in later years, have to be attributed to other more contemporary factors than the influence of the Waihole kingdom. First, the Portuguese's decision to turn it into a lingua franca for the non-assimilated natives, the Maubere, to distinguish those 'uneducated' people from the assimilados and mestizos. Second, during the independence struggle against the Indonesian occupation forces, the literacy training program of Fretilin and Falintil guerrilleros increased the popularity of spoken and written Tetun in many remote places in East Timor. Third, the decision of the Diocese of Dili to turn to Tetun as its liturgical language instead of Indonesian, after Portuguese was forbidden by the Indonesian occupation forces, gave another push to Tetun. Finally, the decision of the Indonesian education administration to begin teaching Tetun in the elementary schools popularized Tetun even further. So, all these facts easily shatter the myth about the role of the Waihole kingdom of unifying the whole island as indicated by the popularity of Tetun in East Timor.

The fourth myth is that Fretilin was a communist party, hence, its domination in East Timor should be prevented by assisting the East Timorese to liberate themselves from those "communists" and their Portuguese supporters in the armed forces. This is probably one of the most popular myth in Indonesia, which has helped the Indonesian regime to obtain the blessings from the Indonesian Moslems and Christians to invade the eastern half of the island in late 1975. Later on, because of this anti-communist hang over, by repeatedly portraying the resistance in East Timor as being identical with Fretilin, which is not the case anymore, the Indonesian regime has been successful in alienating it with the more progressive Indonesian forces who come from religious backgrounds and are thus still more sensitive to the specific encounters with communism in Indonesia (which in itself need to be reflected on).

Let me now crack this fourth myth. First of all, as a liberation front, Fretilin brought together all factions which wanted immediate independence as well as a radical overhaul of the East Timorese society from the colonial

remnants. Certainly, there were Marxists among them, just as there were church-going Catholics, Moslems of Arabic descent, Chinese followers of Confucius, practitioners of the indigenous, natural belief systems. But they were predominantly unified by strong nationalistic feeling and a rudimentary Maubere ideology, which drew some parallels with the late President Soekarno's Marhaenism.

After UDT left the pro-independence coalition and eventually collaborated with the Indonesian invaders, Fretilin was the only pro-independence party left. So, this historical accident, as well as its close association with the liberation movements in Africa, led Fretilin to declare East Timor's independence on 28 November 1975, in the form of a single-party state. This act, however, has already been changed by Xanana Gusmão in the party's first congress in the mid 1980s, after recovering from the heavy blows by the Indonesian armed forces from 1975 to 1981. Fretilin has adopted a multi-party system, and even initiated the formation of the multi-party umbrella organization, CNRM, which abolished the old Fretilin greetings which its Marxist-flavor, *camarada*, and introduced the term *companionero*, which is more friendly and humanist.

However, even if Fretilin was a communist party, it could not justify an Indonesian invasion and occupation of East Timor. Because, based on the same logic, a future Indonesian regime which might be more left-leaning has no right to invade Singapore under the pretext of preventing Singapore's capitalist viruses from infecting Indonesia.

The fifth myth is that the East Timorese people themselves had asked to be integrated with Indonesia, epitomized by the so-called "Balibo declaration" which was actually orchestrated by Indonesian intelligence agents in Penida View Hotel, Bali. Hence, the East Timorese leader Xanana Gusmão called it the "Bali-bohong declaration," since it was not formulated and signed by East Timorese leaders in Balibo, East Timor, but by Indonesians in Bali.

Hence, in order to liberate the East Timorese people, the Indonesian people themselves also need to be liberated from their own history, a history which has been falsely interpreted to deny another people's right to self determination and independence. By being prisoners of that false interpretation, even many Indonesian democrats who are fighting against the present regime have shown very little sympathy with the East Timorese cause.

GEORGE JUNUS ADITJONDRO: Indonesian academic, who has followed the East Timorese independence struggle for 20 years as a journalist, environmentalist, human

rights activist, and since 1989, as an academic. This stance has landed him in open confrontation with the Indonesian regime, with very little support from fellow academics and activists for reasons described above.

PIJAR OFFICE RAIDED: TWO ARRESTED

INFIGHT Press release 10 March 1995

STOP ACTING ARBITRARILY

Today, 10 March 1995 we received information that the office of Yayasan PIJAR was raided and an activist was arrested by the security forces.

At about 10pm on 9 March 1995, fifteen persons from the security forces under the command of Police Major Charles Maupaung, chief assistant for criminal investigation, raided the office of Yayasan Pijar which is located in Pasar Minggu, South Jakarta. An activist of the organisation, Tri Agus, was arrested and taken to POLRES, the Central Jakarta Police Command. In addition to raiding the office and carrying out this arrest, the security forces also confiscated a number of documents including all the computer disks stored in the office. The reason used by the security forces for the raid and arrest, as specified in their warrant, was based on Article 154 of the Criminal Code which concerns insulting an institution of the state.

We herewith wish to express our concern and protest, based on the following:

First: the raid and arrest carried out late at night which has become the habit of the security forces, is the crudest form of the security approach. Besides being militaristic as if we were in a state of war, it fails to respect the law. Such methods also show that the security forces believe that our society has no respect for the law.

Second: Like other non-governmental organisations, Yayasan Pijar is not an underground organisation. The activities undertaken by Yayasan PIJAR and other NGOs are open and above-board and are fully accountable. We therefore demand openness, democracy and respect for the law.

Third: based on the above, we demand that the security approach and such articles in the Criminal Code as Article 154 and the hate-sowing articles should no longer be utilised. Using such articles ends up in activists who express criticism being thrown into prison. Ideas and criticisms expressed openly and in a responsible way are not crimes, they are not slanders based on hate. Ideas and criticisms are expressed in the search for a just and democratic solution not a solution based on the politics of power.

Jakarta, 10 March 1995
Saleh Abdullah, Coordinator

Note: Following the arrest of Tri Agus on 9 March, another PIJAR activist, Syahrul, was arrested in Jakarta Friday, 10 March 1995 at 1pm and taken to Polres.

In addition, the identities cards of the following PIJAR activists were seized by the police:

Muflizar; Ferry Mahrus; Iwan D; Eko D; Andry; Wandu; Rudi; Syahrul (who was later arrested).

TAPOL URGENT ACTION

TAPOL, the Indonesia Human Rights Campaign [fax: 0181 653- 0322] 10 March 1995 issued the following Urgent Action

[East Timor solidarity groups kindly note that PIJAR has been very supportive of East Timorese activists.]

PIJAR OFFICE RAIDED: MAGAZINE EDITOR ARRESTED

Freedom of expression under threat

The office of PIJAR, an activist, grass-roots organisation based in Jakarta, was raided by the security forces late last night, Thursday, 9 March. Tri Agus, editor of the organisation's publication, *Kabar Dari Pijar*, was arrested with an arrest warrant signed by the chief of criminal investigation, Police Major Charles Marpaung who was in command of the fifteen-man raiding unit. Today, Friday, a second activist named Syahrul was also arrested.

During the raid last night, all the organisation's computers were seized, containing important documentation on hard disks. This action has effectively put the organisation out of action.

It is believed that the prime target of the security operation was to halt publication of PIJAR's magazine, *Kabar Dari Pijar*. In February, it became known in Jakarta that the police in Jakarta were under instructions from the intelligence agency BAKIN to halt publication of a number of journals produced by non-governmental organisations. The five publications mentioned at the time were: *Independen* the journal of AJI, the Alliance of Independent Journalists; MITRA, a tabloid journal of the women's organisation Kalyanamitra; KOMPAK, an independent journal published in Bandung; BIMA DARMA, published by Bina Darma Foundation in Salatiga, Central Java; and *Kabar Dari Pijar*.

All are published without government licenses, in defiance of the rules regarding publications that have been enforced by Information Minister Harmoko. Since the banning of three weeklies last June, these samizdat publications have become very popular as an alternative to the highly controlled media.

Following the raid and arrests, two leading PIJAR activists have gone into hiding, fearing that further arrests may be underway.

You are urged to send immediate protests against the raiding of the PIJAR office and the arrest of its two activists to:

Chief of National Police, Maj.General Banurusman Atmosumitro,
National Police HQ, Jl Trunojoyo 3, Kebayoran Baru, Jakarta
No fax number available
Ali Said SH, chair
National Commission for Human Rights (KOMNAS HAM)
Fax: +62-21 314 1625

ADDITIONAL INFORMATION ABOUT THE PIJAR CLAMPDOWN

When the police raid on the PIJAR office took place last night, Standarkia, general secretary of ALDERA, the People's Democratic Alliance, happened to be at the office. The police forced him to hand over the keys of the ALDERA office which is only a short distance from PIJAR. Without any search warrant, the police carried out a search of the ALDERA office, threatening all the while that if Standarkia did not comply with their wishes, he too would be taken into custody. The ALDERA office was also raided and documents and archival material seized. [During last night's raid, the police had a search warrant as well as an arrest warrant for Berita Dari Pijar editor in chief, Tri Agus. TAPOL has obtained copies of both warrants.]

The police unit that came to PIJAR's office today, 10 March 1995 was led by Second Lieutenant Ali Wahyudi. He had arrest warrants for three PIJAR activists, Moh. Syahrul who was arrested on the spot, as well as Rachland Nashidik and Hakim Hatta who were not there. As far as we know, they have not yet been arrested.

During this second raid, a personal computer at the office was seized.

Attempts by colleagues of the two detainees to visit them at police headquarters were unsuccessful because, according to the police, investigations were under way.

Our source from PIJAR says:

"Judging from experience of past arrests and imprisonment of political activists, we members of PIJAR feel very afraid for the safety of our two comrades."

AI UA ON PIJAR ARRESTS

EXTERNAL (for general distribution) AI Index: ASA 21/18/95

10 March 1995

UA 61/95 Possible prisoners of conscience

INDONESIA Tri Agus Susanto, Syahrul

Two activists from the Pijar Foundation, a non-government organization based in Jakarta, have been arrested. Amnesty International is concerned that the two have been detained because of their activities in relation to the publication of an independent magazine which is critical of the Indonesian authorities, and that their arrests continue the pattern of harassment of government critics.

At about 10pm on 9 March, 15 police officers raided the offices of the Pijar Foundation in south Jakarta. Bringing an arrest warrant, the police arrested Tri Agus Susanto, an activist from Pijar, and confiscated documents and computer diskettes from the office. On 10 March, at around 1pm, Syahrul, also an activist from Pijar, was arrested at the Pijar offices. It is believed the two are being held in police custody at the Police Resort Command in central Jakarta. There is concern that the raid on the Pijar office and the arrests of the two activists are in connection with Pijar's independent publication *Kabar dari Pijar*, which is often critical of the Indonesian authorities.

The two have been charged under Article 154 of Indonesia's Criminal Code, which states that "...the public expression of feelings of hostility, hatred or contempt toward the government..." is punishable by up to seven years' imprisonment. Article 154 is one of the so-called Hate-sowing Articles, introduced by the Dutch colonial government and incorporated into Indonesia's Criminal Code, which are frequently used to suppress peaceful dissent.

BACKGROUND INFORMATION

There continue to be heavy restrictions on a wide range of internationally recognised civil and political liberties in Indonesia, including freedom of speech, assembly and conscience. In June 1994 three weekly publications were banned and more than 50 people were detained or badly beaten by the security forces during a peaceful protest over the bans in Jakarta. The press bans coincided with a crackdown by the authorities on peaceful political dissidents, including lawyers, academics, trade unionists and human rights defenders.

At a recent seminar in Jakarta, Marzuki Darusman, a member of Indonesia's National Human Rights Commission called on the Indonesian Government not to detain individuals solely for the expression of their peaceful views, stating that "people may be detained only if they express their ideas with physical violence" (Jakarta Post, 30 January 1995).

RECOMMENDED ACTION: Please telephone or send telegrams /telexes/faxes/express and airmail letters in Bahasa Indonesia or your own language:

- calling for the immediate and unconditional release of Syahrul and Tri Agus Susanto unless they are to be charged with a recognizably criminal offence;
- calling for Syahrul and Tri Agus Susanto to be granted immediate access to lawyers of their own choice, and seeking assurances that the two men are being treated humanely in accordance with international standards;
- calling on the authorities to put a stop to the harassment and detention of peaceful government critics.

APPEALS TO:**Minister of Justice:**

[Salutation: Dear Minister Utoyo Usman]
 Haji Utoyo Usman S.H.
 Menteri Kehakiman
 Jl. H.R. Rasuna Said Kav. 6-7
 Kuningan
 Jakarta Selatan, Indonesia
 Telephone: +62 21 51 3006
 Faxes: +62 21 525 3095
 Telexes: 44404 ditjenim ia
 Telegrams: Justice Minister, Jakarta, Indonesia

Chief of National Police:

[Salutation: Dear Maj. Gen. (Pol.) Banurusman Atmosumitro]
 Maj. Gen. (Pol.) Banurusman Atmosumitro
 Kapolri
 Markas Besar Kepolisian RI
 Jl. Trunojoyo 13
 Kebayoran Baru
 Jakarta Selatan, Indonesia
 Telegrams: National Police Chief, Jakarta, Indonesia
 Telephone: +62 21 348 537

PLEASE SEND COPIES OF YOUR APPEALS TO:

His Excellency Mr. Junus Effendy
 Habibie, Embassy of Indonesia, 38 Grosvenor Square, London W1X 9AD
 Ambassador Arifin Mohamad Siregar,
 Embassy of the Republic of Indonesia, 2020 Massachusetts Ave. NW, Washington DC 20036

AND, IF POSSIBLE, TO THE FOLLOWING:**Chairman, National Commission on Human Rights:**

Lt. Gen. (ret.) Ali Said
 Ketua, Komisi Nasional Hak Azasi Manusia (KOMNAS HAM)
 Departemen Kehakiman RI
 Direktorat Jenderal Pemasarakatan
 Jl. Veteran No. 11
 Jakarta Pusat, Indonesia
 Faxes: +62 21 525 3095 (c/o Ministry of Justice)

INDONESIA'S MILITARY EXERCISES

‘TERRORISM’ CHARGE IN MILITARY EXERCISE

From Green Left, Feb. 16

José Ramos Horta, the special representative of the National Council of Maubere Resistance (CNRM), has condemned the Australian government over the country's increasing military ties with Indonesia's "regime of terror," and described the minister for defence Senator Robert Ray and the minister for foreign affairs Senator Gareth Evans, as "terrorists."

Horta was commenting to Green Left Weekly on Indonesia's upcoming participation in the Australian military exercise Kangaroo '95, and the training of Indonesia's notorious Kopassus (special service) troops by Australia's elite Special Air Service Regiment at Campbell Barracks in Perth last year.

Horta said that intelligence reports show that there are currently 5000 Kopassus troops throughout East Timor. "They are engaged in the most brutal military operations," he said and described them as "among the most brutal, efficient murderers," responsible for everything that has happened in East Timor since the 1975 invasion, including the 1991 Dili massacre and 1983 Karas massacre.

This will be the first time that countries outside of Australia, New Zealand and the United States participate in the three-yearly "Kangaroo" exercise. The government has also invited Singapore, Malaysia and Papua New Guinea to participate.

Robert Ray was questioned in federal parliament in March, and again in November, about the training of Kopassus troops and Indonesia's participation in Kangaroo '95. His reply was that the training of any regional defence personnel aimed to "foster a regional defence relationship," not improve that country's capability of dealing with "internal security matters."

Horta saw the situation differently, "Senator Ray and Gareth Evans are both terrorists. They have blood on their hands; they have provided training to the Indonesian military. Terrorists are not only the ones who use hand grenades and Kalashnikovs and kill civilians. Terrorists are those who directly allow state terrorism to take place. Indonesia has been practising state terrorism in East Timor for 19 years. The regime is a regime of terror, for the past 30 years, since its existence."

Horta continued, "Senator Ray has threatened to take me to court and I am still wait-

ing for that... I will prove to the eyes of the Australian people, to the world, not only is he a liar, but also Gareth Evans, Paul Keating, Bob Hawke, Bill Hayden, Gough Whitlam, all of them, all these years have been lying to the Australian people about the tragedy in East Timor. I would subpoena intelligence, Foreign Affairs and Department of Defence documentation to prove my point."

Horta says that, like the US in Vietnam, the Indonesian military have never understood their enemy. "If you kill my brother, the souls of my family will cause me to seek justice; that is the force, the driving force, of the resistance."

NAVAL EXERCISES FOR TIMOR SEA

Darwin's Channel 8 news from a press release issued by the Public Affairs Office at the Larrakeyah Army Barracks, via Australians for a Free East Timor

Indonesia will be attending the Kakadu naval exercises in the Timor Sea off the Australian coast at the end of March. There are rumors that rear admiral Marjondo will attend

The navies of New Zealand & Singapore will also attend. A US contingent usually participates with ships from Japanese bases.

During last years exercises, Indonesian ships were moored at the patrol boat base at the Larrakeyah army barracks near the centre of town and the entrance was picketed by Timorese and their friends.

ETRA [East Timor Relief Association] members who manned an East Timor information booth at the Mindle Beach markets last year, reported Indonesian sailors as being upset about the booth and warning ETRA members to "be careful."

This year presents us with another opportunity to pass our concerns on to the Indonesian military in "creative ways."

OZ-INDO MILITARY EXERCISES WILL BE PROTESTED

Radio Australia News, Feb. 6

The Australian government says Indonesia has confirmed that it will take part in military exercises in Northern Australia, code-named Kangaroo 95. However, several community groups in Australia's Northern Territory capital, Darwin, are angry at the news that Indonesian paratroopers will take part in the exercise, which takes place every three years. In the past Indonesian officials have observed the exercise, but this will be the first time that their forces will actually

take part. The office of the Australian defence minister, Robert Ray, says it is not yet clear what the involvement of Indonesian troops will be, although paratroopers will almost certainly take part. Supporters of East Timorese independence and other groups in Darwin have promised major protests during the August exercise. They claim Indonesian troops are effectively being trained by Australia to perpetrate human rights abuses.

KIWIS TO WATCH WAR GAMES WITH INDONESIA

The New Zealand national paper The Dominion, March 8 1995. by Catriona MacLennan.

Defence Minister Warren Cooper yesterday approved a request for four Defence Force staff to observe an Australian military exercise involving Indonesian forces, as Parliament held a special debate on human rights abuses in East Timor.

A spokesperson for Mr. Cooper said Chief of Defence Force Tony Birks had been given approval to send four observers to Kangaroo 95 in Australia in August.

In Parliament, Mr. Cooper and Foreign Minister Don McKinnon defended New Zealand's military links with Indonesia, saying it was important to retain dialogue. Mr. McKinnon said the Government had repeatedly expressed to Indonesia its concern about human rights. He noted that the United States had been unable to improve human rights in China and reiterated the distinction he has drawn between most of the Indonesian military and "these bandits in Dili."

Mr. Cooper said New Zealand's withdrawal from joint military exercises in March and August would have little effect on Indonesia.

Foreign Affairs and Defence Select Committee chairwoman Joy McLauchlan said withdrawing from the exercises might give New Zealand "a case of moral warm fuzzies," but expressing abhorrence in a quiet fashion achieved far more.

Labour leader Helen Clark said New Zealand was giving Indonesia mixed messages by criticising human rights abuses in East Timor, but "with a nod and a wink" allowing increased military ties. Clear limits should be placed on the relationship, and military exercises should be abandoned.

Nick Smith (National, Tasman) a member of a delegation of MPs to East Timor last year, called on the government to withdraw from military exercises with Indonesia, but said NZ should be more cautious on the question of independence for East Timor. It should seek a middle solution, involving greater self-government in association with Indonesia.

Phil Goff (Labour), also one of the delegates to ET, urged the government to make unequivocally clear its condemnation of Indonesia's illegal occupation of East Timor saying the way to do so was to withdraw from military exercises.

Another delegate, Tau Henare (NZ First, Northern Maori) likened the Government response to Indonesia to Neville Chamberlain's appeasement policy before World War II.

Alliance leader, Sandra Lee said a referendum should be held to allow East Timorese to decide their own future. The reporters who accompanied the MPs delegation to East Timor in October '95)

EAST TIMOR INDEPENDENCE COMMITTEE (NZ) PETITION AGAINST MILITARY AID

ETIC, Auckland, New Zealand Press Release. 5 March 1995

Today the East Timor Independence Committee launches its nationwide petition calling for immediate cessation of military exercises and all other forms of military co-operation with Indonesia.

The petition is being mailed out to our large 1000-plus national mailing list, and a special appeal is being made individually to the politicians who have declared their opposition to current government East Timor policies - especially the 51 M.P.s who signed the petition to the Indonesian Ambassador last year.

"This week we learned that our navy will be playing war games in the Timor Sea - a shocking revelation in the light of huge opposition to the August air exercise Eland Sebrang. The Government has no mandate for continued military ties: only 9% of New Zealanders polled recently supported the Government's policy of accepting the Indonesian occupation as 'irreversible.' This petition will be another appeal to Government to rethink and restore its credibility in terms of democracy at home and justice and human rights abroad."

Petition follows

To the Government of New Zealand:

We, the people of Aotearoa-New Zealand, are dismayed that our government is continuing military co-operation with Indonesia.

In the light of Indonesia's continuing illegal occupation of East Timor, its aggressive military suppression of the East Timorese people and its abuse of their most basic human rights,

we ask for:

- the immediate cancellation of planned exercises with the Indonesian Air Force

- the cessation of all military co-operation with Indonesia, and your petitioners, as in duty bound, will ever pray.

Name	Address	Signature
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Please make copies of this petition, circulate it among your networks & return completed forms to ETIC, PO Box 68419 Newton, Auckland 1, by 12 May 1995.

SEE RELATED ARTICLES IN AUSTRALIA AND AOTEAROA SECTIONS.

UN HUMAN RIGHTS COMMISSION MEETS

AI: HUMAN RIGHTS IN 1994

JANUARY 1995 SUMMARY

AI INDEX: ASA 21/03/95

In 1994 Indonesia continued to play a prominent role in international economic, political and human rights fora. During the year, Indonesia became a member of the United Nations (UN) Security Council and continued its membership of the UN Commission on Human Rights and its chair of the Non-Aligned Movement (NAM). In November, Indonesia played host to the Asia Pacific Economic Cooperation (APEC) meetings in Jakarta and Bogor in November, which were attended by 18 government leaders, including those of Japan, America, Australia and China.

Also in 1994, the Indonesian Government continued to violate the human rights of Indonesians and East Timorese. Despite continuing claims of a commitment to "political openness," the government imposed increased restrictions on civil liberties, including stepping up harassment of alleged government critics and human rights activists. Dozens of peaceful seminars and meetings were broken up, the independent Indonesian Prosperous Workers Union (Serikat Buruh Sejahtera Indonesia - SBSI) continued to be denied official recognition, and several of its leaders were jailed. Three of the country's leading news magazines were banned in June, and people protesting peacefully against the bans were beaten by security forces. In February, a Presidential decree imposing severe restrictions on domestic non-governmental organizations (NGOs) was drafted. The draft decree stipulates the fields of activity which NGOs are permitted to be involved in and explicitly forbids political activity. Any NGO which in the government's view does not comply with the provisions of the decree could be banned or refused official recogni-

tion. The human rights situation deteriorated in the run-up to the APEC meetings held in Jakarta and Bogor in November, as security forces sought to rid the capital of "economic and political criminals." [1]

This document summarises Amnesty International's concerns in Indonesia and East Timor in 1994. It includes recommendations to member states of the United Nations, which if implemented, may lead to greater protection of human rights in Indonesia and East Timor.

This report summarizes a nine page document, *Indonesia and East Timor: Human rights in 1994: A Summary* (AI Index: ASA 21/03/95), issued by Amnesty International in January 1995. Anyone wanting further details or to take action on this issue should consult the full document.

INTRODUCTION

In 1994 Indonesia continued to play a prominent role in international economic, political and human rights fora. During the year, Indonesia became a member of the United Nations (UN) Security Council and continued its membership of the UN Commission on Human Rights and its chair of the Non-Aligned Movement (NAM). In November, Indonesia played host to the Asia Pacific Economic Cooperation (APEC) meetings in Jakarta and Bogor in November, which were attended by 18 government leaders, including those of Japan, America, Australia and China.

Also in 1994, the Indonesian Government continued to violate the human rights of Indonesians and East Timorese. Despite continuing claims of a commitment to "political openness," the government imposed increased restrictions on civil liberties, including stepping up harassment of alleged government critics and human rights activists. Dozens of peaceful seminars and meetings were broken up, the independent Indonesian Prosperous Workers Union (Serikat Buruh Sejahtera Indonesia - SBSI) continued to be denied official recognition, and several of its leaders were jailed. Three of the country's leading news magazines were banned in June, and people protesting peacefully against the bans were beaten by security forces. In February, a Presidential decree imposing severe restrictions on domestic non-governmental organizations (NGOs) was drafted. The draft decree stipulates the fields of activity which NGOs are permitted to be involved in and explicitly forbids political activity. Any NGO which in the government's view does not comply with the provisions of the decree could be banned or refused official recognition. The human rights situation deteriorated in the run-up to the APEC meetings held in Jakarta and Bogor in November, as security

forces sought to rid the capital of "economic and political criminals." [2]

This document summarises Amnesty International's concerns in Indonesia and East Timor in 1994. It includes recommendations to member states of the United Nations, which if implemented may lead to greater protection of human rights in Indonesia and East Timor.

Human rights violations in East Timor

Some 24 East Timorese prisoners of conscience were serving sentences ranging from a few years to life imprisonment imposed after unfair trials. At least six were tried during the year for their peaceful pro-independence activities. They included Jos Antonio Neves, a member of the East Timorese underground and a theology student. He was arrested in Malang, East Java in May 1994, and accused of seeking to gain international support for East Timor's independence, a crime punishable by up to life imprisonment. A verdict on Neves' case is expected in January 1995.

Other East Timorese sentenced included five young men who took part in a peaceful pro-independence demonstration during a visit to East Timor by foreign journalists in April. Isaac Soares, Miguel de Deus, Pantaleão Amaral, Rosalino dos Santos and Pedro Fatima Tilman were each sentenced to 20 months' imprisonment. According to reports, none was accompanied by legal counsel either during interrogation or trial. All were prisoners of conscience.

As in previous years, hundreds of suspected supporters of independence for East Timor were subjected to short-term detention, ill-treatment, and harassment. Up to 22 people were detained after police and military forces broke up a peaceful demonstration by students in Dili on 14 July. Witnesses said that security forces publicly beat one of them, Mateus Afonso, before taking him into custody. On 10 July, three East Timorese were arrested after they unfurled pro-independence banners in front of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions during his visit to East Timor.

On the anniversary of the 12 November 1991 Santa Cruz massacre, widespread and sometimes violent demonstrations broke out in Dili, East Timor. On the same day some 29 East Timorese entered the premises of the United States Embassy in Jakarta, demanding the release of jailed resistance leader, Xanana Gusmão, and his inclusion in peace talks. The group was eventually granted asylum in Portugal and left Indonesia safely at the end of November. More than 125 were detained during pro-independence demonstrations and rioting in Dili. Most were released after questioning but some were known to have been badly beaten by their captors. Police officials

said that 30 would be tried for criminal offences but there was concern that some of this group were peaceful pro-independence demonstrators.

Political imprisonment

The practice of political imprisonment continues in Indonesia and East Timor. In late 1994 an estimated 350 alleged government opponents were still being held in prisons throughout Indonesia and East Timor, some 40 of them sentenced in the previous year alone. [3]

Dozens of peaceful human rights and political activists were sentenced to prison terms after unfair trials during 1994. In February, Nuku Soleiman, a university student and chairman of an independent human rights organization, Yayasan Pijar, was sentenced to four years' imprisonment for "insulting the president" after a month-long political show trial. He was arrested in November 1993 during a peaceful protest outside the national parliament in Jakarta. In May, his sentence was increased to five years following an appeal to the High Court. He was a prisoner of conscience. Also in May, 21 university students were sentenced to six months in prison on the same charge for participating in a similar protest in December 1993. Among them was Yeni Rosa Damayanti, who was accused of reciting poems allegedly attacking the President's integrity. In mid-June the sentences against all 21 were increased by between two and eight months by the High Court in Jakarta. By December 1994, all but one of the students had been released.

Three student prisoners of conscience, Bonar Tigor Naipospos, Bambang Subono and Bambang Isti Nugroho, who had been sentenced in 1989 to between seven and eight and a half years in prison, were conditionally released in May and June. Speaking before the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1994, Bonar Tigor Naipospos stated:

If during the coming four years, I commit anything regarded as unlawful by the authorities, I will be returned to prison to serve the rest of my sentence. So I am not a free man...

In the run-up to APEC the Indonesian Government targeted individual human rights activists and lawyers, subjecting them to arbitrary arrest. Munir, a human rights lawyer in Surabaya, was arrested on 19 August in Malang, East Java, during a meeting with 14 workers whose case he was assisting. Munir was taken to a local police station where he was interrogated for approximately two hours before being released. He was summoned again and later found guilty of holding a meeting without a permit and fined.

Amnesty International believes he was arrested in connection with his lawful professional activities. Dr. George Aditjondro, a prominent academic at Satya Wacana University in Central Java, has also been questioned by police on charges of "insulting a government authority or body," apparently for comments he made regarding the Presidential succession in Indonesia, during an academic panel discussion in August 1994.

Scores of trade unionists were jailed in connection with widespread labour unrest in Medan, North Sumatra, in mid-April. They included at least 11 labour activists charged and convicted of "inciting" workers to demonstrate and to strike in support of their demands. Among those jailed was Dr. Muchtar Pakpahan, the national chairman of the independent union, SBSI, who was sentenced to three years in November on charges of "incitement." Based on trial documents and observation of his trial, Amnesty International concluded that the charges against Dr. Pakpahan and the 10 other labour activists were politically motivated, and that they may be prisoners of conscience.

At least 50 people have been sentenced to prison terms of between three years and life since 1991 for their alleged links to Aceh Merdeka, an armed rebel group seeking independence for Aceh and parts of North Sumatra. All were convicted in unfair trials, most under the Anti-Subversion Law, including at least three men sentenced to 19 years each in 1994. At least 24 of those sentenced appeared to be prisoners of conscience, having neither used nor advocated violence. The trials of a further five alleged Aceh Merdeka members were announced by the authorities in October 1994.

At least 50 political prisoners remained in prison at the end of 1994 for advocating independence for Irian Jaya. Most had been sentenced after unfair trials in 1989 and 1990. Over half of this group are prisoners of conscience, serving sentences of up to 20 years' imprisonment.

As of mid-1994, an estimated 150 Muslim prisoners remained in jail, including at least 50 prisoners of conscience. Most were accused of criticizing the government, of undermining Pancasila, or of attempting to establish an Islamic state.

Some 30 elderly prisoners sentenced in the 1960s after unfair trials for alleged involvement in a 1965 coup attempt or for membership of the Indonesian Communist Party (PKI) remained in prison in late 1994. Some were suffering physical and mental ill-health. Most were believed to be prisoners of conscience and six of them were on death row. Hundreds of thousands of former members of the PKI remained subject to heavy restrictions on their freedom of movement and other civil rights.

Torture

Torture and ill-treatment of political detainees continues to be routine throughout Indonesia and East Timor. In September, four human rights activists, Sapto Rahardjo, Yulianto Bernardy, Thomas Henry Kurniawanto and Ellyasa Budianto, were reportedly detained by security forces in Jakarta, interrogated and subjected to torture over a period of two days and nights before being released. The four were detained after releasing balloons bearing pro-democracy messages such as "The 1945 Constitution Guarantees Freedom to Organize." Holding a pistol to the head of Sapto Rahardjo, a military officer reportedly said: "This gun is loaded. I have the right to kill you."

An East Timorese student suspected of pro-independence activities, Salvador Sarmiento, arrested on 3 January 1994, was held for five days at military intelligence headquarters in the Colmera district of Dili, where he was repeatedly beaten, given electric shocks and threatened with mock executions. He was released only after he had been forced to sign a confession.

The torture and ill-treatment of criminal suspects was also commonplace and sometimes resulted in death or serious injury. In April a university student named Jery Manafe died after being beaten by up to 10 police officers and cadets in Kupang, West Timor. Witnesses said that he was assaulted by police as he received emergency medical attention in a hospital, before being taken in an official vehicle to police headquarters where the beating continued. A doctor who saw Jery Manafe's body said that he was frothing heavily from his nose and mouth, and that he had an eight centimetre swelling above his left eye. In November, a military court began trying five police suspects charged with killing Jery Manafe. If convicted they face jail sentences of between one and three and a half years.

Extrajudicial killings

Extrajudicial executions of political and criminal suspects continues to be reported both in Indonesia and East Timor. On 13 March the body of a worker named Rusli was found floating in shallow water in the Deli River near Medan, North Sumatra. Two days earlier he had taken part in a strike violently broken up by soldiers and Police Mobile Brigades. Police in Medan said Rusli had fallen into the river; relatives, co-workers and human rights organizations believed he had been beaten by security forces before either falling or being pushed into the river. An autopsy revealed a wound on his forehead, possibly caused by a blunt instrument.

An anti-crime drive known as "Operation Cleansing" which began in April 1994 led to an apparent increase in the practice of arbi-

trary police killings of alleged criminals. More than 60 alleged criminals were killed in suspicious circumstances during the year; some were reported to have been shot dead while in handcuffs, and others were shot in the head or chest at close range. One victim was Sulaiman, reportedly shot by police on 28 April while pointing out the hiding place of fellow gang members in East Jakarta. He was in handcuffs when shot. Concern was heightened by official statements that appeared to condone the killings.

As in past years, the authorities failed to conduct thorough investigations of extrajudicial killings, and the perpetrators were seldom brought to justice. No official investigations had been initiated into the extrajudicial executions of at least 2,000 civilians in Aceh between 1989 and early 1993. By the end of the year, the authorities had only clarified the fate of a fraction of an estimated 270 people killed and 200 others thought to have "disappeared" during and after the November 1991 Santa Cruz massacre in Dili, East Timor. In December 1994, the report by the Special Rapporteur on extrajudicial, summary or arbitrary executions on his visit to Indonesia and East Timor was published.[4] The report, which contained detailed recommendations, concluded that members of the Indonesian security forces were responsible for the killings at the Santa Cruz massacre, and that the government had failed to satisfactorily clarify the fate of those killed and "disappeared" during the massacre. The Special Rapporteur has also called on the Indonesian Government to conduct an additional thorough, impartial and independent inquiry into the massacre; to ensure that those responsible for violations are identified and brought to trial in civil courts in public proceedings; that victims are able to initiate judicial proceedings against alleged perpetrators; that equitable compensation is paid to the victims; that a civil police force is established; and that a separate human rights investigative body is set up to monitor continuing allegations of human rights violations in East Timor.

Nine civilians were sentenced to terms of up to 17 years in prison for the May 1993 abduction and murder of labour activist Marsinah, and a military officer received a nine-month sentence for failing to report the crime to his superiors. However, serious irregularities in the civilian trials, including the use of torture to extract confessions, gave rise to doubts about their fairness, and the military authorities believed to be responsible for the murder were not punished. In December 1994, following the overturning of the guilty verdict against the main suspect, Judi Susanto, by the East Java High Court, the Indonesian National Commission on

Human Rights called for the police to reopen the investigation of Marsinah's murder.

The Death Penalty

At least 35 people remained under sentence of death, including at least three people sentenced for drug smuggling in September 1994. No executions were reported during the year but several prisoners, convicted of both criminal and political offences, were in imminent danger of execution after their appeals for presidential clemency were turned down.

The Indonesian Government Response

In 1994, the Indonesian Government took some measures to address international and domestic criticism of its human rights record. While welcoming initiatives taken to improve human rights, Amnesty International considers that the steps taken so far have failed to sufficiently address the human rights situation in Indonesia and East Timor.

The government-backed National Human Rights Commission, whose members were appointed in December 1993, began operating early in 1994. The commission surprised some critics by its occasional outspokenness but there is serious doubt that it can meet the standards of impartiality and independence set by the UN Commission on Human Rights, Resolution 1992/54, [5] or that it can be effective in bringing a halt to human rights violations.[6]

Other initiatives taken have included allowing parliamentarians, journalists and church groups to visit East Timor and inviting the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Indonesia and East Timor. The Special Rapporteur's request to visit Aceh and Irian Jaya however were not granted. While Amnesty International welcomes increased access to East Timor, it is concerned that the Indonesian Government has as yet failed to implement all but one of the recommendations made by the UN Special Rapporteur on torture following his visit to Indonesia and East Timor in late 1991. It is also concerned that access for independent monitors to all areas of Indonesia and East Timor is still restricted.

In October 1994, Indonesia signed a Memorandum of Intent with the UN High Commissioner for Human Rights and the Centre for Human Rights to cooperate in the development and implementation of "coherent and comprehensive national programmes for the promotion and protection of human rights in Indonesia." The memorandum is understood to precede a programme of ratification of international human rights standards. Another element of the memorandum may include human rights training of Indonesian Government officials. Both ratification and human rights training can lead to greater

protection of human rights. However, these are just two components of a range of changes needed to ensure that there is greater human rights protection in Indonesia and East Timor. Stated commitments by the Indonesian Government to the protection of human rights, such as that indicated in the Memorandum of Intent, must be matched by concrete legal and procedural measures to remedy past abuses and to prevent future human rights violations.

It is also clear that, although it is a member of the UN Commission on Human Rights, the Indonesian Government continues to regard principles enshrined in international human rights covenants as not universal. Indonesia's President Suharto has recently stated that Indonesia must:

"ratify the decisions that are good and compatible with our nation's philosophy and ideology. Meanwhile we must further study the incompatible ones and, if necessary, make adjustments before ratifying them as part of our national laws." [7]

Amnesty International and the Government of Indonesia

Amnesty International published several reports on Indonesia and East Timor during 1994 including: in February, *Indonesia and East Timor: Fact and Fiction*; in May, *Indonesia: Labour Activists Under Fire*; in June, *Indonesia: Student Prisoners of Conscience*; in July, *East Timor: Who is to Blame?*; and in November, *Indonesia: "Operation Cleansing" - Human Rights and APEC*.

In September, Amnesty International launched an international campaign to draw attention to continuing human rights violations in Indonesia and East Timor and published a major report, *Power and Impunity, Human Rights under the New Order*. The Indonesian Government responded to Amnesty International's campaign by stating that it was politically motivated and that the campaign report did not reflect the human rights situation in the country.

In May and again in July, Amnesty International reiterated its long-standing request to visit Indonesia and East Timor to conduct human rights investigations. On 26 July, Amnesty International received a letter from the Indonesian Government, dated 15 July, inviting Amnesty International to visit Jakarta for official talks in the first week of August. The invitation ruled out immediate access to East Timor. The organization welcomed the invitation but for practical reasons proposed alternative dates in September. In early September, the government wrote to Amnesty International to say that the new dates were not convenient and that, with the publication of *Power and Impunity*, the situation was no longer conducive to a visit.

Conclusions and Recommendations

If human rights violations are to be halted in Indonesia and East Timor, the Indonesian Government must immediately demonstrate that it is taking concrete steps to address the root causes of these violations. Amnesty International believes that the international community has an important role to play in urging the government to promote and protect human rights.

The Commission on Human Rights has done considerable work on the human rights situation in East Timor. In March 1992, the Commission adopted a consensus statement deploring the loss of life in the Santa Cruz massacre, welcoming the establishment of a national commission of inquiry and urging the government to improve the human rights situation, implement the recommendations made by the Special Rapporteur on torture and facilitate access to East Timor for human rights organizations.[8] The following year the Commission adopted Resolution 1993/97 which expressed deep concern at continuing reports of human rights violations in East Timor. It called on the government to honour its commitments from the consensus statement and urged the government to invite the Special Rapporteurs on torture and extrajudicial, summary or arbitrary execution to visit East Timor. Although, one year later, the government had undertaken only to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Commission adopted at its 1994 session a weak consensus statement which the government is now characterizing as having "lauded the Indonesian Government for the progress achieved in its human rights record"[9]. However, the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, described above, shows that serious human rights violations continue to occur in East Timor and that the government has still to honour the recommendations made in the 1992 consensus statement.

While the Commission has given attention to human rights problems in East Timor, it has to date taken no action concerning human rights violations in Indonesia. The violations which occur in East Timor, including the use of torture to extract confessions and political and military intelligence, political imprisonment, unfair trial and extrajudicial executions, are part of a broader pattern of violations which occur throughout Indonesia.

Recommendations to UN Member States

Amnesty International calls on member states of the UN to:

1. Urge the Indonesian authorities to implement the recommendations contained in the January 1992 report of the UN Special Rapporteur on torture, and the No-

vember 1994 report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions;

2. Express concern about the routine imprisonment of the government's political opponents in Indonesia and East Timor, and call for the immediate and unconditional release of all prisoners of conscience;
3. Urge the Indonesian authorities to account fully for the dead and "disappeared" from the Santa Cruz massacre and its aftermath; and express concern at the government's failure to bring to justice all those ultimately responsible for the Santa Cruz massacre.
4. Encourage the government to improve access to all areas of Indonesia and East Timor by human rights organizations, including Amnesty International;
5. Welcome the government's decision to invite the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Indonesia and East Timor in 1994, and urge that it extend an invitation to the Special Rapporteur to visit all areas of Indonesia and East Timor;
6. Urge the Indonesian Government to extend invitations to the UN Special Rapporteur on torture for a follow-up visit to both Indonesia and East Timor, as well as the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances.
7. Encourage the Indonesian Government to accede to the major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention Against Torture.

FOOTNOTES/ENDNOTES

- [1] See Amnesty International "Operation Cleansing": Human Rights and APEC, ASA 21/50/94, November 1994.
- [2] See Amnesty International "Operation Cleansing": Human Rights and APEC, ASA 21/50/94, November 1994.
- [3] See also Amnesty International Indonesia and East Timor: Political Prisoners and the "Rule of Law," ASA 21/03/95, January 1995.
- [4] Report by the Special Rapporteur, Mr. Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994, E/CN.4/1995/61/Add.1, 1 November 1994.
- [5] "Principles relating to the status of national institutions," Annex to Resolution 1992/54 on National Institutions for the promotion and protection of human rights. Adopted by consensus by the United Nations Commission on Human Rights, 3 March 1992.
- [6] See Amnesty International Power and Impunity: Human Rights under the New

Order, ASA 21/17/94, September 1994, p 116, for further information.

- [7] Radio Republik Indonesia, 24.10.94.
- [8] Consensus Statement of the UN Commission on Human Rights, Made by the Chairman, Concerning East Timor, Geneva, 4 March 1992.
- [9] Letter dated 17 October 1994 from the Permanent Representative of the Republic of Indonesia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (UN document E/CN.4/1995/107)

RAMOS HORTA LAUNCHES APPEAL

*Diario de Noticias (DN) 30 December 1994
Translated from Portuguese*

Lisbon – José Ramos Horta has appealed to Australia, Japan, the US and the EU to rethink their entire policies on Timor. The Special Representative of the Maubere Resistance National Council stated, in a communiqué sent to the DN, that in the light of a UN report in which Indonesia is criticised for its contradictions with regard the Dili massacre, the aforementioned states ought to give their support to Timor at the next UN Human Rights Commission in February. Horta is seeking the passing of a resolution which would strongly condemn the Jakarta authorities.

THE "YOUNG MAN FROM THE EMBASSY"

*Publico, 3 January 1995. By Joaquim T. de Negreiros. Translated from Portuguese
Abridged.*

Lisbon – It is the first time, since diplomatic talks on East Timor resumed between Lisbon and Jakarta in 1992, that José Ramos Horta, special representative of the CNRM has not been in Geneva following the talks personally. Next Monday, when Ministers Durão Barroso and Ali Alatas meet again under the auspices of the UN Secretary General, Horta's place in the Resistance "troika" that closely follows the talks will be taken by Domingos Sarmiento Alves, the young Timorese who led the occupation of the US Embassy in Jakarta in November last year.

It will be the first time in the diplomatic barricade for Domingos, leader of Renetil (the student organisation which is the core of the underground resistance and an important component of the CNRM. With him in Geneva will be José Luis Guterres, leader of Fretilin's overseas delegation, and João Carrascalão, Chairman of UDT.

Living now in Portugal, Domingos Sarmiento did not take part in the preparatory meeting of the Resistance Diplomatic Front Co-ordinating Committee - the full name for

the CNRM-Fretilin-UDT troika - which met in Sydney.

Extended Talks

Ramos Horta met for seven hours with Carrascalão and Guterres to discuss the extended talks among Timorese of various persuasions, referred to in Boutros Ghali's statement that followed the last round of negotiations between Lisbon and Jakarta, eight months ago.

The meeting served to reaffirm the idea that extended dialogue would have to be organised by the UN, a condition set by the troika for its participation. The three leaders agree that it must be the UN that deals with invitations, negotiations between the various parties on the agenda, and chairing the meetings. The Co-ordinating Committee also insists that Xanana Gusmão and Bishop Belo take part in any extended dialogue between the Timorese.

With regard the agenda for discussion, the troika would like, among other issues, the following to be included: the demilitarisation of East Timor under UN supervision, the release of Timorese political prisoners, and a permanent UN presence in the territory.

The fact that the extended talks among Timorese dominated yesterday's meeting is certainly linked to the likelihood that the subject will also be one of the main topics to be discussed on Monday by the two Ministers and the UN Secretary General. The Resistance is determined to ensure that its views on the most appropriate format will prevail.

The troika has clear ideas also on the venue for the meeting between Timorese. Horta, Carrascalão and Guterres suggest Bangkok. Explaining their choice - which would fit in with the strategy of creating greater awareness of the Timor issue within the region - they referred to the fact that the capital of Thailand houses the largest UN centre in Asia.

THE SNOW AND EVERYTHING IS NEW FOR DOMINGOS

Publico, 10 January 1995. By Joaquim T. de Negreiros, Translated from Portuguese

Geneva – It is not just the cold and the snow (Geneva awoke yesterday wrapped in a white blanket), or the labyrinth of corridors in the Palace of Nations. For Domingos Sarmiento Alves, the young student who shot from the anonymity of the Timorese underground to international fame following the recent occupation of the US Embassy compound in Jakarta, "it is all new" in this his first experience of the diplomatic front.

Chosen to take the place usually held by Ramos Horta in the Resistance "troika" that accompanies closely the ministerial negotia-

tions, Domingos arrived in Switzerland last Friday from Lisbon. João Carrascalão and José Luis Guterres, who came from Sydney and Maputo respectively, only joined him on Sunday.

Ramos Horta wanted to give him the chance of experiencing for himself the complex weave of the diplomatic web surrounding the Timor issue. As another Resistance leader explained, the purpose of choosing Domingos for Geneva was also to show the young people in the underground movement that the diplomatic battle is not comfortable job for retired independence militants.

HRW REPORT: DETERIORATING HUMAN RIGHTS IN EAST TIMOR

*Report from Human Rights Watch/Asia,
Feb. 1995. Vol. 7, No. 3*

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

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

Human Rights Watch/Asia welcomes the investigations as an indication of the serious-

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

The Liquica incident, however, is only one instance of a broader pattern of abuse, and international pressure remains essential. In this report, Human Rights Watch/Asia calls on members of the U.N. Human Rights Commission to ensure that a strong, substantive statement or resolution on East Timor is adopted that will keep the human rights situation there very much on the international agenda. A consensus "Chairman's Statement," as was adopted at the 50th session in 1994, will be useful only to the extent that its provisions are detailed, specific and relate directly to the kinds of abuses outlined in this report.

Background: Events in November 1994

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

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

Images of East Timor appeared on television screens around the world when twenty-nine East Timorese students climbed over the wall of the American embassy in Jakarta on November 12, as the APEC meeting began, and proceeded to occupy the grounds for the next twelve days. After American officials attending the APEC meeting, including President Clinton and Secretary of State Warren Christopher, stressed that the protest had been peaceful and received assurances from

the Indonesian government that the students would not face punishment, the twenty-nine were allowed to leave for Portugal, where they offered political asylum, on November 24. Of forty others who did not make it over the wall of the embassy, four were briefly detained in Jakarta, and thirty-six others were sent back to their homes in East Java where they were attending university. Throughout the rest of November, those students were summoned for interrogation or "guidance" by local military commands in the towns of Malang, Jember, and Kediri, and some were still facing petty harassment in January 1995.

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

The day after the riot was a Sunday, and several separate demonstrations took place, all witnessed by foreign journalists who had come to Indonesia and East Timor in connection with the APEC meeting. After a 7 a.m. mass at the residence of Bishop Carlos Ximenes Belo, about thirty young people unfurled banners calling for freedom for East Timor. Later in the day, a separate group consisting of hundreds of East Timorese youths entered the Hotel Turismo, one of two hotels in Dili where foreigners stay, and began smashing and looting. They yelled "Long live Timor Leste," the nationalist phrase for East Timor, whenever they saw foreign journalists, but it was not clear whether they in fact were acting in the name of the resistance. Indonesian riot police were deployed in force and were attacked at one point by the youths armed with sticks and clubs.

A third demonstration was a quiet, peaceful protest at the Santa Cruz cemetery on the third anniversary of the 1991 massacre. The protestors called for President Clinton's help in securing independence and protection of human rights, as well as the release of

Xanana Gusmão, leader of the East Timorese resistance who is currently serving a twenty-year term for rebellion in Jakarta's Cipinang Prison.

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

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

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

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

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

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

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

national press disappeared, East Timor dropped out of the news, and reports of serious abuse began to surface.

December and January

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

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

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

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

On December 27, a former prisoner named Bobby Xavier was arrested by military intelligence. He had been released only in October 1994 after serving five years in prison for his role in an incident at the Motael church in Dili on October 28, 1989 that was the imme-

diate precursor of the Dili massacre. Like Henrique Belmiro, he was reportedly suspected of a role in organizing anti-government demonstrations. Tension continued to mount in the capital, and on December 31, four people were reportedly arrested in Dili after anti-integration youths attacked the homes of people believed to be working for military intelligence. The arrests of both Xavier and Henrique Belmiro, above, were carried out by military intelligence (known locally as Satuan Gabungan Inteljen or SGI) rather than police, in violation of Indonesia's criminal procedure law, and the danger of torture in SGI headquarters is high. Moreover, officials have offered no public explanation of the reasons for their arrest, nor have they provided any information on what specific, factual grounds exist to suspect them of involvement in crimes. In the absence of that information, questions about the legitimacy of the arrests will remain.

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

At least one and as many as three people were reported to have been killed in the shooting. Twenty-one people were injured badly enough to require hospitalization, but of those, only four were wounded by bullets; the rest may have been hurt in the general melee. Two of the four were among dozens who had sought refuge in the Catholic church in Baucau and were apparently hit by ricocheting bullets, but it is not clear whether the soldiers who fired them were actually inside the church at the time; there were accusations at the time that they were. The district head of Baucau, Virgilio Diaz Marcel, said in the Jakarta Post of January 5, 1995, that he did not think the shooting had come from members of the military, an argument echoed by the local military command who acknowledged that a man had been shot dead "but from another direction to that of the security forces." They offered no basis for their con-

clusions, and to Human Rights Watch/Asia's knowledge, no systematic investigation of the shootings was undertaken. Twenty people were taken into custody for questioning, and similar disturbances were reported in Ermera and Dili.

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

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

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

Research and Technology B.J. Habibie. Another round of these "reconciliation talks" was held in September 1994 in the English town of Chepstow, with a U.N. official sitting in as an observer.

The following month, Indonesian Foreign Minister Ali Alatas met in New York with José Ramos Horta, the external affairs spokesman for the CNRM, and two other resistance leaders, in a meeting that seemed to augur a new willingness on the part of Indonesia to tacitly acknowledge the importance of the resistance, even if formally, Horta was received only as a member of an "anti-integrationist" group and not in his CNRM capacity. The meeting was billed as taking place under the terms of a May 6, 1994 communiqué issued after the previous round of U.N.-sponsored Indonesian-Portuguese talks, in which "the foreign ministers of Portugal and Indonesia informed the Secretary-General of their readiness to meet with leading supporters and opponents of integration respectively."

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

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

four arrested would be brought to trial; the others were to be released.

The Liquica Killings

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

The international furor over the six killings prompted several diplomatic representatives in Jakarta to raise questions with their Indonesian counterparts. The incident was finally brought to President Soeharto's attention on February 1, according to a local newspaper, and the President then instructed General Feisal Tanjung, commander-in-chief of the Indonesian armed forces, to open an immediate inquiry. On February 7, a team of seven officers, led by Brig. Gen. Sumarna T. from the office of the Inspector General of armed forces headquarters left for Dili to investigate. At the same time, the army chief of staff was asked to form a "Military Honor Council" to follow up on the results of the investigations and recommend disciplinary measures for soldiers found to have violated procedures – and high-ranking Jakarta officials acknowledged that such violations had taken place. The same process took place after the Dili massacre in 1991, although both the methods of the investigating teams and the nature of the disciplinary measures were widely questioned, including in the report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, who visited East Timor in July 1994. All of the concerns expressed by

Mr. Ndiaye about the 1991 investigations could apply to the 1995 effort, including lack of impartiality, lack of technical expertise, no full public report and no protection of witnesses.

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

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

In announcing the establishment of the Military Honor Council on February 21, army chief of staff Gen. R. Hartono said the

decision to form the council was not an admission of guilt by the military but rather an effort to establish "whether mistakes of my subordinates were real mistakes or merely procedural."

Arrests after Liquica

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

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

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

East Timorese guerrilla commander Konis Santana; he was tried and sentenced to four years in prison in February 1995.

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

The "Ninjas"

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

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

East Timorese military commander Col. Kiki Syahnakri claimed that the ninjas were in fact the creation of the pro-independence movement who wanted to

create unrest in East Timor just before the opening of the U.N. Human Rights Commission meeting in Geneva. Dili police commander Col. Andreas Sugianto, announced on February 15 that the police had detained twelve men. In one breath, he said that the twelve were suspected ninja leaders who coordinated the efforts to terrorize independence supporters, but in another, that they were vigilantes who, according to a Reuters interview, "had gone on the rampage after [ninja] attacks." In a statement that raised concerns that the men might have been tortured, Sugianto said that the men "have confessed to having started the rumors that the gang of ninjas were paid by the military to stir trouble [sic] and therefore discredit the authorities." One of the twelve was also named João Baptista, but it was not clear whether he was the same person abducted from Armandina Gusmão's house on February 9.

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

The Trials

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

There are serious questions about access to counsel. The first six were reportedly being defended by a court-appointed lawyer based in Dili named Ponco Atmono, whom

the Indonesian government tends to call upon when political cases come up. Of the sixteen students, three gave power of attorney to the Jakarta-based Joint Committee for the Defense of East Timorese after an Indonesian lawyer, Artidjo Alkostar, visited Dili on its behalf in mid-January. The families of the remaining thirteen appear to have been warned by Dili police that things would go harder for their relatives if they hired human rights lawyers.

Why Now?

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

But there were many acts of violence that occurred between November 1994 and the present that are not clearly linked to the "anti-integrationist" camp. With the rivalry between President Soeharto and Minister B.J. Habibie on the one hand, and much of the senior officer corps on the other, there is wide scope for manipulation of naive groups by parties with a political interest in local unrest, and there have been a few incidents which seem deliberately provoked. An incident in June 1994 when two soldiers, later tried and convicted, stomped on the communion wafer during a Catholic mass in Remexio and prompted an angry reaction from villagers is one such example; the fight outside the Dili cathedral on November 18 may have been another. The appearance of the ninjas may have been an army effort to use a civilian vigilante force to go after suspected resistance members in ways that regular troops, because of international scrutiny, could not. The ninjas may also have served the army's purpose by embarrassing Soeharto and to suggest, especially given foreign expressions of concern, that he was unable to

control the situation on the ground in East Timor. Soeharto, however, made effective use of a commission of inquiry and a Military Honor Council after the 1991 Dili massacre to shake up his military opponents, particularly the intelligence apparatus, and he may turn the 1995 analogues to similar benefit. There is speculation that not only Col. Kiki Syahnakri, but also the division commander in Bali responsible for the region that includes East Timor, may face disciplinary action.

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

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

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

Conclusions and Recommendations

The unrest in East Timor beginning in November 1994 has involved a wide range of actions and responses. Some were organized, some were spontaneous, some violent, some peaceful. The Indonesian security forces have not only a right but an obligation to take appropriate measures to respond to crimes like arson, assault and various forms of vandalism, and to quell riots, using force if nec-

essary, but only in proportion to the threat they face. They acted swiftly in November in arresting and prosecuting the Buginese trader who killed his East Timorese rival, but they also appear to have been responsible for arbitrary detention and physical abuse of suspects in responding to the unrest.

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

1. East Timorese should be permitted to fully exercise the rights to freedom of expression, association and assembly, guaranteed not only by international human rights law but by the Indonesian constitution.
2. Allegations of torture, disappearances, arbitrary arrest and extrajudicial killings should be investigated immediately with those found responsible prosecuted to the fullest extent of the law. (In this regard, the decision to send an army investigating team and to establish a Military Honor Council will have been useful only if it serves to bring out the facts and not to assist in a cover-up; KOMNAS efforts may act as a useful check on the army, but their methods and expertise need to be subjected to scrutiny as well.) The recommendations made by Mr. Bacre Waly Ndiaye, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, in his November 1994 report with respect to the 1991 massacre are equally valid for ongoing abuses.
3. Invitations to visit East Timor in the near future should be extended to the current Special Rapporteur on Torture (as they were to his predecessor in 1989 and to the Special Rapporteur on Summary and Arbitrary Executions in 1994) and to the Working Group on Arbitrary Detention.
4. The practice of using the military intelligence force, SGI, to arrest and interrogate suspects should cease immediately to prevent further instances of torture. Arrest and interrogation, according to Indonesia's Criminal Procedure Code, are functions of the police.

5. Detainees should be allowed immediate access to counsel of their choice, as provided for in the Criminal Procedure Code mentioned above.

6. Full and unrestricted access to the territory should be granted to journalists, human rights organizations and other visitors, without special travel permits.

Human Rights Watch/Asia (formerly Asia Watch) Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia.

HUMAN RIGHTS COMMISSION TO HOLD FIFTY-FIRST SESSION

AT GENEVA, 30 JAN. -10 MARCH

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1 February 1995, Abridged.*

GENEVA, 27 January (UN Information Service) – The current state of human rights and fundamental freedoms in the world will be at the centre of attention as the Commission on Human Rights, the principal policy-making organ in that field within the United Nations system, holds its fifty-first session at the Palais des Nations from 30 January to 10 March.

Established in 1946 by the Economic and Social Council, the Commission has an extensive mandate which allows it to deal with a wide range of human rights issues. In addition to preparing studies, making recommendations and drafting international human rights instruments, it also undertakes special tasks assigned to it by the General Assembly or the Council, including the investigation of alleged human rights violations. In addition, it provides for the coordination of human rights activities in the United Nations system. The Commission, since 1992, has been authorized to meet exceptionally to consider particularly grave human rights situations, provided that a majority of its members so agree.

The agenda for the session includes items dealing with questions such as "human rights violations in the occupied Arab territories, including Palestine," and in southern Africa; and the human rights situations in Iran, Equatorial Guinea, Afghanistan, Myanmar, Cuba, the former Yugoslavia, Iraq, Haiti, Sudan, Rwanda, Bougainville, Zaire, Burundi, East Timor, southern Lebanon, and Togo. The question of human rights in Cyprus will also be considered, as will measures to ensure the

rights of indigenous people, migrant workers, detainees, and minorities. Also on the agenda is the right of peoples to self-determination, as is the question of advisory services to governments in human rights matters.

The realization in all countries of economic, social and cultural rights, the right to development and promotion of universally recognized human rights and fundamental freedoms will be discussed. The Commission will focus on phenomena such as torture and other cruel treatment or punishment; enforced disappearances; arbitrary detention; freedom of opinion and expression, racism; racial discrimination; xenophobia and related intolerance; summary or arbitrary execution; mercenaries; religious intolerance, violence against women; sale of children, child prostitution and child pornography; human rights and mass exodus; and hostage-taking.

The Commission will consider the report of its Subcommission on Prevention of Discrimination and Protection of Minorities on its 1994 regular session, held last August at Geneva, and will act on about 20 draft resolutions and draft decisions submitted to it by the Subcommission. The Commission will continue its standard-setting work, with a draft text on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms. Also to be looked at will be elimination of all forms of religious intolerance, and the independence and impartiality of the judiciary.

The rights of the child will receive considerable attention as the Commission focuses on such questions as the preliminary study on protection of children affected by armed conflicts, and the report of the first session of a working group established to elaborate a draft optional protocol to the Convention on the Rights of the Child relating to children in armed conflicts. The report of the working group to elaborate guidelines for a possible optional protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography as well as the basic measures needed for their prevention and eradication will also be considered.

The International Decade of the World's Indigenous People will be discussed when the Commission takes up the report of the technical meeting it convened to elaborate the International Year of the World's Indigenous People. That meeting also considered preparations for the Decade, which began on 10 December 1994, particularly with regard to a detailed plan of action. Furthermore, the draft declaration on the rights of indigenous peoples will be before the Commission. The question of a permanent forum for indigenous people in the United Nations will also be examined.

Violence against women will be the subject of the preliminary report of the Special Rapporteur appointed by the Commission in 1994. At that time, it called for intensified effort at an international level to integrate the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies.

The Commission will also consider the follow-up to the 1993 World Conference on Human Rights when it takes up the annual report of the High Commissioner for Human Rights to the Commission. That report contains a section on the progress towards the full implementation of the recommendations in the Vienna Declaration and Programme of Action.

Human Rights Violations

The Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the hostilities of June 1967 since its twenty-fourth session (1968). At its forty-ninth session, the Commission decided to appoint a special rapporteur to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War in the occupied territories and to report, with his conclusions and recommendations, to the Commission at its future sessions until the end of the Israeli occupation of those territories.

Among the documents before the Commission under this item will be the second report of the special rapporteur, and a note by the Secretary-General listing United Nations reports issued between sessions of the Commission that deal with the living conditions of the population of the Palestinian and other occupied Arab territories.

Concerning South Africa, the Commission requested the Ad Hoc Working Group of Experts on Southern Africa, which was established in March 1967, to continue to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, infringement of trade-union rights, and well as the situation of women and children. It was requested to submit a preliminary report to the forty-ninth session of the General Assembly and its final report to the Commission at this session. The Commission welcomed the invitation by the Government of South Africa to the Ad hoc Group to visit South Africa in 1994 to gather information from individuals and organizations in order to ascertain the situation of human rights there.

While looking at the question of rights violations in any part of the world, with

particular reference to colonial and other dependent countries and territories, the Commission will also have before it reports of the Secretary-General on, among other questions, human rights in Togo, Bougainville, Burundi, East Timor, and southern Lebanon.

...

Elimination of Discrimination

Again this year, the Commission will deal with the issues of racial and religious discrimination. In 1993, it appointed, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and requested him to report thereon to the Commission on an annual basis. Last year, it requested him also to examine any forms of discrimination against blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance, as well as governmental efforts to overcome them. His report will be among the documents before the Commission, along with the report of the Secretary-General on the activities for the Third Decade to Combat Racism and Racial Discrimination.

Also before the Commission will be the report of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that were incompatible with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

Human Rights Promotion and Protection

In evaluating its programme and methods of work, the Commission also looks at alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms. National institutions for human rights protection come up for study, as does the coordinating role of the Centre for Human Rights within the United Nations bodies and machinery in this field. These bodies include the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, which monitor, respectively, implementation of the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights. How they, as well as the other bodies established pursuant to United Nations human rights instruments, carry out their mandates will also be examined.

The Commission will also have before it the report of the Secretary-General on advisory services and technical assistance in the field of human rights. It describes the action of the Centre for Human Rights in connection with programmes aimed at strengthening national infrastructures for the promotion and protection of human rights, revising legislation and Constitutions to conform with

human rights standards, and providing training to government and law enforcement officials. In this regard, the Commission will consider reports relating to the assistance to Cambodia, Albania, Somalia, Romania and El Salvador.

Standard-Setting

The Commission is continuing its standard-setting activities with work on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. Last year, the Commission urged the open-ended working group on this question to make every effort to complete its task and submit the draft declaration to the Commission at this session. The report of the working group will be before the Commission.

In addition, the Commission will consider the question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment designed to establish a system of visits by a committee of experts to places of detention within the jurisdiction of States parties to the protocol. Before the Commission will be the report of the open-ended intersessional working group set up to elaborate the draft optional protocol.

Composition of Commission

The composition of the Commission is as follows: Algeria, Angola, Australia, Austria, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, India, Indonesia, Italy, Japan, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Togo, United Kingdom, United States, Venezuela, and Zimbabwe.

FOE MISSION TO EAST TIMOR REFUSED ENTRY

FOE PRESS RELEASE – 15 February 1995.

Friends of the Earth International, at the UN Commission on Human Rights in Geneva, protests against Indonesian refusal for an environmental mission.

John Hontelez, chairman of Friends of the Earth International addressed the UN Commission on Human Rights in Geneva, today to protest against the repeated refusal of the Indonesian Government to admit an environmental mission to East Timor.

Friends of the Earth International (FoEI) is a worldwide federation of national envi-

ronmental organisations in 51 countries, including Indonesia, and wanted to send such a mission in 1994. The mission was to make an "international independent review of the state of the environment and the conditions for promoting sustainable development in the territory of East Timor." An important aim was also to establish and strengthen relationships between local NGOs and international NGOs, as well as facilitating the building of the institutional capacity of the local environmental movement.

The Indonesian Ministry of Foreign Affairs however, felt that the mission was not needed as "comprehensive academic research" on the state of the environment in East Timor had already been done. FoEI International disagreed with that argument answering that its mission "is complementary especially because (...) we would like to focus on concrete opportunities for strengthening collaboration at the NGO level and also provide a basis for international co-operation aimed at a sustainable use of natural resources with the active involvement of local communities." Furthermore FoEI International felt it could not accept the refusal as it was "of the opinion that it is in line with the Universal Declaration of Human Rights that East Timor can be visited freely by organisations like ours. (...) A refusal from your side would throw a peculiar light on Indonesia's hospitality and would force the international movement of environmental NGOs to draw conclusions about East Timor which are not based on an independent assessment of the issues but on hearsay and on a secretive and defensive attitude of the Indonesian authorities. We trust that it is not your intention to allow this to happen."

However, the Indonesian authorities repeated their refusal on the 13th of January 1995. FoEI called upon the UN Commission for Human Rights to protest against the attitude of the Indonesian Government.

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STATEMENT BY JOHN HONTELEZ, CHAIRMAN FRIENDS OF THE EARTH INTERNATIONAL AT THE 50TH SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Geneva, 15th February, 1995

Mr. Chairman,

I am grateful for the opportunity to address this Commission on behalf of Friends of the Earth International.

My name is John Hontelez, chairman of Friends of the Earth International. FoEI is a worldwide federation of national environmental organisations in 51 countries.

We support the proposal of the Sub-commission (on prevention of discrimination and protection of minorities) to appoint a special rapporteur on human rights and the environment. Environmental degradation forms a major problem for humanity, and even more so for people who are poor and have no possibility of raising environmental issues freely and in a democratic context. The freedom to organise oneself freely to take care of the environment, to publish information about acts against the environment by governments, business and others, and to promote economic and political change in order to improve the environment, forms a crucial part of sustainable development, an objective agreed upon by most countries of the world at the Rio Summit in 1992.

Such opportunities do not exist everywhere. Last year our organisation tried to send an environmental mission to East Timor. One of the main aims of the mission was to establish and strengthen relationships between local NGOs and international NGOs, as well as to facilitate the building of the institutional capacity of a local environmental movement. It would focus on concrete opportunities for strengthening collaboration at the NGO level and also provide a basis for international cooperation aimed at a sustainable use of natural resources with the active involvement of local communities.

In May 1994 we requested the Indonesian Ministry of Foreign Affairs for permission to send an environmental mission to East Timor. We explained the purpose of our mission, being a report that "will offer a broad and updated view on the state of the environment in East Timor, as well as about the process of people's participation in sustainable development."

We explained that the mission was well prepared and that the team was composed of an Italian team-leader, a Brazilian sociologist, a Sri Lankan or British biologist and two members of our Indonesian member organisation WALHI. The report of the mission would be circulated to the relevant Indonesian authorities, international organisations, and to local and international NGOs working on environment and development.

In July we received an invitation to "reconsider our request" from the Indonesian Ministry. The reason given was that "comprehensive academic research" had already been done in East Timor on the issues the mission intended to focus on.

In November we repeated our request. We emphasised that while recognising the value of the work already done, "our mission is complementary especially because (...) we would like to focus on concrete opportunities for strengthening collaboration at the NGO level and also provide a basis for international cooperation aimed at a sustainable

use of natural resources with the active involvement of local communities.”

In addition, we also put forward an argument based on principle: I wrote; “I have serious problems with your response in the sense that it shows hesitation in allowing an international mission to East Timor. My organisation is of the opinion that it is in line with the Universal Declaration of Human Rights that East Timor can be visited freely by organisations like ours. (..) A refusal from your side would throw a peculiar light on Indonesia’s hospitality and would force the international movement of environmental NGOs to draw

conclusions about East Timor which would not be based on an independent assessment of the issues but on hearsay and on a secretive and defensive attitude of the Indonesian authorities. We trust that it is not your intention to allow this to happen.”

However, the Indonesian authorities did choose to refuse our second request as well. We protest against this and request the UN Commission on Human Rights to join us in protest, as we consider it unacceptable that the Indonesian Authorities will not allow us to visit East Timor freely. Even more so because Indonesia is in fact occupying this country against the will of the majority of its population and without the approval of the United Nations.

We trust the continued attention by the Commission of Human Rights for East Timor and the appointment of a Special Rapporteur on Human Rights and the environment will help us in assisting the East Timorese people to fight and work for a sustainable future.

Mr. Chairman, distinguished delegates, thank you for your attention.

IHT INTERVIEWS HORTA ON PEACE PLAN

International Herald Tribune 20 Feb. 1995

Indonesia’s rule in East Timor, a former Portuguese colony annexed by Jakarta after Indonesian troops invaded 20 years ago, continues to face challenges. José Ramos Horta, the special representative of a council that links East Timorese groups opposed to Indonesian control, discussed the situation with Michael Richardson of the International Herald Tribune:

Q: The United Nations Commission on Human Rights is due to resume its annual debate in Geneva on Wednesday on human rights violations in East Timor and other places. Can such debate influence Indonesia’s East Timor policy?

A: It does because Indonesia aspires to regional and world leadership. It is a member of the Commission and one of the non-

permanent members of the UN Security Council. It chairs the Non-Aligned Movement. So it has enormous credibility at stake. It cannot defy international opinion in the same way as the military regime in Burma or the Khmer Rouge in Cambodia.

The UN has never recognised Indonesia’s armed takeover of East Timor in 1975 and its formal annexation of the territory in 1976. Instead, the UN, through various resolutions, has demanded that Indonesia withdraw from East Timor so that an act of self-determination under UN supervision can take place.

Q: In recent days, there have been attacks by hooded so-called Ninja gangs against people in the East Timorese capital, Dili. The Indonesian military has alleged that the gangs are controlled by pro-independence groups. Who do you think is behind the gangs and why?

A: The attacks were instigated by the Indonesian military to create a climate of violence between Timorese so that the blame would not be placed on Indonesia. The fact is that those gangs of Timorese and Indonesian thugs are trained and paid by the security forces.

Q: What should Indonesia do to solve the East Timor question?

A: We have offered Jakarta an honourable way out through a three-phase peace-plan.

In the first phase, lasting for about two years, Indonesia must withdraw all its troops from East Timor, release all prisoners and allow the UN to establish a human-rights monitoring presence. In the second phase, East Timor would get full autonomy with a local assembly chosen in elections organised by the UN. This phase would last for five years and could be extended for another five years. It would give Indonesia ample time to prove to the people of East Timor that its behaviour has changed.

The status of the territory would only be decided at the end of the autonomy period. That would provide Indonesia and ourselves sufficient time to find a modus vivendi in which Indonesian interests would be protected.

However, the end result of the whole process would have to be a self-determination referendum under UN supervision.

Q: What is Indonesia’s response to this proposal?

A: So far, outright rejection. But I know that there is a growing sympathy within Indonesia for this kind of approach. There is also increasing support in the UN and from the US and the European Union.

Q: If Indonesia continues to reject the peace place you have put forward, what strategy

will your group pursue to get Jakarta to become more flexible?

A: We will continue to extend an olive branch to Indonesia. At the same time, we will to pursue aggressively our international campaign to increase the costs to Indonesia. In East Timor itself, our people are determined to escalate their actions to make Indonesia’s occupation more costly.

Q: Wouldn’t that amount to terrorism?

A: No, we are talking about civil disobedience and street demonstrations. However, armed resistance by our guerrillas will continue against the Indonesian military occupation. But Indonesian civilians and their property will not be targeted.

INDONESIA PUSHING HARD LINE ON EVE OF RIGHTS MEETING

by Farhan Haq

NEW YORK, Feb. 28 (IPS) – Indonesia’s 20-year occupation of East Timor, which seemed to be easing only a few months ago, is getting tougher once again, according to human rights activists.

On the eve of an expected statement by the U.N. Human Rights Commission on the situation in the former Portuguese colony, Jakarta is being accused of stepped-up repression, including arrests, harassment, and even killings.

“In substance, the hard line prevails as it hasn’t in a while,” says John Miller, spokesman for the U.S.-based East Timor Action Network (ETAN). “For awhile, the fingers on the triggers were very light. But clearly, the killing has escalated.”

The shift is especially ominous given rumours of a split between President Suharto, who is said to favour a more diplomatic approach on East Timor at present, and his one-time right-hand man, Minister of Research and Technology B.J. Habibie.

Habibie and his allies in the military may have seized upon Indonesian embarrassment over high-profile pro-Timor demonstrations in November to push a harder line, analysts think.

“At the moment, the military are definitely the ones in control of what happens on the ground in East Timor,” Miller argues. “Some of Suharto’s relatives wanted some kind of concessions made (for Timorese rights). The military wants to quash the whole initiative.”

Last year, the moderate line – apparently spawned by Indonesia’s desire to rid itself of the international opprobrium the occupation has gained it – included the first face-to-face talks between Timorese resistance leaders and Indonesia’s foreign minister.

But the mood in Jakarta apparently has hardened since Timorese demonstrators, many of them students, embarrassed the regime by calling for independence during the summit of Asia-Pacific Economic Cooperation (APEC) leaders last November.

Since then, the situation in East Timor has deteriorated sharply, according to a Human Rights Watch/Asia report released here Tuesday.

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

The worst incident so far was the Jan 12 killing by Indonesian troops of six unarmed civilians in Liquica. The Army initially said the victims were guerrillas but has since admitted that it made a mistake.

Sidney Jones, Human Rights Watch/Asia's executive director, suggests that the decision to crack down against the Timorese may actually have preceded the APEC Summit. "The APEC meeting and the demonstration of students haven't been by themselves the factors that caused the hard line," she said Tuesday.

In fact, the first major indication of a shift occurred in November before the demonstrations, according to Jones. Early that month, she says, Jakarta recalled Abilio Soares, Jakarta's governor of the province, for three months of 'training' at the National Security Institute.

Human Rights Watch/Asia describes the move as "a kind of exile (which) may be a prelude to dismissal."

Soares, according to Miller, "had been talking about more autonomy, and (against) repression in the churches. He made statements that a lighter hand may be a better hand."

Given that even that approach apparently has earned a firm rebuke from Jakarta, human rights groups are worried that Soares's treatment hints at worse measures to come.

Jones warns that increasing activity by unidentified masked hooligans in East Timor, dubbed 'ninjas,' may also be a foretaste of even greater repression. The ninjas, she says, are modeled after the 'bufos,' street gangs whose attacks on Timorese in Oct. 1991 preceded an army massacre of 100 Timorese the next month.

The National Council of Maubere Resistance (CNRM), the lead Timorese resistance group, wrote in a statement this week that "clear evidence proves (Indonesian Army) backing for civilian terrorist gangs.

"Suharto's son-in-law, Col. Prabowo, has just made a special trip to (the Timorese capital) Dili to secure the release of a ninja

leader accidentally captured by the Air Force," it added.

But there are also some signs that Jakarta wants to curry favour with the world at large, particularly given the Human Rights Commission meetings later this week.

That meeting is expected to adopt a consensus statement sponsored by the European Union (EU) which calls for improved human rights monitoring in East Timor but backs away from the thorny question of the territory's legal status.

FRETILIN, a major political front organisation, declared East Timor's independence from Portugal in 1975, but the former colony was immediately invaded by Indonesia which annexed it year later.

By the end of the 1970s, some 200,000 Timorese – about a third of the population – was estimated by major international human rights groups, like Amnesty International, under Jakarta's occupation.

Indonesia was largely protected, however, from international criticism during the Cold War when it was regarded as a key ally by Washington. Now, however, it has found its occupation of Timor increasingly costly politically.

As a result, Jakarta has appeared to show greater flexibility, holding three rounds of U.N.-brokered talks with Portugal about East Timor and agreeing to a meeting of pro- and anti-Indonesian Timorese groups in Salzburg, Austria, on Apr. 24-26. Another round of talks with Portugal is now scheduled for May 19.

Suharto has also apparently approved an investigation into the Liquica killings. A military spokesman last week cited "irregularities" in the killings.

But activists here argue that this may all be for show on the eve of the U.N. Commission's meeting. "The statements about what they're going to do with the (responsible soldiers) is unclear," Miller complains, noting that the Army still classifies the killings as accidental, despite evidence by human rights groups to the contrary.

In its report, HRW/Asia is urging the Commission to back a strongly-worded resolution. Jones is also calling for early visits to the territory by U.N. Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions and Torture and by a U.N. Working Group on Arbitrary Detention.

ABC INTERVIEWS MR. BACRE WALY NDIAYE

ABC (Australian) Radio National, 25 February 1995. Program: Indian Pacific, Unabridged transcript

Presenter: The 51st session of the United Nations Commission on Human Rights is

underway in Geneva at the moment and on the agenda this week is the question of East Timor.

On Tuesday the Commission is due to consider a report the UN Special Rapporteur on Extrajudicial Summary and Arbitrary Executions, Mr. Bacre Waly Ndiaye. Mr. Ndiaye visited East Timor last year and in November released a highly critical report - saying in part that he clearly sensed terror amongst many Timorese and also calling for far reaching reforms in the territory.

In a series of comments circulated to certain delegations in Geneva Indonesia has attacked his report as 'distorted,' but Mr. Ndiaye says he stands by his findings. And he told me that a full investigation of the Dili in 1991 remains the most important priority for East Timor.

Ndiaye: I think that the most urgent recommendation is of course is to take the decision at least in principle to set up a new commission of inquiry to investigate fully what happened in Dili on November 12, 1991. And to find who was responsible for the killings and to bring them to justice and to give compensation to the families of victims.

Q: You have said that there can be no effective 'confidence building measures' in East Timor until justice is done on the massacre, on the question of the massacre.

A: Well, this is my feeling, I think that you would be quite decisive step in 'building confidence' to really try to clarify what happened that day; who was responsible for the fate of the disappeared, the fate of - where are the bodies are buried. And really to set up a real mechanism to prevent these tragic events to happen to again.

Q: You also say that the conditions which made the Dili massacre possible are still present. Do you still believe that is case?

A: Well, the reason why I say there are still present is there has been no substantial modification. I mean, in terms of allowing freedom of opinion and expression. In terms freedom of manifestation.

Q: Freedom to demonstrate, you mean?

A: Freedom to demonstrate, I mean. So, any demonstration can turn back, and I believe there should be a kind of legal frame which will combine the necessity for expression and the necessity for public order. And also I believe was the reason why it is possible that nobody has been prosecuted for homicide. And I believe that it would give a feeling of impunity to the army and because the police is part of the army also; and I believe that as long as it will not be possible to separate the people were investigating complaints against the army and the army itself, would be hard to have people testing the judicial system.

Q: Don't you see any positive sign, I mean for example the fact that some of the military involved were court martialled or the fact for example that following the shooting of 6 people last month in East Timor, the Govt. has convened another Military Honour Counsel to at least conduct an investigation into that shooting?

A: Well, I criticise is the Honorary Counsel system because any judicial system, even if military should be public, and allow compensation for the victims and also participation of the victims to the judicial system. But, I say, of course I do not say that the Government haven't done anything. They have done something. There has been an investigation, there has been judicial proceeding, and there have been research for the disappeared but what I say and what I demonstrated in the report is that they are short from international standards. And I think, my role as Special Rapporteur is to recommend ways to implement the international standard where they are higher than the national standard. This is the case in East Timor.

Q: Well the Indonesian Govt. has responded to your report with a quite a lengthy document that says you give a very distorted picture, that your opinions are subjective, that they originated from prejudice sources and that your recommendations constitute interference in Indonesian affairs and that they are unrealistic and irrelevant. So do you think you are going to get anywhere with your recommendations?

A: I am not aware of this document. It has been never been sent to me.

Q: So the Indonesian Govt. hasn't provided you with a copy of their criticism of your report?

A: No, not at all. Not at all. So it is difficult for me to answer criticism I never received. What I can say is, if I was there, it was at the invitation of the Government. They invite me to come and I don't think that they are expecting me to behave differently in Indonesian or any of the other country I have been before. I am an independent expert, independent human rights, I only based my recommendation on standard already agreed by General Assembly or Commission resolutions or International Covenant.

Q: How do you expect the United Nations Commission on Human Rights to respond to your report. What action do you think will flow from the presentation of your report later this week?

A: Well, you know it is not my responsibility to take action from the report. I just indicate what I believe should be done by the Indonesian Government and by the international community to help solving this prob-

lem of justice, and this problem of truth. Whether or not there is a political will to go ahead, is beyond my responsibility.

EAST TIMOR BLOODBATH AVOIDABLE, UN TOLD

The Age, March 2, 1995

AFP/Kyodo, Geneva, Wednesday – The United Nations investigation on East Timor said yesterday that Indonesia could have prevented violence on 12 November 1991 at Dili's Santa Cruz cemetery where the army killed dozens of demonstrators.

UN rapporteur Bacre Waly Ndaiye, who went to East Timor in July, told the UN Human Rights Commission in Geneva that adequate control of the demonstration could have avoided the bloodbath.

He recommended the commission call on the Indonesian Government to open a new inquiry into the incident and press Jakarta to ensure its armed forces in the former Portuguese colony respected the population's human rights.

Jakarta annexed the territory in 1976, but the UN still regards Portugal as the administrative power.

The French UN representative to yesterday's meeting, Mr. Claude Harel, intervened on behalf of the European Union to say it was "seriously concerned by the human rights situation in East Timor."

He added the European Union expected Indonesia to follow up on its decision to open the territory to non-governmental organisations and the International Committee of the Red Cross to be given access to detained dissidents.

In Jakarta, Indonesia's human rights commission said six East Timorese killed last January were victims of an unlawful shooting by Indonesian troops.

The commission's chairman, Ali Said, said the six people killed in Liquica, west of Dili on January 12, died "unnaturally" during a military operation in the territory.

The US-based human rights group Human Rights Watch-Asia called on the UN Human Rights Commission to take strong action on East Timor.

The appeal came as the organisation issued a 12-page report summarizing the situation in East Timor, titled Deteriorating Human Rights in East Timor. The UN Human Rights Commission is expected to adopt a chairman's statement by consensus - that is, with the agreement of Indonesia - later this week.

"A consensus statement can be useful to the extent Indonesia feels obligated to follow its recommendations," said Mr. Sydney Jones, executive director of Human Rights Watch-Asia, in a statement.

"But given the current level of arrests, intimidation and denial of fundamental rights in East Timor, those recommendations need to be concrete and forceful."

The organisation said among the recommendations that should be included in any action on East Timor are visits in the near future by the UN Working Group on Arbitrary Detention and Special Rapporteur on Torture and unrestricted access to the territory, without the need for special travel permits, by journalists and human rights representatives.

It also called for an end to arrests and interrogation by military intelligence and observance of the rights guaranteed to suspects under the Indonesian criminal code.

UNHRC CONSENSUS STATEMENT ON TIMOR

Original document

The following document has been agreed by the UN Human Rights Commission and will be made public in Geneva today, 1 March 1995:

STATEMENT BY THE CHAIRMAN SITUATION OF HUMAN RIGHTS IN EAST TIMOR

The Commission on Human Rights discussed the human rights situation in East Timor.

The Commission expresses its deep concern over the continuing reports of violations of human rights in East Timor, including the recently reported increased tensions and the violent incident where six people were killed. It welcomes the decision of the Indonesian Government to investigate this incident and to make public its findings.

The Commission welcomes the visit to East Timor in July 1994 by the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, and the cooperation granted to him by the Indonesian authorities. The Commission takes note with concern of his report (doc E/CN.4/1995/61/Add.1) and urges the Indonesian Government to further implement its undertakings to promote human rights in East Timor, and those contained in the consensus Chairman's Statements as its 48th and 50th sessions.

A matter of preoccupation to the Commission is the incomplete information concerning the number of people killed and the persons still unaccounted for as a result of the Dili violent incident on 12 November 1991. While acknowledging the efforts made to account for those peoples, the Commission calls upon the Government of Indonesia to continue its investigation on those missing and the circumstances surrounding the matter.

The Commission expresses the hope that the cooperation between the ICRC and the Government of Indonesia will continue. It calls upon the Indonesian authorities to ensure that all those in custody are treated humanely and their rights fully respected, and to take further appropriate measures aimed at the early release of those convicted.

The Commission recognises the greater access granted by the Indonesian authorities to East Timor and calls upon them to continue this policy including the granting of access to human rights and humanitarian organisations and international media.

The Commission welcomes the undertaking by the Government of Indonesia to invite the High Commissioner for Human Rights to visit East Timor in 1995 and to submit his report to the Commission at its 52nd session. The Commission further takes note of the intention of the Government of Indonesia to continue to cooperate with the relevant thematic Special Rapporteurs and/or Working Groups of the Commission on Human Rights, and to invite them, taking into consideration their requests to visit East Timor when necessary for the fulfillment of their duties.

The Commission welcomes the result of the fifth round of meetings of the Foreign Ministers of Indonesia and Portugal held under the auspices of the UN Secretary-General on 9 January 1995 in Geneva and encourages the Secretary-General to continue his good offices in order to achieve a just, comprehensive and internationally acceptable settlement to the question of East Timor. In this context, the Commission stresses the importance of continuing the efforts to promote confidence-building measures between the two governments. The Commission welcomes the Secretary-General's intention, as expressed in his statement of 9 January 1995, to facilitate and offer the necessary arrangements for the convening of an all inclusive intra-East Timorese dialogue.

The Commission requests the Secretary General to keep it informed on the situation of human rights in East Timor and will consider it at its fifty-second session

TIMORESE JOINT STATEMENT IN GENEVA

Joint statement by the Multi-Party East Timorese delegation to the 51st session of the Commission on Human Rights on the Chairman's Statement on the Situation of Human Rights in East Timor

1. As it happened in 1994 and 1992, a Chairman's statement on the situation of the human rights in East Timor was adopted today by the CHR.

2. The abundant, credible and incontrovertible evidence on the worsening human rights situation in the occupied territory of East Timor contributed decisively to an early conclusion of the negotiations conducted by the presidency of the European Union (EU) with the Indonesian delegation.

3. The report of the Special Rapporteur on summary or arbitrary executions, the confidential reports of the EU and Canadian diplomatic missions to East Timor in January and February 1995 respectively as well as reports by the Australian and US governments point to an escalating level of violence perpetrated by the Indonesian security forces against East Timorese civilians.

4. These reports suggest a turning-point in the international community's perception that those responsible in Indonesia and East Timor have failed to live up to their undertakings to the CHR in the 1994 and 1992 Chairman's statements.

5. Unlike in the previous years when Indonesia dragged its feet in the negotiations and attempted to dilute the draft Chairman's statement, this time the Indonesian delegation faced the prospect of a strong resolution if it did not negotiate in good faith and accept several substantive provisions.

6. Indonesia has agreed to invite the High Commissioner for Human Rights to visit East Timor at an early date in 1995; the High Commissioner will report to the 52nd session; it has undertaken to invite thematic rapporteurs/working groups to visit East Timor if they so request; it has undertaken (once again) to account for the missing persons.

7. The EU, having opted for a Chairman's statement, and other members of the WEAO (West European And Others) who favoured this approach, are now under moral responsibility to ensure the full implementation by the government of Indonesia of all its commitments contained in the 1992, 1994 and 1995 Chairman's statements. It is the credibility of the EU and the WEAO and in fact of the CHR members as a whole that is at stake.

8. Not one single provision contained in the 1992 and 1994 Chairman's statements has been implemented by the Indonesian government. Quite the contrary, as it has been widely documented by UN bodies, inter-governmental institutions such as the EU, individual governments, Australia, Canada and the US, as well as by NGOs such as AI, Asia Watch and others, and the international media, the human rights situation in East Timor has deteriorated dramatically in the last 12 months. The Indonesian dictatorship, in the manner and tradition of all dictatorships, has never shown good faith or willingness to reform itself and abide by the democratic will of the people and the rule of

law. Hence, the East Timorese do not have any illusions that this time the Indonesian military rulers will honour their commitments to the international community.

9. The East Timorese welcome the Chairman's statement and express the hope that the High Commissioner will visit East Timor with utmost urgency and that he will spare no effort to meet members of the East Timorese civil society, Church leaders and those held in prisons in East Timor and in Indonesia.

10. The East Timorese multi-party delegation expresses its gratitude to the Portuguese delegation for the firm and effective manner with which it articulated and advocated the views and sentiments of the East Timorese people. The East Timorese delegation also expresses its deep appreciation to the Republic of Ireland for its firm stand within the EU and in the UN in support of the legitimate rights of the East Timorese people. The East Timorese delegation expresses its gratitude to other friendly delegations, namely of Angola and Guinea-Bissau.

11. Last but not least, the East Timorese delegation expresses its deep appreciation to the NGOs, namely the Movement Contre le Racisme et Pour l'Amitié entre les Peuples, Federation International de Droits de l'Homme, Association Contre la Torture (French Section), the Indigenous World, that offered speaking rights to East Timorese eyewitnesses, and all NGOs that included the situation of human rights in East Timor in their oral and/or written interventions and reports.

Geneva, 1 March 1995

José Ramos-Horta, CNRM

José Luis Guterres, FRETILIN

Zacharias da Costa, UDT

Domingos Sarmiento Alves, RENETIL

IRISH REACTON

R.T.E. Irish National Radio and Astra Satellite to Europe

Interviewer: Myles Dungan, 3 March 1995

Voice-over: The torture and killing in East Timor of six civilians has drawn criticism from the Indonesian Human Rights commission this week. It is a group which has heretofore been silent on the activities of the Indonesian armed forces in the course of their illegal occupation of East Timor.

Tom Hyland is spokesperson for the East Timor Campaign in Ireland.

Tom Hyland: a report appeared in the international media that six guerrillas had been shot dead by the Indonesian army. We then got reports that in fact they were six civilians who had been taken out tortured and murdered by the military. we then put pressure on the governments of US, Australia and Canada who in turn criticised the Indonesian

version of the killings. this report is the result of that pressure.

Myles Dungan: this is a report from the Indonesian Human Rights Commission and that in itself is interesting.

Tom Hyland: this is a new development. I think that it is the first time the Indonesian Human Rights Commission themselves have actually criticized the military and that is a departure and in itself is a major new development that they are willing to take on the military.

Myles Dungan: But does the IHRC say by inference say that Indonesia's claim is illegal?

Tom Hyland: Indonesia is still in illegal occupation of East Timor and the IHRC will not take a position on that. but if I may pay tribute to the IHRC for actually taking on the military and giving a different version of what the military had actually said.

Myles Dungan: Now the U.N. has intervened and the UN is to send a Human Rights Commissioner, is that going to make any difference at all?

Tom Hyland: I think so. Indonesia has now been persuaded to allow the High commissioner for Human Rights access to East Timor. He is the most senior UN person to visit East Timor since the invasion. I think that what will happen when he arrives is that he will be given a orchestrated visit, the military presence will be scaled down. But the UN have the knowledge and the expertise to see through the smokescreen.

Myles Dungan: But even if they do penetrate the smokescreen, even if they do criticize, its not going to make any difference to Indonesia's occupation of East Timor, is it?

Tom Hyland: For the first time I see signs of hope. I see the international community speaking up against the occupation and the continuing violations of human rights. The Belgian government has stopped sales of arms to Indonesia, the Swedish government may do the same. there is now a break in the EU on this matter.

UN CRITICIZES INDONESIA OVER RIGHT ABUSES IN EAST TIMOR

The Boston Globe, March 2, 1995. Full Text.

Reuters, Geneva - The United Nations Human Rights Commission sharply criticized Indonesia yesterday for human rights abuses in East Timor in a consensus declaration that Jakarta itself was forced to accept.

The statement expressed the commission's "deep concern" over reports of continuing violations in the territory, including

the recent killing by Indonesian forces of six villagers.

The UN's highest human rights forum also urged Indonesia to continue investigating the slaughter in November 1991 of demonstrators in a cemetery in Dili, the East Timor capital.

Most significant of all for East Timorese activists, it committed Indonesia to inviting Jose Ayala Lasso, the UN's high commissioner for human rights, to East Timor this year.

Indonesia invaded East Timor, a half-island of around 750,000 people, in 1975 after the abrupt departure of its Portuguese colonizers. It annexed the territory in 1976 but the United Nations has never recognized its rule.

East Timorese resistance leaders had pushed for Indonesia to be the subject of a stronger form of condemnation according to the procedures of the 53-member commission.

But the European Union pushed instead for a consensus "chairman's statement" and negotiated its terms with the Indonesian delegation in Geneva.

Earlier yesterday, Indonesia's human rights commission accused the military of torturing and murdering the six East Timorese villagers who died in Liquica, west of Dili, on Jan. 12.

The commission chairman, Ali Said, said at a news conference in Jakarta that the deaths "happened because of the violation of orders by members of the regional security patrol. There are facts which need further investigation over the unnatural deaths caused by these unlawful shootings," Said said.

Said said the military tortured the six people and also said there was no proof of Indonesian military allegations that the six were supporting the Fretilin separatist movement.

On March 2, the New York Times carried a brief, unattributed article about Ali Said's statement. It concluded by quoting him:

"There was intimidation and torture by the security officers in charge at the time to extract confessions from the six people."

The finding by the Human Rights Commission was remarkably harsh given the panel's ties to the government - the commission's six members are appointed by President Suharto.

INDONESIA PREPARES FOR COPENHAGEN

Jakarta Post, 23 February 1995. Abridged

At a seminar in Jakarta to discuss preparations for the UN World Summit for Social Development in Copenhagen, concern was expressed over some paragraphs in the draft declaration.

One paragraph stipulates that a framework for action will be created to "reaffirm and promote the universal realisation of the right to self-determination of people under colonial rule or foreign domination."

A participant at the seminar reacted to this paragraph saying that if adopted it could be used adversely as a basis to demand the separation of East Timor which was integrated into Indonesia in 1976.

Indonesia is expected to try to delete it from the final declaration at the summit.

Other questions also raised in an already adopted sub-paragraph on the recognition and support of indigenous people.

"Who are the indigenous people of Indonesia?" asked one participant.

Mely G. Tan, a leading sociologist who is also a member of the delegation going to Copenhagen said there is in fact no such thing as "indigenous people" in Indonesia. "What we have is people in remote and isolated communities," she said

UN DECOLONIZATION COMMITTEE BEGINS WORK

UN Press Release, 28 Feb. 1995. Abridged.

**Special Committee on decolonization
GA/COL./2933**

Although complete decolonization had not yet been achieved, United Nations' successes in the field of decolonization would be high on the list for celebration during its fiftieth anniversary, the Special Committee on decolonization was told this morning, as it began its 1995 session.

Reading a message on behalf of Secretary-General Boutros Boutros-Ghali, the Assistant Secretary-General for Political Affairs, Alvaro de Soto, said that since the signing of the Charter by 51 nations, 134 nations - many of them former colonies - had joined the Organization.

...

Also this morning, the Special Committee elected Eugene M. Pursoo (Grenada) as Chairman, and Farouk Al-Attar (Syria) Rapporteur. In his statement, Mr. Pursoo urged the Special Committee to live up to the goal of having the world enter the twenty-first century free of colonialism. He said the Committee would maintain contacts with the representatives of Non-Self-Governing Terri-

tories and the Territories' administering Powers in order to serve the interest of the people of those Territories.

The Committee also decided to maintain its working group, requesting it to continue to study ways and means of expediting the Committee's mandate. The Committee also decided to maintain its Subcommittee on Small Territories, Petitions, Information and Assistance. Utula Utuoc Samana (Papua New Guinea) was elected Chairman of the Subcommittee; Cecilia MacKenna (Chile) was elected Vice-Chairman and Rapporteur.

Concerning the Committee's organization of work, the representative of Indonesia objected to the inclusion of the question of East Timor. He said the people of East Timor had already exercised their right to self-determination in accordance with relevant United Nations resolutions, and consideration of the matter had no place in the Committee's work. The representative of Portugal said the people of East Timor had not exercised their right of self-determination, and the question remained an issue for consideration by the Committee. ...

Organization of Work

RONNY PRASETYO YULIANTORO (Indonesia) said that inclusion of the question of East Timor in the Committee's organization of work was not acceptable to his Government. The people of East Timor had already exercised their right to self-determination in accordance with relevant United Nations resolutions, thus, terminating the colonial status of the Territory. It was indisputable that the people there had achieved great progress in all aspects of life. Only by supporting integration with Indonesia could the future aspirations of the people of East Timor be fulfilled. The affirmation of their will to be served fully by the rights and benefits guaranteed by the Indonesian Constitution had been expressed in a recent election. Thus, the item had no place in the organization of work of the Special Committee.

PEDRO CATARINO (Portugal) said that East Timor remained an issue for consideration by the Special Committee. The Security Council had remained seized of the matter, and the United Nations had not recognized completion of the process of decolonization. The people of East Timor had not exercised the right of self-determination. Indonesia had failed to comply with the relevant resolutions of the General Assembly and the Security Council. Portugal, as the administering Power, would continue to defend the rights of the people of East Timor. Talks were now taking place in order to reach a comprehensive settlement. Portugal was taking part in those talks and was prepared to take part in a settlement acceptable to the international community.

Mr. YULIANTORO (Indonesia) said that any remaining questions concerning East Timor should be dealt with in the ongoing dialogue between Indonesia and Portugal, under the auspices of the United Nations Secretary-General. Indonesia was prepared to take part in the search for an acceptable and comprehensive settlement of the situation in East Timor.

INDONESIA-PORTUGAL- TIMORESE(?) NEGOTIATIONS

FEW RESULTS AFTER TWO YEARS OF NEGOTIATIONS

Diario de Noticias, 7 January 1995. By M.P.F. Translated from Portuguese. Abridged

Lisbon – In the last two years, the Foreign Ministers of Portugal and Indonesia have met on four occasions. However, the results of these meetings, in real terms, have been practically zero, as least in as far as their effect on the situation in East Timor.

The first meeting between Alatas and his then Portuguese counterpart, Deus Pinheiro, in September 1992 lasted no longer than 90 minutes. Deus Pinheiro described the "talk" afterwards as having been "cordial" and "constructive."

In April the following year, Alatas met Durão Barroso in Rome, under the close scrutiny of Boutros Ghali. The meeting, which ended with an "embarrassing" handshake between the two Ministers, was an almost total failure. Xanana Gusmão and Ma'Huno had just been imprisoned, and Amos Wako (the UN special envoy to East Timor) had just presented his conclusions - critical of Indonesia - to his visit to the territory.

By the end of the meeting, both parties had agreed to adopt a series of "mutual confidence building" measures, but no details were given. Alatas then made an even less enlightening final statement: "After the meeting, I want to appear neither optimistic nor pessimistic, just very realistic. I did not know Minister Durão Barroso very well. I have started to understand him better, and I think the same is true for him."

In September 1993, the Ministers met again in New York. For the first time, there was mention of progress in the negotiating process. Alatas pointed out, however, that on the "fundamental issues," concerning self-determination, Portugal and Indonesia still held "diametrically opposed" positions.

In New York there were further references to "confidence building measures." This time,

Indonesia agreed to ensure greater freedom of access to East Timor for humanitarian organisations and journalists. Portugal, for its part, stated its readiness to create "a favourable" and non antagonistic atmosphere. The two parties appeared to agree on the "importance of promoting respect for all aspects of human rights (civil, political, economic, social and cultural) and fundamental freedoms in the territory."

The last meeting between Durão Barroso and Alatas took place in Geneva in May last year. The atmosphere at this fourth round was extremely tense, even before the meetings started. The previous week, the Indonesian Minister had threatened to abandon the talks on East Timor after the Geneva meeting, if Portugal insisted on maintaining its claim to be the territory's administrating power.

In spite of this, Durão Barroso appeared more satisfied than after previous meetings. Indonesia had agreed, for the first time, to meet with East Timor's resistance leaders, although Alatas did not agree to meet Xanana Gusmão, who he does not recognise as a resistance leader. Barroso showed willingness to meet with supporters of integration.

The holding of these "cross meetings" involving the Ministers constituted an unprecedented diplomatic step in the now long and drawn-out negotiations on the territory of East Timor.

However, the main hurdle still remains. During the four rounds of talks, nothing was decided on the future status of East Timor, and next Monday's meeting is unlikely to bring anything new on that issue.

WHAT ROLE FOR THE TIMORESE?

Publico, 9 January 1995. By Joaquim T. de Negreiros. Translated from Portuguese. Abridged

Geneva – It is an old idea with new trimmings. Kept away from the core of the talks from the very first meeting between the Portuguese and Indonesian ministers, the Timorese can now see a kind of consulting body in the making. The idea, which has already mobilized the efforts of the Resistance, is stirring up more enthusiasm in Lisbon than in Jakarta. Alatas, meeting Durão Barroso and Boutros Ghali again today in Geneva, agreed in principle to the initiative back in May. Today we will find out just how far Indonesia's diplomatic chief is prepared to go in defining the form which this Timorese forum will take - when it comes to East Timor, the gap between theory and practice tends to be even wider than usual.

When Deus Pinheiro, Ali Alatas and Boutros Ghali were preparing for the start of

the talks on East Timor, now in their fifth round, there was much speculation about the role which the most interested party in the process should be given. Three years later, Timorese participation has once again become a central issue in the negotiations, although now the terms and the likely outcome are different. It is in this area that the meeting today in Geneva could bring new developments.

In December 1992, what was expected from the exploratory meeting between the ministers was the definition of a format for negotiations which would, in some way, ensure that the Timorese would have active role. However, not only did that not occur - the negotiations have taken place strictly within the Lisbon-Jakarta-UN triangle - but the matter was no longer even discussed. Lisbon naturally took on the role of advocate for the Timorese, who accepted lateral participation by way of regular consultations with the Portuguese Government and Boutros Ghali's envoys.

This went on until last May when, faced with the embarrassing absence of results from the previous meetings, Durão Barroso and Ali Alatas decided, among other things, to give the go ahead to the UN Secretary General to "make appropriate efforts to bring about a broad inter-Timorese dialogue." The same point, contained in the statement issued after the meeting... described the broad dialogue among Timorese as "an important contribution" to the negotiations in progress under the auspices of the UN Secretary General.

What kind of contribution?

This is the development which brought the question of Timorese participation back to the ministers' agenda. However, the fact that Lisbon and Jakarta have recognised the importance of creating of a Timorese "forum" does not mean they share the same views on its composition and its links to the ministerial meetings.

It is to questions such as which Timorese ought to have a voice in the broad dialogue?, how should the various persuasions be represented in this kind of consulting body?, and what effects will the dialogue among Timorese have on the negotiations already underway?, that today's meeting ought to give sufficiently clear political responses to orientate a more detailed debate, attended by the permanent representatives of Portugal and Indonesia at the UN.

Given the energizing boost which the Timorese forum is likely to give the negotiations, Lisbon seems to be more enthusiastic about it than Jakarta, for whom the current lukewarm talks serve as a comfortable alibi before the international community.

Durão Barroso, therefore, should be open to suggestions about how to go ahead with the idea, while Alatas is expected to have more reservations....

The Sydney Memorandum

The Resistance also seems to see the dialogue among Timorese as being the strong point of today's ministerial meeting. The issue dominated the "summit" meeting of the Diplomatic Front's Co-ordinating Commission, held earlier this month in Sydney, and was the subject of a memorandum which João Carrascalão (UDT) and José Luis Guterres (Fretilin) - Domingos Sarmiento, representing the CNRM in Geneva this time - prepared for Durão Barroso before his meeting with Alatas.

The memorandum sets out the Resistance's view of the conditions that should be met by the Timorese forum. It also stresses that the UN must play a leading role, and puts forward some ideas (not made public) about how the various persuasions ought to be represented. There is less secretiveness about the desire for the forum to meet in Bangkok, where the UN has its Asia HQ, and which is sufficiently close to Jakarta to make the issue of East Timor create further waves in the region...

A strong argument for getting down to defining the outline of the inter-Timorese dialogue, roughly in a form which would meet with the Resistance's approval, would be simply to establish the obstacles in the way of any progress in other areas. Durão Barroso will certainly mention some "substantive" topics, such as the demilitarisation of the territory, "Timorisation" of local authorities, UN presence there, preservation of Timorese cultural and religious identity, and the threats posed by transmigration. The Indonesian Foreign Minister's approach, however, is not likely to be flexible, just as Durão Barroso is not expected to consider making any commitment on the proposal to establish diplomatic relations with Indonesia, even in the watered down form of "interest sections" in the embassies of third countries.

Jakarta's attitude hardened following the occupation of the embassy compound and was aggravated still further by the publication of the most devastating report by a UN delegate on human rights violations in East Timor. This hardening is likely to be reflected in a very defensive Ali Alatas at today's meeting. How far Boutros Ghali will be able to get around this, remains to be seen

HORTA: "WE ARE GOING TO BE FLEXIBLE"

Publico 12 January 1995 By Joaquim T. de Negreiros. Translated from Portuguese. Abridged

Lisbon - Ramos Horta is unhappy about the fact that the conclusions of the ministerial meeting in Geneva has placed restrictions on the inter-Timorese dialogue, but he is nonetheless determined to make the forum viable, exercising caution and flexibility. He insists, however, that there is no room for concessions on the UN's protagonist role in the forum.

José Ramos Horta gave assurances yesterday that the Resistance would do everything possible to ensure that the extended dialogue between Timorese, stipulated in the Conclusions of the meeting between Durão Barroso, Ali Alatas and Boutros Ghali last Monday in Geneva, would go ahead.

The special representative of the CNRM (Maubere Resistance National Council) did not welcome the "very restrictive nature" of the paragraph in the Conclusions which states that the political status of the territory will not be on the agenda for discussion by the Timorese forum, but he expressed his confidence in the "experience and creativity" of Boutros Ghali's associates, who will be organising the meeting, to overcome that difficulty.

The same "creativity" will be setting the tone of the Resistance's approach, which, according to Horta, should be both "flexible" and "cautious" if the Timorese forum is to be viable.

The Resistance intends to deny Jakarta any pretext for undermining the meeting, by not creating "unnecessary obstacles."

Underlying this desire for flexibility is Horta's conviction, shared by Durão Barroso, that the dynamism of the inter-Timorese talks will eventually prevail over the limitations imposed by Indonesia, and overcome the taboo of the political status of East Timor.

For this reason, Ramos Horta is prepared to actively co-operate with the UN Secretary General's colleagues organising the meeting, even though he considers it "absurd" that the UN agreed to limitations on the talks between representatives of a people who, the UN itself recognises, are entitled to the right to self-determination.

Flexibility has its limits. One point on which Ramos Horta is not prepared to give ground is the role of the UN itself in the organisation and conducting of the inter-Timorese talks. Speaking yesterday from Sydney Horta said that he was worried by the statements made by Alatas in which the Minister expressed opposition to the UN

playing a central role in the process. Again Horta warned that "The meeting will not materialize if the words of the Minister (Alatas) are put into effect."

In the view of the Timorese Diplomatic Front's Co-ordinating Commission, composed of Horta and the overseas leaders of UDT and Fretilin, the UN ought to organise, finance and chair the Timorese forum, and negotiate the agenda beforehand with the parties concerned. On these points, said the CNRM special representative, there was no room concessions.

Disappointed that the Geneva meeting did not go even further on the question of the inter-Timorese dialogue, Horta had also hoped that some progress would be made on prisoner releases and the permanent UN presence in East Timor. The conclusions of last May's meeting included a specific point on Timorese political prisoners - "The Ministers agreed on the need to ensure that Timorese in detention receive humane treatment, that there is total respect for their rights, and that measures should soon be taken to secure the release of prisoners" - which was omitted in last Monday's statement. This was very disappointing for those who expected that one outcome would be a timetable for the release of political prisoners.

With regard to permanent UN presence in East Timor, Ali Alatas publicly repeated that the UN is already represented in Jakarta, and that it would therefore be pointless to open a second representation in Indonesia's 27th province.

ARTICLES ON XANANA'S STATEMENTS REGARDING THE DIALOGUE ARE IN THE XANANA SECTION ABOVE.

UN-SPONSORED MEETING AMONG TIMORESE

Free translation/summary from Portuguese.

Macao, Feb. 24 (LUSA) - The first UN-sponsored meeting among Timorese will take place on April 24-26 in the vicinity of Salzburg, Austria.

The scheduling of the meeting was communicated by the office of the UN Secretary-General, Boutros Ghali, in a letter sent to 25 possible participants, among whom are Manuel Tilman, of the Macao group of Timorese resistance. The letter is signed by Ismat Kittani, special adviser to Boutros Ghali, and it says that the meeting will take place as a result of the conclusions of the latest round of negotiations between Portugal and Indonesia on January 9, in Geneva. The meeting participants should communicate

their ability to be present to Boutros-Ghali's office before March 10, and should arrive in Salzburg no later than the day before the meeting start, says the letter.

The UN has offered to pay for the travel expenses to Salzburg, while the Austrian government has agreed to cover the travel and lodging inside the country, says the letter.

In a note of the UN on January 9, Durão Barroso and Ali Alatas agreed at the time that Boutros Ghali promote the dialogue among the Timorese, provided that in the meeting the political status of East Timor not be discussed.

ALL-INCLUSIVE TIMORESE TALKS IN JEOPARDY

Comment: Indonesia is clearly trying to turn the UN-sponsored all-inclusive East Timorese talks due to take place in Salzburg next month into a repeat of the 'reconciliation talks' held twice in the UK between teams headed by da Cruz and Abilio Araujo. TAPOL

According to Reuters in Jakarta on 8 March 1995, U.N.-sponsored talks among East Timorese over the fate of their troubled homeland are jeopardized by a row over who to invite. The sources told Reuters the U.N. Secretary-General had sent out invitations before consulting Indonesia.

"The problem is not yet clear because we have tried to contact the adviser of the Secretary-General," Lopes Da Cruz, Indonesia's ambassador at large for East Timor, said in a telephone interview.

"As a Timorese leader, I am trying to put my point of view that the Timorese leaders should be consulted before the establishment of any Timorese dialogue," he said. Other sources linked to the talks confirmed that U.N. officials had sent out invitations to several East Timorese, including those critical of Indonesia's rule in the tiny territory, asking them to confirm attendance by March 10.

Indonesia was upset about the U.N. Secretariat's invitations which it believes go beyond its agreed role of merely "facilitating" the talks. Included on the list of those invited were Bishop Carlos Belo, whose accusations of human rights abuses have stoked concern from several western embassies over the killing of six East Timorese in a village in Liqueca regency.

Indonesia has tried to fend off such attacks by citing the U.N. process as evidence of its readiness to resolve the issue.

In January Indonesia agreed to allow talks between East Timorese outside and inside the territory, the first such talks to be held under U.N. auspices, but has since made clear it regards any U.N. role as minimal.

Da Cruz, regarded as a spokesman for Indonesia's role in East Timor, said the talks may not have to be postponed from their April date, but said the United Nations should stick to what he said was its agreement not to interfere.

While Indonesia has stressed their content should not touch on the issue of East Timor's sovereignty, Timorese figures say it would be hard to keep politics out of the discussions.

TIMOR GAP OIL CASE HEARD

RECENT OIL FINDS REFUEL INTEREST IN THE TIMOR GAP

Belinda Goldsmith, December 29 '94. Abridged

Reuters, Sydney - Between 1985 to 1993, 80 wells were drilled in the 61,000 sq. km Timor Gap Zone of Cooperation (ZOCA) jointly administered by Australia and Indonesia. All were unsuccessful !!

However, two major discoveries from 11 wells drilled (called the Kakatua and Elang wells within the ZOCA) in 1994 and one recent discovery in waters 20 km outside the Gap (or called the Lamiara well) have refueled interest in the Timor Sea region. It is estimated that:

1. the Elang and Kakatua wells contain up to 150 million recoverable barrels of oil,
2. the Lamiara well contains up to 200 million barrels of light crude oil.

Last year production shows that:

1. the Elang-1 well (500 km north of Darwin) flows at 5,800 barrels of oil per day (bopd)
2. the Elang-2 well produces an oil flow of 6,080 bopd
3. the Kakatua 1 wildcat oil well produces 8,100 bopd.

The Elang and Kakatua wells are owned:

1. 42% by the BHP
2. 21% by Santos Ltd.
3. 21% by Inpex Sahul Ltd.
4. 18% by Petroz NL

and the Lamiara well is shared among three companies: Woodside Petroleum Ltd (which owns 50%), the BHP (25%) and Shell Development Australia Pty (part of the Royal Dutch/Shell Group, 25%).

INDONESIA ABSENT AS WORLD COURT HEARS TIMOR CASE

by Andrew Kelly, January 26 '95. Abridged.

Reuters, the Hague – Indonesia's controversial annexation of East Timor will figure prominently in hearings starting at the International Court of Justice on Monday (23 January 1995).

But Indonesia will be conspicuous by its absence as the United Nations Court convenes to hear Portugal's challenge to an off-shore oil treaty that Australia signed with Jakarta in 1989.

Recent oil finds in the stretch of sea known as the Timor Gap have given an edge to the dispute, reviving initial hopes that it may contain up to 1 billion barrels of oil.

Portugal will argue that Australia had no right to sign the treaty with Indonesia because the United Nations still recognizes Portugal and not Indonesia as the administrative authority in East Timor.

Portugal is represented by Lawyer Miguel Galvao Teles who said, "Portugal wants oil in the Timor Gap to be conserved for the people of Timor when they are in an effective position to benefit from it."

The Timor Gap treaty divided the 61,000 sq. km of sea between Timor and Australia into 3 zones - one Australian, one Indonesian, and one shared. Initial drillings were unsuccessful but Australia's Broken Hill Company struck oil twice last year.

Legal experts said Portugal's case seemed well-founded given that East Timor's right to self-determination and Portugal's status as the administrative power had been affirmed in various resolutions of the United Nations General Assembly and Security Council.

Lawyers noted similarities between the Timor Gap case and a 1971 ruling by the International Court of Justice on South Africa's continued presence in Namibia in defiance of UN Security Council resolutions. The International Court of Justice ruled then that UN member states were obliged to refrain from any action that would imply recognition of the legality of South Africa's presence in Namibia. "If you use that as an analogy, then other states would at least have a duty not to do anything that would legitimize Indonesia's title to East Timor," said Terry Gill, a lecturer in International Laws at Utrecht University.

AUSTRALIA'S ROLE IN TIMOR GAP IN COURT

by Terry Friel, *The Weekend Australian* 28-9 Jan 95, AAP South East Asian correspondent

JAKARTA: Indonesia's troubled record in East Timor goes on trial today when International Court of Justice hearings on Portugal's challenge against Australia over the Timor Gap treaty began in The Hague.

Officials in Jakarta are refusing to comment publicly on the challenge, saying it is a matter between Australia and Portugal.

However, privately they are concerned Portugal simply is using the legal challenge to attack Indonesia over its 1975 invasion of the former Portuguese colony and its annexation of East Timor the next year.

"That is the real reason they're making this [court] challenge," one senior official said.

The case will open amid growing tension and violence in the troubled province where several people have died in ethnic brawls and clashes with security forces since November.

Indonesia has faced heavy international criticism over its invasion of East Timor and its rule there.

A report by special United Nation investigator Bacre Waly Ndiaye issued this month was sharply critical of Indonesia's human-rights record in East Timor, finding "arbitrary arrests, disappearances, torture and extrajudicial executions continue to occur."

Mr. Ndiaye also pointed to an "atmosphere of fear and suspicion currently prevailing in East Timor."

Portugal is Challenging Australia's right to sign the treaty with Indonesia, sharing oil and gas resources in the Timor Gap, midway between Timor and the NT.

Portugal charges Australia was wrong to sign the agreement with Indonesia because the UN refuses to recognise Indonesian rule in East Timor and regards Portugal as the administering power.

Portugal claims that the agreement denies the right of the people of East Timor to self-determination and sovereignty over their natural resources. Australia says that previous agreements signed with Indonesia by other countries constitute a precedent.

Australia's ambassador to Jakarta, Allan Taylor, told foreign correspondents last week he was optimistic Australia would win the challenge but he would not comment further while the matter was before the court.

Former Australian G-G and High Court judge Sir Ninian Stephen will join the ICJ Bench as Australia's nominee for the hearings, expected to last three weeks.

Portugal, which has mounted an international campaign against Indonesia over its occupation of East Timor, was forced to

target Australia in the legal challenge because Indonesia does not recognise the ICJ.

The East Timorese resistance's international representative, José Ramos-Horta, will be in The Hague for today's opening to help focus international attention on the issue.

Pedro Pinto Leite, one of the International Platform for Jurists on East Timor, said last week the case was "incredibly important" for the East Timorese.

Also in the same paper was an ad in the Employment Section as follows (included for background info & interest):

TIMOR GAP ZONE OF COOPERATION JOINT AUTHORITY

A joint Authority was established in 1991 under a Treaty entered into with the Republic of Indonesia to be responsible to a Ministerial Council for administering petroleum exploration and development activities in a Zone of Cooperation in the Timor Sea under Production Sharing Contracts.

Expressions of interest are invited from persons interested in appointment to the position of Australian Executive Director.

The Australian Executive Director is based in the Darwin Office, and in conjunction with an Indonesian nominated Executive Director (based at the Head Office in Jakarta), is responsible to the Ministerial Council for the executive management of the Joint Authority's operations. The two Executive Directors are supported by a small group of specialist staff. A Technical Director, nominated by Indonesia, reports directly to the Australian Executive Director.

The responsibilities of the Australian Executive Director include:

- joint administration of Area A of the Zone of Cooperation (with the Indonesian Executive Director);
- oversight of the operation of the Technical Directorate; and
- joint implementation as policy of Ministerial Council Directives to the Joint Authority.

rest is describing a salary package of A\$166,000 for a 1 or 3 year contract - Apps to Resources & Energy Group, Dept. of Primary Industries & Energy

OIL MUDDIES CLAIMS TO TIMOR SEA

Financial Times, January 30, 1995.

Nikki Tait on implications of a case starting at the Hague

Lawyers and academics representing the Portuguese and Australian governments are gathering at the International Court of Justice

in the Hague for what has been described as one of the most important international law cases for years. At stake are potential oil riches.

The case, which opens today, centres on the Timor Gap treaty, agreed by Australia and Indonesia in December 1989 to reconcile their rival claims to a resource-rich area of the Timor Sea after Indonesia's invasion, and subsequent annexation, of East Timor in 1975.

While they had reached an earlier, interim agreement on seabed boundaries, they had excluded the area to the south of East Timor because the region was under Portuguese sovereignty. Australia and Portugal had never done a deal.

The Indonesians wanted a seabed boundary that was based on nautical mile jurisdiction, in effect ensuring that the offshore area of maximum resource interest was in their hands. Australia, which acknowledged Indonesia's sovereignty over East Timor in 1979, objected. After much disagreement, the two nations shelved their differences and formed an innovative "zone of co-operation" (ZOC).

This comprised a 61,000 sq. km area, divided into three parts. The bit nearest to Timor would be exploited by the Indonesians; the reverse held true for the area closest to Australia. The central "A" zone, thought to be the most prospective and possibly containing a large oil field, was to be developed on a co-operative, revenue-sharing basis.

While Indonesia and Australia emerged satisfied, the deal was not acceptable to Portugal, which had colonised East Timor in the 16th century and was administering it under a UN mandate when Indonesia invaded. The Portuguese claimed that the treaty disregarded the fact that East Timor was not a self-governing territory and had not been given the opportunity to exercise its right to self-determination. Portugal's rights, and those of the East Timorese, had been violated, Lisbon said.

There was little point in the Portuguese suing Indonesia, which does not recognise the international court, but they decided that a case could be brought against Australia. The court is being asked to declare that Australia had no right to sign the treaty with Indonesia because the UN still recognises Portugal and not Indonesia as the administrative authority in East Timor. It is also asked to order payment of reparations.

Australia is expected to counter by claiming that the case is artificial because Portugal's real dispute is with Indonesia. It will probably be late 1995 before the court rules.

Portugal insists the matter is one of principle, not a pursuit of oil riches. It would like to see an influential international institution declare that the invasion of East Timor was,

in the context of international law, illegal. It says specifically that it is not seeking to have the treaty declared invalid.

But from the Australian oil industry's standpoint - and Indonesia's - the case could have big commercial implications. Since the treaty was signed considerable exploration activity has started in the Timor Gap. According to the Darwin-based authority which administers the ZOC, drilling began under the new arrangements in late 1991 and 16 wells have been sunk.

A year ago, the results did not look too promising. But in September Woodside Petroleum, the operator of Australia's North-West Shelf liquefied natural gas project, announced a big oil flow at its Laminaria-1 well, 12 miles outside the zone, and its shares surged. Analysts have suggested that the field could contain 200m barrels of crude - which, if confirmed, would make this the biggest discovery in the region since BHP's oil strike at the Jabiru well in the mid-1980s. Meanwhile, within the ZOC and on a BHP-operated permit area, two wells called Elang-1 and Elang-2 have flowed at 5,800 barrels a day and 6,080 b/d respectively. A third wild-cat well, 10 miles away, has flowed at 8,100 b/d. As Mr. David Beddall, Australia's federal resources minister, said last month: "There's no indication yet that it's Eldorado, but this year is a much better prospect than last."

In general, companies involved in the permit areas are reluctant to discuss publicly the implications of the court case - referring the matter to Canberra officials, or to the Australian Petroleum Exploration Association (APEA), a trade organisation. The former say blandly that Australia expects to win in the Hague. The latter suggests no one would have expended large exploration sums without being fairly sure that title was safe.

Some legal experts are not so sure. In a paper to an APEA conference last year, two lawyers at Sydney-based Phillips Fox suggested a ruling in Portugal's favour would leave the status of the permits granted by the joint authority "at the very least, questionable."

One possibility would be the freezing of exploration or further development in the area while Indonesia and Portugal tried to resolve differences, and an internationally acceptable self-determination process for the East Timorese was agreed.

Moreover, security of title in the Timor Sea has not always been guaranteed in the past. A handful of permits had been granted by Australia before the Timor Gap treaty was signed, and one bestowed by the Portuguese on Denver-based Oceanic Exploration. The holders of Australian permits saw these cancelled in 1989, and were none too pleased. Already, one big Australian company, West-

ern Mining, has sued Canberra demanding compensation, and won in a federal court. The Australian government is appealing, and the matter could end up in the High Court.

The article is accompanied by a map of the Zone of Co-operation, including Australia, Indonesia, and East Timor.

TIMOR GAP COMMENTS ON ABC RADIO PROGRAM

ABC Radio National "AM" and the "Law Report." Radio National 31.1.95, 1:45 PM. Helen Faling introducing

Presenter: Portugal is the former colonial ruler of East Timor which was annexed by Indonesia in 1976, after Jakarta sent in the troops in 1975. The Portuguese have long challenged Indonesia's sovereignty over their former colony and now they are contesting the right of Australia and Indonesia to divide up between them the resource rich bed of the Timor Sea.

European correspondent Magela Earning was at the first day of the court hearings in The Hague:

ME: if the Australian government was hoping the case brought against it by Portugal in the ICJ was going to be a staved affair fraud with turgid legal argument, Portugal clearly had other ideas. Portugal is challenging Australia's right to sign a treaty with Indonesia dividing up oil and gas resources in the Timor Sea, resources which it says belong to East Timor, not to Indonesia. The Timor Gap Treaty refers to the stretch of sea between northern Australia and "the Indonesian province of East Timor." Portugal reminded the international court that East Timor is not considered by the UN to be part of Indonesia. It says by signing such a treaty, Australia is denying the legitimate right of the East Timorese people, and Portugal which is still listed by the UN as the administrative authority in East Timor. Council for Portugal Professor José Correia, said Portugal had taken the case to the court on behalf of the East Timorese people. It did not want control of the oil resources of the Timor Sea for itself, but rather was trying to protect the interest of the East Timorese. Some of whom, he says, might not be even to hear report of the proceedings in the International Court in The Hague because of the Indonesian censorship. But it was Australia's record on East Timor not Indonesia's that came under the spotlight. Prof. Correia read out statements on East Timor from successive Australian Foreign Ministers and Ambassadors in Jakarta going back to 1975. He said Australia's de jure recognition of Indonesia's takeover of East Timor went

against Australia's statements supporting the right of nations enshrined by the UN to self-determination. And he rejected Australia's assertion that Portugal should be directing its criticism to Indonesia instead:

JC: The Australian government also wishes to take part in the plunder of that wealth and these national resources without, however, assuming before the international community and before its own public opinion the faithfulness of such a position, which is to reach to have 100% subscribe to the Indonesians. But Portugal in its capacity as administering authority of East Timor is not disposed to consent to the violation by Australia of the rights of the people of East Timor, and in the plunder by the Canberra government of the petroleum resources under the sovereignty of that people. Australia wishes at all costs having to deal with Portugal over the question of East Timor. How can there be no dispute if Australia disregards and even denies the dutiful rights of Portugal as the administering authority of East Timor, but beyond there, Australia can not pretend to hide behind Indonesia to avoid the international responsibility arising from Australia's own wrongful action.

MA: But the Portuguese counsel made a clear distinction between the actions of the Australian government and the Australian public:

JC: We must here show our deepest respect for the members of the Australian parliament, members of the clergy and religious activists, union leaders, journalists, international lawyers and other academics and intellectuals and many other Australian citizens who, over the last twenty years, have consistently called for the realignment of East Timorese policy of the Canberra government with the principles of international law and the most elementary ____ justice. This people has understood that the East Timorese oil tainted with the much loved, fought with so many tears, will give _____ final contradiction in the heart of the Australian democracy; this people are saving the honour of Australia in this sad affair.

MA: But the Australian legal team present at the court were unfazed by the emotive language used by the Portuguese side. Legal officer of the foreign affairs department, Chris Lamb said he found the Portuguese submission confusing: "It's got nothing to do with the points of law; we are here to deal with the court case about points of international law, we are not in an expedition in high school debating soci-

ety talking about the morals of the issue. That's what they are trying to turn us into.

Presenter: Foreign affairs legal officer Chris Lamb speaking there to Magela Earning, outside the international court in The Hague. Well, Indonesia has roundly condemned the P's action against Australia in the international court. In Jakarta, Foreign Minister, Ali Alatas says he is confident about the strength of the Australian case, as Michael Maher reports:

MM: Across the globe, Indonesia chief salesman went on the offensive. Foreign Minister Ali Alatas dismissed the court challenge as yet another bead by Portugal to discredit his country internationally:

AA: Our position is that East Timor is already part of Indonesia and therefore we have sovereignty over it, and this sovereignty has been recognised by many countries, de jure as well as de facto, including by Australia, and therefore, Australia did nothing wrong by having an agreement with us on the exploration and exploitation of the Timor Gap. We think the Australian position is quite strong because, first and foremost, Australia is arguing that actually this is indirectly of Portugal to indict us, rather than Australia. This is not something that can be legally admissible. But on the substance also I think Australia has a strong case.

MM: Indonesia and Portugal are scheduled to begin another round of UN sponsored talks on East Timor in a few months time. And while Mr. Alatas says he is confident about the outcome of the ICJ case, he made it plain that Portugal legal challenge may well hinder the progress of those UN discussions:

AA: They continue to lambaste us, they continue to attack us through the press in various forums, they continue to exploit whatever little event they see as being a good opportunity to make use of in order to embarrass Indonesia or to excoriate? Indonesia in the international arena.

MM: even if the ICJ of justice finds in favour of Portugal its decision will not be binding on Indonesia, as Jakarta does not accept the ICJ jurisdiction. However, at a time when international debate over the issue of East Timor is increasing, the case will undoubtedly serve to focus even more attention on the former Portuguese colony. And that something neither Indonesia nor, it would seem, the Federal Government in Canberra, is keen to see happen. MM Jakarta.

ABC "Law Report" (8:30 AM, 31.1.95), Radio National

The Timor Gap region of the Australia's northern tip has been described as the most promising for oil and gas reserve since the Bass Strait finds in the 1960s. Now its potential for export dollars and oil mining is now under question. Portugal yesterday started the legal action against Australia in the international court of The Hague challenging Australia's right to tap into reserves under the Timor Sea. Portugal claims the Timor Gap treaty signed by Australia and Indonesia to carve up the reserves is illegal and must be revoked. In a moment we'll be discussing the case with Tim McCormack, lecturer in international law and Dick Wells, of the oil exploration association.

But first, our reporter, Deborah Knight with this background report:

"We think that this agreement reached between Indonesia and Australia is illegal, illegitimate and immoral." (a Timorese)

The journalist: The treaty is the first international agreement of its kind; and will open the way for the joint exploration of the potentially oil rich area of the Timor Sea, about the size of Tasmania.

Ali Alatas: "I agree with my colleague Gareth Evans that it is the most important agreement ever signed between our two countries." The journalist: today's signing of the Timor Gap Treaty is a formal signal to the Indonesians that Australia now accepts their claim to sovereignty over East Timor. Both countries are hoping that joint development area will produce large amount of oil and gas but, as yet, nothing has been found. But not everybody is happy.

The former rulers of East Timor, the Portuguese, intend to challenge the agreement in the international court; they say its illegal.

Presenter: Well, it has taken more than five years, but the threats of legal action of the Timor Gap Treaty are finally under way. The international court of justice started hearings at The Hague in the Netherlands yesterday, and in the heard hearing presentation, Portugal accused Australia of wanting to plunder oil and gas resources which they say rightfully belong to the East Timorese. Portugal claims the Timor Gap Treaty signed by Australia's Foreign Minister Gareth Evans and his Indonesian counterpart, Ali Alatas, in a jet of the skies of East Timor in 1989, is illegal and must be revoked. They say Australia broke international law, by ignoring Portugal's position as East Timor's official administrative authority. Portugal is the nation's former colonial power and while

Indonesia invaded East Timor in 1975, the UN has never formally recognised the authority there. So Portugal's argument voiced in court yesterday, is that neither Australia or Indonesia have the right to divide up resources which rightfully belong to East Timor. And it is the resources of gas and oil of the issue. Because, if estimates are right, the billions of dollars of the staff lying in reserves under the Timor Sea. Earlier exploration did not come up with much in a way of gas and oil, the companies themselves are fairly hesitant to divulge what information they have. But a series of breakthroughs late last year highlighted the Timor Sea's potential. In fact one company, Woodside Petroleum, made the bold claim last October, that one of their oil finds was the most significant since that around the Bass Strait in the 1960s. The Timor Gap Treaty divided the area into three distinct zones. Australia and Indonesia share the centre section which is the largest, and Australia has sole control of the area to the South. More than 12 oil companies have exploration basis in the area, investing millions of dollars in infrastructure and research. So the stakes are definitely high, not only with potential export dollars for mining companies but also royalties available for the Australian and Indonesian governments when and if mining goes ahead; and Australia's international reputation if the treaty is overturned. But win or lose, it is still not clear what effect, if any, the next three weeks of proceedings will actually have. After all, the international court has no official police body to enforce its decisions; and whatever the outcome, it is not the oil companies but the Australian government which ultimately have to take the rap.

Presenter: Deborah Knight with that report. And we will look into the oil exploration position in just a few minutes, but first to explain the legal ramification, I am joined in the studio by Tim McCormack, lecturer in International Law at the University of Melbourne. Tim, what do the Portuguese hope to achieve by bringing this case to the international court of justice of the ICJ?

TM: I think the Portuguese perhaps feel some responsibility for what is happening for East Timor because they were the colonial power for 400 years; and so they want to have the issue of Indonesia's actions in East Timor raised and dealt with by the highest court in the world.

Presenter: So, what is Australia's defence to that, or where is Australia brought into that dispute between Indonesia and the Portuguese and the East Timorese?

TM: Well, Australia is brought in because as you suggested in the introduction, Australia has entered into this bilateral treaty arrange-

ment with Indonesia to determine, well in the absence of the determination about the maritime boundary between East Timor and Australia, Australia and Indonesia have done this bilateral deal, dividing up the area into various zones to allow for exploration and exploitation of the resources in the area. Now, Portugal's claim is that Australia by firstly recognising the sovereignty of Indonesia over East Timor, secondly by entering into the treaty negotiations, and thirdly by implementing legislation within Australia to give effect to the terms of the treaty, has acted illegally in international law; that is, Australia can't negotiate with Indonesia but must negotiate with Portugal on behalf of the East Timorese.

Presenter: so we made a big legal blunder in going into a treaty that may not have any legal basis?

TM: I think the mistake, if it is the mistake, of the Australian government was to recognise the Indonesian claim to sovereignty over East Timor, rather than to accept the de facto reality of Indonesian control, which most countries in the world obviously do. But to go that extra step and recognise the de jure, the legal sovereignty of Indonesia over East Timor has made it very difficult for Australia in this case.

Presenter: so is there any other precedence of treaties that exist outside of the parameters of the ICJ that continue, that have de facto credibility, if you like?

TM: I'm sure there are, but I don't have examples at my finger tips; but I'm sure there are a whole stack of bilateral and perhaps regional treaties which may raise issues of illegality that has not been challenge and perhaps can't be challenge in the ICJ because, one or more of the states parties to those treaties aren't, or have not accepted the jurisdiction of the court.

Presenter: so the International Court of Justice decision, what's worth?

TM: In terms of it actually being enforceable, against whoever looses it is not, unless the security council of the UN takes it up on behalf of the court. The court does not have enforce ability mechanisms itself; but the security council will be informed by the court if the party loosing the case does not adhere to the decision. But I think the real force of the court's judgments are the international expectations they raise that the judgments will be adhered to and implemented. And if there is and adverse judgment against Australia then I just can't imagine the Australian government ignoring it altogether.

Presenter: so we will be embarrassed.

TM: yes. We will be.

Presenter: Dick Wells joins us to from the Australian Petroleum Exploration Association, Dick, you must be fairly concerned about the outcome of this Portuguese legal challenge. What its likely to mean for Australian exploration of, for oil in the Timor Sea?

DW: well, I don't think it serves Australia well to speculate too much into the future. I mean, we are looking probably six month down the track before we get a decision from the ICJ. But the industry has undertaken exploration program in that area under the good understanding of the legal basis of the treaty, and the briefings we've had, certainly from the Australian government legal representatives are that we believe we have a reasonably strong case. If that treaty was to come through the path of the security council under scrutiny, and it certainly won't come under scrutiny directly with the ICJ, I think the industry will then have to have discussions with the government about protecting its interests. We have certainly spent hundreds of millions of dollars already in that area, and so companies would be looking to the government to negotiate a way through that.

Presenter: how many companies are involved and what thought of dollars have they put into it, at the moment?

DW: well, it is about in the order of 20 odd companies being involved in various different consortia, exploring in the area, and in the order of two to three hundred million dollars have been spent.

Presenter: and I suppose there will be some more on the drawing board!

DW: yes. The program for 1995 is quite low. It is only two or three wells. But we've come to the end of the first three year period and there has been in the order of thirty odd wells drilled in that period. So it has been considerable investment.

Presenter: so what will that mean for Australia, or at least for those companies' investment, if this case is adverse to Australian interest?

DW: I think it is too early to say; I mean, obviously the Australian companies and the international companies that have gone into exploring that area have done so in full knowledge of the status of the treaty, and whilst there is a lot of risks in this business, it is just one additional risk. And I think in the advice we've had certainly from the legal representatives from the government, that risk does not rate very highly.

Presenter: will those companies be looking for compensation?

DW: too early to say. Basically Australia has claims to its continental shelf anyway, and

all the effort that the Australian companies have been putting in has been on that Australian continental shelf, so it is yet to be seen if there was another international negotiation about the extent of our maritime boundary whether we will be in Australian waters anyway.

Presenter: Tim McCormack, international lawyer, is there any legal remedy for a company that finds itself in a position like an Australian oil exploration?

TM: well, the remedy for Australian companies would have to be through the Australian domestic legal structures. And because the government had implemented legislation under the treaty and given effect to the international legal obligations rights and privileges as entity to Indonesia, then I think the responsibility would be on the government to something about it. Sure the government would like me saying that but...I suppose that is my perspective.

Presenter: Yes. Because Australia has to all intense and purposes taken this is having legal basis. And introduced legislation to that effect. It may well have some claims against it for compensation.

TM: Possibly. Well, I think Dick is right; we have to wait and see, exactly what the judgment is. Because if the argument that Indonesia's absence to the proceedings is fundamental to the case, and the court decides it can't hear the case, then of course that's all speculation in a murky point.

Presenter: Dick Wells, you mentioned that it is one more risk in a pretty risky business; has it sent nerves through your industry?

DW: not particularly; the industry is cautious in going in there, and there are some companies internationally that have not ventured in there, there are certain constraints in financing; there are some fairly conservative finance houses that would not provide funds into those areas, but not particularly. The industry watch this closely, but the program has gone ahead as it was originally planned three years ago, and basically business as usual. So I don't think it is shaking people any more; we watch very closely, we have detailed briefings from the government on the Australian position. So we are not a party to the case, so we better sit on the sidelines and watch.

Presenter: well, we all have to do that. May be we can gather again, we three in six months time and take a look at the decision as it handed down. Thanks for your time. Dick Wells, from the Australian Oil Exploration Association, and Tim McCormack, of the University of Melbourne.

PRESSURE TO QUIT INDONESIAN OIL DEAL MOUNTS

By Usha Harris

SYDNEY, Jan 31 (IPS) - Australia has come under mounting pressure to withdraw from a deal signed with Indonesia to take oil from East Timorese waters, as Portugal challenges the agreement at the International Court of Justice in the Hague this week.

Portugal, a colonial power in East Timor for almost 460 years, claims Australia has infringed on international law by negotiating a treaty with Indonesia when Lisbon remains the legal administrator of the territory.

Indonesian troops invaded East Timor in 1975 and formally declared it its 27th province a year later. While neighbouring countries including Australia have recognised Indonesian sovereignty in East Timor, the United Nations still considers Portugal as the administering power there.

Agio Pereira, executive director of the East Timor Relief Association, says Australia's recognition of Indonesian rule over East Timor is "a total betrayal."

Pereira's group sponsored a lecture tour last week of renowned U.S. professor Noam Chomsky, an outspoken critic of Western foreign policy, to raise public awareness on East Timor's struggle for independence and pressure Canberra to withdraw from its oil deal with Jakarta.

Speaking in jam-packed lecture halls across Sydney, Canberra and Melbourne, Chomsky criticised the Australian government's policy on East Timor as "shameful."

He accused Australia of having double standards by accepting Indonesian rule over East Timor while condemning occupations in other parts of the world.

Chomsky said Prime Minister Paul Keating's government should do the honourable thing and withdraw from the Timor Gap Treaty signed with Indonesia in 1990.

Australia and Indonesia agreed to jointly explore for oil in the Timor Gap, a 60,000 sq. km stretch of deep water separating the two countries.

The sea bed contains one of the world's richest untapped petroleum deposits, which could yield about a million barrels of oil per day once in full operation. Under the treaty, Australia and Indonesia will share the oil in the area, estimated to be between three and seven billion barrels.

Chomsky said the Timor Gap Treaty was "offensive to decent human beings," adding it was "as if Libya had made a deal with Iraq to rob Kuwaiti oil after the Iraqi invasion."

If the International Court of Justice rules in Portugal's favour, the 1990 oil agreement will be revoked.

But international law expert Rafiqui Islam of Sydney's Macquarie University says it may be difficult for Portugal to convince the World Court about its case.

He says the outcome of the case hinges on whether or not an 'act of self-determination' has taken place in East Timor - in other words, if a majority of the East Timorese have endorsed Indonesia's annexation of their homeland. Jakarta claims this has been done, but many political analysts say it has not.

For the Timor Gap Treaty to be judged a flagrant violation of international law, Islam says it should first be established that the East Timorese are entitled to self-determination. It could then be argued that the East Timorese, not the Indonesians, are entitled to share the oil wealth in the Timor Gap.

Pereira said he hoped Chomsky's lecture tour would lead the Australian government to reconsider its recognition of Indonesian rule in East Timor.

But regional analysts say that would be difficult at a time when Australia is rapidly expanding economic, political and military ties with its northern neighbour and other booming economies in Asia. Trade between Australia and Indonesia has trebled in the last five years.

"Human rights issues, for all their importance, should not be allowed to dominate our overall relationship with Indonesia, but nor should they be submerged," Australian Foreign Minister Gareth Evans told a conference in Canberra late last year.

Australia has invited the Indonesian armed forces to take part in joint military exercises off the northern Australian coast this year. Two units that played a leading role in Indonesia's 1975 invasion of East Timor - the Special Commando Force and the Army Strategy Reserve - will even participate in the exercises.

Pereira says Indonesia needs Australia to give it a stamp of credibility. "Australia is the only Western liberal democracy in the region and if it withdraws its recognition of Indonesian annexation of East Timor and from the Timor Gap treaty, it will greatly improve the East Timorese position," he said.

He does not expect the Association of South-east Asian Nations (ASEAN) to take any credible position on the East Timorese issue "except for the Philippines which is the only country that has stood up to Indonesian pressure."

A human rights conference on East Timor, held in Manila last May, drew much attention from international media and human rights groups after Jakarta tried, but failed, to

get the Philippine government to ban the meeting.

SMH: AUSTRALIA ON TRIAL OVER TIMOR

Sydney Morning Herald (editorial) Jan. 31

WIN OR lose, Australia's encounter with Portugal in the International Court of Justice in The Hague is unlikely to have much practical effect, at least as far as exploitation of Timor Gap oil resources is concerned.

If Australia wins the case - which is due to run until February 17 and to be decided in August - Australia and Indonesia will simply continue their efforts, jointly or separately, to develop oil reserves in the Timor Gap. If Australia loses, the reverse is not necessarily true. Australia will hardly walk away from the treaty, whatever the judges in The Hague say. Australia's official position is that, as a good international citizen, it respects the authority of bodies such as the International Court of Justice. That does not necessarily mean, however, that the Australian Government, if it lost the case, would stand in the way of commercial enterprises pressing ahead with exploration and development in the Timor Gap.

What precisely will happen will depend partly on the court's exact rulings on the details of Portugal's petition. For example, the court might restate that Portugal is the "power administering the territory of East Timor," which is the present United Nations position. But the court might not make all the declarations against Australia that Portugal has requested, or go as far as to order Australia to pay reparations, to East Timor and Portugal. One factor that may disincline the court against making firm orders against Australia is that Indonesia is not a party to the proceedings. Of course, Indonesia simply does not accept the jurisdiction of the International Court of Justice. And, if it did, it would not only be just a party. It would be Portugal's primary target. That, in fact, is part of Australia's case at The Hague - that Portugal's real argument is with Indonesia, not Australia.

Ultimately, the main effect of this excursion to the rarefied heights of international law will be political. From Portugal's point of view - whether it wins or loses at The Hague - it is bound to succeed politically in refocusing international attention on East Timor's claims to self-determination. That success is already manifest in the attitude of many Australians who will, as they consider, the contest that began in The Hague yesterday, feel that this is one international event where it is not all-important that Australia comes out winner. Indeed, there is a large body of opinion in Australia which opposes

Indonesia's invasion and annexation of East Timor in December 1975, which regrets Australian Government recognition of Indonesian sovereignty over East Timor, and which is profoundly uneasy at the treaty which the Australian Foreign Minister, Senator Evans, and his Indonesian counterpart, Mr. Ali Alatas, sealed with a toast as they flew over the Timor Gap in December 1989.

The official Australian position of recognising Indonesian sovereignty over East Timor while maintaining support for East Timorese self-determination will come under close scrutiny in The Hague. However, sustainable legally, its morality will be sorely tested. It will not be surprising, in the light of events in East Timor in recent years, if this case strengthens public opinion in Australia in favour of absorption and slowness to recognise legitimate East Timorese aspirations.

PORTUGAL SAYS AUSTRALIA SOLD OUT EAST TIMOR

Sydney Morning Herald, 31.1.95. by Don Woolford

The Hague, AAP, Monday: Portugal launched a fierce attack on Australia's East Timor policy today, accusing it of supporting Indonesia's occupation for oil and gas profits.

Professor José Correia told the International Court of Justice that from 1974 Australia had deliberately impeded Portuguese attempts to work towards East Timorese self-determination. Instead, it had secretly supported Indonesia's invasion of East Timor, which occurred in December 1975.

Professor Correia who is Professor of Law at the University of Lisbon, was speaking on the opening day of Portugal's action against Australia in the court over the Timor Gap agreement.

Under the 1989 agreement, Australia and Indonesia share the oil and gas resources on the continental shelf between East Timor and Australia.

Portugal says it remains legally responsible for East Timor and any negotiations should have been with it rather than Indonesia.

Professor Correia said that from the meeting of the then Prime Minister, Mr. Gough Whitlam, with Indonesia's President, Mr. Soeharto, in 1974, Australia had secretly backed an Indonesia take over of the territory.

"The real Australian interest was to impede self-determination in East Timor," he said. It wanted the region incorporated in Indonesia even though that was not what the East Timorese wanted.

Australia gave no help to Portuguese attempts in 1974 and 1975 to end civil war in

the territory. After the invasion, it frustrated attempts of East Timorese living in Australia to help the anti-Indonesian war, he said.

Despite irrelevant and pious public statements supporting self-determination, its real interest was to help isolate East Timor so Indonesia could carry out its "genocide" without international embarrassment.

Professor Correia said that at first sight the contradiction between Australia's public statements and real acts might appear strange. The only logical explanation was profit.

Australia could benefit from Indonesia's weakness in being an illegal invader and occupier to reach an agreement with it over resources that belonged to the East Timorese people, Professor Correia said.

Earlier Portugal's Ambassador to the Netherlands, Mr. Antonio Cascais, attacked Australia for criticising Lisbon's colonial role in East Timor. "No State is completely without sin," he said when opening Portugal's case. "The Aborigines in Australia are an illustration."

Mr. Cascais said Portugal action in the court was not a hostile act against Australia. He thanked the Australian people for many expressions of support for the people of East Timor.

But he was "disagreeable surprised" by the tone of Australia's references to Portugal's colonial record in East Timor.

EAST TIMOR'S OIL TAINTED WITH BLOOD, PORTUGAL SAYS

by Reuter and Associated Press, Globe and Mail, Jan. 31

Portugal accused Australia yesterday of violating East Timor's right of self-determination by signing a 1989 offshore oil treaty with Indonesia, saying any oil recovered under the treaty would be tainted with blood.

"East Timor's oil is tainted with so much blood and salted with so many tears," Portuguese lawyer José Manuel Servulo Correia told the International Court of Justice.

As the United Nations court began three weeks of hearings, the Lisbon University law professor said that Australia had violated East Timor's right of self-determination by signing the treaty on oil exploration in the waters known as the Timor Gap.

Indonesia, absent from the hearings, invaded the former Portuguese colony in 1975 and annexed it the following year, a move not recognized by the UN.

Unlike Indonesia, Portugal and Australia have both accepted the UN court's compulsory jurisdiction. Portugal can therefore take Australia to the court but not Indonesia. Lawyer Servulo Correia acknowledged that Portugal's dispute with Australia was con-

nected with Indonesia, but said the two issues were distinct and that the court was being asked to rule only on the row over the oil treaty.

Since Indonesia is not a party to this case, and doesn't recognize the court's jurisdiction, the World Court has no power to enforce its rulings. However, if Portugal wins the case, it will help other governments in the world to support East Timor's case and make clear that Indonesia's occupation is illegal.

LISBON ACCUSES AUSTRALIA IN TIMOR TREATY CASE

The Irish Times 31 Jan. 1995, By Jill Jolliffe reporting from The Hague

Portuguese lawyers have made an impassioned plea for respect for the rights of the population of East Timor in the first day of a legal test case at the International Court of Justice in the Hague, Netherlands. Portugal is suing Australia over a treaty to prospect oil in waters off East Timor its former colony, which has been under Indonesian occupation since 1975.

Speaking of the 1989 Timor Gap treaty between Indonesia and Australia, A Lisbon lawyer Prof. José Servulo Correia affirmed: "There is only one logical explanation for this treaty: Australia's desire for material gain....it was signed and executed on a single premise, that East Timorese are part of Indonesia. Australia treated them as a legal non-entity, in order to plunder their natural wealth."

According to Portugal which initiated the case, Australia and Indonesia are granting oil concessions in territory which doesn't belong to them. Indonesian claims to sovereignty, its officials say, are based on a bloody 1975 invasion and subsequent occupation in which tens, if not hundreds of thousands of East Timorese have been killed.

The Australian lawyers contend that Portugal has the wrong party in court. Indonesia, which does not accept ICJ jurisdiction, is the real target they claim, and the court should throw the case out if Portugal's masked intent is to challenge Indonesia's claim to sovereignty. They argue further that Australia's signing of the oil agreement was not an endorsement of Indonesia's method of takeover although, along with thirty other nations who recognise Indonesian sovereignty in East Timor, Australia does recognise "effective" Indonesian power there.

Australia's ambassador to the Hague, Mr. Michael Tate, drives home the point "We regard this as a regrettable and misguided action brought by Portugal over East Timor. Clearly, the real dispute is with Indonesia. That being so, we will argue that there is no basis in international law for Portugal's case.

We are quite confident that the court will see it in this light."

He points to the Court's record in dealing with disputes in which its jurisdiction is in question: since 1946 it has rejected two-thirds of applications where the defending country has argued it is on dubious ground.

If the Portuguese lawyers can survive this aspect of the Australian challenge during the three weeks' hearings they will be on relatively firm ground. They have on their side the fact that they are appealing to a UN court to respect and uphold UN Security Council and General Assembly resolutions on East Timor.

CASE 'LIKELY TO HARM' PEOPLE OF EAST TIMOR

By Don Woolford and agencies. The Sydney Morning Herald Wednesday, February 1, 1995

The Hague, Tuesday: Portugal's legal action against Australia over the Timor Gap agreement with Indonesia is more likely to harm than help the East Timorese people, according to Australian submissions to the International Court of Justice.

The written submissions, released when the court began hearing oral pleadings yesterday, attack Portugal's colonial record in East Timor and accused it of misusing the processes of the court. Australia's legal team will start speaking to the submissions next week.

Portugal has taken Australia to the court on the grounds that it acted illegally in reaching the 1989 agreement with Indonesia over the exploration and exploitation of oil and gas under the Timor sea. The Portuguese argue that they remain legally responsible for East Timor until its people decide their own future.

Australia's submissions say Indonesia - which is beyond Lisbon's legal reach because it does not accept the court's jurisdiction - is Portugal's real target. But if Portugal won the case and the treaty were ruled inoperative, Indonesia may be the only party to benefit, able to claim the right to all the resources of the Timor Gap.

"In effect, Indonesia would be at large to pursue its own interests, unencumbered by any agreement with the neighboring State," an Australian submission said.

Worse, this result may not be in the best interests of the East Timorese either. It was for the United Nations to ensure that the East Timorese received an equitable share of the profits Indonesia made from the agreement.

But if Portugal won the case, "the people of East Timor would lose any prospect of benefit from the treaty."

The submissions criticised Portugal's 400-year colonial rule in East Timor, particularly its economic and social neglect. Ironically, one of their sources is a 1987 book by Mr. José Ramos-Horta, now the chief external spokesman for the East Timorese resistance, which strongly supports Portugal's case.

Mr. Ramos-Horta wrote: "For centuries the Portuguese neglected the East Timorese. The colony was only maintained as a symbol of empire, for the Portuguese valued myths and symbol."

Moreover, Australia argued, Portugal made no effort until 1980 to help the UN find a solution for East Timor. If the East Timorese had been deprived of their right to self-determination, it was because of past Portuguese failings and the actions of Indonesia.

Moreover, UN resolutions between 1976 and 1982 showed a complete lack of international acceptance of Indonesia's position. Australia was therefore entitled to deal with the country in control of the territory in pursuit of its long-asserted legal rights, the submissions said.

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TIMOR GAP CASE ANALYSIS

From World Bank, 2 Feb. 1995

EVENT: The International Court of Justice (ICJ) has this week begun hearings on the legitimacy of the Australia-Indonesia Timor Gap Oil Treaty.

SIGNIFICANCE: The Timor Sea is believed to have oil reserves of 5 billion barrels.

Portugal, which is still internationally recognised as the administrative power in East Timor, has challenged Australia's right to make such a treaty with Indonesia.

ANALYSIS: The Timor Sea, which lies between East Timor and Northern Australia, is believed to contain the world's 23rd largest oil field, with estimated reserves of 5 billion barrels of oil and 50 trillion cubic feet of LNG (liquid natural gas). Under the December 1989 'Treaty on the Zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia,' the Jakarta and Canberra governments agreed a formula for exploitation and profit division.

Under the terms of the treaty, a 62,000 square kilometre area, lying mid-way between East Timor and Australia, has been divided into three exploitation zones;

- Zone A - a large median area to be developed jointly by the two countries;
- Zone B - the area nearest to Australia, is under the sole jurisdiction of Canberra, although 10% of gross Resource Rent Tax

(RRT) revenues (equivalent to 16% of net RRT) will be allocated to Indonesia; and

- Zone C – the area nearest to East Timor, is under sole Indonesian jurisdiction, although 10% of Contractors' Income Tax Revenues will be allocated to Australia.

When Indonesia and Australia agreed maritime boundaries in 1971-72, the area subsequently known as the Timor Gap was left undecided, because the then colonial power in East Timor, Portugal, failed to come to a similar agreement with Canberra. This remained the case after the 1975 Indonesian invasion and annexation of East Timor. The 1989 treaty was thus hailed by oil industry sources as an imaginative and innovative solution to a difficult problem of international law.

However, the validity of the treaty has since been challenged in the International Court of Justice (ICJ) by Portugal, which is still recognised by the United Nations as the administrative power in East Timor. As Indonesia does not recognise the jurisdiction of the ICJ, the case will be fought between Australia and Portugal. Unlike Jakarta, Canberra is committed to abiding by the ruling of the court. Although the ICJ will not rule until late 1995 or early 1996, it is likely that Canberra will lose the case and be forced to abandon its treaty with Indonesia.

Portugal's legal challenge to Australia rests on four key issues:

- Lisbon alleges that Australia is dividing resources with Indonesia, which the latter gained illegally through conquest and annexation.
- It argues that the reference to the 'Indonesian Province of East Timor' in the treaty is invalid in international law, since Jakarta has failed to obtain international sanction for its annexation. Both the UN Security Council and General Assembly have condemned Jakarta over East Timor in ten binding resolutions between 1975 and 1982 and the UN still regards Portugal as the 'administering power' with residual sovereign rights over the territory and its offshore maritime resources.
- Lisbon maintains that Australia's de jure recognition of the Indonesian annexation (accorded in December 1978) is invalid in international law because it conflicts with two unanimously adopted resolutions of the UN General Assembly, including the 1974 'Definition of Aggression,' which states that 'no territorial acquisition or special advantage resulting from aggression shall be regarded as lawful.'
- It alleges that the 'Timor Gap Treaty' is null and void because Australia would in effect be in receipt of 'stolen' goods.'

Australia's defence is that Portugal's case is artificial because its real dispute is with Indonesia. However, in terms of international law, it is most unlikely that this argument will be sustainable.

Implications of an Australian defeat. Thus far, some eleven companies, including USX Marathon Oil, Royal Dutch Shell, Chevron, BHP Petroleum, Philips Petroleum and Woodside Petroleum are preparing to sink 45 exploration wells in a 52,100 square kilometre seismic area which extends across Zones A and B. The Indonesian-controlled Zone C is a less attractive prospect because of the depth of the Timor trough and the shape of the kelp shelf at that point.

The importance of the case has been heightened by impressive results from recent exploration:

- If geo-seismic survey predictions are borne out, it is thought likely that the development of the Timor Gap could triple Australia's current reserves and spare Indonesia from becoming a net oil importer by 2000.
- The first oil was struck by BHP at its Elang-1 concession within Zone A, in March last year. Its flow was 5,800 barrels per day (bpd). Further wells have produced flows of 6,080 bpd and 8,100 bpd respectively.
- The greatest discovery has been made by Woodside Petroleum, the operator of Australia's North-West Shelf Liquefied Natural Gas Project, at its Laminaria-1 well, 12 miles outside Zone A in Australian territorial waters. The field is thought to contain some 200 million barrels of oil.

A Portuguese victory would have serious ramifications for the oil companies involved. If the validity of the treaty is undermined, the oil exploration permits granted by the Australian-Indonesian Joint Authority will effectively be void. If the companies persisted with oil exploration and production activities after such a ruling, they would be liable to prosecution. The stakes are thus very high. Should Canberra lose the case, it may face law suits from the oil companies. The Australian government is already being sued by Western Mining for compensation after its 1975 exploration permit was cancelled with the signing of the Timor Gap Treaty.

International pressures on Jakarta to resolve the East Timor question are likely to mount. The oil issue is likely to feature prominently in Indonesian domestic politics in the run-up to the April 1998 presidential election. However, there is little prospect of a compromise over the ICJ case. Any solution would have to involve a reconciliation between Portugal and Indonesia, which would only be possible if Jakarta withdrew

its military forces (over 12,000 troops) from East Timor and submitted the territory to an internationally supervised act of self-determination. Jakarta, however, has little interest in taking such action, as the East Timorese would almost certainly vote for independence, stripping Indonesia of any rights to the Timor Gap oil reserves. Ironically, the East Timorese 'foreign minister in exile' has indicated that an independent East Timor would uphold the treaty, provided that the new state gained the revenues earmarked for Indonesia.

CONCLUSION: If Portugal wins its case against Australia at the ICJ, as seems likely, the repercussions for oil companies involved in prospecting in the Timor Gap will be serious. Jakarta will attempt to brush aside mounting international pressure to resolve the East Timor issue.

CASE TURNS ON RESPONSIBILITY FOR EAST TIMOR

THE AUSTRALIAN Thursday, February 2, 1995. By Don Woolford in The Hague

Is Portugal still the power legally responsible for East Timor? This apparently dry and academic question is vital to Portugal's case against Australia in the International Court of Justice.

For if the court decides Portugal no longer has any responsibilities for the territory, its claim that Australia acted unlawfully in dealing with Indonesia alone over the oil and gas in the Timor Gap seems certain to fail.

The question has also led to Portugal and Australia presenting the court with starkly different versions of each other's policies towards East Timor.

In accordance with the court processes, Portugal began the substantive legal arguments by filing a memorial, a detailed justification for its court action. Australia filed a counter-memorial. Portugal then filed a reply and Australia, in due course, a rejoinder. On Monday, the oral arguments began.

In its counter-memorial, Australia was highly critical of Portugal's 400-year rule in East Timor, saying it was characterized by generations of neglect.

When fighting broke out in August 1975 between Fretilin and UDT, the main East Timorese political parties, Portugal did little. The governor and his administration withdrew to the island of Atauro, where it stayed until just after Indonesia's invasion.

"No action could have been more calculated to encourage outside intervention in the affairs of East Timor," Australia said. This provoked a Portuguese reply that included a

savage indictment of Australia's East Timor policy over 50 years.

It said Australia had followed a constant line in pursuit of a strategic objective, which was not always in keeping with the interests of the East Timorese. The criticism's starting point was World War II when, in December 1941, Australia ignored Portuguese protests and occupied the territory.

"Although allegedly intended to forestall a Japanese landing, the fact is the Australian action did not prevent it and may very well have triggered it," Portugal said.

As the war was ending, Australia made every attempt to stop Portugal re-establishing sovereignty in the territory. In this period, Australia made no secret of its "hegemonistic designs" in the south-west Pacific, including East Timor, Portugal said.

It had to protest to other Allied countries to stop Australia again violating East Timor by landing troops there to receive the Japanese surrender. The next period highlighted by Portugal started in 1970 as Canberra began attempts to persuade Lisbon to agree to divide the continental shelf on terms particularly advantageous to Australia.

The area Australia wanted included a geological structure known as "Kelp" believed to contain huge petroleum reserves. From 1974 on, Australia was guided by its interest in East Timor's natural resources.

"Contrary to what it claims in its defence, Australia has not been a mere innocent spectator of the tragic events which have led to so much bloodshed," Portugal said.

In September 1974, when Portugal was starting the process of self-determination, then prime minister Mr. Gough Whitlam met the President of Indonesia, Mr. Suharto, and let him know Australia did not think East Timor would be a viable independent State and would welcome its joining Indonesia.

In 1974-75 Australia did not give Portugal or the East Timorese the least meaningful support to help them overcome the difficulties and dangers of decolonisation, Portugal said.

In rejected the Australian assertion that it did nothing after moving its administration to Atauro in August 1975. It counter-claimed that it was Australia that did nothing.

Canberra initially refused to allow talks to be held in Australia between Portugal and the East Timorese factions. And it refused to let a Portuguese warship take supplies in Darwin.

Moreover, in the weeks following Indonesia's invasion, when the East Timorese were struggling desperately against foreign armed forces that were massacring them, Australia took measures to help isolate the territory internationally, Portugal said.

Australian-based radio communication, flights, and communication by ship, including

some of humanitarian purposes, were banned. Portugal said Australia's "passivity and ambiguity" were not explained only by its desire not to displease Indonesia or be at odds with the United Nations.

"It was its designs on East Timor's petroleum that carried more weight than all the rest," it said. "Only this greed can explain the de jure recognition of an annexation by force at the cost of over 100,000 lives."

Australia, in its rejoinder, said it was astonished that Portugal had questioned its motivation and integrity. While declining to continue the historical dispute, it denied its policy was to support Indonesia use of force in East Timor.

Australia acknowledged it had been keen to have the continental shelf delimited, but insisted it did not care whether the negotiations were with Indonesia or Portugal. It said it had always expressed regret at the way Indonesia forcibly annexed East Timor.

AUSTRALIA'S ARGUMENTS IN COURT

Radio Australia, 7 Feb. 1995

Australia forewarned the Indonesian government of the arguments it will run in Portugal's international court challenge to the Timor Gap Treaty to avoid offending Indonesia. Hours before Australia began its case in the international court in the Hague, the Minister for Foreign Affairs, Senator Evans, last night told Cabinet of a 'two-pronged' strategy to minimize Indonesian sensitivity and to avoid inflaming domestic debate over the case. It sets out in unprecedented detail Australia's position, acknowledging the continued existence of the East Timorese right to self-determination. (The Australian)

AUSTRALIA SAYS PORTUGAL COOKED UP TIMOR CASE

by Andrew Kelly. (The Hague - February 6 '95, Reuters) Summarized.

Australia, replying on Monday to Portugal's challenge to its 1989 agreement with Indonesia on offshore oil exploration in Timor Gap, accused Lisbon of manufacturing the case.

Australia's Solicitor General Gavan Griffith told the International Court of Justice (ICJ) in the Netherlands that Portugal had brought the case to win a platform for its dispute with Indonesia over East Timor.

"Portugal is bringing the wrong case against the wrong party and it is doing so for the wrong reasons," said Griffith.

Portugal, the former colonial ruler of East Timor, presented its case to the ICJ last Monday, arguing that Australia had violated East Timor's right for self-determination by signing the 1989 treaty with Indonesia.

Indonesia, which is not at the hearings, invaded East Timor in 1975 and annexed it the following year, but the move was not recognized by the UN which still regards Portugal as the administering power in the territory.

Lisbon argues that Australia therefore had no right to sign the treaty with Indonesia.

"Having manufactured a dispute against Australia, Portugal uses the opportunity to ventilate allegations against Indonesia," Griffith told the UN court.

"Portugal's appalling colonial history is known and is glossed over rather than denied in these proceedings. Its colonial policy was characterized by the UN General Assembly as a crime against humanity," he continued.

The Solicitor General said Australia did not dispute the right of the East Timorese people to self-determination, but this was not inconsistent with Australia recognizing that Indonesia exercises sovereignty over the territory.

Griffith said Portugal had filed suit against Australia, rather than Indonesia, because Indonesia had not accepted the UN court's compulsory jurisdiction and so could not be brought before the court.

"But we say Australia cannot and should not be hauled into the court to answer for Indonesia's conduct," he said.

Portugal acknowledged last week that its dispute with Australia was connected with its dispute with Indonesia, but said the two issues were distinct and that the court was only being asked to rule on the row over the oil treaty.

Australia is expected to complete its final hearings this week after which a third and final week of hearings will be held. The court's verdict is expected several months later.

LISBON'S COLONIAL RECORD ATTACKED

The Irish Times, 7th Feb. 1995. Reporter Andrew Kelly

Reuter - Australia, replying to Portugal's challenge to its 1989 agreement with Indonesia on offshore oil exploration in Timor Gap, has accused Lisbon of manufacturing the case.

Australia's Solicitor General, Mr. Gavan Griffith, told the International Court of Justice here that Portugal had brought the case to win a platform for its dispute with Indonesia over East Timor.

"Portugal is bringing the wrong case against the wrong party and is doing so for the wrong reasons," Mr. Griffith said.

Portugal, the former colonial ruler of East Timor, presented its case to the Court of Justice last week, arguing that Australia had violated East Timor's right of self-determination by signing the 1989 treaty

with Indonesia. The treaty covered oil exploitation in the Timor Gap - 61,000 sq. km stretch of sea between East Timor and Australia.

Indonesia, which is not at the hearings, invaded East Timor in 1975 and annexed it the following year. The invasion was not recognised by the United Nations which still regards Portugal as the administering power in the territory. Lisbon argues that Australia had no right to sign the treaty with Indonesia.

Mr. Griffith said Portugal, in presenting itself as the champion of the people of East Timor, had swept its colonial record under the carpet in an attempt to restore its tarnished image.

"Portugal's appalling colonial history is known and is glossed over rather than denied in these proceedings. Its colonial policy was characterized by the (UN) General Assembly as a crime against humanity," he said. The Solicitor General said that Australia did not dispute the right of the people of East Timor to self-determination, but this was not inconsistent with Australia recognising that Indonesia exercised sovereignty over the territory.

AFP adds

The Indonesian government will complete a film giving what it calls "objective information" on East Timor next month, Antara news agency said. The government plans to show it to the "silent majority [in East Timor] who want to obtain new and objective information."

EVANS' VIEWS ON EAST TIMOR ICJ CASE

The Australian, Feb. 7 - summarized

Australia forewarned the Indonesian Government of the arguments it would run at the ICJ. Senator Evans is reported to have told a cabinet meeting last night of a two-pronged strategy to 'minimize Indonesian sensitivity' and to avoid inflaming domestic debate over the issue.

Senator Evans reportedly told Cabinet that the Solicitor-General, Mr. Gavan Griffiths, regards the outcome as uncertain. Senator Evans also warned that some judges could criticize Australia's position on self-determination in a way that would 'have implications for our policy,' especially given the strong, domestic pro-Timor lobby. He had provided Ali Alatas with a paper summarizing Australia's arguments and stressed that they did not change the fact that Australia recognized East Timor was under Indonesian sovereignty, and did not recognize any change to Australia's policy. He would remain in close contact with the Indonesian Government during the case.

Senator Evans said the domestic line would be that arguments did not depart from existing policy but acknowledged to Cabinet that the arguments would address aspects of the self-determination argument which the Government had so far avoided.

He said that Australia would argue that recognizing Indonesia's sovereignty over East Timor did not contradict recognizing the East Timorese right to self-determination, because how self-determination was to be realized was a matter for the UN.

The UN could have adopted resolutions calling on States not to recognize the Indonesian administration of East Timor, but had not done so and had not criticized Australia for entering the Timor Gap treaty, Australia will argue.

THE AUSTRALIAN - FEB. 8

Senator Evans told ABC radio that

'What we're saying is that while we recognize Indonesian sovereignty over East Timor, we also recognize a continuing right of the East Timorese people to self-determination. Just as in the past we recognized that Portugal had sovereignty but recognized internationally that the East Timorese again have the right to self-determination.'

He was denying Portuguese claims that Australia was being inconsistent in taking this position. José Ramos Horta said in the Hague that Australia must now take the next step of de-recognizing the 1976 annexation of East Timor by Indonesia. He accused the Australian Govt. & Senator Evans of hypocrisy, saying that he had never heard any Australian minister or prime minister support self-determination in the past 20 years.

INSULTS AS AUSTRALIA PUTS CASE

By Don Woolford, The Sydney Morning Herald Wednesday, February 8, 1995

AAP/Reuter, The Hague, Tuesday: The Timor Gap case became a free-for-all insults yesterday, with Australia savaging Portugal's record and then being attacked by an East Timorese leader.

Australian and Portuguese lawyers and the East Timorese resistance leader, Mr. José Ramos-Horta, all appeared to be appealing to world opinion as much as the 17 judges of the International Court of Justice.

Inside the timber-paneled and chandeliered Great All Hall of Justice, it was Australia's day, as it began its arguments against the Portuguese action over the 1986 Timor Gap oil and gas agreement with Indonesia.

The main Australian arguments were put by the Solicitor-General, Mr. Gavan Griffith, QC, and the Ambassador to the Netherlands,

Mr. Michael Tate. Most of their opening statements were a reply to Portuguese charges last week that Australia backed Indonesia's takeover of East Timor in 1975 so it could drive a tougher bargain with Jakarta over the oil and gas under the continental shelf south of East Timor.

Portugal maintains that by doing such a deal with Indonesia, Australia violated the rights of the East Timorese to their resources and the rights of Lisbon as the lawful administering authority.

Mr. Griffith and Mr. Tate both denied Portugal's "dishonourable and insulting" charge that Australia had in some way supported Indonesia's 1975 invasion. Portugal had hauled Australia into court to try to rehabilitate its own appalling colonial record, even though its real dispute was with Indonesia.

Fundamental to Portugal's case is its contention that it is still the sole administering authority for East Timor under international law. Mr. Griffith said it had lost this status by its own acts and omissions and by the changing nature of UN resolutions.

He said that by November 30, 1975 - a week before Indonesia invaded - Portugal no longer exercised any control over the territory, nor did any of the East Timorese political groups acknowledge it had any rights.

Mr. Griffith said none of the UN resolutions that followed the invasion gave Portugal any exclusive right to act on East Timor's behalf. No resolution after 1979 called on Indonesia to withdraw. And Portugal had failed to take the issue before the UN since 1985.

He said Australia announced the start of the Timor Gap negotiations in 1978, but Portugal made no formal objection since 1982.

Outside, Mr. Ramos-Horta said if Australia were consistent, it should now withdraw its recognition of Indonesian sovereignty. He said Australia's performance in court was "absolutely hypocritical" and an attempt to delude the court.

Inside, Australia argued that the court could not decide the case because the real dispute was between Portugal and Indonesia, but Indonesia, which does not accept the court's jurisdiction, is not represented.

In Sydney, the Foreign Minister, Senator Evans, said Portugal's case was misconceived, because it excluded Indonesia.

"I think we are in good shape because there are two basic legs of our argument," he said on ABC Radio.

"You can't argue out or resolve any of these issues without Indonesia's presence. And there is a whole body of legal doctrine which says that when one of the necessary parties is absent you can't go any further."

HYPOCRITICAL PORTUGAL COULD TIE US [AUSTRALIA] IN KNOTS OVER EAST TIMOR

*OPINION The Australian, February 8, 1995.
Edited by Paul Austin, By Greg Sheriden,
foreign editor)*

Portugal's case against Australia before the International Court of Justice over East Timor is one of the most fantastically hypocritical which that highly imperfect legal body has ever heard. However, it poses serious political problem for the Australian Government.

The two key forensic points are what will we [Australia] do if we [Australia] lose, and what does Canberra's new emphasis on a right of self-determination for the East Timorese actually mean?

But first, some essential background. Portugal ruled the tiny colony of East Timor for 400 years. In that time it was one of the worst, most neglectful and irresponsible of colonial masters. In its 400 years of occupation hardly any development took place and, in all that time, fewer than half a dozen East Timorese graduated from university. That's right, in 400 years a couple of graduates.

Portugal was frequently condemned by the United Nations for its colonial record. Bad as what was, however (and it was pretty bad), its process of decolonisation was among the most irresponsible, destructive and violent in the world.

In April 1974 a left-wing group, the Armed Forces Movement (MFA), overthrew the Cataneo regime in Portugal. Even by the mid-70s Lisbon had not prepared its colonies at all for independence. The new radical MFA government adopted a policy of almost instant decolonisation. As a result, Portugal left behind it the flames of murderous civil war in Angola, Mozambique and East Timor.

In no Portuguese colony was an orderly act self-determination ever undertaken, not in the colonies already mentioned, nor in Goa, which had come under Indian control in 1961, nor in Guinea-Bissau. No one expects, and Portugal has not provided for, an act of self-determination in Macau, which will soon revert to mainland Chinese control.

After the Portuguese governor cut and ran from East Timor in 1974 a bloody civil war ensued. Some 30,000 East Timorese fled to West Timor, which part of Indonesia. The Fretilin group, with Portuguese weapons, won the upper hand in the civil war, although Portugal refused to accept Fretilin's unilateral act of independence. Everyone was worried about its vicious Marxism and violence.

Fretilin consciously modeled itself on Fretilimo, the extraordinarily bloodthirsty Marxist group which seized control in Mozam-

bique. It had called for East Timor to become the "Democratic Republics" on which it would be modeling itself.

Indonesia felt such a regime within its archipelago would be an intolerable challenge to its national security, which was still shaky after the tumultuous events of the mid-1960s, and, ostensibly in support of pro-integration forces within East Timor, invaded in late 1975.

The Whitlam government was already out of office by this time but the contemporary documents establish clearly, despite much myth-making to the contrary, that Gough Whitaker's position was in favour of East Timorese integration with Indonesia, but also in favour self-determination and against an invasion. Whitlam was never forced to choose between the two elements of his position, as he was dismissed from office before the invasion.

In February 1991, when Timor Gap Treaty came into effect, Portugal took a case against Australian in the ICJ. Apart from the Philippines, New Zealand and Cambodia, no other government in South-East Asia or the south-west Pacific recognises the jurisdiction of the ICJ, which is why Portugal cannot take a case against Indonesia.

The problem with the ICJ is that it is a somewhat politicized body which operates in the murky half-vacuum of international law. In this case, its judges might decide to set a few precedents, or at least make a few inflammatory comments.

Many countries have implicitly or explicitly recognised Indonesia sovereignty over East Timor. The last time a resolution on East Timor was put to the UN General Assembly was a non-binding resolution nearly 13 years ago. The resolution, which opposed Indonesian sovereignty, was passed narrowly, with 50 countries voting for it but 96 countries either voting against or abstaining. No similar resolution has been put subsequently because it would not pass.

Portugal is not seeking to have the Timor Gap Treaty declared illegal but to force Australia to pay compensation to Portugal and East Timor and to deal exclusively with Portugal on offshore mineral matters in the future. The effect of the case, if Portugal won, would be for the court to direct Australia not to explore for and exploit mineral resources in the Timor Gap.

This would be untenable for many reasons. For a start, Australia must have some agreement with Indonesia before it can exploit resources even in its half of the Timor Gap, because no clear line of ocean border exists between Indonesia and Australia.

More importantly, it would be inconceivable that Australia would tear up its solemn treaty with Indonesia and destroy all the existing Australian investment in the Timor

Gap, indeed destroy the relationship with Indonesia and our whole foreign policy to boot.

Could we [Australians] just ignore the ICJ? That is exactly what the United States did in a case in 1986. Partly because of the ICJ's limited credibility, there has never been any attempt by the UN Security Council to enforce an ICJ ruling. But the [Australian] Government would come under enormous domestic political pressure to follow the ICJ. My [Greg Sheriden] judgment is that in the event of an adverse ICJ finding, the [Australian] Government would resist that pressure and continue to honour its treaty with Indonesia and its undertakings to Australian investors.

In the course of this case Australia will argue that it supports both Indonesian sovereignty over East Timor and the right of East Timorese self-determination. Australia will argue for a meaning of self-determination which does not involve sovereignty or independence. Apparently with a view to making this peculiar semantic double play credible, Foreign Minister Gareth Evans has been making speeches in recent months using the terminology in that way. Evans will work hard to convince the Indonesians, and the Australian public, that this does not constitute a change in Australia's position on East Timor.

Certainly it means saying things we [Australians] have not said before, although the substance of the new position - calling for greater autonomy for East Timor, greater recognition of its distinctive culture and a less harsh Indonesian military presence, is something Australia has consistently argued for years.

Portugal's motivation in this hypocritical charade is certainly cynical. It plays very well to the domestic Portuguese audience, which doesn't ask about Lisbon's complete indifference to self-determination for Macau, for example.

The ICJ case will not affect Indonesia's control over East Timor, but it could tie Australia up in all sorts of knots, which would suit Portugal just fine.

AFFET ON WORLD COURT PROCEEDINGS

Feb. 9, 1995

Australians for a Free East Timor (Darwin) statement re matters at the International Court of Justice re Australia's position on East Timor.

As fair minded people, we at Affet will be hoping for a victory to Portugal in this matter, as this will support the principles of decency and the rule of law in international affairs. Neither Australia nor Indonesia seem

to understand the need for that. Australia's leading role in NOT supporting East Timor's legal and human rights leaves many Australians ashamed.

Noam Chomsky in Australia recently, pointed out that Australia proudly helped set up the international laws and principles which it is now breaching. For example Senator Gareth Evans claims there is no legal obligation NOT to recognise the acquisition of territory acquired by force, which is directly opposite the principle for which Australia fought.

On the 7th of February we have heard from the court that Australia claims it has always acknowledged the right of the East Timorese people to exercise self determination. This is news to all of us. We are unaware that that was Australia's position and we do not believe we heard this statement before the court proceedings commenced.

We are mindful that, what the Australian lawyers mean, is that this right to self determination is to be exercised whilst under the control of Indonesia. We could expand this to say that this means the right should be exercised somehow whilst still suffering under a brutal illegal isolationist military occupation of genocidal proportions of nearly 20 years.

Indeed Gareth Evans QC stated in November during the time of the APEC meeting at Bogor that he would support an act of self determination which excluded independence. An independent East Timor was unacceptable and unrealistic. Perhaps he now has Australia's legal team preparing a redefinition of this position.

It is obvious that despite protestations to the contrary, East Timor was invaded in 1975 to confiscate its economic resources and Australia's only mild protestations were partly determined by its desire to share those resources.

We dissociate ourselves from any Australian position which denies or delays the East Timorese, the full benefit of the UN charter and human rights declarations and the specific resolutions on East Timor.

Rob Wesley-Smith [Affet]

EVANS HAS TO RETHINK EAST TIMOR POSITION

Letter to the Editor, published Feb. 8 1995 in Eastern Express, Hong Kong. by Martin Wesley-Smith

Australia's Foreign Minister, Gareth Evans, chooses, as usual, to miss the point regarding East Timor (in "Evans attacks Lisbon's rule," Eastern Express," February 4-5).

It is not that Portugal was a poor colonizer but whether Indonesia had the right to invade and occupy a tiny defenceless neigh-

bourhood that was starting to stand up after more than 400 years of colonial domination.

How should one describe Portugal's record in East Timor? As benign neglect? And Indonesia's record there? In less than 20 years there have been more than 200,000 deaths directly attributable to the Indonesian "annexation" and occupation.

The people live in fear of the next beating, the next rape, the next massacre. As a recent traveler to East Timor wrote, it is "a country of emotionally and mentally disturbed people."

Indonesia has invested a lot more money in East Timor than the Portuguese ever did. It has built roads, for example - to facilitate the transport of troops. And schools - to force children to learn Bahasa and pay allegiance to President Suharto. And mosques - for the benefit of a population that is 90% Catholic. And homes - for Indonesian transmigrants. And hospitals - that forcibly sterilize East Timorese women.

It has improved coffee plantations - for the benefit of Indonesian army generals whose coffee interests have made them millionaires.

Evans implies that the Indonesian occupation is preferable to Portugal's. Why doesn't he ask the East Timorese what they think? Let them vote on the matter in a properly-supervised referendum.

If they were to choose to stay with Indonesia then there would no longer be a reason for Portugal's current legal challenge to Evans' Timor Gap treaty, and Australia and Indonesia could get on with selling "poor" East Timor's billion barrels of off-shore oil.

AUSTRALIAN STANCE BENEFITS TIMORESE

On Monday February 13 1995 the following reply, from Jocelyn Chey, Australian consul general, Hong Kong - was published.

The letter "Evans has to rethink East Timor position" misrepresented Australia's policy on East Timor, suggesting that the wishes of the people of East Timor about their future are of no consequence to Australia.

Australia recognises that the people of East Timor have a right to self-determination. This has been Australia's position since before the events of 1975, and it has never been reversed. There is no ambivalence at all to Australia's attitude on this issue.

Australia accepts that how self-determination might be exercised is a matter to be pursued by the United Nations. According to UN resolutions, it might involve any one of a number of quite different outcomes, including the emergence of an independent state, or integration or some form of

association with another state, or a degree of autonomy within that state.

But even the United Nations has recognised that there can be no solution on East Timor without the co-operation of the Indonesian government. Hence the talks with Indonesia being conducted under the auspices of the UN Secretary-General - talks which Australia fully supports.

Australia negotiated the Timor Gap Treaty not to gain access to anyone else's resources, but to our own share of the resources of the Timor Gap area. We could not do that before the Treaty because there was no agreed international boundary line in that area.

As Indonesia was in control of East Timor, we had to negotiate with Indonesia to settle the boundary issue. Portugal cannot seriously pretend that it is now, or has been since 1975, in a position to give practical effect to an agreement on the Timor Gap.

Recognising the reality of Indonesian sovereignty has enabled Australia to better assist in the rehabilitation of East Timor, and to argue for human rights protection. We have constantly made the case for significant political autonomy for East Timor, for a major withdrawal of the oppressive Indonesian military presence, and for full respect for the culture and religion of the East Timorese.

And we have offered many other forms of practical help. We accepted more than 2,500 refugees in the years after 1975. We have accepted more than 700 East Timorese residents of Portugal to reunite East Timorese families in Australia and we have just added to this programme by creating a special assistance category for East Timorese in Macau.

We have made major humanitarian contributions to East Timor, including a 30 million dollar Australian (HK\$172.9) development programme over the next five years.

Portugal, rather than diverting resources to arid legal argument against Australia in the International Court, should be focusing all its energy towards a constructive dialogue with Indonesia.

Australia will go on doing its best to achieve a reconciliation between everyone concerned. This is the only way the interests of the people of East Timor are ever going to be fully protected and advanced.

TIMOR GAP: PORTUGAL'S CASE AGAINST AUSTRALIA

Editorial, THE AUSTRALIAN, Monday, February 13, 1995

Portugal's legal proceedings against Australia in the International Court of Justice are an exercise in cynicism and hypocrisy. Lisbon is attempting to use an international forum for domestic political purposes. The

Portuguese case is that Australia has breached international law by concluding the Timor Gap Treaty with Indonesia. Lisbon seeks compensation for itself and the people of East Timor, and demands that Australia deal exclusively with Portugal over mineral offshore. These aims no sound basis in international law, and ought to be rejected.

Lisbon has not sought in so many words to have the treaty itself declared illegal. But the effect of the court finding in Portugal's favour would almost certainly be to render Australia's position in the treaty untenable - if Australia accepted the court's ruling.

Most nations do not accept the jurisdiction of the ICJ. Of the 60 or so that do, many do so in very limited and qualified ways. There are many reasons for this, including the court's composition: its members include judges from nations such as China, which do not have legal systems renowned for their credibility or integrity.

The ICJ is shaped by politics as well as law - and East Timor is a fashionable political case. Many countries are envious and even resentful of east Asian economic success, which in this case Indonesia may symbolize. The court could well make a highly political judgment, which would be a serious problem for Canberra.

In his 1991 book on Australia's foreign policy the Minister for Foreign Affairs, Senator Evans, said: "We are one of the few countries to have adopted the compulsory jurisdiction of the International Court of Justice without reservations." He may come to regret that statement. As it is, the Federal Government is now considering how it might threat an adverse finding from the court.

Yet on the merits of the case, Australia's position is strong. Portugal has had no effective control of East Timor for 20 years. In any event Portugal's real argument is with Indonesia. Moreover, Australia sought through the Timor Gap Treaty to gain access to no-one's resources but its own. Agreement with Indonesia was necessary because there is no fixed ocean border between Indonesia and Australia.

Portugal's record as a colonial power is among the worst in the world. For centuries it neglected its colonies' welfare and development. It provided for no orderly act of self-determination in any colony it controlled, and left behind societies in collapse in Angola, Mozambique and East Timor. Its negligence in 1975 directly led to the civil war in East Timor which was at least partly, and perhaps substantially, responsible for Indonesian intervention.

Portugal has no moral or legal standing in this matter. Its actions and arguments smack of grandstanding and bring disrepute on Lisbon. They deserve to be rejected.

AUSTRALIA'S HYPOCRISY REVEALED BY ATTACK ON PORTUGAL

EDITORIAL, Matebian News, January 1995

The recent reports seen in Australian newspapers about the current dispute in the International Court of Justice focus on the Portuguese colonial record, rather than recognising the fact that the Portuguese Government is pioneering an issue of fundamental universal value embraced by most peoples in the world. The defence of the national resources of a defenceless country against two greedy neighbours - Australia and Indonesia - is, after all, what the Portuguese Government is trying to achieve.

In the opening comments, counsel for Portugal made it clear that his Government does not and will not intend to take anything from the Timorese. Similar statements were made by Portuguese Foreign Ministers on several occasions, in order to honour their own initiatives within the United Nations towards the defence of the inalienable right to self-determination and independence of the Timorese people.

The latest remark by the Australian Foreign Minister, Senator Gareth Evans, saying that his government always defended the self-determination of the Timorese people was classified, rightly so, by the Portuguese counsel as a false statement. In fact, over the last 20 years, it is the first time such a statement has been made publicly by a Foreign Minister of Australia, and within the context of a debate which looks precisely into the issue of self-determination.

One often heard Sen. Evans speaking on the need to respect the culture of the Timorese and the need to reduce Indonesian troops in East Timor. But those statements were always made within the context of Indonesian sovereignty over East Timor, which Sen. Evans unequivocally recognises.

Even after the last ALP National Conference in Hobart where a consensus resolution was passed demanding the encouragement of an internationally acceptable solution for East Timor, Sen. Evans came out publicly to assure the Indonesian generals that that resolution did not mean withdrawal of the de jure recognition of Indonesian sovereignty over East Timor.

The line adopted by the current Australian Government is consistent with all the past governments of Australia in ignoring the fundamental rights of the people of East Timor. They chose to use the word "reality" to argue for their complicity with Indonesia's illegal occupation of East Timor, ignoring the reality of the Timorese refusal to become Indonesian.

The action taken by the Government of Portugal to shorten the suffering of the Timorese people and achieve their freedom sooner rather than later, deserves to be supported by all Australians.

Furthermore, the condemnation of the Portuguese colonial record in the present context of this challenge is hypocritical. The current Portuguese Government and Parliament defeated the colonial regime and established democracy in Portugal after the Carnation Revolution of April 25, 1974.

This parliament and most of the existing political forces fought against the fascist regimes of Caetano and Salazar and put an end to the fascist colonial rule.

As for the record on decolonisation of Portugal, one can not be over simplistic in criticising Portugal. In Africa, out of five former colonies, only Angola and Mozambique were subjected to many years of civil war.

These wars, however, were instigated primarily by two main factors: in the case of Mozambique, by the Apartheid regime of South Africa which paid huge amounts of money to extreme right wing mercenaries, and armed RENAMO, the right wing party fighting against FRELIMO, to destroy the regime established in Mozambique by Samora Machel. One must recognise the role of FRELIMO in supporting the ANC unconditionally during the fight against apartheid.

As soon as the apartheid regime was destroyed, the chance for peace between FRELIMO and RENAMO flourished, and a new era began in Mozambique.

In the case of Angola, the civil war was instigated by right wing forces of the USA, in an attempt to establish a right wing regime in Angola because of the richness of that country. Holden Roberto, the leader of FNLA (National Front for the Liberation of Angola) has been on the pay-roll of the CIA for many years. UNITA, also supported by the CIA, and led by a Maoist leader, Jonas Savimbi, has occupied diamond mines and continues to wage a war even after a UN supervised democratic election, held due to the commitment of Portugal.

These conflicts, therefore, are not necessarily caused by any lack of commitment to decolonisation. They should not be used to obscure the massacres and looting the Indonesian government has been perpetrating in East Timor, in spite of ten resolutions from the United Nations condemning these barbaric actions.

All these facts are recent history which journalists who claim to have minimal knowledge of international politics should know. Attacking the current Portuguese for their colonial past is the same as blaming the current Australian Government for the

treatment of the Australian Aborigines back in colonial times. The present political forces can only be guilty if they do nothing to overcome the negative effects inherited from past barbaric regimes.

The fact that a campaign has been waged against Portugal since the hearings started in The Hague, is a hypocritical tactic which attempts to divert the core issue now championed by Portugal in the ICJ: the inalienable right to self-determination and independence of the people of East Timor. If anything, Portugal should be congratulated for its defence of the rights of the Timorese people to own their natural resources, and Australia, must be forced to withdraw from the Timor Gap Treaty because it is, indeed, an act of buying stolen goods!

AUSTRALIA, PORTUGAL IN LANDMARK CASE AT INTERNATIONAL COURT OF JUSTICE

THE HAGUE TO RULE ON BATTLE OVER EAST TIMOR

The Irish Times, 18 February 1995. By Jill Jolliffe

The Hague – For the past three weeks, a coterie of highly paid international lawyers has fought a polite, ritualized battle over East Timor in a half-empty European palace in The Hague - far from the jungle tracks where East Timorese guerrillas lie in wait for the Indonesian soldiers who occupy their land.

But the rituals being enacted at the UN's International Court of Justice belie the landmark nature of the case dubbed "Case Concerning East Timor (Portugal v Australia)," which concerns a 1989 agreement between Australia and Indonesia to carve up a 61,000 sq.-kilometre seabed area off the East Timor coast for oil exploration.

Indonesia invaded East Timor in 1975 after the breakdown of a decolonisation programme initiated by Portugal, which had ruled it for five centuries. When civil war erupted, the Portuguese fled and Indonesia stepped in. Twenty years later, some 30 countries, including Australia, have recognised Indonesian sovereignty, but the UN still considers Portugal the legal and administering power and insists that an act of self-determination must be held.

Human rights organisations, such as Amnesty International, claim one-third of the 1975 population of 650,000 was killed in the brutal invasion and subsequent occupation.

In practice, an International Court of Justice ruling in favour of Australia would endorse the principle of "might is right" by recognising Australia's right to sign a treaty

based on Indonesia's occupation of East Timor.

A Portuguese victory, on the other hand, would strengthen the hand of the UN Secretary General, Dr. Boutros-Boutros Ghali, in the slow progress towards a diplomatic settlement of the East Timor problem, involving Portugal as the administering power, Indonesia as the occupying power and representatives of the East Timorese people.

The specific charges filed by Portugal accuse Australia of "infringing the right of the people of East Timor to self-determination, to territorial integrity and unity and its permanent sovereignty over its natural wealth and resources."

In his opening address, the Portuguese counsel, Mr. José Servulo Correia, described the oil flowing from the Timor Gap wells as "laced with blood and salted with tears." He accused Australia of conspiring with Indonesia's pre-1975 invasion plans specifically to gain access to the oil.

In Australia, the Foreign Minister, Mr. Gareth Evans, retorted angrily, describing the opening as "a bile-laden attack" on his government. That not all Australians shared these views was expressed by the presence of an Australian lawyer, Ms Sasha Stepan, on the bench with the Portuguese legal team. "I represent a large body of Australian public opinion. Australia's position has been extremely shameful," she said.

But morality and legality do not always coincide. While most informed observers consider that the substance of the Portuguese case - founded as it is in UN resolutions - is solid, they agree that Australia has presented a tightly argued legal case which could carry the day.

Australia argued that Portugal is suing the wrong party: that its real target is Indonesia but that, as Indonesia does not accept the jurisdiction of the International Court of Justice, it has put Australia in the dock instead.

The court has a tradition of throwing out cases in which its jurisdiction has been challenged. A key 1943 precedent, involving a British claim to possession of Albanian gold seized in Italy, was invoked by Australia. In it, the court ruled that although the merits of the British case were sound, it could not pass judgment in Albania's absence.

Dr. Terry Gill, a lecturer in international law at Utrecht University, is not convinced that this precedent is as strong as Australia claimed.

"There have been more recent ICJ cases... where this argument didn't get far," he noted.

He predicted a ruling in favour of Portugal, because as a UN court, the court wants to make a statement about self-determination, but he said it will condemn

Australia gently "because it's not as though Australia is a major international outlaw."

The hearings ended on Thursday, and a ruling is expected by July.

MORE OIL FOUND IN TIMOR GAP

Translated from Portuguese, summarized. LUSA, March 3

Sydney – BHP announced today the discovery of hydrocarbons in the well of Elang, in the Timor Sea, a finding that confirms the predictions that this zone is rich in oil.

Specialists predict that the Elang well contains at least 50 million barrels. The Elang well is located in the area encompassed by the "Timor Gap" treaty.

BHP, one of the largest Australian companies, also explores the well of Kakatua, which oil reserves are predicted to round 20 million barrels.

Meanwhile, the also Australian company "Woodside Petroleum" announced the opening this March of a new well in the Timor-Gap zone. WP explores currently explores the well of Laminaria, which may contain over 150 million barrels.

The Timor-Gap zone is currently the main source of petroleum and natural gas for both Australia and Indonesia.

MAKING A TARDY ISSUE OF EAST TIMOR

International Herald Tribune, 6 March 1995. by Richard Woolcott

Portugal is engaged in a cynical and hypocritical attempt to assuage its guilty conscience over events in its former colony of East Timor by transferring the blame to Indonesia and Australia.

The latest venue for this exercise is the International Court of Justice in the Hague, where Lisbon recently brought a case against Australia for signing the Timor Gap Treaty with Indonesia in December 1989.

The treaty paved the way for joint development by Australia and Indonesia of potentially rich oil and gas resources in an off-shore zone south of East Timor.

Portugal argued before the court that it remains the "administering power" and that the East Timorese have a right to self-determination which they have not been allowed to exercise as a result of Indonesia's invasion and annexation of the territory in 1975-1976.

Lisbon's position is that the East Timorese should have sovereignty over the territory's natural resources, including those off the coast, on the assumption that the people would choose independence if given the chance in a UN-supported referendum.

In essence Portugal is asking the court to rule that Australia should have dealt with Lisbon as the administering power, and to declare that Canberra has infringed the right of the East Timorese to self-determination by signing the treaty with Jakarta.

It is true that the recent history of East Timor has had its tragic aspects, and that Indonesia appears so far to have failed to win the hearts and minds of the majority of educated and politically conscious East Timorese. But an inescapable fact, which Portugal has sought to obfuscate in its court case and elsewhere, is that its own neglect and incompetence as a colonial master were in considerable measure responsible for Indonesian intervention. Portugal abandoned the colony in 1975 after civil war erupted between the two largest political parties.

Indonesia, like most other Asian member states of the United Nations, does not accept the compulsory jurisdiction of the court. Australia does, and so Portugal has launched a case against it, largely for domestic political reasons and because Lisbon cannot bring a case against its real target, Indonesia.

The Australian government is confident of the legality of the Timor Gap treaty. It recognized *de jure* Indonesian sovereignty over East Timor in 1979. Canberra regards Portugal's case as having "no basis in international law" and maintains that Lisbon has forfeited the right to be considered the administering authority of East Timor.

Australia has never denied an East Timorese right to self-determination, but holds that now this could be carried out only within the framework of Indonesia sovereignty, just as before 1975 it recognized the reality of Portugal's sovereignty.

Jakarta maintains that East Timor is already part of Indonesia, that its sovereignty is recognized by a number of other countries and that the treaty is sound in international law.

Spokesmen for East Timorese opposed to Indonesian control, such as José Ramos Horta, believe, quite rightly, that a lasting settlement of the East Timor question will need to take place outside any ruling by the court later this year. Leaders of the East Timorese resistance movement know that any durable settlement will need to be negotiated privately between Portugal and Indonesia.

The assertion that Portugal is the administering authority is fatuous, except in the most arcane interpretation of UN General Assembly resolutions.

The last time an East Timor resolution was voted on in the United Nations was 13 years ago; it was adopted by a very slim majority. No UN-supervised act of self-determination has been held in East Timor.

However, there has never been a UN-supervised act of self-determination in Mozambique, Angola or Guinea Bissau. And nobody expects that there will be an act of self-determination in Macau when it is incorporated into China.

Portugal has long since forfeited any credible claim to be seen as the administering authority of East Timor. The time for a UN-supervised act of self-determination has probably passed.

The writer, a former Australian ambassador to the United Nations, contributed this comment to the International Herald Tribune

COMMENT FROM PETER WESLEY-SMITH:

Richard Woolcott was of course the Australian Ambassador to Indonesia when the Indonesia invasion of East Timor occurred. He is notorious for his telegram on 17 August 1975 to Canberra, making a proposal which, to quote Jim Dunn's book *Timor: A People Betrayed*, p 188, "set the pattern for Australia's Timor policy under both the Whitlam and Fraser governments. He suggested that

"our policies should be based on disengaging ourselves as far as possible from the Timor question; getting Australians presently there out of Timor; leave events to take their course and if and when Indonesia does intervene act in a way which would be designed to minimize the public impact in Australia and show privately understanding to Indonesia of their problems."

What the Ambassador was recommending was, as he put it, 'a pragmatic rather than a principled stand but,' he added, 'that is what national interest and foreign policy is all about.' The plain fact was that Indonesia was 'simply not prepared to accept the risks they see to them in an independent Timor,' and thus, as far as the Australian government was concerned, the fate of the people of the Portuguese colony was sealed." One of the implications of his IHT piece - that because Portugal decolonized sloppily it was OK for Indonesia to go in and kill people - seems to be becoming a popular approach by apologists of the invasion and occupation.

In love and appreciation to Michele Turner, requiescat in pace.

Peter Wesley-Smith

EVENTS IN AUSTRALIA

GENERAL BENNY MURDANI ON AUSTRALIAN DEFENCE POLICY

Friends of East Timor (Western Australia)
Comment: This speech given by General Benny Murdani in Canberra, Australia in December, contains some interesting comments which may be of interest to analysts and East Timor activists. As well as commenting on the succession (in which he of course supports Sutrisno) Murdani says "let us be frank and readily acknowledge that at least our two countries do not face any real threat from anywhere." Interesting quote for activists opposing the Kangaroo '95 joint military exercises - if there isn't any military use to them, it must be just a political exercise! Surprise, surprise...

Full text of speech follows:

Australian Defence Studies Centre
Conference on

THE 1994 DEFENCE WHITE PAPER - NATIONAL SECURITY FOR THE NEW CENTURY?

Canberra, 15-16 December 1994

THE REGIONAL PERSPECTIVE

An Address by L. Benjamin Moerdani

Mr. Chairman, Distinguished Participants,
Ladies and Gentlemen,

I like to congratulate the Australian Defence Studies Centre for organizing this conference which is devoted to a comprehensive discussion on the 1994 Defence White Paper. This is a significant conference because the 1994 Defence White Paper is important. It is important for a number of reasons, but primarily because it helps set the stage for a totally new regional security environment based on trust and confidence building.

The Defence White Paper provides an example for regional governments of the utility of explaining to the world in an open and unambiguous fashion about Australia's defence policy: its principles, assumptions and intentions over the next fifteen years. As such, it provides a basis for fruitful exchanges of analyses, assessments and views that would greatly enrich security consultations and defence cooperation activities throughout the region.

From a regional perspective it is significant to note that the 1994 Defence White Paper confirms that broadly speaking there is a convergence in strategic outlook between Australia and its Southeast Asian neighbours. I do not wish to dwell on the many possible

explanations for this development. The end of the East-West conflict may have contributed to this. The narrowing of the economic gap may also account for this convergence. However, a great deal can also be said about the importance of geographic proximity. It is perhaps more strongly felt now because in a more fluid, uncertain strategic environment one is naturally more inclined to ally with one's own neighbours.

This certainly has been the principle that has guided ASEAN cooperation and the development of its external relations and provides the underlying logic for ASEAN's strategy of concentric circles. ASEAN and Australia should definitely see themselves as occupying one of the inner circles. Together, Australia and its Southeast Asian neighbours can make a greater impact on the region's strategic environment. In other words, together we will be in a better position to manage the more demanding strategic environment that is likely to develop over the next fifteen years. However, this need not necessarily be formalized or institutionalized. In Australia's case, its "regional engagement" already placed itself within such an "inner" circle that consists of a set of "partner-based relationships" with countries in Southeast Asia, including Indonesia.

I certainly welcome the statement in the 1994 Defence White Paper indicating that Australia will give highest priority in its regional defence approach to the pursuit of its interests with the countries of Southeast Asia. The Defence White Paper also recognizes that these defence relationships will continue to change as Southeast Asian countries develop their economies and military capabilities. This suggests that the relationships will continuously be broadened and deepened.

Distinguished Participants,

The broadening and deepening of the defence relationship between Indonesia and Australia is perhaps a foregone conclusion as this is certainly going to happen within the next 15 years. The speed and modality by which this occurs will be affected by a number of factors and developments.

I will discuss some of these factors by specifically addressing myself to the questions that have been given to me by the Australian Defence Studies Centre.

On the question of the appropriate speed for implementing closer defence cooperation between Indonesia and Australia, I am of the opinion that by necessity this will be gradual and there is no need to hasten the process as it will involve both the broadening and deepening of cooperation with preference on the Indonesia side for focusing on the latter task initially.

As suggested above, the prospects for closer Indonesia-Australia defence cooperation are good. As our strategic outlooks are converging we may soon realize that our capabilities also have become more complementary to each other. This enhances the scope of cooperation. As suggested in the Defence White Paper, this already has led to a more diversified relationship that goes beyond the traditional defence cooperation programs to involve strategic exchanges, combined exercises, logistics agreements, science and industry cooperation, cooperative equipment acquisition and training cooperation. Intelligence cooperation is also an important aspect of our relationship.

Essentially, the bilateral defence relationship between Indonesia and Australia should be seen as an integral part of the overall, wider bilateral relationship between Australia and Indonesia. Close defence cooperation would strengthen the wider bilateral relationship, and a stronger overall bilateral relationship would further promote defence links.

Mr. Chairman,

Allow me to digress somewhat and invite you to join me in a retrospection of Indonesia-Australia bilateral relations. This relationship has its ups and downs. It was said that Indonesia and Australia are "strange neighbours." Their geographic proximity makes them very much visible and tangible to each other and the actions taken by the one immediately affects the other. Since each side knows relatively little about the other, a great deal of irritations has arisen in this relationship.

Some years ago there was a determination on both sides to change this. We both agreed to do something to overcome those problems and to promote and strengthen our relations. Although Indonesia-Australia relations cannot be taken for granted, I believe that we have come a long way.

I would rather leave it to historians or other researchers to identify the main factors that lead our two governments to agree to make an end to that volatile relationship. As someone who was in the Indonesian government at that time, I have my own interpretation of this episode. I believe that a number of factors have been important here.

Back in the mid 1980's we did not expect that the cold war was approaching its final days. However, there was a strong recognition that Indonesia and other ASEAN countries need to seriously begin with the efforts to lay down the foundation for the establishment of a regional order in Southeast Asia. There was the uncertainty about future US security commitments to the region and there was also the concern with the future role of Japan and China in the region.

The concept of a regional order in South-east Asia is a very simple, straightforward concept. Its objective is regional peace and stability, whose maintenance is the responsibility of the regional countries themselves. However, since outside powers have a legitimate interest and role in the region, it is in the interest of the regional countries to develop relations with them that further strengthen the regional order. It is definitely not an "inward-looking" concept. However, it is very well recognized that the main prerequisite to the creation of this regional order is the ability of the regional countries to keep their own house in order.

ASEAN's active involvement in resolving the Cambodian conflict through peaceful means is based on this determination. Its efforts are "outward oriented" because it actively seeks the participation of the international community. Australia was among the few countries that showed a sustained interest to help resolve the conflict.

The regional order is also not a concept that ignores developments outside its own region. In fact, it is interested in developing healthy and strong relations also with countries in its immediate neighbourhood. This is dictated by the requirements to maintain regional peace and stability. The wisdom is that your neighbours are important. Australia is important to Indonesia because Australia is Indonesia's immediate neighbour to the south.

It is interesting to note that with regard to many regional economic, political and security issues and assessments, the views from Jakarta and Canberra and often closer than between Jakarta and Tokyo or between Canberra and Washington. It appears to me that in our efforts to organise the Asia Pacific region we share a common philosophy or strategy. Indonesia and Australia can further promote and strengthen their relations through the various newly emerging regional forums. However, they are not a substitute for a healthy and strong bilateral relationship including in the field of defence.

The question of whether Australia tends to be pushing too fast in implementing closer defence cooperation does not appear to be of relevance here as no timetable has been set. What is important here is the development of a meaningful mechanism for regular consultations through which various cooperation programs are thoughtfully submitted, discussed and agreed upon. The annual meetings of the respective Defence Ministers is one such important mechanism.

As described above, Australia-Indonesia bilateral defence cooperation should also be seen in the wider regional context as it will be influenced by ASEAN's defence cooperation and Australia's relations with ASEAN. On the question of how close can Australia get

to ASEAN, the answer is "quite close." As an ASEAN dialogue partner and a member of the ASEAN Regional Forum (ARF), and because of its geographic location, Australia can become a member of one of ASEAN's inner circle of cooperation if it accepts ASEAN's Treaty of Amity and Cooperation (TAC) through a declaration or protocol, even without acceding to it. However, as Australia is not seen as a member of the Southeast Asian community of nations, it may not become a member of ASEAN's most inner circle. It is also not obvious why this should be desirable for Australia.

There are two aspects of the issue of the threat perceptions of Australia and ASEAN. First, it is perhaps no longer relevant to talk about threat and the need to have a common perception of threat as a basis for defence cooperation. The 1994 Defence White Paper also is not derived from a defined threat - "the potential enemy." Equally, ASEAN defence cooperation is not based on a common perception of threat. Second, the major aim of defence cooperation today, as implicitly contained in the concepts of comprehensive security, cooperative security and collective security, is confidence building and developing a sense of community. The ASEAN strategy of concentric circles proposes the need to include the very sources of uncertainty to one's own security within the extended security of cooperation. This distinguishes defence cooperation today from the formation of military pacts and alliances during the Cold War.

At this point, allow me to elaborate on the importance of regional initiatives and efforts towards confidence building. The end of the Cold War has paved the way for a new era in which greater sense of regional cooperation and a stronger spirit of multilateralism prevail. The changing security environment and new challenges confronting the Asia Pacific region have provided us with an unprecedented opportunity to forge a close partnership, namely through the enactment of a new regional order based on regional cooperation and multilateralism.

To ensure that the conceived regional order fully complies to our own interests and priorities, it is essential that this new order first and foremost facilitate the search and establishment of a new equilibrium in the relationship between the United States, Japan and China. These three major powers are currently undergoing significant domestic changes. As a result, their external relations are also being continuously adjusted. These developments could produce major uncertainties that could adversely affect the security and stability of the region.

Local and regional sources of conflict abound and equally threaten the security of the region. Of late, developments in the Ko-

rean peninsula have raised, rather than reduced, the level of anxiety in the major capitals. The situation in Indochina is still highly precarious. In addition, there is the so called "new issues" in international relations such as environment, drugs, migration, and human rights, just to name a few important ones.

The new response to all these security issues may not lie in the multilateralisation of the problems. Rather, the region should develop practices, mechanisms or even structures that could help facilitate and actively support bilateral or local efforts towards peaceful settlements of dispute. Here is where Australia can cooperate closely with the ASEAN countries.

Within ASEAN itself there may not necessarily be a common perception of threat at all times. However, ASEAN's cohesion is promoted on the basis of an all-encompassing relationship. ASEAN's security interests are also developed along the notion of comprehensive security that encompasses all aspects of life. ASEAN cooperation in its totality is the barometer for the closeness among the ASEAN countries. In some areas, the views within ASEAN may differ more pronouncedly than those between some ASEAN members and some non-ASEAN member. However, it is the totality of the cooperation that is important.

On the issue of the growing Australia-Singapore association, I do not think that this will create a problem for Indonesia, especially if this bilateral defence relationship is placed within the context of Australia's regional engagement as described in the 1994 Defence White Paper. From a pragmatic point of view, if such an association is considered important to enhance Singapore's sense of security, it should be in Indonesia's interests to see that Singapore associates itself with a close friend of Indonesia.

Equally, on the question of the Five Power Defence Arrangements (FPDA), there is no longer any problem on Indonesia's side. I need not give a lecture on why Indonesians do not like to be reminded of the origin of the FPDA. Today, as dictated by our pragmatism, Indonesia does not want to make an issue of the continued existence of the FPDA. However, as this issue is brought to my attention, I like to make two points. First, if the FPDA provides a framework for Australia's security relationships with Malaysia and Singapore which enhances their sense of security, this should be seen as a contribution to the enhancement of regional security. Second, as indicated in the 1994 Defence White Paper, the FPDA may undertake some adjustments. As the FPDA should contribute to confidence building not only among its members but also in the wider region, it may henceforth focus its activities

on joint exercises which will be open for other regional countries to observe.

Australia's alliance with the United States will certainly not pose as a hindrance to Australia's policy of getting closer to ASEAN because some ASEAN members are themselves allies of the United States. ASEAN also has good relations with the United States but relations can be further improved. Australia, being a US ally, perhaps can contribute to this improvement by encouraging the United States to take a more balanced, less unilateral and assertive policies towards ASEAN countries. This mediating role may come naturally as it is in Australia's own interest to see that good relations are maintained between Southeast Asia - and Asia as a whole - with the United States.

On Australia's mediating role in the Spratly Islands disputes, much will depend on the willingness of the claimant countries to internationalize the issue. China has clearly stated its opposition to the involvement of non-claimant countries, including in the workshop series initiated by Indonesia. Perhaps Australia can best contribute to resolving this problem through its bilateral diplomacy.

Distinguished Participants,

There is the question of how as an Indonesian, or from a regional perspective, I would react to the continuing Australian Defence Forces move to the north. Again, I do not see this as a problem because Australia can only move to the north. And moving to the north does not necessarily mean to aim at Indonesia. Possible disturbances to Australia's security also can come only from the north as Australia is already so far "down under."

The more specific question relating to the acquisition of additional F-111's [bombers] is also not a question that is widely addressed in Indonesia. Even from the laymen's perspectives, it never comes to mind to many Indonesians why Australia wants to threaten Indonesia.

Mr. Chairman,

Finally, there is the question of how the relationship between Australia and Indonesia will be affected by the succession. I am not the one to give you any assurance but on the basis of my own assessment, I believe that the transition in 1998 or beyond will be smooth. President Soeharto has made the point over and over again that the mechanism for the transfer of power is in place and that this will be used in accordance with the constitution and the constitutional spirit that has been nurtured by the New Order government.

Beyond this, two main factors support this view. Firstly, as at no other time before in Indonesia's history it is possible now for

the people to see a potential successor in the Vice President. Secondly, the stake has been too high for the country and the people at large, but especially the rising and growing middle class, to allow for political instability and turmoil to accompany the succession. This situation may differ if the economy is going down and has been going down for many years. This, however, is a remote possibility.

A new leadership in Jakarta is not likely to negatively affect the development of the bilateral relationship with Australia. Internal developments in Indonesia, economically, politically and even socially, are not likely to lead to a divergence if not to a greater convergence between our two societies. External, global developments in the course of the next 15 years will not likely push us into joining two opposing camps.

Even if a turmoil might occur in Indonesia, this will not threaten Australians if they are not involved in it. There will not be an outflow of Indonesian refugees as experienced in mainland Southeast Asia because there is no such tradition in the Indonesian archipelago. If this is the case, Australia has become part of Southeast Asia long before it was "discovered."

Mr. Chairman, Distinguished Participants,
Ladies and Gentlemen,

In this new era of confidence building in our region let us be frank and readily acknowledge that at least our two countries do not face any real threat from anywhere. This does not mean that problems may not arise in our relations in the future or that regional problems and conflicts may not be confronting us. What is important is that we can talk about those emerging problems and that a forum exists for regional countries to share their views and experiences on as well as the burden to maintaining peace and stability in the region and globally.

Countries have legitimate needs for their defence and security. However, they also have the responsibility to give a clear explanation of what they intend to do and why. The 1994 Defence White Paper has greatly contributed to creating this new environment.

Thank you.

CHOMSKY LASHES WEST'S POLICY ON EAST TIMOR

By Max Lane, *Green Left*, Jan 22.

SYDNEY - More than 2000 people attended a public lecture by Noam Chomsky on January 20 organised by the East Timor Relief Association. Chomsky devoted most of his lecture to exposing US and Western foreign policy in relation to Indonesia and South-East Asia and how that strategy led to

support for Indonesia's invasion of East Timor in 1975.

He reviewed US policy in the 1950s and 1960s, quoting frequently from US State Department documents to prove the US government's concern about the growing influence of the Indonesian Communist Party (PKI). The PKI threatened US interests not because it was revolutionary, Chomsky claimed, but because it defended the interests of the poor.

A political victory for the PKI was seen by the US ruling class as a victory for independent nationalist development and a dangerous virus which must be stopped from spreading. Indeed, argued Chomsky, the US war against Vietnam was aimed at stopping that very same virus from spreading from Vietnam to Indonesia.

US support for Indonesia's right-wing military rebels in the late 1950s and then for what Chomsky called the "staggering mass slaughter" of 500,000 PKI and left supporters in 1965 were also examples of this policy.

The Suharto dictatorship's 1965 slaughter was considered a great service to the US and the West, said Chomsky. US defence secretary Robert McNamara was euphoric when he pointed out how US military aid to the Indonesian army had finally "paid dividends." It was partly in gratitude that the West became such strong supporters of Suharto, Chomsky explained. Another key factor was the opening up of the Indonesian economy to Western corporations.

Approval for Suharto's policies lay behind the US government's support for Jakarta's invasion of East Timor. Otherwise, the old virus of independent development might spread from East Timor to Indonesia and threaten Suharto's New Order.

Chomsky also pointed such factors as a concern with the former Portuguese colonies, which led the US to support contra forces in Angola and Mozambique. Secure access for US submarines to deep water channels in the Timor Sea was also important.

He also referred to the leaked secret cables, sent by Australian Ambassador Woolcott to Canberra, warning that it would be easier to get access to the Timor Gap oil from Indonesia than from an independent East Timor. Chomsky frequently cited examples of the treacherous role of foreign minister Gareth Evans in supporting the Suharto dictatorship, including the example of Evans visiting the New York Times office to cajole its editors to stop harassing the Indonesian regime on human rights and East Timor issues.

Progress is being made in the struggle for East Timorese freedom, Chomsky said. The US solidarity movement had helped bring it onto the political agenda; currently a very

broad sector of opinion is calling on Indonesia to withdraw. He also pointed to the increasing opposition within Indonesia, specifically the public criticisms made by academic George Aditjondro and by the student movement.

Chomsky called on people to take up the struggle to change society as have Indonesian students, labour leaders and academics, not to mention the struggling East Timorese people. He emphasised that the ability of the East Timorese to achieve political and economic independence is dependent on those in the rich countries acting to change their own societies to end the pattern of the rich continually plundering the poor.

'ORGY OF HYPOCRISY' ON WAR AND PEACE

Green Left, Jan 29

NOAM CHOMSKY's January 19 press conference in Sydney covered a range of topics. JOHN TOGNOLINI, who covered the conference for *Green Left Weekly* and *Radio Skid Row*, here provides excerpts from Chomsky's answers to a number of questions. Chomsky begins with a reply to Tognolini's query about the approaching 50th anniversary celebrations of the allied victory in the Pacific war.

We are going to be seeing an orgy of hypocrisy this year as the whole history of the Pacific War is completely rewritten and reshaped to fit later needs. It's fair to predict you're not going to read much this year about what United States-Japanese relations actually were up until Pearl Harbour.

I'd be interested to see how much is publicized about US support for Japanese aggression all the way through. The business community supported it. Joseph Grew, the ambassador to Japan, an influential diplomat, was supporting Japanese aggressions - rather the way many people in Australia today are referring to the Indonesian aggression in East Timor: you know, it may not be very pretty, but it's good for business and ultimately the best thing.

This went on almost up to Pearl Harbour. The great atrocity at Pearl Harbour - "the day that will live in infamy" - was certainly a crime, in fact a war crime. But remember what it was.

It was an attack by the Japanese on two military bases in colonies the US had recently stolen from their inhabitants - in the case of the Philippines in extraordinarily brutal fashion, killing hundreds of thousands of people; in the case of Hawaii just by deceit and power play.

Attacks on military bases in colonies that have been stolen from their inhabitants doubtless are crimes, but in the annals of

crime in this century, they don't rank very high.

And the US was apparently willing to make a deal with Japan if Japan would allow the US the same kind of access in China that it was gaining. That's what it looks like from the diplomatic records.

Nor will you hear a lot about the decision of the British in 1932 to close off the empire, which included Australia at that time, to Japanese exports for the simple reason that Britain could no longer compete with the Japanese. So free market ideology was naturally thrown out the window: it's only OK when you're going to win. If you're going to lose, you call the game off. That was one of the factors that led to the war.

Japan's crimes, which were vicious, didn't arouse much opposition in the West. The same was true in Europe. Both the State Department and the British Foreign Office - we now have plenty of declassified records - were rather ambivalent about Hitler, in fact rather supportive of him. Up until 1937, the US State Department, European division, described Hitler as a moderate whom we have to support. He stands between extremists of left and right, and unless we support Hitler, the masses might rise and try to steal what's not theirs - the same sort of thing you hear in support of every monster and killer and murderer in subsequent years.

The British were even worse. Lord Halifax went to Germany around 1937-1938. He explained to Hitler, We understand your moderate position; the British were coming around to approval of it and so forth. Even after the Battle of Britain, even after the British had been attacked and bombed by the Germans, in internal Foreign Office records the main critique of the Stalin-Hitler Pact was that it probably gives too much power to the Russians.

With regard to Australia and East Timor, I hope that the Australians will be honest enough to describe what happened. Australia attacked Timor. It might have escaped the war if they hadn't. Macau, for example, was not [attacked by the Japanese]. Portugal was a fascist country and sort of a quasi-ally of the Japanese. They might have left Timor alone, as they left Macau alone.

But Australia attacked 10 days or so after Pearl Harbour, and that brought Timor into the war. Japan then invaded and there were a couple of hundred Australian commandos who fought a courageous battle and probably kept Japan from a possible attack on Australia. Michelle Turner's oral history on this came out recently, about Australians who were fighting there, and some of them point out frankly that if it hadn't been for the assistance of the Timorese, they would have been killed. Which means that Australia may

have well been protected from invasion by the blood of Timorese.

The official Australian estimate is around 40,000 killed. Jim Dunn has looked into this intensively and estimates about 60,000 Timorese killed.

Most of them were killed after the Australians withdrew in 1943. At that point the Japanese really went wild and attacked what they called collaborators with the Australians, certainly tens of thousands of Timorese. You can decide how much that means to Australians. I would think it would mean something, and paying back this debt by supporting the Indonesian invasion is not one of the prettiest parts of modern history.

Question: What would you like Australia to do about East Timor?

Start with narrow things. The narrowest thing it ought to do is rescind this grotesque decision to sell rifles to Indonesia on the grounds that Australia now has a new niche market in Indonesia. Protests in the US led Congress to restrict small arms sales. So Australia leapt in with all sorts of fraudulent excuses of the usual type but mainly because you make money. That's the main reason, and that's pretty ugly.

The next thing I think Australia ought to do is withdraw from the Timor Gap Treaty, now, independently of what the World Court may decide. The Timor Gap Treaty is completely offensive to decent human beings. It's as if Libya had made a deal with Iraq to rob Kuwaiti oil after the Iraqi invasion. Imagine what the world reaction would have been to that.

Part of the original Australian reason for supporting the invasion, which was explained by ambassador Woolcott in a later leaked secret cable, was that you could probably make a better deal robbing Timorese of their oil with Indonesia than with Portugal or an independent East Timor. That kind of reason for supporting aggression and slaughter and massacres is not very impressive.

Even the wording of the treaty is extremely offensive. It's as if Australia went out of its way to be as ugly as it could possibly be about it. There's nothing in the treaty that even offers a cent for the benefit of the East Timorese.

It seems to me Australia has taken a position towards Indonesia which should be offensive to Australians. It is sort of groveling. I don't think there's any reason for Australia to do that.

Question: What are your views on Bougainville?

Australia I think was the last actual colonial power. As far as I recall, Papua New Guinea was the last colony to be given independence, and it's a nominal independence

that holds between the former imperial power and its colony.

In Bougainville there's another major atrocity going on in which Australia is playing a role now. It is definitely a role in helping the PNG government to suppress an independence movement of people who simply doesn't want their resources robbed.

This is, incidentally, going on all over the region. Australia was going to lose at the World Court on the Nauru case, lose to a separate settlement. Australia had led the way; New Zealand and Britain were simply participants to robbing the resources of this island, phosphates in this case.

The Bougainville case is similar. It's resource robbery. The population wants independence and has a right to it.

CHOMSKY BLASTS AUSTRALIA'S ROLE IN INDONESIA

Green Left, Feb. 26

Among NOAM CHOMSKY's public activities during his visit to Sydney was a press conference on January 19. An earlier issue of Green Left Weekly covered part of that conference; here JOHN TOGNOLINI excerpts Chomsky's replies to several questions on Indonesia.

Question: The argument's been if we don't sell them [Indonesia] arms, someone else will.

There's proof of it: when the US stopped selling them arms, Australia moved right in to do it. Australia is a small player. As soon as the US began to back off, Britain saw the opportunity, especially under the Thatcher government, just as they were selling arms to Saddam Hussein and so on.

They'll happily sell arms to anybody. They moved in on a massive scale. France will try. In fact, all the way down to the Swedish Social Democratic Party: as soon as they got into office, they switched from being pro-Timorese to being pro-making money. These things are largely symbolic. The fact that the US is not selling arms is a message to Indonesia. It's saying, "Look, the world doesn't like what you're doing."

Question: The Wall Street Journal has come out in an editorial saying Indonesia should get out East Timor. Does this mean East Timor is no longer a radical issue, and what does this say about your media theory of manufacturing consent?

The idea that one should oppose murder and aggression is not a radical position.

As far as the mass media are concerned I think it illustrates the thing I've often said. The news part of the Wall Street Journal is some of the best news coverage in the world. The reason is one that I've talked about. Their constituency is people who matter.

That's the business community, and the business community has to have a fairly realistic picture of what is happening in the world; otherwise they're in trouble. So the news coverage in the WSJ and in the Financial Times often tends to be the best. The editorial stance of the WSJ is jingoist fanaticism; I usually read it for comic effect. That editorial stance of the WSJ in this I think reflects an opinion of corporate America.

The opinion of corporate America is: our interest in Indonesia primarily is robbery; it's to gain access to its resources and to control them and make profit and have super-cheap labour. Those interests are not being enhanced by the international program associated with this relatively marginal question.

There is enough popular protest so they just don't want to be bothered. It's gravel in their shoes too. And their advice to Indonesia is: get it out of your shoes, you're going to control the place anyway through neo-colonial methods. So just get out and let them have their vote for independence and figure out ways of robbing them. We'll get their oil anyhow.

Question: What do you think of the democratic movement in Indonesia?

Indonesia imposed incredibly harsh censorship over what it was doing in East Timor for the usual reasons. They are afraid of their own population. Every state from totalitarian to democratic is afraid of its own population, and that's the primary reason for government secrecy.

In the case of East Timor, the Indonesian government was so afraid of its own population that it kept the whole thing secret. Indonesians simply didn't know. Indonesian students who came to the US were amazed to discover what their government was doing. They didn't believe it at first.

But it is gradually seeping through, partly because the soldiers are coming back, families know somebody was killed, things drift out. There are some very courageous people - George Aditjondro is the most well known - who have been working on this for years and have been outspoken. It's not easy to be outspoken in Indonesia.

Several of the Indonesian student associations have come out with quite strong statements calling for Indonesia to get out. There is a union movement. Most of the leaders are in jail or get killed, but they're fighting. When people talk about supporting Indonesia, that's just Orwellism. You have to ask: which Indonesia are you supporting? Are you supporting General Suharto and his cronies or are you supporting the people who are trying to organise the women work-

ers under miserable conditions so that they can survive?

You may have seen a letter that Jill Joliffe had in one of the Australian newspapers recently. She's an Australian journalist, who was recently expelled from East Timor, and the Australian embassy treated her pretty badly. In the letter she pointed out that Australia is not making friends with the people who sooner or later are bound to take control of Indonesia, namely its own democratic forces. Those people are going to hate Australia for what it's done. I think she had her finger on the pulse.

AUSTRALIA'S HYPOCRISY REVEALED

Matebian News reports, MN January '95

Prof. Noam Chomsky's record audience in eight days tour of Australia

Sydney - For eight days, Professor Noam Chomsky worked in Australia focusing on the issue of East Timor. He addressed two public meetings - Sydney Town Hall and Melbourne Town Hall - where he argued for East Timor within the topic of "The Great Powers and Human Rights: the case of East Timor." Professor Chomsky also addressed the National Press Club with a full house audience. His talk - East Timor and National Interest - was nationally televised by ABC.

Reflecting his wide range of interests and expertise, Prof. Chomsky also lectured for the UNSW, Macquarie University, Deakin University/Melbourne, the Anarchists Visions of Freedom conference in Sydney.

In his capacity as a writer and philosopher, Prof. Chomsky addressed the Writers Centre on the issue of writers and intellectuals responsibility; and as a scientist and educator, Prof. Chomsky addressed the prestigious "Super Science Series" of the Australian Museum Society in Sydney, reaching and audience of up to one thousand people. This address will also be aired in a science program of ABC, by Robyn Williams.

Media coverage was excellent. To put it into perspective, perhaps the remarks made by the manager of the National Press Club when he introduced Prof. Noam Chomsky to the audience summarises it all. He said: "In a month where visitors to Australia has included the Pope and Bill Gates, he (Prof. Chomsky) probably had more publicity than the two combined."

Within the space of eight days, Prof. Chomsky addressed a record 16,000 (sixteen thousand) people, without counting the audience he reached through the ABC live telecast of the NPC event, the TV3/NZ and others, plus the printing media coverage which started before he actually arrived in Australia.

Still to come: Channel 7, "Times" program focusing on the arms sale, ABC "Asia Focus" focusing on Timor Gap and Indonesian occupation of East Timor (Fridays at 1:00 AM, ABC), and ABC radio "Background Briefing," SBS Book Show.

Prof. Chomsky also gave an interview to the New Zealand popular TV channel, TV3 which enabled him to reach thousands of people in New Zealand.

Prof. Chomsky's talk in Melbourne Town Hall was filmed by Ch 31, a community TV network and it has been replayed on that channel. Community radio 3CR also taped that public talk and they have been playing this material for their audience. Due to the special initiative of some journalists, the ABC radio also recorded a series of talks given by Prof. Chomsky which will be aired in the future and in a timeslot aiming at targeting a wider audience.

Video productions were also made by the UNSW Audio Visual Unit, ETRA (Sydney Town Hall talk), the National Press Club, the Anarchists Vision of Freedom, the Writers Centre.

No doubt, it was a hectic program. But, in every sense, it was a worthwhile one. Not only because of the calibre of Prof. Noam Chomsky, but also because of the need to challenge the great powers on the issue of democracy and human rights. Prof. Chomsky not only presented his arguments eloquently but also did it in a way that every average person could easily understand what exactly he wants to say.

To summarize the success of this nine-days campaign, we recall the words of Prof. Chomsky in his last day in Australia. He said: I'll remember this tour for sometime!

We all do...

CHOMSKY IN CANBERRA

By Phil Shannon, Green Left, Jan 29

CANBERRA - Noam Chomsky addressed the National Press Club here on January 24, speaking on East Timor as a microcosm of world order. The invasion of East Timor by Indonesia in 1975, he said, has required extraordinary attempts by powerful Indonesian and Western interests to deny, ignore, rewrite or justify the event.

Gareth Evans, said Chomsky, is ready with fine sentiments and high principles about opposing the acquisition of territory by force in the case of, say, Iraq's invasion of Kuwait, where this would harm Western interests. In the case of East Timor, the high principles do not apply when there is some advantage to be gained.

Chomsky was enthusiastically received by most of the capacity audience of around 400. The Press Club has rarely heard such an

honest, demystifying, crap-busting address. I don't think I'll book ahead for the next Press Club talk: Gareth Evans. I wouldn't know whether to cry or laugh.

TIMOR GAP TREATY ATTACKED

NT News, Darwin, Jan. 28

CANBERRA: Academic Noam Chomsky equated the Timor Gap treaty with the hypothetical agreement between Libya and Iraq to divide the oil reserves of Kuwait during the Gulf War.

Professor Chomsky said the Foreign Affairs Minister Gareth Evans had attempted to justify the Timor Gap treaty between Australia and Indonesia by saying the world was an unfair place.

Professor Chomsky, a critic of the 1975 annexation of East Timor by Indonesia, said "It should not have troubled us unduly if Libya had signed a treaty with Iraq to divide up Kuwait oil because the world is an unfair place after all."

He said the Timor Gap treaty was a dramatic breach of UN declarations which Australia had helped to formulate.

Australia faces a challenge by Portugal to the treaty on the grounds the UN does not recognize the annexation of the East Timor by Indonesia.

DARWIN NEWS

From AFFET, Jan. 28

Thirteen Affet and CNRM members demonstrated in front of Darwin's Indonesian consulate over the private visit of the Indonesian Minister of Education, Professor Wardiman.

The minister had arrived in Darwin Thursday evening and protesters gathered to greet him for an eleven a.m. visit to the consulate on Friday morning, but the early arrival of protesters forced him to cancel the visit.

Professor Wardiman had just finished a tour of the eastern states as a guest of the federal government.

José Gusmão, CNRM representative at the protest, circulated a letter for protesters to sign before it was handed to federal protection officers for delivery to the professor via consular staff.

The letter urged him to use his influence to protect students in East Timor and to help introduce some freedom of the press in Indonesia. The letter read: We feel the majority of Indonesian citizens would never condone the human-rights violations that are a daily result of the illegal presence of the Indonesian military in East Timor if they were informed through a free press of the true nature of events there.

Consular staff and the territory police were taken by surprise by the protest but there was no trouble from either side.

Affet members continued the protest from six p.m. at the minister's hotel and though a limousine appeared to be waiting for him, he never showed.

Affet member Vaughan Williams said they spoke to a consular staff member for an hour on a range of topics but was unable to glean information of any significance.

Additional news to hand is that twenty four persons were confirmed arrested by a military spokes person in Dili at a protest by students on the 9th of January and which was witnessed by expelled Affet member, Tony Jefferies. However only twenty have since been charged with a range of offences including sedition.

The mutilated body of one of the teenage protesters has since been found and grave fears are held for the remaining three missing persons. Please fax Colonel Kiki Syahnakri (Military Commander in Dili) demanding to know the whereabouts of the "24" and in particular the four persons not yet charged and who remain missing. He will understand... Fax Indonesia 390 21 624

Tony Jefferies and two other tourists were arrested, had film ripped from their cameras and passports confiscated before being interrogated for two hours for witnessing way the police handled the demonstration. They were then taken back to their hotel to pack before being deported.

Tony said he saw a friend, José Antonio Belo being arrested and when he was put in an army van by plain clothes police, it started to rock so badly "it was like a cement mixer inside" as José was bashed senseless.

The latest is that José will face charges of sedition and probably 15 years.

We urge as many people as possible to visit East Timor because your presence helps protect the Timorese people.

THE LITTLE GUY JUST ASKS FOR TROUBLE

by Ian McDougall Farrer, Australian Capital Territory, Jan. 28

This dialogue refers to Australia's relationship with Indonesia and East Timor. — Hugh Ekeberg

I am walking down street one evening when I encounter Louie the hornet, an identity well known in the neighbourhood. Louie and me go back quite a way. As a matter of fact, he owes me a few. He does not forget this, he always says.

It does not escape me that Louie is engaged in an altercation with some guy in the shadows of a doorway. Louie has this guy's head in his fist and is beating his brains out

with the other. Hey I know this victim, it's Angelo "Easter" Timorese. Timorese and me go way back even further. I don't mind admitting that Timorese helped me out many years ago when I was in big trouble, and I mean big! We call him Easter because he's always getting crucified by Louie.

Just then, Louie says to me: Hey, you got a knife pal? An understandable request in the circumstances.

Now I happen to be a man of principle, the principle being doing, whatever maximizes the day's take. And besides if I don't sell Louie a knife, someone else will. So I extract the best of the blades I keep in my belt and pass it to Louie. He gives me the price I want on the spot. "Thanks pal, I won't forget this. And I tell you what, when I finish taking this sucker apart, you and me's gonna split whatever he has on him."

I must admit that I feel a bit queasy over what Louie is doing to Timorese. But Louie has a difficult reputation and in my opinion needs to be humored. Besides, I want no trouble with Louie. So I explain to Timorese I am taking a softly softly approach regarding his problem with Louie. He tries to repeat that, but it comes out through the gore in his mouth as "wimpy wimpy"? But I don't think that was his intention, or that it was disparagement directed at me. I think he was asking Louie not to hit him so hard and to remember his human rights. I've been telling Timorese for years that he should just shut up and pay protection money to Louie. But he is stubborn. Keeps wanting to go it alone. This is unrealistic and bad for Louie and me who are working more and more together these days.

END AID TO INDONESIAN MILITARY!

By Max Lane, Green Left, Jan. 29

Indonesian troops in East Timor executed six young East Timorese civilians on January 12. The victims were José Nunes (35), Abel Nunes (20), Victor (24), Augusto Pinto Nunes (20), Americo Araujo (20) and Osorio Soares (20). According to a statement by the National Council of Maubere Resistance (CNRM) issued on January 17, these six men were killed by troops of the KODIM military command, headed by First Lieutenant Jeremias Kase.

Around the same time, a neighbour of former political prisoner David Ximenes by the name of Enrique Belmiro was arrested and severely tortured by elements of the Indonesian armed forces (ABRI).

In Medan, North Sumatra, it was announced on January 24 that Mochtar Pakpahan, general secretary of the Indonesian Workers for Prosperity Union (SBSI), would

have to serve an additional year of a prison sentence he received for organising strike protests in April 1994. His three-year sentence was extended to four years by the Appeals Court.

The April 1994 strikes were partly provoked by the killing of a worker demonstrator by armed forces personnel several days beforehand. During the strikes, more than 1000 troops were deployed to force protesting workers off the street. Scores of worker were injured, and several are still imprisoned.

Involvement by the military in political repression in Indonesia is not an "aberration," as foreign minister Gareth Evans described the 1991 Dili massacre. It has been institutionalized into the political system created when the military brought Suharto to power in 1965.

At that time the military, in cooperation with right-wing gangs, massacred between 500,000 and 1 million people, eliminating the political left. After the massacres, Suharto forced through a number of measures which institutionalized a political role for the military. The Operational Command for the Restoration for Security and Order (KOPKAMTIB) was established with military outposts in every city, town and village. KOPKAMTIB, now called BAKORSTANAS (Body for the Coordination of National Stability), operates as the political police and main arm of repression.

Along with the killings in East Timor and sentencing of dissidents in Sumatra, on January 16, it was revealed that Gareth Evans had approved a proposal by the Australian Defence Industries (ADI) to try to sell \$100 million worth of Australian-manufactured combat rifles to Jakarta. ADI's efforts on this question no doubt reflect its concern about profits.

Evans' support for the proposal, however, reflects the long-running policy of the ALP government of supporting the Suharto dictatorship any way it can and of building the closest possible collaboration with the dictatorship.

Reactions

In Indonesia, the country's largest independent student organisations, Students in Solidarity with Democracy in Indonesia (SMID) condemned the ADI proposal. SMID cited military violence against the people of East Timor and the 1984 killing of Muslim demonstrators in Jakarta at Tanjung Priok; the killings of peasants protesting about Nipah dam, Madura, in 1993; the shooting of peasant farmers in Lampung, Sumatra; and the mass killings of so-called "criminal elements" in 1986.

"The Australian government is covering itself in the blood of the Indonesian people for dollars," said Munief Laredo, SMID

chairperson, in a message sent to Green Left Weekly. He called on the Australian people to campaign against these and any other arms sales to the Suharto regime and to show their opposition to the regime's policy of terror against the Indonesian people and the people of East Timor.

The Centre for Indonesian Workers' Struggles (PPBI) issued a similar statement.

In Australia both the Australian Coalition for a Free East Timor (ACET) and Aksi - Indonesia Solidarity Action have condemned the proposed sales.

Quoting a recent report by UN special rapporteur Bacre Waly Ndiaye that "the conditions that allowed the Santa Cruz killings [in Dili, 1991] to occur are still present," ACET spokesperson Christine Faithful stated, "If the deal goes ahead, these rifles will be used not only to fuel Indonesia's war in East Timor, but also to suppress growing cries for freedom and democracy within Indonesia itself. That East Timor will achieve its right of self-determination is inevitable. The Australian government's cynical maneuvers only serve to make this process more painful."

ACET was formed in January by solidarity committees in Perth, Sydney, Darwin, Adelaide, Hobart and Lismore.

In Sydney, Nick Fredman, in a statement issued by Aksi, a support organisation for the Indonesian democracy movement and East Timorese independence movement, also condemned the proposed deal and called for an end to all war cooperation with Jakarta until troops were withdrawn from East Timor and the use of the military for political repression ended in the rest of Indonesia.

"The ALP government is only concerned about Australian big business getting their cut of the Indonesian economic cake," said Fredman. "Keeping a regime in power that guarantees access to cheap labour and the Timor Gap oil is more important than people's lives and long-term people-to-people cooperation."

The organising collective of the National Women's Peace Camp '95 also condemned the proposal. The group is organising a gathering of women at Easter at the ADI munitions factory in Benalla. "ADI is part of the government's drive to increase its arms exports to over \$2 billion annually. It has sold rifles to Papua New Guinea and Thailand, the use of which cannot be guaranteed to be purely for the external defence of these countries." The action at Benalla, says the group, will be an opportunity for women to voice opposition to Australian militarism and its role in regional and global conflicts.

WA Greens Senator Dee Margetts also seriously questioned whether the sale was in accordance with government guidelines for overseas arms sales. Official guidelines state

that sales should not proceed if their is "reasonable risk" that the arms might be used to violate citizens' human rights. According to Margetts, that idea that there is no risk is "patently unable to be sustained given the substantial recent evidence to the contrary in East Timor."

War cooperation

There has been a definite increase in the level of cooperation between the Australian military and ABRI over the last few years, even while Indonesia is engaged in war operations in East Timor.

Since 1992 there have been at least eight Australian military exercises with Indonesia. These were AUSINDO 92, a tactical air transport exercise; PATROLEX 92, joint maritime patrol; Fleet Concentration Kakadu 1993, with an Indonesian observer team; Night Komodo, May-June 1993, a reciprocal SAS-Special Forces exercise; New Horizon maritime exercise; Elang Ausindo, joint FA18-F5 war plane exercise in Sumatra, 1993; Exercise Night Komodo/Kookaburra 1994, a SAS-Special Forces exercise; and a joint maritime patrol in August 1994.

In a visit to Indonesia in 1994, defence minister Robert Ray invited ABRI to participate in the big Kangaroo 95 war exercises being held in northern Australia.

There has also been a marked increase in the number of ABRI personnel undergoing training by Australians, both in Australia and in Indonesia. In 1991-92, 52 ABRI personnel were trained in Australia, 89 in 1992-93 and 120 in 1993-94. Australian war personnel trained none in Indonesia in 1991-92 but 56 in 1992-93 and 143 in 1993-94. The total of 263 in 1993-94 represents a 500% increase since 1991-92.

Among those trained in Australia have been elements of ABRI's commando KOPASSUS forces, which have been at the forefront of the brutal occupation in East Timor. KOPASSUS have also been the main units participating in death squad activity in the northernmost province of Sumatra, Aceh, where a secessionist struggle has developed. KOPASSUS also took part in the Night Komodo/Kookaburra exercises.

The trend towards increasing war cooperation with Jakarta is also evident from the 1994-1995 budget estimates. These indicate that official spending on bilateral military cooperation with Indonesia is scheduled to more than double in 1994-95 compared to the previous year. Spending is projected to rise from \$2,217,000 to \$4,665,000, an increase of \$2,448,000.

The vast bulk of this - approximately \$3 million - will be spent on the training of ABRI officers in Australia. The rest goes to exchange programs and secondments, consultancy to the Indonesian navy, defence indus-

try, logistics and science project assistance and joint survey work in West Papua.

These expenditures do not, of course, cover the costs of any of the joint exercises carried out with ABRI.

The projections also do not cover the sale of weapons or other hardware. At the moment the proposed sale of the Stehr rifles looks unlikely to proceed, despite ADI and Evans' enthusiasm. Indonesian defence minister General Edi Sudrajat announced that Jakarta had no plans to buy Australian rifles in either large or small quantities because its own state-owned arms manufacturer, Pindad, was producing adequate numbers of its SS1 rifle. However, the minister did not rule out buying other arms from Australia which Indonesia was still incapable of producing.

AUSTRALIAN REPORT CRITICAL OF INDONESIA

Jornal de Noticias, 7 February 1995. Translated from Portuguese

Lisbon – According to a report by an Australian parliamentary delegation, made public yesterday, Indonesian soldiers stationed in East Timor are undisciplined and do not respect the territory's Catholic population.

The MPs visited Timor and Indonesia last September. They were received by President Suharto, and discussed the question of human rights in East Timor with him.

The report, presented yesterday to the Australian Senate, states that Suharto promised that Indonesian military presence in East Timor would be reduced as security in the territory improved.

The MPs told Suharto that such a reduction to military presence would be positive and that Indonesian soldiers ought to be more disciplined, and show greater respect towards the values and religion of the Timorese population, which is mainly Catholic.

"The Australian delegation encouraged the Indonesian authorities to attribute a more appropriate degree of autonomy to East Timor that would provide for greater respect for the culture and religion of its inhabitants," states the report.

The publication of the document coincided with the start of Australia's response at the International Court in The Hague, to Portugal's complaint against Australia's agreement with Indonesia on joint oil exploration in the Sea of Timor.

Foreign Minister Gareth Evans, speaking on Australian radio, divulged that his government is going to try to prove at the International Court that recognition of what is, in effect, Indonesia's sovereignty over Timor is not incompatible with recognition of the

Timorese people's right to self-determination.

WAR COMPUTER GAME "APPALLING"

The Canberra Times, 7 Feb. 1995

The Catholic Church has condemned a video war game which involves firing on East Timorese villages as "appalling" and a breach of the General Convention on human rights.

The chairman of the Australian Catholic Social Justice Council, Bishop Kevin Manning, said yesterday that he was appalled at the availability of a game called Flying Nightmares. He said the game encouraged players to bomb East Timorese villages.

Any video game that depicted attacks on civilians flouted Additional Protocol I of the Geneva Conventions of 1949, which prohibited attacks on civilians in international armed conflict.

"It is certainly bad education for teenagers," he said.

A spokesman for Sega Aussie Soft, which distributes the video game in Australia, could not be contacted for comment.

The executive director of the East Timor Relief Association, Mr. Agio Pereira, said the association considered Flying Nightmares to be "offensive and grotesque," and would like to see it banned in Australia.

"It's horrific to transform a very serious matter into a game you play for fun," Mr. Pereira said.

"It does influence the minds of the younger generation, who will be led to believe that the struggle up there is some kind of fantasy."

The independent MHR for Wills, Mr. Phil Cleary, said the game's makers and distributors had shown "a complete lack of social responsibility."

Mr. Cleary said he would be interested to know how Flying Nightmares fitted in with the Federal Government's new Racial Vilification Bill.

"It half-justifies all the bloodshed that is happening up there," he said.

"If you can do it in a game, why not do it in reality?"

Meanwhile, the plight of the East Timorese people has forged an unlikely alliance between Victorian National Party senator and visiting US human rights campaigner.

Senator Julian McGauran said he welcomed the visit by Professor Noam Chomsky, who is arguing the case for an independent East Timor.

"In Australia the issue of East Timor is seen as a Left-wing issue but it is painted this way to discredit the cause," Senator McGauran said.

Both Senator McGauran and Professor Chomsky condemned the proposed sale of Australian rifles to the Indonesian Army.

Comment from Bruno Kahn, Agir pour Timor

For information's sake, the purpose of this game seems to be to **free** East Timor from the Indonesian occupation rather than **help** an Indonesian invasion. The two other scenarios proposed by Flying Nightmare concern the Falklands and the Gulf war. This game was worth a coverage here in a computer monthly, SVM, in July-August 1994, under the title "Debarquement en Indonesie."

CAMPAIGNING FOR EAST TIMORESE FREEDOM

By Wendy Robertson, Green Left, Feb. 12

Last year, the socialist youth organisation Resistance launched an Australia-wide campaign in support of East Timor's independence. The highlight of the campaign was the October 15 National Day of Action, mobilizing 1300 high school students, university students, workers and East Timorese in cities all around the country.

We demonstrated in opposition to the Australian government's support of the Indonesian occupation of East Timor and showed our determination to fight Australian oil companies drilling in the Timor Sea.

This year Resistance will continue its campaign and has called another National Day of Action for May 13, under the banner "Free East Timor - No Military Ties with Suharto."

History of resistance

On November 12, 1991, in Dili, the capital of East Timor, several thousand Timorese youth marched to the Santa Cruz cemetery to protest against the murder of young student radical Sebastião Gomes. This peaceful march was attacked by Indonesian soldiers and security forces, resulting in the deaths of more than 200 people. Hundreds more were wounded.

While massacres are common in East Timor, the presence of foreign journalists on November 12 meant that millions of people around the world saw the video footage of Indonesian troops opening fire and beating those who were wounded and couldn't escape. Public opinion was outraged by the actions of the Indonesian regime.

The Indonesian government blamed the victims for the slaughter. Speaking about the Dili massacre, Indonesian General Try Sutrisno made the infamous comment, "These people should be shot, and we will shoot them." In return for his comments, he received a promotion.

Australian foreign affairs minister Gareth Evans claimed that the massacre was an "aberration," not part of Indonesian government policy to systematically wipe out all resistance by the East Timorese people. This has been typical of the Labor government's attitude to the Suharto dictatorship.

Massacres and suppression have characterized the entire 19-year Indonesian occupation of East Timor. Since the invasion in 1975, it is estimated that at least 200,000 East Timorese have been killed - one third of the population. Expressions of East Timorese culture are prohibited; in schools, students must speak Indonesian and learn Indonesian history.

In 1994, when Try Sutrisno visited Australia, Resistance joined with other groups to organise a large and angry demonstration opposing the brutal Indonesian occupation of East Timor and the Australian government's complicity with the Suharto regime.

Despite the repression, the resistance movement in East Timor is gathering strength. The Dili march symbolised the continuing determination of the East Timorese people, in particular the youth, to fight for freedom and independence from Indonesian rule.

ALP betrayal

Resistance has focused its campaign on condemning the Indonesian occupation of East Timor and exposing the Australian government's complicity. The key demand of the October 15 National Day of Action was "Australia out of the Timor Gap."

The Australian government plays a key role in justifying and maintaining the brutal Indonesian occupation. Before the invasion, the Australian Prime Minister Gough Whitlam met with Suharto and made it clear he supported the incorporation of East Timor into Indonesia.

More recently, Prime Minister Paul Keating was described as "our comrade in arms" by Indonesia's ambassador to Canberra after Keating returned from Washington, where he called on the United States to go softer on Jakarta's atrocious human rights record.

The signing of the Timor Gap Treaty between the Australian and Indonesian governments in 1989 has allowed Australian oil companies to steal East Timor's natural resources. The treaty is against international law, as Indonesia is not recognised by the United Nations as sovereign over East Timor. Despite many UN resolutions, no action has been taken to force Indonesia out of East Timor and to stop the systematic abuse of human rights of East Timorese by the Indonesian regime.

The Australian government will not act against Indonesia because support for the

Suharto dictatorship is profitable. The oil in the Timor Gap is now estimated to be greater than that in Bass Strait. Today, Indonesia is Australia's eighth largest export market and direct Australian investment is over \$1.3 billion. More than 120 Australian companies are active in Indonesia.

Cut military ties!

Economic and military ties go hand in hand with military ties. Australia has closer bilateral military ties with Indonesia than with any other country. While continuing to campaign against the Timor Gap Treaty, the Resistance National Day of Action on May 13 this year will focus on exposing the military ties between the Australian and Indonesian governments.

The Resistance campaign to cut military ties with Suharto will involve the National Day of Action, a petition campaign against the Timor Gap Treaty and campaign stalls on campuses and on the streets. In February and March there will be public forums with East Timorese and Australian speakers on the latest political, diplomatic and solidarity developments.

Resistance has invited guest speakers from the struggle in East Timor and the struggle against the Suharto dictatorship within Indonesia, to its national conference in July, and in conjunction with AKSI (Indonesia Solidarity Action) is planning a national speaking tour by Indonesian and East Timorese activists.

Currently, the Australian Defence Force trains the elite Kopassus commando unit, responsible for brutal acts of violence within East Timor and Indonesia. More military cooperation is on the ALP government's agenda.

Prime Minister Keating has invited the Indonesian military to participate in Kangaroo '95, the largest ever war games on Australian soil. Joint naval and air force training exercises are set to increase. Gareth Evans has approved in principle a deal to sell \$100 million worth of combat rifles to the Suharto dictatorship.

Resistance Sydney branch organiser Trish Corcoran says, "As activists in Australia, we have a responsibility to campaign against the role of the Australian government and businesses in East Timor, and in support of East Timor's independence. In 1995, there is even more reason to continue the struggle. The year began in East Timor with demonstrations and arrests, and activists from East Timor have told Resistance that Indonesian troops parade the streets shouting that they will repeat the massacre of November 1991 should the people try such protests again.

"While East Timorese youth continue to struggle against the Indonesian military occupation, young people in Australia must

also fight. We call on everyone, particularly young people, to join the struggle and help build the National Day of Action on May 13."

MAN ATTACKS DARWIN CONSULATE

From: Hugh Ekeberg, Affet, Feb. 15.

On Saturday the 10th of February a 36 year old man managed to climb on to the roof of Darwin's Indonesian consulate and wreck satellite and other communications gear before being arrested by Darwin police with help of the fire brigade.

The man refused to give his name and so far Affet has been unable to find out from police who this lone operator is.

This is a severe embarrassment for the Federal Protection Service who are supposed to patrol the consulate 24 hours a day.

DARWIN EAST TIMORESE RE-ENACT NINJA ATTACK

From: Affet (Australians for a Free East Timor), Feb. 15

East Timorese and their supporters staged a dramatization of an attack by Ninja's in front of Darwin's Indonesian consulate, where a woman was raped in front of her husband & family and furniture was smashed.

The dramatization took place on Tuesday morning 14th of Feb. and police were out in force after Saturday's attack by an unknown man on the consulate's communications gear.

Affet members notice police superintendent Marchant discretely entering the council chambers across the street with a sniper rifle.

Affet member Rob Wesley-Smith said he had confronted police in the past when they had gone on to the council building's roof with sniper rifles and Vaughan Williams had refused to hand over film after taking photo's of the police involved.

Media were out in force to film and photograph the dramatization where a bamboo room was erected on the foot path with the "family" of a husband, wife and grand mother.

All of a sudden a van screeched to halt and masked "ninja's" jumped from the vehicle and attacked the family before being chased from the scene by "residents" coming to the family's rescue.

Two of the actors [names withheld], were at the Santa Cruz massacre and one of the men lost his father to an Indonesian bullet.

During interviews with the media after the re-enactment the emotions got to the lads..

May strength be with them.

Hugh Ekeberg

EVANS STATEMENT IN JAKARTA

Voice of America, 2/21/95

By Dan Robinson, Bangkok

The foreign ministers of Australia and Indonesia, meeting in Jakarta, have discussed the problem of East Timor. VOA southeast Asia correspondent Dan Robinson reports Australian foreign minister Gareth Evans repeated concern about recent events in the troubled territory and said Australia looks forward to the results of investigations:

Australia was among several western governments to express concern about the killings of six Timorese in January – people the Indonesian military says were members of, or sympathizers with, pro-independence forces in East Timor.

After talks Tuesday with Indonesian foreign minister Ali Alatas, Mr. Evans said Australia is waiting to hear the outcome of separate probes by the Indonesian military and a government-sanctioned national human rights commission.

Amid reported continuing tensions in East Timor, Mr. Evans said Australia would like to see a process of reconciliation set in motion. He said this is a matter for the Indonesian government to resolve, but suggested some possible steps:

“We think some kind of autonomous political status would be helpful and an appropriate way of moving forward, combined with a significant draw down of the military presence, to that which is applicable in other provinces, and also some other steps that could be taken to create a more representative ongoing environment and steps being taken in particular to meet the needs and expectations of young East Timorese who obviously are becoming very disaffected at the moment.”

Foreign minister Alatas – Indonesia’s key negotiator in UN sponsored talks with Portugal on East Timor – said he told Mr. Evans about the investigations underway:

“It shows our government is quick in responding to whatever allegations there may have been put forward, and it shows we are not indifferent to such reports. Let us now wait for the result of those investigations.”

On Monday, Indonesia’s armed forces commander, Faisal Tanjung, said the six civilians were working for the Timorese independence organization, Fretilin. He said they were killed in a clash with soldiers.

However, western embassies have cited evidence they say refutes the military’s version of events. Residents, church officials,

and human rights groups said those killed were innocent civilians.

LETTER TO PAUL KEATING AND RESPONSE

From Hugh Ekeberg, AFFET

This is a letter in reply to a fax I sent to Prime Minister Paul Keating attacking him in his speech to the nation urging all Australians never to forget “those who gave their lives for Australia during W.W.II.”

The fax was:

Dear Mr. Keating,

I heard your speech today urging your fellow Australians never to forget the sacrifice of those who fought and gave their lives for us during W.W.II.

How shameful it is then, that your government like so many other Australian governments, follows a deliberate policy of ignoring the terrible sacrifice of our East Timorese allies during that war.

Where were those “bonds of mate-ship” when they needed us? My friends and I don’t need to be reminded about that sacrifice, but you and your speech writers do.

SHAME SHAME SHAME

Hugh Ekeberg

The Reply:

Dear Mr. Ekeberg,

Thank you for your letter of 15 February, 1995 to the Prime Minister about East Timor. The Prime Minister has asked me to reply to you on his behalf.

We have noted your views on this issue. Australia recognises Indonesia’s sovereign authority over East Timor. We put our concerns about reports of human rights abuses in East Timor clearly and consistently to the Indonesian Government and encourage it to pursue a long term policy of reconciliation there.

The Prime Minister has discussed East Timor and other human rights issues with President Soeharto and senior Indonesian ministers on several occasions, as has the Minister for Foreign Affairs, Senator the Hon Gareth Evans, QC with his counterparts.

Australia has important and wide-ranging interests in its relationship with Indonesia. We can be most effective on issues such as the situation in East Timor if we approach them constructively and in the context of that total relationship. This approach also allows us to back up our concerns in practical ways such as through the five year \$30 million development assistance program currently in place in East Timor.

Thank you for raising these important matters with the Prime Minister.

Yours sincerely

David Ritchie

Assistant Secretary, Foreign Affairs
Branch

Hugh’s Comment:

It is important to note that a major Australian water project in Dili has been found to benefit the Transmigrasi people in Dili rather than the Timorese.

Also if others wish to raise there concerns to Paul Keating, his numbers are: Phone: 61 6 271 5111 Fax: 61 6 271 5414

INTERVIEW WITH SEN. GARETH EVANS

By Andrew Olle. ABC Radio, March 3.

AO: Indonesia is very much back in the news at the moment, of course, and it is interesting to see their National Human Rights Commission coming out with such a strong finding about those killings in East Timor. Is there also a perceptible change in our attitude towards Indonesia over such matters? It seems to me, just a casual observer, I suppose that our rhetoric has been toughening a bit.

GE: Well, I think there is obviously been an increased concern that the situation in East Timor just does not seem to have been on the improve in the way that all of us would hope that it would be. Particularly, over the last few months, the last year. Obviously the Dili massacre was a major setback and a lot of rethinking and regrouping is necessary. And they did seem to be for quite sometime. A major effort being made to put in place a serious reconciliation strategy involving a draw down of the military presence and some form of political autonomy and some other more sensitive measures as well.

But over the last few months that direction seems to change and it is a very important, I think, to see this human rights commission report getting things back on the rails, being another very overt acknowledgment by what is a pretty important institution in the scheme of things, of gross error having occur. That’s not usual in contemporary Indonesian society or politics for those kinds of concessions to be made. And one hopes that the military itself will also be prepared to be a little more forthcoming in the light of this report. So, I am hopeful about the longer term but getting there is going to be pretty bumpy road. Certainly the heat has been increasing internationally as a lot of countries around the world that are prepared to be understanding of Indonesia’s role in all of this, but at the same time, really do believe that a bit more performance is really required if Indonesia is to maintain the

full confidence of the International Community in the way it handles these things.

AO: Yes. There is one thing that has ____ now braving out to come out internally and say: look things are crooked, this should not have happened. But that's happened before too. After the cemetery massacre and so on at Sta. Cruz. So here we are again. I mean we are still have these appalling things going on.

GE: Yes. Well, I repeat: what is necessary is clearly a really major commitment to reconciliation and a commitment also in the United Nations to try and resolve the self-determination question; it is still very much on the UN agenda, in a way that does satisfy the international community. I think the strategy for Indonesia is really pretty straight forward, just, it does demand going down the path that I suggested. In particular, removing, sooner rather than later, that very very oppressive military presence, which is just making almost intolerable, I think, for ordinary East Timorese, the conditions of life there.

MICHELE TURNER PASSES AWAY

We received the following message yesterday, 3 March 1995 from Shirley Shackleton:

It is my sad duty to tell you that the wonderful, generous and gifted Michele Turner died in Tasmania on Thursday 2nd March 1995. Author of 'Telling' *Personal Testimonies 1942-1992*, a meticulously researched and moving account of Indonesian brutality in East Timor, Michele was greatly loved and admired by all who work for justice in East Timor.

A woman of courage, Michele Turner attempted to pay a debt of gratitude to the Timorese for the life saving assistance they gave her grandfather during World War 2 when he fought there with the 2/2nd Independent Company; she was admired for standing up to Gough Whitlam and berating him publicly not for his terrible mistake in under-estimating Indonesian mendacity over the 'problem of East Timor,' but for his subsequent uninvited appearance at the United Nations to demand that East Timor be dropped from the UN agenda and his attempts to deny the devastation of the Indonesian invasion and colonisation of East Timor.

Always able to offer help and understanding to anyone suffering deep pain, Michele was unable to surmount her own.

She will be deeply missed by her family, her admirers and friends in the Timorese community, and by all of us who were lucky enough to know her as an honest and compassionate friend.

EAST TIMOR CAMPAIGN PICKS UP PACE

Green Left, March 12, 1995. By Nick Fredman

Sydney – The campaign in solidarity with East Timor continued this week with a public meeting and a lively picket against the presence of Indonesian troops in Australia.

A meeting organised by the Democratic Socialist Party, entitled "East Timor 1995: a turning point?," at the Resistance Centre on March 7, attracted more than 70 people. Speakers were Harold Moucho, NSW coordinator of Fretilin, Agio Pereira from the East Timor Relief Association, Amy Philips from Resistance and Max Lane from Aksi, Indonesia Solidarity Action.

Discussion centered on recent repression in East Timor from the so-called "ninja gangs," and increasing solidarity with East Timor in Indonesia and throughout the region as shown by the formation of the Asia Pacific Coalition for East Timor. Coming events such as the UN-sponsored talks and the Resistance May 13 National Day of Action in solidarity were also discussed.

Thirty Indonesian troops were in Sydney briefly on their way to military exercises in Queensland. The troops are from the elite Special Reserve Force or KOSTRAD, a unit which has played a murderous and repressive role in the invasion and occupation of East Timor.

Twenty-five people attended a quickly organised lunchtime picket on March 10 outside the Defence Department Building, which was supported by the Australia East Timor Association, Aksi, Resistance and the DSP.

The demonstrators, who distributed hundreds of leaflets, collected more than 100 signatures on a petition and attracted a lot of media coverage as they demanded an end to military ties with Indonesia, an end to oil exploration in the Timor Gap and recognition of East Timorese resistance organisations.

EVENTS IN AOTEAROA

ETIC WELCOMES UN TALKS WITH EAST TIMORESE REPRESENTATIVES

ETIC (New Zealand) Press Release from Maire Leadbeater, Councillor, Auckland Regional Council and member of ETIC. 11 January 1995

The East Timor Independence Committee welcomes the initiative of UN Secretary General Boutros-Ghali to set up talks with

East Timorese representatives. The New Zealand Government should maintain a close interest in this process to help ensure that the talks are free from Indonesian pressure, and that the issue of self-determination is given full weight.

"We are hopeful that these talks will give a real opportunity for the international community to hear the voice of East Timorese people. Until now the East Timorese have only been able to express their desire for self-determination and independence by risking life and liberty in brief demonstrations or through the statements of leaders in exile such as José Ramos Horta," said Maire Leadbeater speaking for the East Timor Independence Committee (Auckland).

"It is a small but significant breakthrough that Indonesia has agreed to the talks going ahead. It seems that Indonesia is already trying to set the agenda by saying that self-determination should not be discussed. However, with the growing momentum of protests in East Timor it is inevitable that independence will be discussed, and that the views of those who favour integration with Indonesia will be seen in perspective."

"New Zealand should add its voice to those calling for permanent UN monitoring of the human rights situation in East Timor as the process of dialogue gets under way."

"The CNRM (National Council for Maubere Resistance) has been calling for the inclusion of East Timorese representatives in the ongoing UN Talks between Indonesia and Portugal and for serious discussion of their moderate 3 stage peace plan. These initial UN sponsored talks will hopefully be a first small step to serious political negotiation on East Timor's self-determination."

For further information: Maire Leadbeater +64 9 849-3890, or 379-4420.

ETIC DEPLORES VISIT OF INDONESIAN AIR CHIEF

ETIC (New Zealand) Press Release, 26 January 1995

The Auckland East Timor Independence Committee is appalled that New Zealand is hosting a courtesy visit from the head of Indonesia's Air Force (Air Chief Marshall Pambudi). His visit which follows hard on the heels of several pro-independence demonstrations in East Timor and incidents of violent reaction on the part of the Indonesian security forces - is an insult to the East Timorese people.

It is bizarre that Defence Minister Mr. Cooper can say that we can be effective by "friendly persuasion," our warm reception to the Indonesian military condones their brutal repression of the East Timorese, and rein-

forces our tragic failure to support the East Timorese right to self-determination.

We are aware that some of the New Zealand M.P.s who visited East Timor believe that the situation is improving. They are wrong: since November there have been a series of demonstrations in Dili and Bacau. The reports said 200 were arrested in November and five demonstrators died - the New Year demonstrations in Bacau and Dili have led Indonesia to evict some Australian journalists and reimpose restrictions on all visitors. There are reports of tortures by electric shock and ongoing arbitrary arrests. Several nations have called for the United Nations to set up a permanent monitoring presence in the territory.

Since the West Australian released papers found on a dead Indonesian soldier in East Timor there is new evidence that the military presence in East Timor is dominated by the crack anti-insurgency force "Kopassus."

The United Nations Secretary General began the year with new initiatives to involve the East Timorese people in talks about their future. Indonesia is on the mat as never before. Where is the voice of New Zealand calling for Indonesia to respect the right of the East Timorese to self-determination and for ongoing UN monitoring?

Time is running out for New Zealand to re-establish its credibility by immediately ending all military ties to Indonesia and committing itself instead to supporting the East Timorese and their right to self-determination and freedom from military oppression.

OPINION POLL RESULTS ON EAST TIMOR POLICY

East Timor Independence Committee (Auckland, New Zealand) Press Release, 4 February 1995

The ETIC believes that the results of the NBR opinion poll on East Timor show conclusively that the Government has no mandate for its acquiescent pro-Indonesia policy on East Timor.

If 49% of New Zealanders support independence for East Timor and only 9% believe that New Zealand should persist in saying that Indonesia's occupation is irreversible, the Government must make a change.

It is becoming clear that support for East Timor's right to self-determination is now mainstream and that the Government must pay heed to the level of popular support for the East Timorese. No wonder the Government seemed to keep the visit of the Indonesian Air Vice Marshall last month well out of the media spotlight.

This opinion poll result adds to the impact of the Petition to the Indonesian Ambassador signed by a majority of M.P.s last year and to the impact of the first hand findings of the M.P.s who visited East Timor in October last.

Since November 1994 there have been increased demonstrations against the Indonesian occupation and increased reports of arbitrary arrests, beatings and tortures. A Dili demonstration on January 9 resulted in 24 arrests and at least one death. Australian witnesses to the demonstration were expelled and new restrictions on visitors have been imposed. The quiet diplomatic double speak of Foreign Minister McKinnon makes no impact on this appalling situation.

The matter is really very simple: we stand by our own professed principles about the rights of small nations to self-determination, or we carry on as at present and have the blood of the East Timorese on our hands. This poll is welcome confirmation that thoughtful New Zealanders do care about the rights of the East Timorese people.

(See "Evening Post" NZPA article, 4 Feb. 95 "Scant Support for Govt. Timor policy" outlining "National Business Review" poll results)

'DIPLOMACY SHOULD END IF CLAIMS PROVED TRUE'

The Evening Standard, New Zealand, Feb. 10 (?)

Dunedin.- Labour has urged the Government to abandon a stance of quite diplomacy with Indonesia if the latest reports of human rights abuses in East Timor proved correct. Labour MPs unanimously passed a resolution yesterday, calling for an urgent investigation of claims the Indonesia military killed six civilians in East Timor last month.

Foreign Minister Don McKinnon has called on New Zealand's in Jakarta to seek an explanation of the reports. The Indonesia last month it had killed six guerrillas belonging to Fretilin, the armed organisation seeking independence in East Timor. But according to several witnesses, notably a source close to the Catholic church, the dead were not guerrillas, but civilians executed by soldiers.

The source said the soldiers were seeking revenge for the killing of soldiers by Fretilin the previous day. Indonesian armed forces spokespeople have refused to comment. Roskill MP Phil Goff, who last year toured East Timor as part of New Zealand parliamentary delegation, said if the allegations proved correct, there must be a strong and unequivocal response from the government.

The labour resolution, passed at caucus retreat in Dunedin said if claims proved accu-

rate, the Government should abandon its stance of "quite diplomacy" with Indonesia.

"The labour caucus further demands an end to military links with any country, including Indonesia whose government uses military power to suppress basic human rights."

The head of Indonesia's Air Force visited New Zealand last month. Mr. Goff said such visits in the future should end if that country continued to violate basic human rights through the use of military. Mr. McKinnon said the Government was "appalled" at the reports and would seek further information. If events had occurred as described it was "tragic." The Government would certainly be protesting to the Indonesians if the claims were true.

THE INDONESIAN Government is to send a team to investigate the six killings, Australian officials have been told. Foreign Affairs Department spokesman Paul Molloy said the Australian Government had been advised of the decision yesterday.

ETIC URGES FOREIGN MINISTER TO END MILITARY LINKS TO INDONESIA

ETIC (New Zealand) Press Release 10 February 1995

The Auckland East Timor Independence Committee has written to Mr. McKinnon welcoming his inquiry into the killing of six civilians by Indonesian military in January, and urging him to cut off military assistance to East Timor.

"How can the Government express concern about Indonesian military excesses on the one hand while continuing to take part in the Mutual Assistance Programme with the Indonesian military. Surely it is a tragic irony that New Zealand hosted a 'goodwill' visit from the VIP head of Indonesia's Air Force just after this latest reported atrocity took place in East Timor. For far too long New Zealand has turned a blind eye to the bloody record of the Indonesian military - it is an outrage that we are still engaged in co-operative 'training exchanges' with this killing machine."

"We should also reverse our stated position that the Indonesian occupation is irreversible - that is the least we can do for the East Timorese as their nineteen year struggle for self-determination reaches a new climax."

Letter from ETIC to Mr. McKinnon:

10 February 1995

Rt. Hon Mr. D McKinnon
Minister of Foreign Affairs
Wellington

Dear Mr. McKinnon

The East Timor Independence Committee is pleased to note that you are taking a concerned interest in the recent killings of six civilians in cold blood by Indonesian military in East Timor at Beniquito.

We urge you to review the situation of New Zealand's military training assistance and other military links to Indonesia. We believe that this assistance should now be cut off as it undermines and contradicts our expressed concern about military excesses in East Timor. Only last month just after this latest reported atrocity took place New Zealand was hosting a goodwill visit from the Chief of the Indonesian Air Force - Air Chief Marshall Pambudi.

The situation in East Timor is steadily deteriorating for ordinary people - there are many reports of the activities of vigilante death squads described as 'Ninjas' which have been terrorizing the local villagers and preventing them from tending their farms. There are new risks of famine in the territory. The military surveillance in every village and town is reported to be increasing, but local people are taking part in determined pro-independence demonstrations as never before. In January there were demonstrations in Dili and Bacau which were violently suppressed.

As you know a recent opinion poll conducted by NBR indicated that New Zealanders are showing strong support for a change in Government policy on East Timor. 49% of New Zealanders said that they supported East Timorese independence while only 9% said they supported current Government policy that East Timor's occupation is irreversible.

This latest evidence of summary military executions is not an isolated case - it is part of a systematic pattern of abuse and military repression. New Zealand has given Indonesia backing for nineteen years, our East Timor policy is well overdue for change.

Yours sincerely,
Maire Leadbeater,
East Timor Independence Committee

CALL TO CUT LINKS

Evening Post (New Zealand) 13 Feb. 1995,
Letter to the Editor from Maire Leadbeater

Sir, How come our Government hosts the head of Indonesia's Air Force (Air Chief Marshall Pambudi) only months after the MPs' visit to East Timor? The MPs all described an overwhelming military and security presence in East Timor, and Phil Goff continues to decry our military aid ties to Indonesia.

I noted that by the time of the November report to Parliament there were strange comments from some MPs that the situation is "improving."

Ironically, almost as they spoke, hundreds of students were staging pro-independence demonstrations, an East Timorese youth was killed by a trader and clashes erupted between riot police and students. Reports said at least five people died and over 200 were arrested.

Tensions in East Timor are at boiling point. East Timorese deaths sparked New Year demonstrations at Bacau.

Four Australians witnessed a Dili demonstration on January 9 and were asked to leave after they observed an arrest and people being bundled into a vehicle which subsequently bounced around "like a concrete mixer." Restrictions on foreign journalists have been reimposed.

Are we too frightened of our big neighbour to do the decent thing - cut off all military links to Indonesia and declare our support for East Timorese self-determination?

LABOUR: "NO TO JAKARTA"

The Daily Telegraph Mirror, Monday, February 13, 1995

WELLINGTON: Labour Party Leader, Helen Clark, today called for an end to joint Indonesia-New Zealand military exercises and training, after news last week that Indonesian soldiers had recently executed civilians in East Timor.

Last November, Defence Minister Warren Cooper said the Royal New Zealand Air Force would hold a joint exercise in August this year with the Indonesian air force.

Ms Clark said human rights abuses by the Indonesian military "make it a highly unsuitable partner."

CALL FOR UN MONITORS

ETIC Press Release, 16 February 1995.
For further information: Maire Leadbeater,
+64 9 849-3890

East Timor is in the grip of a new reign of terror as black hooded gangs of 'Ninjas' roam the streets at night while the military watch. Youths have been abducted and their whereabouts are unknown, houses are being burnt and people stoned. An Australian Aid worker has had his car smashed with rocks. The seriousness of the situation demands an immediate visit to East Timor from independent UN monitors.

It is widely believed that the military are supporting the gangs that are terrorizing the East Timorese people, especially those who support independence. The East Timorese people have no-one to appeal to except their faithful Bishop Belo and they are describing the unrest as the worst since the Dili massacre. The East Timorese international representatives are calling for a United Nations

presence - New Zealand should support this call.

It is nothing short of scandalous that Foreign Minister McKinnon is pre-occupied with pedantic arguments justifying a forthcoming New Zealand military exercise on the basis that it is an Air Force rather than an Army exercise. The East Timorese would probably remind him if they could that their people have died in bombing and strafing raids conducted by the air force just as they continue to face death at the hands of army battalions, or armed thugs.

He successfully takes any bite out of our recent call for an investigation into the January deaths of 6 civilians. Surely he does not really expect us to believe that we can have faith in the Indonesian military to conduct their own investigation of this episode? Has he forgotten the Dili massacre and the condemnation of the military's own inquiry made last year by the UN Special Rapporteur, Mr. Bacre Ndiaye?

If this crisis is to be resolved and the East Timorese to have some hope of justice and a peaceful resolution of their agony - there is a need for immediate concerted action - New Zealand should take a lead in calling for a permanent United Nations monitoring presence.

We have informed Mr. McKinnon of these views.

EVENTS IN ASIA

NEW GROUP IN KOREA

In December 1994, Mr. Roque Rodrigues, East Timorese ambassador for Angola, visited Korea after touring in Japan. The following is a report by the Korean support group. Original language is English. Only slightly abridged. — Aki

THE CHALLENGE OF EAST TIMOR TO GLOBALIZATION

Ms. Choi Eun A Korea Human Rights Network

Korea's First Demonstration in Solidarity with the Independence of East Timor

On 2 December 1994, it was cold and windy winter day. At 11 a.m., forty Koreans and Mr. Roque Rodrigues initiated a street demonstration, picketing and distributing leaflets to passers-by in front of the Indonesian embassy. The members of the Korean Human Rights Network (KOHNET), the Korean branch of Amnesty International, and the Shelter for Foreign Workers attended this first protest meeting in Korea for the independence of East Timor, all the while being watched by two Youngdung-po Police units.

It was the first time that Korean human rights organizations demonstrated regarding an outside problem, though they have protested in front of the embassies of Japan and the United States regarding the human rights violations in Korea. Thus, this demonstration is remarkable as the first international solidarity for the universal human rights in Korea's human rights history.

In a written protest to Indonesia's President Suharto, KOHRNET stated that "In face of this era of globalization and internationalization, human rights and democracy are assuming a very important place. In light of this, attention to human rights in other countries should not be viewed as intervention in the domestic affairs of another country, but rather as expressions of people's consciences and actions based on the universality of human rights." Also, KOHRNET demanded that "the government of Indonesia unconditionally release the independent activist, Xanana Gusmão, and respect the UN resolutions stating that the self-determination of the people of East Timor must be recognized and the results of their referendum must be respected."

After the Indonesian administration received this letter of protest, Alwis A. Murad, an official at the Indonesian embassy, could not hide his embarrassment. According to him, this was the first incident of its kind in the embassy's twenty-six year history.

The tragedy of East Timor and the Conspiracy of the International Community

East Timor is an island located in the southeastern end of the Indonesian archipelago. Its size is three times that of Cheju island in Korea, and its population is approximately 600,000 to 700,000. East Timor won its independence from Portugal in 1974 (sic), but soon after the Republic of East Timor was established, it was invaded by Indonesia in 1975. Subsequently, one-third of East Timor's population was massacred during Indonesia's occupation.

Just before Indonesia's invasion, Mr. Rodrigues escaped from this homeland to fulfill his mandate given to him by the Republic of East Timor to establish a diplomatic front against Indonesia. He has been in exile for twenty years now, during which time he has led the independence movement. He now serves as ambassador of the exiled Republic of East Timor to Angola.

Western governments, including the United States, tacitly supported the invasion and occupation of East Timor by Indonesia, partly due to the fact that Fretilin, the East Timorese group fighting for independence, was seen as too leftist. During the Cold War, the United States supplied 90 % of Indonesia's arms under the premise that it could not allow the emergence of a dangerous

power such as Cuba in the East Asian region. Indonesia also used forceful persuasion tactics to win over the support of third world countries in the Non-Alignment Movement and ASEAN, the group of Southeast Asian nations. Also, socialist nations such as China and North Korea which were once on the side of East Timor have turned pro-Indonesian since 1978. Western governments, including the United States, supported the invasion of East Timor for their own reasons: Indonesia has the biggest population and the most resources of the nations in the region. Indonesia certainly did not overlook the billion barrels of oil off the sea bordering East Timor.

The tragedy of East Timor, which slowly started fading from memory, again gained international press coverage in the wake of the "Santa Cruz Massacre" in November 1991. About 200 demonstrators who showed up at the funeral of a youth who had dedicated his life to the cause of independence were indiscriminately shot at by Indonesian troops. The news report which a Western reporter was able to get at the risk of his life awakened consciences all over the world.

The Changing International Community: The Unchanging Korean Government

Recently the most important incident in the diplomatic movement for the independence of East Timor was the public criticism by United States President Clinton of Indonesia regarding East Timor. In 1993 Western governments including the United States voted in favor of a UN Human Rights Commission's resolution reproaching Indonesia. These changes in the international community are the fruits of the diplomatic activities of the East Timorese government-in-exile during the past ten years. Their efforts have also brought about the establishment of many international solidarity groups around Europe, including jurist groups, citizens groups, and politicians supporting human rights in East Timor.

During the APEC Summit in Jakarta, while KOHRNET was hosting Mr. Rodrigues, the human rights violations in East Timor emerged as a controversial issue. President Kim Young-Sam, however, has repeatedly asserted that globalization and national competitive power are priorities for Korea. He has emphasized the differences between his administration and past military dictatorships in dealing with human rights issues, and has appeared to be open to the human rights diplomacy in the international community. The propaganda of the Korean government, however, is not based on a sincere belief on the universality of human rights. When the UN Human Rights Commission voted on the resolution for the self-

governance of East Timor in 1993, the Korean government voted against it in consideration of its diplomatic troubles with Indonesia.

Bringing up East Timor problem by KOHRNET, therefore, is a challenge to the globalization which the Korean government is alleging. Mr. Ko Young-koo, the representative of KOHRNET, states that "It is common recognition that the universal value of mankind is human rights. Now it is natural to send our support and solidarity for East Timor to realize the universal value of mankind, human rights. It is the 'real globalization.' Also, our activities will provide a good opportunity for Korean human rights organizations to show their gratitude to international NGOs who helped to develop the Korean human rights situation."

Our Hopes to Establish an NGO Supporting East Timor

While Mr. Rodrigues was in Korea, he stated that this "visit was possible due to the downfall of the dictatorship in Korea accomplished by the people's movement in South Korea." The independence of East Timor is deeply interrelated with the democratization of Indonesia. In that sense, a group to be formed in Korea to support East Timor is to share the sufferings of the Indonesian people who have been living under the Suharto dictatorship for the past twenty years.

Fortunately a group of citizens to support East Timor has been formed. They had their first meeting last December. As there is increased attention on the human rights situations of other countries, the attention on one's own country also increases. Through this, the recognition of human rights can be expanded.

In conclusion, we should remember that support and solidarity for East Timor is not only an expression of our sympathy for their cause, but also an assertion of the universality of human rights.

MALAYSIAN LUCK, TIMORESE MISFORTUNE

Publico, 7 January 1995. By Fernando Correia de Oliveira. Translated from Portuguese. Abridged

Lisbon – Thirty years ago today, Malaysia escaped the misfortune which, a decade later, befell East Timor. Threatened by the then powerful Indonesia, the Malaysian Federation (still including Singapore) got the unconditional backing of the West, which opposed Sukarno and his expansionist intentions. Months later, the controversial but charismatic father of the Indonesian nation was succeeded by Suharto.

On 7 January 1965, the British Defence Minister, Fred Mulley, promised that Great

Britain "would respond in the appropriate manner to any acts of aggression committed by Indonesia." The representative of Her Majesty's Government, who was setting out on a two-week tour of British bases in the Far East (Malaysia, Singapore, Borneo and Hong Kong), reiterated to the Malaysian authorities that London was "determined to defend Malaysia," and expressed the hope that President Sukarno would have "the good sense not to continue with preparations for an attack."

Sukarno, the first President of Indonesia, independent from Holland since 1945, never recognised the Malaysian Federation which it considered a creation of British colonialism. The Indonesian delegate at the UN even stated that "In its relations with neighbours it does not like, Indonesia believes that the use of force in the territory of such neighbours is justified." East Timor, invaded in 1975 and annexed the following year, is proof that this theory was still valid for Indonesia ten years later.

The USSR representative at the UN supported Sukarno, saying that Britain was to blame for the crisis because it had created the Federation of Malaysia in order to "maintain British colonialist control" over Southeast Asia.

END OF COLONIALISM

The Hindu and Buddhist kingdoms, which had established themselves throughout the region's archipelagos around the VII century, succumbed to the gradual advance of Islam in the XIV C. The European incursions started in the XVI C., led by the Portuguese, who were substituted by the Dutch in the XVII C. and by the British in the XIX C. The Japanese occupation was short-lived, in the years preceding the II World War, but it left the seeds of nationalism among the various peoples that had been colonised and massacred. With the defeat of Tokyo, almost all of them managed, one way or another, to achieve independence.

From the autumn of 1964 Indonesian military operations against Malaysia, in line with Sukarno's "confrontation" policy, intensified, taking the form of infiltrations from the sea (along the coast) as well as large-scale operations with paratroopers and incursions along the common border, in jungle of Borneo (still shared today by Malaysia and Indonesia).

Between August 1964 and January 1965, bands of between 10 and 100 Indonesian soldiers and guerrillas, infiltrated Malaysia at different points along the coast, in Sarawak, Borneo, but in almost every case, they were surrounded by security forces - Malaysian, British, Australian and New Zealand - with the aid of lookout aircraft and helicopters.

A propaganda raid - the first retaliatory action taken since Sukarno started his "confrontation" rhetoric in 1963 against Malaysia - was carried out by Malaysian and British aviation which, on 2 November 1964, dropped 2.5 million pamphlets over Sumatra and Rhio, near Singapore, warning the Indonesians that the hostile actions would no longer be tolerated.

These threats were not empty: in response to reports of large numbers of Sukarno's troops in Borneo and Sumatra, the British forces in the area were reinforced from autumn 1964 onwards, and in January and February 1965, the bomber squadrons stationed in the Far East were on full alert.

BOMBING WAS PLANNED

Now, thirty years later, it is possible to know that London had no hesitations about fighting Sukarno. At that time, Britain, Australia and New Zealand had planned to carry out massive air bombing raids against Indonesia, if Jakarta had persisted in its escalation.

Documents from the Australian Government, only now made public reveal that the plans aimed to destroy Indonesian naval and air capacity, if there were a massive attack against the Federation. Sukarno had just bought hunters and bombers from the USSR, causing a regional imbalance which made the West nervous.

Even 30 years ago, there was deep concern that "a limited war against Jakarta could result in the fragmentation of the country into separate states." For Australia it was "highly desirable that the Republic of Indonesia remain a viable entity" premonitory, pragmatic and fatalistic words which are still which accurately describe Sydney's position today, whatever invasions or massacres Jakarta carries out.

When the danger of an independent and communist East Timor emerged on the horizon, neither ASEAN nor the US, Britain or Australia remembered the example of Malaysia, just 10 years before. Suharto, unlike Sukarno, was "a trustworthy man."

SOUTH CHINA MORNING POST LETTERS EXCHANGE

DON'T FORGET EAST TIMOR

Letter to South China Morning Post (HK), Jan 21 from Andrew Alcock, Chairperson, Campaign for an Independent East Timor (South Australia) Inc.,

As a visitor to Hong Kong, I was interested to read your report on the Pope's visit to the Philippines (SCMP, Jan 13).

In that report your correspondent claimed that the Philippines is "Asia's only Catholic

country." With respect, I would point out that this claim is incorrect.

Another Asian Catholic country is the tiny nation of East Timor.

It is probably understandable that your correspondent overlooked this fact given that many key politicians in the Asia-Pacific region are studiously avoiding any mention of East Timor.

Since the invasion of the country by Indonesian armed forces in 1975, over one third of the population has been wiped out.

Despite this, armed resistance and civil disobedience is alive and well. Every day, East Timorese people suffer torture, rape, intimidation, terror and summary execution.

Because of the support given to the population by the local Catholic church, support for the church over the past 20 years has risen from 20 per cent to about 85 per cent.

This courageous people should not be forgotten.

They deserve all the support we can give them.

EAST TIMOR NEVER A COUNTRY

On January 27, the "South China Morning Post" published a response from Sri Rahaju Daryatno, Consul for Information, Consulate of the Republic of Indonesia

In his letter to the SCMP... Mr. Andrew H. Alcock displayed ignorance of East Timor.

East Timor has never been a country. For 450 years, it was a Portuguese colony and on July 19, 1976 was integrated into Indonesia.

Since then about 793 churches have been built by the Indonesian Government, which means a 700 per cent increase in the number of churches, compared to the 100 churches which existed during the era of Portuguese rule.

These statistics differ substantially from the data provided by Mr. Alcock. Quite simply, Mr. Alcock is wrong. Would readers like to know more about East Timor and why thousands of East Timorese were killed during the crucial period of 1975-76? If so, then I would recommend you read the article headlined, "The tale behind Timor fall," written by an Australian journalist Frank Alcorta in the "Sunday Territorian," published in Darwin, on July 31, 1994.

Unlike the claims made by Mr. Alcock, this article gives clear and correct facts about East Timor.

CHURCH CLAIM IMPLAUSIBLE

A reply to Ms Daryatno was published on February 6

Sri Rahaju Daryatno claims (letter, SCMP, Jan 27) that East Timor was a Portuguese colony and not a "country."

It was okay, therefore, for Indonesia to invade it and "integrate" it. No need to ask the East Timorese people, or the Portuguese Government. If you see it, and want it, then take it.

Ms Daryatno also claims that the Indonesian Government has built "about 793 churches" in East Timor in addition to "the 100 churches which existed during the era of Portuguese rule." About 900 churches! This sounded so implausible that I contacted a Timorese priest for an alternative figure. His reply: there are 30 parishes in East Timor, each with one church, and 50 to 60 chapels (for people who live a long way from the churches). At most this is less than 100.

Perhaps Ms Daryatno is referring to the mosques that Indonesian Islamic associations are building with the assistance of Indonesian military and police commanders?

Why does Indonesia build mosques in a country - oops, "province" - that is 90 per cent Catholic? Why, if the Indonesian Government is so caring, do thousands of young East Timorese risk their lives to protest at the occupation of their land? Why did Indonesia close East Timor to the outside world for 14 years after 1975 - did it have something to hide?

Why and how have more than 200,000 East Timorese died since the Indonesian invasion? And the ultimate question: why does the Indonesian Government refuse to allow the East Timorese people to determine their own future?

Martin Wesley-Smith

LETTER TO "EASTERN EXPRESS," HONG KONG

The following letter, by JORGE DA COSTA E SILVA, was published today in Hong Kong's "Eastern Express":

Judas sold Jesus Christ for 30 pieces of silver, and now Australian politicians are selling their souls for 30 million barrels of Timorese oil, which, taking into account 2,000 years of compound interest, are practically equivalent in value to Judas's reward.

During the "benign neglect" - as some writers called it - of Portuguese rule they never slaughtered defenceless Timorese, they never carried out a policy of genocide, they never destroyed the cultures of the native peoples, they never attempted to replace Timorese with emigrants from over-populated areas of Portugal, they never plundered the natural resources of Timor, and kept peace, law and order with a token military presence that could be easily overwhelmed at any time the Timorese people wanted them to leave.

In Dili the residents didn't bother to lock their doors and, in strong contrast with the Dutch section of Timor, both Portuguese and

Timorese lived and mixed together without prejudice, racism or feelings of "colonial superiority" raising their ugly heads.

After centuries of Portuguese rule, massacres did happen once in this century, but the victims were both Portuguese and Timorese, their blood shed together by invading Japanese, despite the neutrality of Portugal during World War II.

Now, the excesses of the old Japanese invaders pale in comparison with the excesses of the new Indonesian invaders.

One third of the 600,000 Timorese population, at the time of Portuguese rule, have been annihilated, 200,000 deaths directly attributable to the Indonesian "annexation" and occupation, and if this fails to be classified as genocide, then Hitler's Holocaust may also be considered a harmless exercise in population control.

Churches have been desecrated by drunken Indonesian military hoodlums (who, as good Muslims, should abhor alcohol) and Timorese going to mourn their murdered brothers and sisters, instead of being offered apologies, redress and sympathy in their grief, are shot and further massacred. Hooded gangs of military hoodlums roam the streets of Dili terrorizing women and children.

Even the Hong Kong Consul for Indonesia had the gall to announce that over 1,000 churches had been built by the invaders, a statement so grossly untrue - they are in fact mosques, the next step to force Islam on a 95% Catholic population - that not even his diplomatic status may excuse it.

Before the invasion, Timor was open to anyone who wanted to visit this marvelous land and people, but now the Indonesian "brothers" have surrounded it with a curtain of steel bayonets. Through the mouths of their occupation forces - who arrogantly think their uniforms lend them credibility - visitors are assured that everything is okay. Sure, it is OK for the Indonesian forces of occupation and their oily associates who, like Gareth Evans, replace their conscience and humanity with greed for the profits to be made with what is, after all, the property of the Timorese people.

Nowadays, honour, decency, justice and human fraternity are concepts foreign to the minds of the political midgits who rule the nations of the world. But history records the price of man's cruelty to man.

The oppressors of today will be the victims of tomorrow, and when the time comes both Australians and Indonesians won't be able to complain because they have created the precedent.

Nations, like fish, start to rot from their heads down, and the stench coming from Indonesia and Australia is becoming unbearable.

JAKARTA ON THE DEFENSIVE

Editorial, South China Morning Post (Hong Kong), 3 March 1995

East Timor is one of those marvelous places where the battle lines between good and evil appear clearly drawn. Indonesia, which invaded the former Portuguese colony in 1975, has drawn international condemnation for its brutal occupation.

The Indonesian authorities are widely believed to torture and murder perceived opponents in East Timor, as they do in Aceh, and elsewhere. Worse still, the Dili massacre of November 1991 was caught on camera, though Indonesia initially denied it had occurred.

However, if Indonesia is the villain, who is the hero? Portugal's pullout effectively invited Indonesia's invasion of a country mired in poverty. Lisbon paved the way for Jakarta's gross human rights abuses, while the liberation organisation Fretilin is hardly known as a respecter of human rights.

Opponents of the Indonesian occupation will seize on a report this week by Indonesia's National Human Rights Commission that the army tortured and murdered six unarmed East Timorese villagers on January 12. While the troops' crime was shocking, the commission's report is a welcome sign that changes may be underway in Indonesia.

Indonesia's appalling international image, particularly in relation to East Timor, is a major embarrassment, and Jakarta is forced on to the defensive each time it attempts to become a player on the world stage. The human rights commission's report is the latest indication that Indonesia may be changing, and should be welcomed. But Jakarta should remember that the problem is one of systematic brutality, not one of a few rogue troops.

EVENTS IN IRELAND

EAST TIMORESE STILL SUFFER

*The Sunday Business Post, 22 Jan 1995.
Letters to the Editor*

In the last edition of your paper it was reported that a delegation visiting East Timor had quoted Bishop Belo as saying that there had been an improvement in the human rights situation in East Timor.

Judging by the reports emanating from the region, the situation has worsened rather than improved. Only in the last two weeks, five more native East Timorese have been killed by either the Indonesian army or by Indonesian settlers.

The expense of this visiting delegation had been paid for by the Indonesian government. On a number of occasions I have requested the permission of the Indonesian government to visit, at my own expense, but each time my request has been refused.

The Indonesian government has consistently refused to allow an independent commission to visit East Timor and is unlikely to change their minds in the future.

Amnesty International are also banned from entering East Timor and there is no United Nations monitors in the region. A permanent United Nations humanitarian office should be set up in the area so as to guarantee the human rights of the East Timorese is protected.

Yours,
Niall Andrews
Member European Parliament
Jean Monnet Centre, Dublin 2

Sir,

I was astonished to read the article by Frank Connolly in your issue of Jan 15th concerning human rights in East Timor and the response of a recent delegation to that country and Indonesia from a group of British parliamentarians.

The remarks of the leader of the delegation, Patrick Nicholls M.P., "that the human rights of the people of East Timor have been protected and that the Indonesian armed forces were to be commended for their civic mission programmes" are quite mind boggling in the light of the extermination of one third of the population of East Timor—some 200,000 people by the forces of the illegal Indonesian occupation.

It raises the question whether Mr. Nicholls would similarly have complimented Hitler or indeed Himmler on their human rights record in the treatment of the Jews of middle Europe.

Yours,
Senator David Norris,
Irish Senate, Dublin 2.

MANDELA AND SUHARTO

Irish Times, 23 Jan. Letters to the Editor

I regret very much the delay in responding to Raymond Deane's letter (Dec 8th 1994). Pressure of official business precluded an earlier reply.

Your correspondent is less than fair towards President Mandela and his government in suggesting an unacceptable association with the "blood soaked dictator Suharto." The South African Government of National Unity seeks to have good relations with most nations of the world, while at the same time taking a strong stand against what it views as human rights and other abuses. Contrary to what Mr. Deane seems to suggest, the African National Congress has, indeed, drawn attention to the situation in East Timor.

At the end of his private visit to Indonesia in 1994, President Mandela raised the issue of East Timor and of the oppression of human rights in Indonesia. More specifically, at the end of his presidential report to the 49th National Conference of the ANC in Bloomfontien last December, President Mandela referred to the need to "extend our hands" of solidarity to those denied "dignity, human rights, and self-determination" and specifically referred to East Timor. I am not aware of any other head of state making this categorical commitment.

Therefore, I felt no "inconsistency" about his matter when I visited Ireland recently. And may I say how much I enjoyed returning to your shores at this propitious moment in the history of both countries.

Yours
Keder Asmal MP
Minister of Water Affairs and Forestry
Pretoria, Cape Town, South Africa

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Unpublished from Geertjan Wielenga

26 January, 1995

Dear Professor Asmal:

Recently I received notice of a letter sent by yourself to the Irish Times.

In this letter you attempt to argue that our government's actions in relation towards the oppressive Indonesian regime are not comparable to the actions of the many nations who have collaborated with the Apartheid regime within our own country.

In short, you seem to say that it is okay to have economic relations with Indonesia while deploring its human rights history in (among other areas) East Timor, instead of taking far stronger and braver action (either by sanctions or by sending direct support to

the freedom-fighters in East Timor). Ironically, this is precisely the type of argument favoured by Thatcherites who refused to engage in sanctions against South Africa!

I am severely shocked and surprised that people who were once imprisoned for supporting revolutionary change in this country are now refusing to take bold steps to ensure that revolutionary change will take place elsewhere.

A simple questions of justice and consistency is involved here, Prof. Asmal. Why are you not practising in 1994/95 what you preached for those decades and decades of bitter struggle during the Apartheid years?

Your sincerely
Geertjan Wielenga

FIGHTING FEAR

News of the World 29 Jan. 1995

Five people from Ballyfermot in Dublin are the East Timor Ireland Solidarity Campaign. They work full time to raise awareness, unpaid, about Timor, an island off the North coast of Australia. West Timor is part of Indonesia and East Timor was a Portuguese colony. In 1975 the military regime in Indonesia invaded East Timor.

Two hundred thousand were killed and there have been dreadful human rights abuses since. Thousands have been tortured. Every three months the Indonesian authorities round up East Timorese women and inject them with a drug that sterilizes them. The military have resettled Indonesian settlers in East Timor. The United Nations have declared East Timor an illegally occupied country but Britain still supplies Indonesia with weapons. Australia and Indonesia have done a deal and have divided the oil fields off East Timor between them. Australia is trying to justify its actions before the International Court of Justice. East Timor simply wants Indonesia to withdraw so that they can determine their own future.

The East Timor campaign deserves support.

IRISH PARTIES IN MOTION

Fine Gael is the largest party in the government coalition. On Feb. 11, the following motion was passed by Young Fine Gael at their party conference.

"That young Fine Gael calls on the Irish Government to publicly support an arms embargo on Indonesia and to lobby at European level for an arms embargo."

The Democratic Left (one of the junior partners in government) also passed a motion on an arms embargo against Indonesia. When we have the full text of the motion we will post on the conference.

IRISH SEN. DAVID NORRIS TO EUROPEAN AFFAIRS COMMITTEE

Remarks of Senator David Norris, Irish delegation member, Paris 28 Feb. 1995

I welcome the opportunity to participate in this conference especially taking place as it does in a city from which two hundred years ago there rang out the radical demand for liberty, equality, fraternity. Even at the time of the revolution these principles were cynically vitiated and today more than ever cynicism and idealism struggle for the priority in the conduct of national and international affairs. No where is this more true than in the area of foreign policy. One looks in vain to discover finer motives in European foreign policy than narrow self-interest, greed and pragmatism. The recently concluded GATT agreement seriously disadvantages the least privileged sections of the globe in the interests of those already well-off and even impertinently purports to take the right to patent life forms.

Because of the disillusion felt by many people in Europe confronted with these kinds of issues I am especially glad there is today an opportunity to examine one area in which we can encourage our fellow Europeans to adopt an honourable and humanitarian stand in accordance with clear principles of international law. I refer to the matter of the illegal occupation of East Timor and the crimes of genocide committed there by the Indonesian government with the industrial assistance of some of the strongest members of the European union including I am sad to say our host country of France. I therefore ask that we in the assembly protest the continuing and gross violations of human rights and international law by the Indonesian government and call for an end to collaboration in these crimes by all European industrial concerns and governments.

I ask why are reporters barred from East Timor? Why has a young man José Neves been sentenced to four years imprisonment for the "crime" of writing to the secretary general of the United Nations on human rights matters? Why have Amnesty International not been allowed access to East Timor? I protest the French government's supplying of puma and Alouette helicopters which are routinely used against the civilian population of East Timor.

I salute the decency of the great number of French citizens of non governmental organisations and the charitable organisations who courageously protested against the actions both of the Indonesian dictatorship and of their own government. I note that your president monsieur Mitterrand, a man of international standing as a statesman, said

prior to his election "a whole people died in Cambodia and another is dying in East Timor." In the light of this comment I ask why from the crudest financial motive did France abstain when the general assembly voted on Indonesia's illegal occupation of East Timor.

I ask that we all parliamentarians accept responsibility for the welfare of brothers and sisters who are threatened with extermination on the other side of the globe, an extermination which is being carried out with assistance from within our midst in the name of economic reality, and I am proud to speak on behalf of a small once colonised country with no tradition of military aggression whose people and politicians are united in support of the people of East Timor.

ARMS AND THE MAN

Letter to the Editor, Irish Times March 4

Sir,

I was delighted to hear John Major's unambiguous declaration during the press conference after the launch of the Framework Document. "I have rooted objection to people killing one another."

For those of us who have held such views all along, it was heartening to be joined—belatedly—by such a powerful voice. It was difficult but correct to swallow hard and resist the temptation to counter the recent history in the North suggests no such rooted objection whatsoever. But it's important to be positive.

We've enjoyed over six months of peace on this island. John Major has played some part in achieving that. That's good. But at the same time that John Major is proclaiming his rooted objection to people killing one another, his government is selling arms, via British Aerospace, to some of the most notorious regimes in the world. His objection to people killing one another is obviously not rooted enough to take priority over arms industry profits and British Aerospace shareholders' dividends.

The most obvious example is the deal struck by Douglas Hurd and Richard Needham to sell 24 British Aerospace Hawk fighter jets to Indonesia, a regime that has committed genocide against the population of East Timor since invading in 1975. Hawks have consistently been used for ground attack against the civilian population of East Timor, and this will undoubtedly continue to be the case.

Now that we have achieved peace on this island, let's play a significant part in spreading it around. The Hawks are due for delivery to Indonesia in January 1996. John Major has a chance to prove his rooted objection to people killing one another. He can start by

stopping arms sales to Indonesia. He can play a part in giving the war-weary people of another small island a chance to live in some sort of peace – the people of East Timor.

Yours,
Donal O Kelly
Dublin 6

IRISH SENATE CONDEMNS INDONESIAN OCCUPATION

The Irish Times, 9 March 1995. By John Maher

The Senate agreed to series of motions sponsored by Independent senators on the Indonesian occupation of East Timor.

The House was told that an estimated 200,000 people out of a population of 650,000 had been killed as a result of the invasion of East Timor by Indonesia in 1975.

Senator David Norris, said it was a "painful case" because the crimes committed against the people of East Timor involved British, French and Australian collaboration.

He said governments were placing their armaments, economic and foreign policy interests above the wishes of the people and human rights considerations.

Mr. Norris asserted "Auschwitz and its accompanying death programme would not have been possible without the massive collaboration of German industrial concerns such as Krupp, Thyssen and IG Farben. British, French and other industrial concerns have made cold detached financial decisions to sell the instruments of death to the Indonesians with which the defenceless people of East Timor are being obliterated.

"By passing this motion, we at least add our voices to the condemnation beginning to echo around the world. Let the Indonesian authorities note that their crimes are being monitored and recorded," he said.

The Deputy Prime Minister and Minister for Foreign Affairs, Mr. Spring, said Ireland "can contribute to and welcome the international pressure which has been building up on Indonesia concerning its treatment of East Timor."

Mr. Spring requested permission for journalists to enter East Timor. He described as encouraging a recent call by the Australian Minister for Foreign Affairs, Mr. Gareth Evans, for a reduction in Indonesia forces in East Timor and autonomy for its people.

Replying, Mr. Norris criticised Mr. Spring's speech "where he became polite to the Australians."

EVENTS IN BRITAIN

TIME ARTICLE INCOMPLETE, INACCURATE

Unpublished letter sent to Time Magazine in December, 1994. Posted at the request of the writer, Estevão Cabral (currently living in Lancaster, England).

Dear Editor

Michael Shari's article in Time Magazine, December 12, 1994 presents an accurate picture of the oppressive nature of the current Indonesian occupation of East Timor and the stifling effect that it has on the lives of ordinary Timorese. However, there are several inaccuracies and omissions in his reporting of historical facts and in his representation of the East Timorese Resistance.

First and foremost, there are serious omissions in Michael Shari's account of the violence which occurred during the brief civil war in East Timor prior to the Indonesian invasion in 1975. He rightly reports that cadres from the pro-independence party, FRETILIN, were responsible for the killing of political opponents during this period of civil strife. However, he fails to mention the role of the Indonesian government and its secret service in provoking the civil war in the first place. He also fails to note that many FRETILIN members were killed before FRETILIN effectively gained control of most of the territory.

Michael Shari's use of statistics is also misleading: at the beginning of his article, he cites statistics relating to massacres allegedly carried out by FRETILIN. However, he delays until the middle of the article any mention of genocide perpetrated against the people of East Timor during the Indonesian invasion and its aftermath. According to Amnesty International, up to a third of the population perished as a result of this brutal occupation (more than 200,000 people). Michael Shari also omitted to say that the Indonesian military executed 95% of the FRETILIN leadership and most of the FALINTIL guerrilla commanders who surrendered or who were captured.

I grew up in the town of Maubisse, which is near to Aileu, the place mentioned by Michael Shari as a site of mass graves. Local people know that, in Aileu, there are also graves of FRETILIN members and FALINTIL fighters killed by the Indonesians. Individual members of the Resistance are still remembered because of the severity of the punishment meted out to them. Take, for example, the case of Domingos Pereira, a FALINTIL commander, who was buried alive in Aileu after being severely beaten and

burned, his body being first doused in petrol by Indonesian troops.

A further inaccuracy in Michael Shari's article is that he consistently refers to the guerrillas as FRETILIN. Since 1975, the armed wing of the East Timorese Resistance to the illegal Indonesian occupation of East Timor has been called FALINTIL.

Finally, there have been a number of significant changes in East Timorese politics since 1975. Michael Shari does not appear to be aware of these. There is not a broad Resistance Front which includes FALINTIL, the guerrillas, the two main political parties, FRETILIN and UDT (the Democratic Union of Timor) as well as several student organisations. This Resistance Front was founded in 1987 by Xanana Gusmão, the Timorese leader now imprisoned by the Indonesians. The Front is known as the CNRM (The National Council of Maubere Resistance). The term Maubere refers to the people of East Timor. It is remarkable that Michael Shari makes no mention at all of these significant political changes. He actually implies that FRETILIN is the only body which represents the voice of the East Timorese people. This is quite inaccurate.

Journalists who are reporting on the situation in East Timor would do well to consult with East Timorese and with independent observers as well as with the Indonesians. This is the only way to achieve a full, balanced and accurate report.

Yours sincerely,

Estevão Cabral

Member of FRETILIN

BRITISH ARMS TO TIMOR PROTESTED

The Big Issues (Ireland), 18 Jan. 1995. By Macdara Doyle and Cormac O'Keeffe

This week's issue of The Big Issue contains a two page story on the Arms Trade. I have selected those pieces that have a direct relevance for East Timor and Indonesia. Should you want the full article contact ETISC.

THE GUN CLUB

The United Nations was established fifty years ago, supposedly to promote world peace. Today its five most powerful members control the world arms trade.

Early on the morning of 6 January, 1993, Chris Cole cut his way through the perimeter fence of a British Aerospace (BAe) plant in Hertfordshire, England. He carried a bag on which he had painted the words 'Bomb Disposal.' An ID he had fashioned bore the job description, 'Disarmer.' Unobserved by security, Cole spent the following hour doing just that - disarming BAe weapons systems

bound for countries such as Saudi Arabia and Indonesia.

In one building he found documents that attested to the improved killing capacity of Merlin - a guided mortar system developed by BAe. He poured blood over them. In another, Cole found nose cones for Hawk aircraft. He destroyed them with a hammer. Before he left he daubed a simple slogan on the wall: 'BAe is Disarmed.'

Cole was later charged with causing Stg. £475,000 of criminal damage. At his trial, he defended himself and put it to the jury that as a 'Christian peace activist' he was "simply using reasonable force" to prevent a far greater crime: the supply of weapons to proven human rights violators such as Indonesia. At least three jurors agreed and the result was a hung jury. He was subsequently retried and sentenced to eight months' imprisonment. BAe now circulate pictures of Cole and others to all their plants. Publicity might jeopardize the company's annual arms sales of Stg £4 billion, or even undermine Britain's hard-won place as the second largest arms dealer in the world.

THE HUMAN COST OF ARMS

Ms Elizabeth Exposto, an exile from East Timor, says that Britain's lucrative arms trade with Indonesia had enabled the dictatorship to carry out a campaign of genocide against the East Timorese people, a third of whom have died since the 1975 invasion.

"In 1978-79," she said, "there was famine in East Timor: thousands of children were malnourished. Using British-supplied Hawks, the Indonesian army bombed mountain villages, forcing the people to flee from where they had access to fresh water and fertile land, to areas where they had neither. Thousands died from starvation.

"The Indonesians have been resettling these people into what are called 'resettlement camps' - we call them concentration camps" Forced to flee East Timor with her parents, Elizabeth returned to her country in 1989. She was shocked by what she saw.

"East Timor is a very sad place: you can feel the intimidation in the air. People don't look at you in the eye; they don't smile anymore. Everybody is in mourning."

The British government has consistently claimed that the Hawks are used only for training purposes. Elizabeth says this is untrue. "Hawks are very recognisable and are being used. Ramos Horta (East Timor's Foreign Minister in-exile) and countless eyewitness reports have documented their use. "I had a meeting with the Foreign Office. They told me that they have received numerous allegations over the years regarding Hawks and yet they are still demanding evidence."

The UK has been supplying Indonesia with Hawks since 1978. The aircraft are

considered excellent for use in ground attacks and for negotiating the mountainous terrain of East Timor.

Documented massacres, especially the Dili massacre of 1991, where over 400 peaceful protesters were killed, have failed to alter the British position. The British government is still Indonesia's chief source of arms. According to Jane's Defence Weekly Hawk aircraft sold to Indonesia have been fitted out for combat purposes. The UK also supply missiles, communications equipment and armoured personnel carriers.

PARLIAMENTARY MOTION ON RAPPORTEUR'S REPORT

The following Early Day Motion was submitted to the British House of Parliament on January 18 by Ann Clwyd, MP. It has been signed by 14 MPs so far (all of them Labour, unfortunately; it will be necessary to get more cross-party support for this or other EDMs to have a significant impact).

That this House is greatly alarmed by the findings of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions who visited East Timor in July 1994 and concluded that the massacre in Dili, East Timor, on 12th November 1991 was a planned military operation against unarmed civilians, that the investigations of the massacre by the Indonesian police lacked independence, impartiality and professionalism and that Indonesia's National Commission of Inquiry also lacked independence; notes that the Special Rapporteur also regretted that no military personnel were charged with homicide and concluded that the same conditions that allowed the killings to happen still persist in East Timor and that he also recommended that a new commission of Inquiry composed of independent experts be established; and calls on Her Majesty's Government to further question the Indonesian Government's version of the massacre, to press the Indonesian Government to implement the recommendations of the UN Special Rapporteur and to initiate such action along with the United Kingdom's European partners at the forthcoming 51st session of the UN Human Rights Commission starting on 30 January in Geneva, where the report will be discussed.

Signed by: Ann Clwyd, Anne Campbell, Tony Worthington, Alice Mahon, Jim Marshall, Lynne Jones, Nigel Griffiths, Peter Hain, Jeremy Corbyn, Mike Watson, David Hanson, Harry Cohen, John Battle, Roger Berry

MOD READY TO ACT IN HAWK DEAL

Catholic Times, 22 Jan. By Greg Murphy

The Ministry of Defence indicated this week that it will listen - and act - if Cardinal Hume can supply 'evidence' to prove that British made Hawk aircraft are assisting alleged Indonesian oppression in East Timor.

Though the ministry has cited this evidence requirement to anti-arms trade protesters for over a decade, campaigners will note a significant gear change in this latest declaration.

For officials admitted that they are aware that Cardinal Hume has arranged a private seminar to discuss the ethics of the arms trade next month and 'will be monitoring' its outcome and recommendations, very closely.

Since the publication of the Vatican document last year 'The International Arms Trade - An Ethical Reaction,' governments worldwide have grown aware that the Catholic Church has gradually increased its voice in the debate.

However, as the document was published just weeks prior to the Cairo Conference on Population, full focus on the arms debate could not be given until the immediate urgent threat of global abortion on demand had passed.

With the turn of the year though, the Holy See has indicated that the Arms Trade will get top billing and at home it has led to Cardinal Hume agreeing to two significant developments that have undoubtedly stirred reaction at the MoD.

In the run-up to Christmas, the Archdiocese of Westminster decided to sell its shareholding in British Aerospace (BAe), who make the Hawk aircraft, in direct protest at the continuance of the trade with the Indonesians.

Secondly, in arranging the private seminar at Westminster on February 16 - to which senior MoD officials have been invited to sit with the Cardinal, Vatican Justice and Peace representatives and other interested parties - the government has been alerted that the Catholic Church in Britain will not let the matter rest.

A spokesman for the MoD admitted this week that the Cardinal's views will have to be taken seriously: 'As yet we are not aware of any evidence to support the belief that the sale of British Hawk aircraft can be linked to oppression in East Timor or that such oppression exists. That is the situation so far.'

'However Cardinal Hume has a right and is free to express his opinions, as indeed he was within his rights to sell shares for whatever reason. We rightly monitor regulations and human rights conditions in any country

we trade with and we have a strict licensing procedure.

'We would take a very dim view of any breach of those rules and if Cardinal Hume can supply concrete evidence to support such allegations, then of course we would have to consider the situation.

'It will be interesting to note what developments at the Cardinal's seminar and we will monitor it very closely indeed.'

Though it has proved difficult for campaigners to prove the alleged truth of the political situation - as the Indonesian government strictly controls foreign visitors - it is recognised that the Catholic Church in Britain stands a better opportunity than most, as one of the Cardinal's in Westminster, Bishop Victor Guazzelli, has recently returned from a three week mission to East Timor.

Indeed, it wasn't until after the Bishop's return to London that the shares in BAe were sold and the seminar, although not specifically about the East Timorese situation, was arranged.

Ministry officials say they are aware of the order of development and though they would not comment specifically, it was indicated to the 'Catholic Times' that the influence of the Church could see the first significant breakthrough of the impasse.

Understandably, given its delicately-balanced nature, the Cardinal's office and the Bishops' Conference are keeping discussions about the seminar to a minimum but it is felt that next month's meeting could provide a stepping stone to advanced discussions about the Hawk situation.

It is thought the weighty involvement of the Cardinal's involvement, Bishop Guazzelli's report, CAFOD's continuously unwavering call for a halt to the trade and the subsequently increased media coverage, will make it difficult for the Ministry to continue with its current stance for too much longer.

On learning of the MoD's response this week, a source close to the seminar agreed it was a 'significant opportunity' for the Church to influence proceedings, if not in decisive fashion next month, then certainly in the foreseeable future.

It is estimated that since the Indonesian invasion of the predominantly Catholic - and newly independent from Portugal - East Timor in 1975, that over 250,000 people have been systematically massacred through aerial bombardment and starvation and that a majority of the population constantly faces extreme oppression.

Last summer, Archbishop, now Cardinal, Thomas Winning, of Glasgow, openly condemned the government's involvement in the arms trade and Bishop Patrick Kelly, of Salford, the Chairman of the International Affairs Committee, issued a message of support

and solidarity to the East Timorese Catholic Bishop, Carlos Filipe Belo.

THE LONG JOURNEY OF JOSÉ RAMOS HORTA

By: John Pilger, New Statesman & Society, 27 January 1995

As the World Court prepares to judge the legality of Australia's exploitation of East Timor's oil, an East Timorese leader asks, 'Are we human beings, or a sack of potatoes to be sold to another country?'

José Ramos Horta arrives in London next week. When East Timor gains its freedom, as it surely must, his personal struggle stands out. In 1975, shortly before the Indonesian invasion, he was one of the principals of Fretilin, the independence group that had majority support and has since led the resistance. 'We criss-crossed the country,' he wrote at the time. 'Our theme was simple. We spoke the language of the people: 'Are we human beings or a sack of potatoes to be sold to another country?' The people responded enthusiastically. A literacy campaign was launched; we taught children and adults to read and write in their own language for the first time ever. We helped the people build schools and health centres; paramedics were mobilized for a vaccination campaign....cooperative schemes were inaugurated.'

This is the honoured language of people on the cusp of liberation, about to claim their right to build their society as they, not a foreign power, would wish. It is language not much honoured in the west these days, being regarded as, at best, exotic and passé; and if Ramos Horta's past visits to this country are anything to judge by, he will be ignored by the British press. Although East Timor's suffering recently has been rescued from media oblivion, the full implications of western complicity have yet to be anointed as news. This will change; Ramos Horta arrives with further evidence of British-supplied Hawks attacking villages in the Matebian valleys, where Indonesian pilots first used cluster bombs almost 20 years ago.

Ramos Horta escaped just before Indonesian paratroopers landed in Dili on 7 December 1975. It was a painful decision; but it had been agreed that he and others would represent East Timor in the world. Based in Sydney, he has since carried the hope and fatigue of a man permanently in transit, having to court those in power who, in the early years, barely knew his country existed. He has had no diplomatic standing, and often not enough money to pay his telephone bill in New York, where he virtually lived in the corridors of the United Nations. 'I am the western governments' biggest embarrassment,' he

told me, 'They are often patronizing to me, sometimes hostile; but they are never allowed to forget.'

His two brothers and sister were killed by the Indonesians, and he is often desperately homesick. He once put to me a plan to hire a small aircraft and fly home. I helped to talk him out of it as 'home' would have been an Indonesian cell. whenever he has felt defeated, he says, 'I try to think about those in the mountains, the women, the old people, the kids as young as seven years old, who have the courage to smuggle information out, to travel from one resistance group to another, to monitor the international radio, to pass on hope and encouragement to the villages. My mother, Natalina, kept going this way; I once received a message from her not to give up: 'Your comrades,' she wrote, 'are still fighting.'" (Natalina has since escaped to exile in Sydney.)

Ramos Horta is today East Timor's foreign minister in exile, the co-chair of the National Council of Maubere Resistance, an umbrella organisation of all the resistance groups describing itself as 'non-ideological, the equivalent of a coalition government.' With Xanana Gusmão, the imprisoned guerrilla leader, he has put forward a three-phased peace plan, aimed at achieving a referendum in East Timor. In phase one, the East Timorese, Indonesians and Portuguese (East Timor is still, legally, a Portuguese colony) would meet at the United Nations to implement a range of 'confidence-building measures' that would include 'a drastic reduction in Indonesian troops and weapons in East Timor and significant UN presence.'

Jakarta's response to this has been dismissive - until now. The regime recently said that its friends and enemies among East Timor's exiles can meet under United Nations auspices in Geneva. For the first time, it has accepted Ramos Horta as long as he 'will not address the political status of East Timor.' This is considered a breakthrough by some and a stalling tactic by others.

What is not in doubt is the growing international isolation of Jakarta on the East Timor issue. The only support the regime could offer to the United Nations Human Rights Commission before Christmas was an absurd apology for them written by the Tory backbencher Patrick Nicholls whose 'all-party delegation' (of Tories) was funded and flown to East Timor by the regime.

The UN Commission has since released the report of its special rapporteur, Bacre Waly Ndiaye, the respected Senegalese jurist who last July investigated the massacre by Indonesian troops of hundreds of unarmed East Timorese demonstrators in the Santa Cruz cemetery on 12 November 1991. Jakarta's western backers have persistently excused this atrocity. The British and Aus-

tralian governments even congratulated the generals on 'investigating' it and 'bringing to justice' a few minor soldiers, while ignoring the draconian sentences handed out to a number of the survivors. The Australian foreign minister, Gareth Evans, who has based the credibility of his government's entire Asia policy on collusion with the Indonesian regime, described the massacre as merely an 'incident' and an 'aberration.'

The UN rapporteur has ended this fiction. The 1991 massacre, he reports, was 'a pre-meditated action ordered by the highest Indonesian authorities.' He dismisses the official investigation and says the conditions that led to the massacre remain unchanged. (His report has had virtually no coverage in Britain.)

In Australia the concern is palpable. The former ambassador, Richard Woolcott, who in 1975 knew in advance of Indonesia's plan to invade and secretly advised his government to go along with it, has complained that Australians today have 'a negative perception' of Indonesia. What he means is that seldom a day passes without another expression of public outrage against an Australian policy that recognises Indonesia's annexation of East Timor as 'final.' As the Australian media has re-discovered East Timor, Evans has comically called for a 'defined set of standards of professional media behaviour' in the reporting of Asia. This would, he says, allow 'a better understanding of cultural sensitivities' and allow the Australian media to 'achieve balance' in its reporting of matters such as East Timor. (A glimpse of how the collusive silence over East Timor was maintained in the media until the 1991 massacre is provided by the foreign editor of Rupert Murdoch's 'Australian,' Greg Sheridan, who has boasted that, on a visit to Jakarta immediately following the massacre, he 'enjoyed one of the most fascinating evenings of my life' at a dinner party with top Indonesian officials, including the notorious General Benny Murdani, who led the invasion of East Timor. Sheridan describes how the 'hot topic' of the dinner was how the regime should 'handle' its response to the massacre.)

The Australian government recently decided to sell small arms to Indonesia, in spite of the obvious conclusion that these are likely to be used in East Timor. Australia has also trained the Indonesian Kopassus Special Forces Unit, responsible for many of the atrocities in East Timor. For foreign minister Evans, the ultimate prize is revenue from the oil and natural gas in the seabed off East Timor. In 1989, Evans and Indonesian foreign minister Ali Alatas signed a 'Timor Gap Treaty,' which effectively divided the natural spoils of the Indonesian annexation. Evans said the oil fields could be worth 'zillions' to

Australian companies. Although he is a lawyer, he has dismissed all talk that Indonesia's invasion was a crime under the UN Charter. The world, he says, 'is a pretty unfair place.' Evans currently aspires to be the next secretary general of the United Nations.

Next week, the International Court of Justice in The Hague will begin hearing a case brought against Australia by Portugal which contends that the Timor Gap Treaty is illegal under international law. According to the world authority on the Law of the Sea, Professor Roger Clark of Rutgers University in the United States, Australia should lose 'if the case is judged on its merits.' The treaty, says Clark, has a simple analogy in law: 'It is acquiring stuff from a thief. If you acquire property from someone who stole it, you are a receiver. The fact is that [Indonesia and Australia] have neither historical, nor legal, nor moral claim to East Timor and its resources.'

In the meantime, the East Timorese, a people more militarily controlled than perhaps any on earth, have again risen up. In Baucau, a torture centre, buildings were torched by young people, of whom four were shot by troops. These are matters about which Ramos Horta will speak next week. His voice should be heard.

QUESTIONS RAISED IN THE HOUSE OF COMMONS

Feb. 1 1995

Chris Mullin, MP: To ask the Secretary of State for Foreign and Commonwealth Affairs what issues the United Kingdom has raised at this week's United Nations Human Rights Commission in Geneva; and if he will make a statement.

Douglas Hogg, Foreign Secretary: The UN Commission on Human Rights runs from 30 January to 10 March. The Commission will pass over 100 resolutions on a wide range of human rights themes and the human rights situation in various countries. The United Kingdom will participate in the drafting of some and the negotiating of all of them. I will deliver the United Kingdom national statement on 8 February.

Mr. Mullin: What position will we take over the illegal occupation of East Timor by Indonesia? Does the Minister think that our desire to sell Indonesia large quantities of weapons will in any way confuse the Indonesians about the seriousness with which we take the issue?

Mr. Hogg: I do not think the Indonesians are the least bit confused. We have made it very plain that we do not recognise Indonesian annexation of East Timor. Furthermore, we strongly support the intervention of the

United Nations Secretary-General to resolve that point. We urge the parties to play an active and positive role in coming to terms under his auspices.

EAST TIMORESE LEADER TELLS OF CONTINUING BOMBING BY INDONESIAN REGIME

News Release Issued by the Campaigns and Communications Directorate of the U.K. Labour Party, Feb. 1 1995

José Ramos Horta, the co-chair of the National Council of Timorese Resistance, has told a meeting of the House of Commons that Hawk aircraft continue to be used against the East Timorese population.

Speaking at a meeting organised by the Parliamentary Human Rights Group, attended by MPs of all parties, as well as the general public, Mr. Horta called for dialogue to end the current tension, caused by the illegal occupation of East Timor.

"We have enough information to confirm the use of Hawk aircraft in East Timor over recent years, the latest instance being in September 1994, when two Hawks bombed a civilian population centre in the eastern region. We do not accept any rationale for selling lethal weapons of any sort to dictatorial regimes.

"If it wishes, the UK Government could play a constructive role by supporting a strong resolution on the human rights situation in East Timor at the current session of the UN Commission of Human Rights, meeting in Geneva. The British Government should also impress upon Indonesia the release of Xanana Gusmão, the resistance leader of East Timor, and begin a serious dialogue to resolve the conflict."

Ann Clwyd MP, Labour's Shadow Foreign Minister, told the meeting that the Department of Trade and Industry had refused to provide her with information regarding the sale of military equipment to Indonesia, despite the fact that a member of the public had written to her, having been given exactly that information.

"I will continue to pressure the Government to provide all relevant information to elected Members of Parliament, regarding arms sales. Only in this way can the public be assured that a future Labour Government will not sell weapons and other military equipment to inhumane regimes, that refuse to recognise fundamental human rights."

BRITISH MINISTER TO MEET LEADER OF EAST TIMOR REBELS

The Times, London, Feb. 1 1995. By David Watts

For the first time since the Indonesians occupied East Timor in 1975, a British minister is to meet the leader of the resistance's political wing in an attempt to persuade President Suharto to loosen his grip on the territory.

The British Government has always taken a sympathetic view of Jakarta's annexation of the former Portuguese territory, not least because of the lucrative arms trade which has included dozens of British Aerospace Hawk aircraft and armour. But when José Ramos-Horta, chairman of the National Council of the Timorese Resistance, meets Alastair Goodlad, Minister of State responsible for Far Eastern Affairs, tomorrow it will be confirmation that patience over Indonesia's refusal to compromise, despite years of United Nations entreaties, is rapidly running out.

It has not gone unnoticed that while the Indonesians Government sent peacekeeping troops to join the UN operation in Cambodia, it has not been willing to solve its own similarly longstanding problems.

Mr. Horta said that it was not credible that Britain would stop selling arms to Indonesia. "They have done much worse elsewhere such as selling arms to the Iraqis, but they want to push for a settlement now," he said. He is canvassing for autonomy for the territory and its 800,000 inhabitants.

"It's not that we have an ideological mindset but we know that people will not accept special status... Indonesia has to do much more to overcome the 20 years of barbarism."

So far America, Britain and Australia, the nations behind the current diplomatic drive, will go no further than discussing a special status for the territory at the eastern extremity of the world's largest archipelago.

The initiative coincides with a hearing before the International Court of Justice in The Hague in which Portugal, the former colonial power, is contesting the legality of treaties between Australia and Indonesia on exploitation of the vast oil resources under the Timor Sea. Lisbon claims the Indonesians had no right to enter into a treaty involving a territory whose possession is not recognised by the UN. If the court finds the treaties invalid it will further undermine Jakarta's position.

The Indonesians will countenance no substantial change in their military presence in East Timor. This amounts to between seven and 13 battalions and several thousand Timorese conscripts. Jakarta claims the lower figure is accurate, but the scale of the

forces can be judged from the presence of three colonels, 46 lieutenant-colonels and 11 majors in Military Region 9, which covers East Timor, according to an order of battle drawn up by the command last spring.

A military map captured when an Indonesian sergeant was killed recently shows that military units are stationed near every clutch of settlements at the eastern end of the territory, despite a level of military action which is only a fraction of what it was, particularly since the capture and imprisonment of Xanana Gusmão, the leader of the East Timorese guerrilla fighters.

The failure to resolve the conflict has cost Indonesia dear as a supposed leader of the less-developed nations. There is speculation that the problem has become particularly contentious in the contest to succeed Mr. Suharto among the senior levels of the Indonesian Army.

This may explain how Mr. Gusmão was able to smuggle out of prison a letter to President Clinton during last year's summit of the Asia-Pacific Economic Co-operation forum in Jakarta and two interviews in Indonesian which were broadcast by Radio Nederland.

TIMORESE LEADER HAS POSITIVE MEETING WITH BRITISH MINISTER

Press Release from the British Coalition For East Timor, PO Box 2349, London E1 3HX. Tel/fax: 0171-639-4700. 2 February 1995

At 1000 hrs this morning, José Ramos Horta, the co-chairman of the East Timorese resistance movement, met with Alastair Goodlad, Minister of State at the Foreign and Commonwealth Office.

This meeting represents a significant shift in the British Government's attitude to the East Timorese resistance to the Indonesian occupation. Although, during the past three years, Mr. Ramos Horta has met with the Australian Prime Minister, the Canadian Foreign Minister and recently with Indonesian Foreign Minister, Ali Alatas, the meeting with Mr. Goodlad is the first time that a senior British Minister has agreed to meet Mr. Ramos Horta.

Mr. Ramos Horta said afterwards: "The Minister stated quite clearly that Her Majesty's Government does not recognise the Indonesian annexation of East Timor and fully and formally supports the UN Secretary-General's efforts to bring about a negotiated settlement to the illegal occupation of East Timor. Mr. Goodlad assured me that HMG has formally raised the human rights situation in East Timor with the Indonesian government."

Mr. Ramos Horta presented the CNRM peace plan to Mr. Goodlad; this allows for a phased movement towards an act of self-

determination for the people of East Timor. Mr. Goodlad promised to study, consider and react positively to the plan.

For further information contact Jonathan Humphreys on 0171-639-4700

BRITAIN PLAYS DOWN UK MEETING ON TIMOR

The Australian, Feb. 3. By Helen Trinca, European Correspondent

The East Timorese resistance made the most of a meeting in London yesterday between the leader of the political wing, Mr. José Ramos Horta, and a British minister.

According to the British Coalition for East Timor, which organised the visit, the meeting represented a "significant shift" in the British Government's attitude to the former Portuguese territory.

Not so, said the Foreign Office. The meeting implied no special recognition of East Timor or of Mr. Horta's organisation, the National Council of Timorese Resistance.

"We remain open to hearing all sides of opinion, including those who support integration with Indonesia," a Foreign Office official said.

Britain has never recognised the annexation of East Timor by Jakarta in 1976 but it is understood to be the first time that a minister has met with Mr. Horta.

Even so, yesterday's encounter, between Mr. Horta and the Minister for Far Eastern Affairs, Mr. Alastair Goodlad, is simply a gesture, according to Jakarta-watcher Professor Michael Leifer, of the London School of Economics.

"What is at issue here is how it might impact on the bilateral relationship between Britain and Indonesia rather than how it will affect the Indonesian position on East Timor," he told The Weekend Australian.

Professor Leifer, who is the professor of international relations at the LSE, argues that Britain would not have agreed to the Horta meeting without being sure of how this would be received in Jakarta, and ensuring it would not prejudice trade with Indonesia.

The relationship between the two countries is robust, and during his visit Mr. Horta has drawn attention to British arms sales to Indonesia – though this was not raised at the meeting with Mr. Goodlad.

Indonesia also views Britain as a supporter in Europe, seeing London as a useful interlocutor at times on European Union issues.

The United Nations has signalled it will soon attempt to convene an "all-inclusive intra-East Timorese dialogue" and it was this which helped ease the Horta meeting with the British Government.

Elsewhere in Europe, East Timorese supporters continue to push the cause but Dr.

John Sidel, a lecturer in politics at the School of Oriental and African Studies at the University of London, believes that the international impetus has weakened since the high profile according the issue during last year's APEC meeting.

One exception may be Sweden, where the new Government of Social Democrats has on its books some tough resolutions against Indonesia, including a pledge to halt arms sales there.

Meanwhile, Australian officials at the Hague are preparing to put Australia's position on the Timor Gap agreement to the International Court of Justice, beginning on Monday.

TIMORESE LEADER CLAIMS UK SUPPORT

The Independent (London), Feb. 3 1995. By Raymond Whitaker. slightly abridged

Supporters of East Timorese opposition to Indonesia claimed yesterday that talks between a Foreign Office minister, Alastair Goodlad, and a leader of the territory's main resistance movement represented a "significant shift" in Britain's attitude to the problem.

The Foreign Office said the first meeting between José Ramos Horta, the principal leader in exile of the Fretilin movement [sic], and Mr. Goodlad had been "cordial." A spokesman said Britain wanted to hear all sides of the Timor question, but did intend to signal recognition of Fretilin [sic] or an independent East Timor.

The annual world review of human rights by the US State Department said this week that despite a superficial adherence to democracy, Indonesia was a "strongly authoritarian" state with numerous human rights abuses.

Britain has been accused of supporting oppression in East Timor through arms sales to Indonesia, but the Foreign Office said Mr. Horta had not mentioned it at yesterday's meeting.

INDONESIAN PRESS REACTION TO HORTA UK VISIT

From TAPOL, Feb. 16, 1995

The importance of the recent visit of José Ramos Horta to London is demonstrated, in part, by the reaction it has provoked from the Indonesian government. Even before he arrived, the Embassy made repeated phone calls to TAPOL in order to find out exactly where Horta would be and who he would be seeing. At the public talk, the well-known, long-time Indonesian collaborator José Martins put in an appearance – his air fare from Portugal almost certainly paid by the Embassy – in order to, as the Jakarta Post put it on February 4, "put the record straight"

(unfortunately the Jakarta Post was unable to keep the record straight about Martins' name, referring to him as Mortius).

A second Jakarta Post article, on February 11, quoted Ali Alatas declaring that Ramos Horta was "fast losing his platform... as more Timorese abroad are beginning to challenge his allegations," and noting that "some Timorese" (in fact, only Martins) spoke against Horta at the London meeting – which was attended by some 300 people.

Rather more seriously, after the meeting, the Embassy made a formal complaint to the United Nations saying that Horta's speech in London had violated the spirit of the January 9 declaration; probably a reference to the Secretary-General's appeal to East Timorese "of all shades of opinion to exercise restraint and refrain from actions that could have a detrimental impact." This not only makes clear how seriously the Indonesians took Horta's visit, it also suggests that they will be making efforts to sabotage the UN talks at this particularly delicate stage, and blame it on the behaviour of the Timorese.

Something that was neglected in most Indonesian media coverage and other reactions was the fact that Horta met, for the first time, with a senior government minister, Alastair Goodlad, Minister for Far Eastern Affairs at the Foreign Office. It is quite significant that this meeting took place (and that the Indonesian government should wish to ignore it); although it does not formally constitute recognition of the CNRM, and although the discussion was more or less inconclusive, it still marks a real step forward, in that Horta was treated as a serious political figure, with ideas and proposals that were worth discussing. In fact, this was clearly the reason that Alatas and others are so concerned to try to discredit Horta. The unmentioned visit with Goodlad is the subtext of much of the Indonesian reaction.

An article in the Indonesian weekly Sinar did mention the meeting with Goodlad, making it the most balanced of reports so far, though their account of the public talk was devoted almost entirely to what José Martins had to say.

EXPORT LICENCE GRANTED FOR EXPORT OF ARMoured PERSONNEL CARRIERS TO INDONESIA

From Michael Bane, Campaign Against the Arms Trade, 2 March 1995

In answer to a question put in the (UK) House of Commons by Patrick Nichols MP, the minister responsible for granting export licenses, Michael Heseltine, said that he had granted a licence for the export of armoured

personnel carriers from Alvis (Coventry, UK) to Indonesia.

Heseltine said he had received assurances, from the Indonesian government, that the carriers would not be used in East Timor nor elsewhere in Indonesia for internal repression.

Sales of similar, previous equipment is believed to have been widely used in the internal repression of Indonesians and East Timorese.

Michael Bane, of the "Stop the Hawks – No Arms to Indonesia" coalition, said "I am appalled at the government's decision to give the thumbs up to the Indonesian government to continue their bloody repression and brutal violation of human rights. Whilst the situation in East Timor deteriorates, with the Indonesian military abducting pro-independence East Timorese, the British government should be taking steps to ensure the Indonesian government corrects its current record on human rights, NOT encouraging them."

For more information, contact Campaign Against Arms Trade on (UK) 0171 281 0297, email caat@gn.apc.org or email Michael Bane on banem@essex.ac.uk

UK GOVERNMENT STATEMENT ON ALVIS DEAL

In reply to a question in the House of Commons today, 2 March 1995, Michael Heseltine, President of the Board of Trade said:

I have today authorised the issue of a licence to Alvis to export armoured vehicles to Indonesia. In reaching this decision, I have taken advice from the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence. The decision has been made in the light of the established and internationally agreed criteria for military exports. It has included a thorough assessment of the likelihood of these vehicles being used for internal repression in Indonesia or East Timor. This assessment has concluded that it is not likely that these vehicles would be so used. The Indonesian government has given assurances that the vehicles will not be deplored in East Timor nor used in any form of repression of civilians anywhere in Indonesia

TAPOL DEPLORES THE GOVERNMENT'S GO-AHEAD FOR ARMoured VEHICLE SALES TO INDONESIA

TAPOL, the Indonesia Human Rights Campaign, issued the following press release, 2 March 1995:

TAPOL, the Indonesia Human Rights Campaign, strongly deplores the British government's decision, announced in Parlia-

ment today, to licence the sale of armoured vehicles manufactured by Alvis in Coventry to Indonesia. This means giving the green light to the Suharto regime to persist with its repressive policies against the Indonesian people and in particular to continue its war of aggression and the continuing bloodshed in occupied East Timor.

In a statement in the Commons today, Michael Heseltine, President of the Board of Trade, said the government had assessed that these vehicles would not be used for internal repression nor would they be deployed in East Timor. So what are they for? In November last year, light tanks were out on the streets of Jakarta, intimidating people against demonstrating while President Clinton and other world leaders were in town for an Asia-Pacific summit.

At this very time, grave revelations of atrocities have come to light in East Timor, causing the country's National Commission on Human Rights to condemn only yesterday the killing of six East Timorese civilians by Indonesian troops in January. This is but one of numerous atrocities that have occurred there in the past few months. To licence these exports at such a time is nothing less than condonation of such bestial behaviour.

Last month, Minister of State at the Foreign Office Alastair Goodlad assured José Ramos-Horta, representative of the East Timor resistance council, CNRM, that Britain does not recognise Indonesia's annexation of East Timor. This can only mean that the government recognises that Indonesian troops are illegally stationed in East Timor and should be withdrawn.

By licensing yet more military sales to Indonesia for use by its armed forces, the government is contravening its own policy of non-recognition.

TAPOL calls on people throughout Britain concerned with the issues of human rights, peace and the arms trade to join us in condemning the sale of these vehicles to one of the world's most repressive regimes

BCET PROTESTS ALVIS DEAL

BRITISH COALITION FOR EAST TIMOR, P.O. Box 2349, London E1 3HX tel/fax 0171-252-7937. 2 March, 1995

HUMAN RIGHTS GROUPS PROTEST NO ARMS TO DEATH SQUADS!

Michael Heseltine, President of the Board of Trade and Secretary of State for Trade and Industry, announced in the House of Commons today, Thursday 2 March, that he had "today authorised the issue of a licence to Alvis to export armoured vehicles to Indonesia."

Human rights groups have been aware for several months that a sale involving possibly several hundred Scorpion armoured vehicles

was being brokered between Indonesia and the Coventry-based manufacturer, Alvis. The government has refused to admit to any knowledge of this deal until today, but it is now clear that they knew about it well in advance.

According to Mr. Heseltine, his department, after receiving advice from the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, concluded "that it is not likely that these vehicles would be used... for internal repression in Indonesia or East Timor," further adding that "the Indonesian government have given assurances that these vehicles will not be deployed in East Timor nor used in any form of repression of civilians anywhere in Indonesia."

These "assurances" are patently false. Indonesia is known to use armoured vehicles regularly against peaceful protestors, both in East Timor and in Indonesia itself. Photographs of other Alvis-made armoured vehicles being used to break up student demonstrations in Jakarta are in general circulation. Indonesia has no hostile neighbours, and uses the military equipment in its possession extensively for internal repression and to maintain the illegal occupation of other territories.

It is important to note that the Scorpion tanks are ideally suited for the hilly, forested conditions of East Timor. Over the last few months, the sudden rise of death squads known as "ninjas" in East Timor has raised concern internationally. Witnesses of "ninja" attacks have testified that they sometimes arrive at private houses in the armoured vehicles of the Indonesian military to carry out their raids of abduction and murder. It is, then, not an exaggeration to suggest that the British government may have made a decision to supply equipment to paramilitary death squads.

The granting of this licence makes a mockery of the British government's claims to be concerned over the human rights situation in East Timor and Indonesia, and of their claims to abide by "internationally agreed criteria for military exports."

Human rights groups will be holding a protest outside the Alvis AGM on Tuesday, March 7, at 11:30 a.m. The AGM will be held at the Savoy Hotel in the Strand.

TIMORESE FEAR OVER BRITISH ARMS SALE

The Times (London), Friday, March 3. By Michael Binyon, Diplomatic Editor

Maggie's comment: Fortunately for us, the Times does not seem to have realised that they were running two stories on the Alvis deal in the same issue of the paper. Less fortunately, the author of one of the articles seems remarkably confused about the current position of Abilio Araujo

Britain yesterday announced the controversial sale of Alvis armoured vehicles to Indonesia on the same day that a Foreign Office minister for the first time officially received the leader of the East Timor group which is fighting Indonesian rule.

Michael Heseltine, President of the Board of Trade, said in a Commons answer that he had authorised the sale after consulting the Foreign Office. He said the decision was made in the light of the established and internationally agreed criteria for military exports, and included a thorough assessment of the likelihood of the vehicles being used for internal repression in Indonesia or East Timor.

"This assessment has concluded that it is not likely that these vehicles would be so used," he said. "The Indonesian Government has given assurances that the vehicles will not be deployed in East Timor, nor used in any form of repression of civilians anywhere in Indonesia."

Human rights groups immediately denounced his decision. Tapol, the Indonesian human rights group [sic] said it gave the Suharto Government a green light to persist with its repressive policies. Tapol said more military sales to Indonesia contravened Britain's policy of not recognising the incorporation of East Timor into Indonesia.

The British Coalition for East Timor said the sale could involve several hundred Scorpion vehicles. Indonesia regularly used such vehicles against peaceful protesters. Scorpions were ideally suited to East Timor, and there had been a rise in attacks by death squads.

The Foreign Office said the timing of yesterday's talks between Alastair Goodlad, a Foreign Office Minister, and Abilio Araujo, President of the Revolutionary Front for an Independent East Timor [sic!], was coincidental.

INDONESIA ARMS DEAL LICENCE "APPALLING"

The Times (London) Friday, March 3 By staff reporter

The Government was criticised last night for allowing the sale of tanks to Indonesia. Alvis of Coventry has been given an export

licence to fulfill an order for Scorpion tanks and light armoured vehicles.

Michael Heseltine, President of the Board of Trade, said in a Commons written reply: "The decision has been made in the light of the internationally agreed criteria for military exports." The Indonesian Government had given assurances that the vehicles would not be deployed in East Timor or used in any form of repression of civilians anywhere in Indonesia.

Sue Brown, of the pressure group Campaign Against Arms Trade, said: "We are appalled that Mr. Heseltine is allowing military exports to a regime which has an appalling record on human rights. We shall be mounting a campaign against this decision. Similar tanks have been used to repress peaceful demonstrations in the country."

INDONESIA TANKS DEAL PROTEST

From Observer, March 5

Protesters will this week mount a renewed campaign against arms sales to Indonesia, after the government announced that it had agreed to Export British-made light tanks and armoured vehicles, writes Michael Durham.

Civil rights campaigners say the vehicles may be used for international repression or against civilians in East Timor, which the Indonesia army invaded in 1975.

Michael Heseltine, president of the board of trade, said in written Commons answers on Thursday the he had granted export licences for the equipment, made by Alvis in Coventry.

Mr. Heseltine said the decision had been taken after a 'thorough assessment of the likelihood of these vehicles being used for internal repression in Indonesia or East Timor.' Officials concluded they were not likely to be used for political purposes.

The agreement is believed to cover between 80 and 120 vehicles, mainly Scorpion 90 light tanks and Stormer armoured personnel carriers.

The Observer disclosed last November that British arms manufacturers, including Alvis, were bidding to sell up to #2 billion of equipment to Indonesia, despite international human rights concerns.

RTZ TO FORM PARTNERSHIP WITH FREEPORT MCMORAN

Financial Times, 8 March 1995. Abridged.

Comment: Possibly the biggest UK investment in Indonesia to date, this is likely to bring the UK to the top of foreign investors in Indonesia, foreseen by Trade Minister Robert Needham only a couple of years ago.

RTZ, the world's biggest mining company, is to pay between \$450m and \$875m

for a significant interest in Freeport-McMoRan Copper and Gold, a US company that owns 86 per cent of a big copper and gold deposit in Irian Jaya, Indonesia.

The UK group gains the right to invest up to \$850m on exploration and development projects on Indonesian land controlled by Freeport Copper and Gold.

Mr. James Moffett, chairman of both Freeport Copper and Gold and its parent Freeport McMoRan, said RTZ's funding of expansion at the Indonesian operations would free cash flow to be generated by Freeport Copper and Gold's present expansion programme. The RTZ deal provided Freeport with the funds necessary to complete the refinancing of its liabilities and removed the last obstacle to completion of its restructuring announced last May.

RTZ could emerge with 18 per cent of Freeport Copper and Gold and 12 per cent of Freeport McMoRan for a total of \$875m.

RTZ and Freeport Copper and Gold will set up a joint exploration company to explore more than 3m acres in Irian Jaya. The UK company will have 40 per cent but fund the first \$100m of expenditure.

Freeport Copper and Gold's Grasberg mine in Irian Jaya is being expended at a cost of \$700m to take annual output to 500,000 tonnes of copper and 1.5m ounces of gold. If the mine is further expanded, RTZ will have a 40 per cent share and provide all the funds required, up to \$750m.

EVENTS IN PORTUGAL

EAST TIMOR - JUST LIKE MACAO

Publico, 28 December 1994. By Ivo Dias de Sousa. Translated from Portuguese

Lisbon – Just like Macao, East Timor is a territory which, on paper at least, is under Portuguese administration. Macao sends its teams to international sporting events. For example, Macao took part in the Asiatic Games and World Skating Hockey Championships. So why don't Timorese athletes compete in international competitions?

The participation of Timorese in such events would be a way of drawing greater international attention to the East Timor issue. Indonesia would be placed in a very uncomfortable position: if it were to protest, the media would focus even more on the issue; if it did not protest, then it would be tacitly acknowledging the weakness of its position.

A YEAR OF INCIDENTS

Diario de Noticias, 7 January 1995. Translated from Portuguese

GOOD INTENTIONS IN GENEVA: On 6 May 1994, Durão Barroso and Ali Alatas met in Geneva, for the fourth meeting of Portugal's and Indonesia's Foreign Ministers. They agreed to extend the confidence building measures, and schedule a fifth meeting for January 1995.

FRUSTRATED ATTEMPTS: Just after the Geneva meeting, Indonesia damages its own image by trying to stop the holding of an international conference in Manila on East Timor. Not only did the conference go ahead, but Indonesia's pressures on the Philippine government unexpectedly attracted greater attention to the conference and gave rise to a wave of criticism of the Jakarta regime.

AMNESTY ACCUSATIONS: The continuation of human rights violations by Indonesia was, once again, denounced by Amnesty International which, in a report published in September, stated that there was little likelihood of real improvements.

12 NOVEMBER AGAIN: Three years after the Santa Cruz massacre, 29 Timorese students invade the US Embassy compound in Jakarta. This date was chosen not just to coincide with the anniversary of the massacre, but because 17 Heads of State, including Bill Clinton, were on their way to the APEC summit, taking place two days later. Pictures of the 29 students and their message were seen all over the world, and overshadowed the meeting through which Indonesia had intended to strengthen its international clout.

TENSION IN DILI: At the same time, there was considerable tension in Dili, as hundreds of Timorese attacked property and businesses belonging to Indonesian immigrants, and were confronted in the streets by police and soldiers.

DECEMBER: In December, confirmation arrived that 1994 was a bad year for Indonesia, with the publication of the report by the UN Special Rapporteur on extra-judicial, summary and arbitrary executions, who visited East Timor in July. Waly Ndayie concluded in his report, which will be before the UN Human Rights Commission in February, that the killing of hundreds of Timorese at the Santa Cruz cemetery was premeditated.

FROM DILI TO BAUCAU: In January, a week before the Geneva meeting, Indonesian soldiers fired on Timorese demonstrators next to the Church of Santo Antonio in Baucau. The exact number of victims is not yet known.

THE TIMORESE GHOST

Publico, 8 February 1995. By Alfredo Margarido. Translated from Portuguese. Abridged.

Lisbon – Just as in Shakespeare's plays, Portuguese national conscience has to come to terms with a false ghost, but a real prisoner of war who, from Indonesia's prisons, denounces the overhasty way in which the political situations in Portugal's former colonies were concluded.

Thanks to this camouflage operation, PM Cavaco Silva managed to conceal the gravity of the collaboration between the OGMA (Oficinas Gerais de Material Aeronautico - A high-technical state-owned military aircraft maintenance company) and the Indonesian army: Fernando Nogueira (Defence Minister, candidate to the leadership of the Social Democratic Party) stands before the public today as if he were the most politically virginal member of the PSD's harem. Prof. Cavaco Silva also avoided the onerous task of explaining to the Portuguese how he has brought about the cohabitation of commercial principles, which allow for the continuation of the now famous OGMA, and the principles of human and individual rights.

The colonial war is still present in Portuguese life today, to the extent that it has left us several sequelae, all of which bear the brand of the armed forces. The country was violently shaken by the war and it is still unable to impose the logic of peace, thanks to the constant presence of the war professionals. The OGMA do not really belong to the country, and less still to the Ministry, to which they should be answerable. They are a military and colonial island, a law unto themselves, to the detriment of national interests.

Prof. Cavaco Silva gave a lesson in industrial pragmatism to all democrats: above all else, the Government is obliged to ensure the survival of the OGMA, which provide work for a few hundred technicians. The Government's patriotism is based on finding work, even if that work originates from a war situation and means the death of innocent people. If, in the case of Angola, the Government came up with an excuse - the material was not "lethal" - this time, in the case of Indonesia, there was no doubt about it - the material was really "lethal."

It is a well known fact that colonial wars are the most difficult to liquidate, but a country that proclaims its return to democracy ought to be able to control its militaristic impulses. Evidently, this is not the case, as there is not even the slightest control over the activities of a technical structure that can only live on and from war. One would have expected the different political and technical-

military authorities to have been more careful, especially in the case of Timor.

It is not now appropriate to go into the conditions and the substance of the operations described as “decolonisation.” However, it can be said that, with the exception of the case of the Cape Verde archipelago, they turned out to be stormy, because the internal mechanism of Portuguese colonialism was simply unready for such solutions. For the past 19 years, we have seen for ourselves the tragic and deadly results of the “decolonisation” process.

Timor, a distant colony, was frequently used as a penal colony, where the most recalcitrant opponents were sent to spend the end of their days. The governments of the First Republic did not hesitate in resorting to this kind of deportation, just as it was practised by Sidonism and Salazarism later. Timor was far away, too far away, and existed thanks to its coffee which certain specialist Lisbon coffee houses offered their select clientele.

“Decolonisation” took place with little regard for the existence of Indonesia, whose territorial appetite was well-known. The fact that a sector of Timorese had abandoned traditional religion and converted to Catholicism was also overlooked. Not even the fact that Indonesia was manifestly Moslem made the “decolonisation” mechanism proceed with any more caution.

The person who today reminds us of the downright incongruities of decolonisation and the activities of the OGMA is Xanana Gusmão, who continues to resist Indonesian authority in a prison where, apparently, he is being treated with some degree of correctness. ... I ask myself, what will Fernando Nogueira do (if the worst comes to the worst and he does become Prime Minister) about the Timorese problems?

Nogueira’s explanation, or rather his lack of any coherent explanation, about the conditions in which he organised the intervention of the OGMA, cannot fail to shock the conscience of the nation. Here is a man who had already allowed himself to be manipulated by the military in Angola and who allowed it to happen yet again, only this time in the infinitely more sensitive case of Indonesia - always in the name of the need to give the OGMA some work. If this line of reasoning continues to dominate his political activities, then he is likely to start a good civil war just in order to give the technicians some work!

In the midst of political muddle, a shameless veil was thrown over the whole issue that was undermining the coherence of the two national political choices (PSD candidates for Cavaco Silva’s succession). Even the left-wing did not stay faithful to the humanistic values which should characterize the Portuguese choices. It seems, therefore, that the Government sees all this as just a joke:

Fernando Nogueira keeps the OGMA working, while (Foreign Minister) Durão Barroso protests at international organisations against the way the Indonesian army is using the material repaired by the Portuguese!

TIMOR COMMISSION HAS NEW CHAIRMAN

Independente. 10 February 1995. By MGL. Translated from Portuguese, Abridged

Lisbon – Carlos Candal has been substituted by Fernando Amaral in the leadership of the Parliamentary Commission on East Timor, which is organising an international conference, scheduled to be held in May, on the former Portuguese colony.

According to opposition party sources, it is “an attractive seat, which the PSD decided to take up again, as soon as it realised some political gains could be made from it.”

Socialist Carlos Candal has been the Commission’s provisional Chairman for many months, and the holding of the Inter-parliamentary Conference on East Timor was, in fact, his idea. He has been in charge of all the preparations for the Conference since last summer, working closely with Barbosa de Melo. Their collaboration has been so close, that the choice of Fernando Amaral is more than surprising.

The decision to choose Fernando Amaral was ratified on Tuesday at a parliamentary leaders conference. At the same time, the creation of an eight-member Sub-Commission, to “help with preparations” was proposed and agreed upon. The Sub-Commission is to consist of Fernando Amaral, Carlos Candal and Miguel Urbano Rodrigues. The other four members, representing all parties (including the Greens) have still not been chosen.

Carlos Candal and Barbosa de Melo have recently moderated the pace of the ambitious preparations for the Conference on Timor. ... The participation of Boutros Ghali is anticipated. He would come on the invitation of Barbosa de Melo, who is set on the UN Secretary General’s presence in Portugal. Other sources refer to the possible participation of Jimmy Carter, Cory Aquino, Jesse Jackson, Gabriel Garcia Marquez, and even Bishop of Dili Ximenes Belo, among others. In addition to MPs from Malaysia, Singapore, Brazil, the US, Canada and Portuguese-speaking African nations (PALOPs). Of course a sizable delegation of representatives from the UE would also be expected to attend.

It was expected that President Mario Soares and PM Cavaco Silva would both be present at the Conference’s inaugural session on 4th May. Now, however, parliamentary sources say that “they hope to have the pleasure of receiving Mario Soares at the

Assembly,” i.e. if parliament has not, in the meantime, been dissolved.

YOUNG PEOPLE FOR TIMOR

Publico, 15 February 1995. Translated from Portuguese

Lisbon – An international campaign was launched yesterday in solidarity with East Timor. It was launched at the XIV Assembly of the World Federation of Democratic Youth, which is taking place in Seixal. Members of the 73 delegations present, representing 53 countries, were presented with a book on the situation in the territory, and also given postcards, which they were asked to send to the Indonesian President and to the UN Secretary General.

EVENTS IN EUROPE

TIMOR CONFERENCE IN GERMANY

*From ASTA.UNIH@OLN.comlink.apc.org,
Feb. 10 1995. Newsletter -ICP- presents from
its twenty-first issue:*

THE EUROPEAN RESPONSIBILITY FOR EAST TIMOR" AND "EAST TIMOR - AN INTERNATIONAL RESPONSIBILITY

by Claus Roehl, Schrozberg, Germany

Under these headings, conferences were held at the Evangelischen Akademie (Protestant Academy) in Iserlohn, Germany from September 30th to October 2nd -, and afterwards at the University of Porto, Portugal.

During these conferences, experts from all over the world gave an overview on latest developments and the present situation in East Timor.

Dr. Gilmar Mendez, Brazil, a member of the Constitutional Commission, and Renato Constantino Junior, Philippines, representative of the Asia-Pacific-Conference on East Timor (APCET), gave lectures on the international and regional reactions to the occupation of East Timor. Dr. Ariffin Omar, Malaysia, reported on the perspectives of the Malaysian government, while Professor Roger Clark of the Rutgers Law School/USA, spoke about the right of the East Timorese people to self-determination.

Christine Chinkin, Professor at the Law Faculty of the Southampton University and a member of the International Platform of Jurists for East Timor (IPJET), pointed out European reaction to the invasion of East Timor. She also pointed out the role of the western media, which, in the past, had only very scarcely reported on East Timor. In this, she referred to the film documentary of Noam Chomsky, in which the reaction of European countries is impressively exposed. The reaction of the European countries, especially after the Dili massacre, as well as the arms trade with Indonesia were the main focus of her report.

Rainer Kahrs, journalist and member of the BUKO campaign "Stop the Arms Trade" laid open a detailed list of German arms trade to Indonesia during the conference in Iserlohn. Most interesting in this case is the fact that Indonesia is the biggest trading partner of Germany in arms. Besides the actual arms trade, one should not forget that Indonesia is producing the rifle G3 and the helicopter BO 105, under license - weapons and weapons systems produced in Indonesia and therefore

not mentioned in any German export balance sheet.

Klemns Ludwig, journalist and member of the "Gesellschaft fuer Bedrohte Voelker" (Organisation for Threatened Peoples), gave an overview of the historical development of East Timor, starting from the pre-colonial epoch until the present day. It became obvious, not only in this report, that a profound change of the political situation in Indonesia is the basis for the right to self-determination.

During the opening session of the conference in Porto, the Northern Ireland Nobel prize laureate Mairead Maguire gave an enthusiastic and deeply moving report. Her explanations on the positive development of the political situation in Northern Ireland, which, not long ago, were regarded as being at a deadlock and hopeless and only recently took such a surprising turn, raised the question why such a surprising turn should not also be possible in East Timor. For her speech, during which Mrs. Maguire had great difficulties to suppress tears, was rewarded with a standing ovation by the conference participants.

Arnold Cohen reported on the work of the Christian Conference in the USA. The American bishops had declared that they will stand up stronger for East Timor in the future. Outwardly, they are addressing religious freedom and human rights abuses as well as disturbances of church masses which have recently increased drastically.

The exiled Timorese Jos Ramos Horta, UN-representative of the National Council of Maubere Resistance (CNRM), and Jos Amorim Dias, European spokesman of the CNRM, gave an insight into the present state of the negotiations between the Portuguese and the Indonesian representatives under UN-supervision, as well as human rights abuses in East Timor. Ramos Horta explained in a detailed account the different steps of a CNRM-peace plan, of which the release of Xanana Gusmão is a pre-condition for further negotiations. Phase 1 of this plan describes the entire de-militarization of East Timor, phase 2 describes the autonomy of East Timor, based on the de-militarization. This means free access of NGO's, a Timorese council as well as free elections under UN supervision. Phase 3 will finally lead to the self-determination of East Timor.

The representatives of the Revolutionary Front for an Independent East Timor (FRETILIN), Mari Alkatiri, and of the Democratic Union of Timor (UDT), Zacarias da Costa, demanded the European countries to finally put pressure on Indonesia. Now more than ever, after the USA had cut down arms trading with Indonesia after the November 12 massacre, Indonesia itself is looking for compensation in Europe. How successful they

have been, is shown impressively by the British delivery of Hawk fighter planes and the German delivery of NVA warships (NVA = former GDR army). Furthermore, Germany promised to deliver submarines and to train Indonesian marines.

Pedro Pinto Leite, chairman of IPJET, as well as Professor Clark, called attention to the forthcoming decision of the Timor Gap agreement between Indonesia and Australia, expected for 1995. This agreement, which regulates the mutual exploitation of the East Timorese oil fields by Australia and Indonesia, was brought to the International Court by Portugal.

Liem Soei Liong of Tapol, London, gave an overview of the present political situation in Indonesia. His report was completed by representatives of different NGO's from Indonesia, who attended both conferences in Germany and Portugal under serious risk. Their detailed statements on the present situation of the democratization movement in Indonesia and the restricted circumstances of their work were very interesting.

Rachland Nashidik, chairman of the Centre for Information and Action Network for a Democratic Reform (PIJAR), spoke in the name of the Indonesian delegation, which was also represented by Saleh Abdullah of the Indonesian Front for the Protection of Human Right (INFIGHT), Agus Edi Santoso of the Centre for Information and Education for Human Rights (PIPHAM), Raziku Amin of the Foundation for Human Rights (LEKHAT), and George Aditjondro, Professor at Satya Wacana University, Salatiga. The latter emphasised that in these days, for the first time since the Indonesian Invasion in East Timor in 1975, negotiations between Ali Alatas, Minister for Foreign Affairs, and representatives of the East Timorese resistance took place. Although these are only very small steps, still it is a very important one. Mr. Nashidik also hinted at the development in Northern Ireland as an encouraging comparison and expressed his hope that the negotiations between representatives of Indonesia and East Timor will head toward the same direction. The right to self-determination of the East Timorese people is directly linked to democratic development in Indonesia (and vice versa), emphasised Mr. Nashidik. Because of this, East Timor has a main part in the political programme of the democratization movement in Indonesia. By reports from our Indonesian friends, the participants of the conferences got an insight into the work of Indonesian NGO's and the difficulties and problems they have to face. By the intended disclosure of their financial means, the NGO's are threatened to cease working. Salleh Abdullah ended his report with a quotation of our Philippine friend

Renato Constantino Junior: "It is about time to stop this war."

A very profound insight into the effects of the Indonesian invasion and the occupation of East Timor was delivered by Professor George Aditjondro of Satya Wacana University in Salatiga/Central Java. In Porto, Professor Aditjondro held a lecture on the subject at the University and gave further information. Besides the social, economical and political changes, that came along with the occupation, Aditjondro dealt with the ecological effects of the occupation in particular. Those who want to have more information on this subject, should read Aditjondro's latest book, "In the Shadow of Mount Ramelau," published by INDOC, Leiden/The Netherlands. Additional lectures at other universities could not be staged, because Professor Aditjondro was urged by the local police station of his residence to immediately return to Indonesia and to report to the police. Meanwhile, it was reported that Professor Aditjondro was questioned several times by the police; beyond that, no other repressions by the Indonesian military regime were reported.

The initiator of both conferences in Portugal and Germany, Professor Antonio Barbedo de Magalhaes, once again emphasised the courage of our Indonesian friends who declared that after their return, they will continue their work for a democratization of the Indonesian society. It is to be hoped that after their return, they are not confronted with repressions and that they can continue their work successfully. The family of Mulyana Kusumah, an NGO-representative, who intended to participate at both conferences, was terrorized by Indonesian officials in the approaches. Mulyana Kusumah was then arrested before his departure. The incidences of Mulyana Kusumagh and George Aditjondro reflect impressively the dangers of active human rights work in Indonesia.

Finally, reports on the solidarity for East Timor from all parts of the world were given at both conferences. The possible coordination of activities in general and for 1995, in particular, when Indonesia wants to celebrate two jubilees - the 50th anniversary of Indonesia and thirty years of Suharto-government - were discussed. Our task will be to make public the third jubilee which Indonesia would rather conceal: 20 years of genocide in East Timor!

EAST TIMOR GROUP FOUNDED

by *Claus Roehl, Schrozberg, Germany*

On the margin of the East Timor conference in Iserlohn, German East Timor activists assembled and founded an East Timor Solidarity Group. It is a work group of the Berlin human rights organisation Watch Indonesia! and will exclusively work on East

Timor. Public relations as well as the intensification of contacts to other East Timor group are the main focus. Because of the three forthcoming jubilees, the Hannover Fair will give occasion for different activities. Indonesia is nominated "partner country" of the fair. The Hannover Fair is Germany's biggest industry fair. For this reason, high ranking officials are expected to come to Hannover. Indonesia will expose its technological development and its culture, and it will withhold its massive and permanent human rights abuses, or rather deny them. In cooperation with other German human rights organisations, we will point out these abuses in Hannover. Because of the 20th anniversary of the Indonesian invasion in East Timor in December 1995, and because of the forthcoming sentence of the International Court on the illegal exploitation of East Timorese oil resources by Indonesia and Australia, the year 1995 holds several concrete occasions for activities. People, who are interested in this work, should contact:

Watch Indonesia!
- Osttimor-Gruppe -
c/o Monika Schlicher
Heidelberger Strasse 6
D-69126 Heidelberg
Telefon & Fax: +49 - 6221 / 36108

MR. KINKEL, HUMAN RIGHTS AND THE FREEDOM OF EXPRESSION

by *Claus Roehl, Schrozberg, Germany*

At the Conference of the Ministers of Foreign Affairs of the EU and ASEAN countries in Karlsruhe Germany (23.9.1994), a memorial vigil was authorized to take place under the arches of the city's church, but was overshadowed by the brutal and overzealous actions of the police. The vigil, which was originally authorized by the City of Karlsruhe, was surprisingly banned just before the beginning. The texts of the banners - "Indonesia - 19 Years of Genocide in East Timor," "200,000 Dead in East Timor - why does Germany Export Weapons to East Timor" and "Ministers of Europe: Stop the Occupation of East Timor" - had previously been discussed with the parish parson, and were also known to the police and the City of Karlsruhe.

On the very day of the vigil, all of a sudden, these texts were supposed to be offensive. The withdrawal of the authorization was notified to us only some minutes before the scheduled start. Although access to the city's marketplace was possible after a body search by the police, the bringing of banners and leaflets was forbidden. The behaviour of the police stood in no relation to the situation on the marketplace. One of the participants had the film of her camera snatched away. One effort to unfold a banner that was

smuggled into the square, was answered by several policemen tearing it down.

The church, situated only 20 metres from the City Hall, where the Ministers of Foreign Affairs signed the distinguished visitors' book, would have been the ideal place for a vigil, because the present ministers, visitors and in particular the reporters, could hardly have ignored us. Meanwhile, it became clear that the reaction of the city and the police was an immediate response to the urging of the German Minister for Foreign Affairs, Mr. Kinkel, who was afraid that the vigil might cause some unrest with his colleagues. Furthermore, he was probably afraid of bad news on this, supposedly model meeting. With a successful large event in a rather provincial city like Karlsruhe (electoral district of Kinkel for the federal elections in the same year), some further votes might be won! Kinkel himself had already weeks before stated that they would not talk about human rights.

This highly undemocratic procedure and repressive behaviour against citizens, who on their turn, would like to show their criticism on repression in other countries, is to be clearly condemned. Those who witnessed the actions in Karlsruhe, must ask themselves what is the state of freedom of expression in Germany?! The human rights activists Renato Constantino Junior, Philippines, and José Amorim Dias, East Timor, were openly disappointed by the procedure of the German officials. They would never had expected such measure in a democratic country like Germany - greetings to Kinkel!

GENERAL FEISAL TANJUNG TO VISIT EUROPE

Jan 17, 1995

The Indonesian General Feisal Tanjung is on the move. At 23 January he will arrive in the Netherlands to have meetings with the minister of defence Voorhoeve and the prime-minister Kok. It is a contra-visit, on invitation of the chef of the defence-staff, marine-general van den Breemen. He will also go to Den Helder, to the Royal Navy Base and he will also have a look at the luchtmobiele brigade, the rapid reaction force. He stays for 3 days. It is of course speculative what he is going to buy, but that he is going to, is for sure. In the past there was shown interest in the 2 zwaardvis submarines and there were also negotiations with HSA about anti-missile rocket launchers for frigates. And maybe the trainings offer, which the Dutch government did in 1985, to train Indonesian commandos comes into effect. At the luchtmobiele brigade he looks for experience, Indonesia wants also a rapid reaction force. And maybe he meets somebody from Fok-

ker, they still want to sell F-27 transport airplanes to Indonesia. And Kok will ensure that there must be a better relationship between the two countries, which will be seen in the light of more trade and more license weapon building?

With this message we want to warn the anti-militarist and human-rights activists in especially Germany and the United Kingdom that he will probably also come to your country. So, take action against the bastard and the companies where he buys the weapons.....

NO ARMS TO INDONESIA FREE THE PEOPLE OF EAST-TIMOR, WEST-PAPUA, ACEH AND THE MOLUCCAS !!!

BELGIUM'S VANDENBROUCKE: NO TO ARMS FOR INDONESIA

DE MORGEN 18 Jan 95 (rough translation from Flemish). From STOP Arming Indonesia, amokmar@aps.nl

The parliamentary commission for foreign affairs yesterday (17/01/95) introduced a general discussion on our (Belgium) relations with Indonesia. Minister Frank Vandembroucke (Socialist Party), in consultation with his colleague Robert Urbain of Foreign Trade (Parti Socialiste), announced that "for now" no new export licenses for arms would be issued for Indonesia. Deliveries resulting from existing contracts for which licenses had already been issued and to which suppliers were judicially bound would not be affected.

Vandembroucke tabled (as reason for the embargo) that the conflict around East Timor remains unresolved notwithstanding recent attempts at "dialogue," which were supported by Belgium. He also mentioned the continuing abuses of human rights including trade union rights, press freedom etc., even if he himself did not have a definite opinion regarding human rights.

Under his predecessor, Willy Claes, the Indonesian government in 1993 opposed any mention of human rights violations in an agreement on bilateral development aid. Vandembroucke therefore advocates Belgium aid to Indonesia be on a selected basis and that projects be evaluated individually rather than having any fixed budgetary amount made available to the country.

The minister repeated his statement which he defended on Sunday in the Seventh Day Debate with VLD (For us an unknown party) senator Herman De Croo, namely that the formula for selective project aid has reduced the volume aid to Indonesia.

Vandembroucke is of the opinion that not all forms of economic co operation with Indonesia, for example support for the devel-

opment of trade ties, should be stopped immediately. The minister has advised Belgium diplomats to pay attention to the Indonesian case when it is discussed at the annual summit of the UN commission on Human Rights which is due to begin in Geneva at the end of January.

MEPS CALL FOR EUROPEAN ARMS CONTROL

European Parliament Press Release, 19 January 1995

A comprehensive EU arms control policy and Treaty changes to permit Union action in this field have been recommended in a joint resolution adopted by Parliament. The resolution urges the EU countries to work together with the competent international authorities to establish an international code of conduct on the control of arms transfers and exports.

MEPs also want the possible setting up of a European Agency for the control of arms exports to be investigated. In an amendment that was adopted there is a call on all member states, and in particular the UK government, to stop the sale of weapons to Indonesia.

Supporting the resolution, Glenys Kinnock (South Wales East, PES) said the EU and the US had, since 1992, accounted for more than half of all arms sales to Third World countries. Glyn Ford (Greater Manchester East, PES) called for a stop to the export of weapons of torture from the UK and other EU countries, including Germany and Ireland.

FINNISH LEADER RAISES TIMOR IN INDONESIA

The Irish Times, 21 Jan. 1995

Reuter, Jakarta – President Marti Ahtisaari of Finland, who is on a four day visit to Indonesia, said yesterday he supported efforts for a peaceful settlement for East Timor and he urged other countries to help.

JOINT STATEMENT OF EAST TIMOR SOLIDARITY GROUPS

**MEETING IN BRUSSELS, 27 - 29
JANUARY 1995**

Twenty-five solidarity groups from thirteen countries and three East Timorese organisations met in Brussels from 27 to 29 January. This is the 13th time that the European solidarity meeting on East Timor is taking place.

The meeting welcomed a letter from Xanana Gusmão, the leader of the Timorese Resistance, written from the Cipinang prison in Jakarta.

1995 is a particularly important year for solidarity with East Timor. 1995 is the 50th year of Indonesian independence but it is also the 30th year of Suharto's dictatorial rule. And December 7, 1995 will mark the 20th anniversary of Indonesia's invasion of East Timor.

International condemnation of Indonesia's occupation is increasing, with one of the strongest examples being the recent report by the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, Mr. Bacre Waly Ndiaye. This report concludes that the 1991 Santa Cruz massacre was a planned military operation. It entirely rejects Indonesia's investigations into the killings and calls for a new and independent inquiry. The report also stresses that all the conditions that made this massacre possible are unchanged in East Timor today.

In fact, the situation within East Timor is deteriorating. As well as the ongoing and severe human rights violations by Indonesian security forces, Indonesian migration into East Timor which is occurring at an increasingly high rate, is exacerbating tensions, leading to urbane violence and increasing the suffering of the Timorese. We are also very worried by religious provocation by the military, which seem to be a deliberate attempt to create religious conflict.

Many countries in the European Union - notably Britain, Germany, France and Spain - are selling arms to the Indonesian government, which is waging a war of genocide in East Timor and oppressing other peoples throughout its territory. We strongly condemn such sales, which go against the general principles of international law. We welcome the 1991 resolution of the Council of Europe and the November 1994 resolution of the European Parliament which call for an embargo on arms sales to Indonesia. We also welcome the decision of Sweden and Belgium not to export arms to Indonesia and invite other EU members to follow suit.

We want to express our full support for the Indonesian democracy movement. We warmly welcome the fact that they see their struggle as directly related to that of the Timorese people and are working to support them.

We welcome the endorsement by the UN of all-inclusive talks between East Timorese as outlined in the Secretary-General's statement following the meeting of foreign ministers of Indonesia and Portugal on 9 January. But we deplore the fact that the statement requests that these talks not address the issue of self-determination. We re-affirm, in accordance with General Assembly resolution 37/30 of 1982, that the East Timorese must be part of discussions concerning their future. These talks should be convened and chaired by the United Nations. We ask for

the release of Xanana Gusmão, the leader of the East Timorese Resistance, in order to participate in the talks and also call for the inclusion of Bishop Belo and other prominent Timorese leaders.

We also call for:

- visits to East Timor by the UN Special Rapporteur on Torture and the Working Group on Forced Disappearance as early as possible in 1995, and full access to East Timor for international NGOs, journalists and observers,
- the adoption by the Security Council of an arms embargo on Indonesia,
- the release of all Timorese political prisoners,
- the withdrawal of the Indonesian forces of occupation and the establishment of a permanent United Nations presence.

We urge our governments to act in order to ensure implementation of these demands.

Our plan of action for 1995 includes, among others:

- 1) Campaign in favour of the release of all Timorese political prisoners in Indonesia and in East Timor.
- 2) Campaign to halt migration of Indonesians to East Timor.
- 3) Joint action worldwide on the occasion of the 20th anniversary of the Indonesian invasion.

AGIR POUR TIMOR REPORT ON ACTIVITIES IN FRANCE

30 Jan 1995

1994: The Year Of The Quantum Leap

In France, 1994 has truly been the year of the quantum leap as regards East Timor solidarity work. Spectacular progress has been made on involvement of NGOs, grass root people, parliamentarians and media. Concern has started extending actively to other problems of Indonesia (development issues, indigenous peoples). This is due to the goodwill and commitment of all parties, especially *Peuples Solidaires* who was and will remain an important partner. But this is also a sign of changing times, as in other parts of the world.

The Campaign 4 months for East Timor

From March to July, 12 organisations including two unions and a union federation participated a campaign on East Timor. The aims of the Campaign was to alert public opinion, but also to reach deputies and senators; this was made possible by the network of activists of several participants. A campaign bulletin, including current news plus a thematic topic in each issue, was sent to activists, selected media people, deputies

from the France-Indonesia friendship group and senators from the France-South-East Asia friendship group, and also selected deputies, senators and members of the government. It was planned to have 8 bimonthly issues; in practice, only 5 (historical aspects, East Timor and international law, human rights violations, the church, plus a special issue devoted to Manila) could be realised during the campaign. The campaign ended with the CGI meeting; a document on development aid to Indonesia was prepared for this occasion and sent to the above-mentioned people.

The main reason for the success of the Campaign was without doubt its flexibility. There were no directives, no common statement: the organisations involved could act according to their own culture, capacities and sensibility. Hence a catholic movement like Justice and Peace and a communist trade union like CGT felt comfortable participating the same campaign, while those organisations which chose not to participate nominally (ACAT, Amnesty International, Agir Ici) advertised it in very positive terms in their publications and collaborated with it.

We believe the Campaign had a strong and long-term impact on the activist world, the NGO community and parliamentarians. Although the impact on the media seemed limited, we believe it was significant too, as the recent higher visibility of East Timor in the daily press testifies. In another domain, the Campaign led to contacts with parties concerned with other Indonesian issues, and motivated them to initiate actions on these issues.

Here are some important moments of the Campaign:

Launching. This was made by a press conference at the end of March, in the Paris cinema which showed "Manufacturing consent" (the Campaign advertised the cinemas in France where the film was being shown). This was well-attended by NGOs, but not by mainstream media, in spite of the presence of José Ramos Horta and Danielle Mitterrand.

INFID. This is the successor of INGI, a collective of development-involved NGOs which holds a conference every year. This year the conference took place in Paris, hosted by CCFD, a major Catholic development NGO. The Campaign learned about it inadvertently, as one member (CRID) was asked by CCFD to chair an "open forum" one day before, with the participation of French and Indonesian officials. This created some upset from Campaign participants. However, it led to an encounter with CCFD, which granted access of the Campaign to the forum and then to the INFID conference. When learning that the Campaign would

officially attend this forum, the Indonesian embassy declined participating at the last minute. The Campaign delivered a statement to INFID Members at this occasion.

We then had the opportunity to hear INFID debates and to meet member Indonesian NGOs. A few organisations, including Agir pour Timor, Amnesty International and CGT, had a private meeting with some representatives of INFID, who told us about the East Timor support group inside INFID.

The most concrete development, however, was the creation of a group of French NGOs which aims to pressure the government on development aid issues: this group includes some members of the Campaign (e.g. Agir pour Timor) but also others (e.g. CCFD), as well as academics through their organisation (Françoise Cayrac-Blanchard through CERI). So far the group has written a letter to the government asking where French development aid to Indonesia goes; this letter received a strange answer, essentially repeating France's position with regards to East Timor, which was only a minor topic of the letter. We hope the group will take up the issue again in the near future.

Manila. The Campaign was involved in the Manila events through France-Libertes' president, Danielle Mitterrand. Keeping silent until the eve of the Manila conference, she held a press conference in which she condemned Indonesian interference in very strong terms, with particular weight coming from the French President's wife. These were reproduced in major international media. This way, her controversial strategy to apparently yield to Indonesian pressure showed its logic.

CGI. A few weeks before the event, two organisations, ICRA and Tribal Act, both concerned with the rights of indigenous peoples, joined the Campaign and proposed common action at the time of the meeting. They also participated the "50 years is enough" campaign, a campaign criticising the Bretton Woods institutions, giving it a definite indigenous people coloration, and convincing its members to launch the campaign at the occasion of the CGI meeting. This way two press conferences took place: one by the "4 months" campaign and one by the "50 years" campaign, a few days later. The "4 months" one was held in a small restaurant and had Claude Katz (FIDH), Martine Gargar (France-Libertes), Eric Minnaert (Tribal Act), José Antonio Amorim Dias and Jusfiq Hadjar as speakers. The "50 years" one was held in the street, in front of the World Bank's head office, and had as speakers a West Papuan, a Moluccan, Rene Dumont (a famous French ecologist), Louis Weber (FSU) and Antonio Dias (Agir pour Timor). Both events had a very good coverage in *Le Monde*.

Other work achieved by the Campaign was parliamentary work. At its instigation, tens of local activists, and also NGOs, wrote the government and parliamentarians of the two friendship groups about East Timor. In parallel, Amnesty International had launched a campaign on Indonesia and East Timor (precluding the current one), with the same parliamentarian stress. The result was an unprecedented parliamentary reaction, with up to 8 written questions in the year from senators and deputies to the government. As in other countries, the MPs' concern transcends political affiliations. This "mobilization" should be compared with the past: in his book on East Timor, Gabriel Defert records one written question on East Timor in 1986 since the invasion... Agir pour Timor is preparing a document analysing the government's responses to written questions and individual letters.

Forum Timor

In September, participants to the "4 months" campaign met to assess the results and look for further action. It was decided to continue collective action for East Timor in a permanent form, and Forum Timor was established. This is to be a collective of NGOs, functioning under the same principles as the Campaign did. Participating NGOs will act according to their own possibilities and culture, without any directives. Its exact functioning, however, is still not fully settled, especially on financial and organisational matters. *Peuples Solidaires* can take up secretariat again, but much more low-key than during the campaign because they have too little staff. It is planned to have an NGO worker employed half time to co-ordinate the Forum's actions; financially, as for the Campaign, members will pay a yearly subscription and other funding will be looked for.

Current actions planned by the forum include East Timorese speaking tours (in the Japanese/North-American style) and participating a campaign "Tourism and Development," an international project involving about 25 countries, to which *Peuples Solidaires* will participate, stressing the cases of Indonesia, Burma and Turkey. Justice and Peace is also trying to arrange a visit of Mgr. Belo to France, probably in the framework of a larger visit to Europe, through the Episcopal Conference. Connection with the "Stop arming Indonesia" campaign has also been discussed, but it is felt that currently we don't have enough matter on French arms sales to Indonesia to be able to launch a successful campaign on this theme.

Current members of Forum Timor are: Agir pour Timor, *Asie-Pacifique*, ASTO, Cap Magellan, CIMADE, CCPF, CGT, CRID, France Libertés, ICRA International, Justice et Paix, *Peuples Solidaires*, Réseau

Jeunes solidaires, Ritimo, SNES and Tribal Act.

Other actions

APEC and the media. In October, we received the CNRM's Director-General for International Relations. He met NGOs, politicians and most importantly he briefed *Le Monde* and *Liberation's* journalists. *Le Monde* and *Liberation* had shown more interest in East Timor in the last months but with moderate effect. This time, *Le Monde* gave the APEC meeting and East Timorese-related news a substantial coverage, while *Liberation* sent a special envoy, Romain Franklin, to APEC and also to East Timor. He gave spectacular coverage both to the US embassy's occupation and the clashes in East Timor, so that *Liberation* must have published more on East Timor during that week than ever since the invasion! Since then, it has published substantive articles on the religious issue in Indonesia, on the Baucau events and on Portugal's role in the defence of the East Timorese (the latter not very kind to Portugal). *Le Monde*, on its side, considers sending its own envoy to East Timor, emulated by what *Liberation* did.

One cable television channel, Euronews, gave a big coverage to the embassy's occupation, but the mainstream TVs are still fairly dumb on the issue.

France, NGOs and the UNHRC. In November, José Ramos Horta was received in Paris by MRAP and Agir pour Timor. He met some journalists and got an interview by *Le Monde*, the third since the invasion. But most importantly, he met a number of NGOs and briefed them on the CNRM's aims regarding the next UN human rights commission. It was decided to follow this meeting up by asking the government for an appointment, as France is the current EU turning president.

Twelve NGOs, among which 6 not formally members of Forum Timor and 6 having consultative status at the HR Commission, met in mid-January 1995 an official of the ministry for human rights and humanitarian action, and conveyed him their concerns regarding the human rights situation in East Timor and their wishes on what France should do in its quality of EU president. A letter was then sent in order to record these wishes.

Three among the above-mentioned NGOs are giving their accreditation to East Timorese in this session: ACAT, FIDH and MRAP.

Parliamentarians. In November, a member of Agir Pour Timor received a letter of Dominique Bussereau, the president of the National Assembly's France-Indonesia friendship group, in which he said a visit of French parliamentarians to East Timor had been

discussed in a meeting with the Indonesian ambassador, Wiryono. We immediately asked for a meeting with Mr. Bussereau, which took place in mid-January 1995. Amnesty International also asked for an appointment, and was received just after Agir pour Timor, so that we focused on East Timor while they did on Indonesia. We explained the problems other parliamentarians had met when visiting or trying to visit, and other related questions, and made some suggestions on what a visit could involve. Mr. Bussereau was interested. France, for protocol reasons, cannot send a parliamentarian delegation before a prior Indonesian parliamentary visit, which is planned for this semester. We agreed to stay in contact.

Portugal. Agir pour Timor and Amnesty International just met with an official of the Portuguese embassy in Paris, to explain (on our side) the NGOs involvement on East Timor in France and (on his side) Portugal's plans for the UNHRC commission.

Amnesty International actions. Amnesty is having a very good and well-organised campaign on Indonesia and East Timor. About one half of their groups have accepted to participate, which makes a considerable percentage. A high-visibility conference on the "Asian" conception of human rights in the case of Indonesia was organised by them in December, in the prestigious *Arche de la Defense*: it was well-attended. The Paris local groups just organised an information evening, including a projection of a half-hour film on East Timor, West Papua, Aceh and Indonesia at large, which had an attendance of about 160 people. As already explained, there is a de facto collaboration between AI and members of Forum Timor.

INDONESIA WANTS 400 WARSHIPS

Publico, 2 February 1995. Translated from Portuguese

Lisbon – According to Rear-Admiral Gofar Suwarno, Commander of the eastern fleet, Indonesia needs between 400 and 500 warships to ensure security in its eastern waters and to combat illegal fishing. The Rear-Admiral was speaking at a ceremony at which 39 vessels, formerly belonging to the GDR and bought by Indonesia from Germany in 1993, entered into service. As from next November, when the UN Convention on the Law of the Sea enters into force, Indonesia's territorial waters will increase by three million square kilometres. Jakarta now has 93 warships, which Suwarno considers to be ten times less than the necessary number.

INTERNATIONAL CAMPAIGN STEPS UP

By Max Lane, Green Left, Feb. 5

In the Netherlands on January 23, the government of Portugal began action in the International Court of Justice against Australia for signing the Timor Gap Treaty with Indonesia. United Nations resolutions still recognise Portugal as the administering power over East Timor.

One of Portugal's legal representatives, Miguel Galvao Teles, told the media, "Portugal wants oil in the Timor Gap to be conserved for the people of Timor when they are in an effective position to benefit from it."

The Timor Gap treaty divided the sea between Timor and Australia into three zones - one Australian, one Indonesian and one administered as the Timor Gap Zone of Cooperation (ZOCA). Between 1985 and 1993, 80 wells were drilled in the ZOCA. Initial drillings were unsuccessful, but BHP struck oil twice last year.

There are similarities between the Timor Gap case and a 1971 ruling by the International Court of Justice on South Africa's presence in Namibia in defiance of UN Security Council resolutions. The International Court of Justice ruled then that UN member states were obliged to refrain from any action that would imply recognition of the legality of South Africa's presence in Namibia.

Meanwhile in Belgium, 25 solidarity groups from 13 countries and three East Timorese organisations met in Brussels from January 27 to 29. This was the 13th European solidarity meeting on East Timor.

The meeting welcomed the recent report by the UN special rapporteur on extrajudicial, summary and arbitrary executions, Bacre Waly Ndiaye. This report concludes that the 1991 Santa Cruz massacre was a planned military operation. It entirely rejects Indonesia's investigation into the killings and calls for a new and independent inquiry. The report also stresses that all the conditions in East Timor that made this massacre possible are unchanged.

The meeting also expressed concern that many countries in the European Union - notably Britain, Germany, France and Spain - are selling arms to the Indonesian government. It strongly condemned these sales and supported the 1991 resolution of the Council of Europe and the November 1994 resolution of the European Parliament which called for an embargo on arms sales to Indonesia. Sweden and Belgium have already decided not to export arms to Indonesia.

The meeting also expressed full support for the Indonesian democracy movement and welcomed the fact that the movement sees its

struggle as directly related to that of the Timorese people.

While welcoming the UN-endorsed talks between East Timorese, the groups deplored the fact that the UN Secretary-General's statement requests that these talks not address the issue of self-determination. "The East Timorese must be part of discussions concerning their future. These talks should be convened and chaired by the United Nations. We ask for the release of Xanana Gusmão, the leader of the East Timorese Resistance, in order to participate in the talks, and also call for the inclusion of Bishop Belo and other prominent Timorese leaders," explained a statement issued by the meeting.

The meeting decided to launch campaigns: in favour of the release of all Timorese political prisoners; to halt migration of Indonesians to East Timor; and to urge joint action worldwide on the occasion of the 20th anniversary of the Indonesian invasion.

HELP BISHOP BELO WIN THE NOBEL PEACE PRIZE

From CNRM/Darwin

Dear Friends,

I am appending a piece on Bishop Belo which will be useful for lobbying for his Nobel peace Prize candidature.

As you know, Bishop Belo was formally nominated by a number of people, including Archbishop Tutu and Mairead Maguire.

Please use this profile and try to get as many letters of support as possible for his candidature from people considered important sent to the Nobel Institute in Oslo for the Nobel peace Prize Committee.

The address is:

Nobelinstitutet
Drammensveien 19 0255 Oslo
Norway.
ph +47 22 44 3680 fx +47 22 43
0168

Norwegian Embassies are often helpful in forwarding letters to the Institute if you ask them.

Please keep in touch with us on this matter. We shall shortly release more details on the campaign we need to carry out between now and August/September. If you have suggestions, aimed at raising the Bishop's profile and that of the East Timor Church and issue in general, please share them with us.

ETCHRIET- East Timor Centre for Human Rights Information, Education and Training- Melbourne

BISHOP BELO: A PERSONAL PROFILE BY BISHOP HILTON DEAKIN

31 December 1994

Carlos Filipe Ximenes Belo was born in Wailakama, a village in Vemasse, Baucau, East Timor on 3 February 1948. He was the fifth child of Domingos Vaz Felipe and Ermelinda Baptista Filipe. His father, a school teacher, died two years later. The Belo family had a background of farming. In his childhood the young Belo developed skills in shepherding water buffaloes in Kekeli, the village of his ancestors.

He was sent to missionary schools in Baucau and Ossu, graduating from the Seminary in Dare, outside Dili, in 1973. He then left for Portugal, studying at the Salesian Novitiate in Lisbon. During this time he formally became a member of the Salesian Order.

Carlos Filipe Ximenes Belo then made a brief return visit to East Timor where he taught for a short time at the Salesian College at Fatumaca, near Baucau. He returned to Portugal for philosophical studies over the next two years, followed by three further years at the Portuguese Catholic University. Next, he was sent to Rome where he furthered his ecclesiastical studies at the Pontifical Salesian University. On returning to Portugal, Carlos Filipe Belo was ordained a priest in 1980.

In March 1981 Father Belo returned to East Timor, and was appointed Director of Fatumaca College. During this time he experienced two formative influences that would stand him in good stead in the future. Firstly, he developed a capacity to relate to youth. His obvious and deeply felt links with the young men and women of his country gave him an authentic bond with those who are now playing an important role in the history of East Timor. Secondly, he directly experienced the severe pressure and intimidating tactics of the military authorities, who persistently pressured the college to conform with the standards they wished to impose. The College's success at providing authentic East Timorese and modern technological education was quickly perceived by the authorities as a deep threat to their own policies.

In 1983 the Vatican appointed Carlos Filipe Ximenes Belo as Apostolic Administrator of the Dili Diocese. This made him the virtual leader of the Catholic Church in his homeland. On 19 June 1988 he was ordained Bishop (of Lorum, Italy), while still holding

the position of Apostolic Administrator of the Dili Diocese.

Bishop Belo's rapid rise came as a surprise to some, who might have thought of others for such positions. But he brought a kind and youthful personality to the position, a flair for languages, with the mastery of Tetum, Portuguese, English, Italian, Bahasa Indonesia, and a working knowledge of several others. He also had experience in ecclesiastical administration, a love of theology and classical music, and a passion for soccer.

Among the many problems that beset the only bishop in East Timor, two were immediate and severe. The first concerned the presence in his country of a strong armed force of occupation, claiming legitimate sovereignty. It had taken over his country through brute force, trying to absorb it lock stock and barrel into its own culture, history and institutional structures. The continuing characteristics of this occupation have been violence and oppression. The second was the massive increase over a few short years of Timorese entry to membership of the Catholic Church. With personnel and resources stretched far beyond the demands of common sense, he sought to bring order and some efficiency to what would otherwise become a scene of utter chaos.

The Bishop has learned to weave his way delicately at times, and forcibly and bluntly at other times, through the sensitive and often cruel situations faced daily by the East Timorese. Over time, he has become the only strongly audible East Timorese voice consistently pleading for peace and freedom. He dares to publicly condemn the cruelty and abuse by the armed forces, the psychological warfare, and the constant abuses of human rights.

In February 1989, at a time the country was sealed off from the outside world, he bravely wrote a letter to the Secretary General of the United Nations. He asked for a self-determination referendum under UN auspices, to settle the question of the future of East Timor, and sought the help of the international community to protect the East Timorese "dying as a people and as a nation." He did not receive a reply until five years later, and it gave him little comfort.

As the Apostolic Administrator, Bishop Belo answers directly to the Holy See. This means he is free from full formal membership of the local, i.e. Indonesian Bishops Conference, and therefore free from its deliberations on East Timor matters. At times he has had to face Vatican officials who have disagreed with him, but he has courageously held his ground.

In recent years Bishop Belo has built up a network of contacts with the world's information media, conveying to them the thoughts and feelings of his people. Since the

Church is the only remaining organisation in East Timor independent of government control, he has become a focal point for the expression of national aspirations. For his labors, he has earned the wrath and disapproval of the Indonesian authorities, and the condemnation from countries that seek the favour of the Indonesian Government. At times he has been left severely alone even by ecclesiastical officialdom. Carlos Filipe Belo has borne the burden of isolation with resignation, without it dampening his resolve.

There have been several plots to assassinate the Bishop. Behind the scenes efforts have been made to remove him from his position. In more recent years he is at last gaining the admiration, respect and support from all quarters of the globe for his courageous efforts for his people. In 1994 he was among the final candidates for the Nobel Peace Prize. In 1995 he was again nominated to this important award by prominent international figures, including South African Archbishop Tutu, Irish human rights activist Mairead Maguire, and many others. Well-known international figures are expressing their support for this candidature.

Bishop Belo's readiness to plead a personal cause with police, military commanders, prison officials and political authorities for anyone under his pastoral care is legend. He gave sanctuary in his rambling decaying colonial villa to over 250 people fleeing the 12 November 1991 massacre at Santa Cruz. He escorted many of them home, to what was thought to be safety. A large number of them has never been seen again since that fateful day. The continuing suffering, torture, imprisonment, harassment, and disappearance of his young contacts throughout the country still give him great cause for personal suffering.

Through his administrative policies, Bishop Carlos Belo has encouraged many efforts to further the East Timorese culture and traditions against the massive, smothering onslaught of Indonesian policies of absorption. He encouraged and continued the use of Tetum and Portuguese in all ceremonies of worship, thus making the former a strong focal point of local cultural expression. Despite strong pressures, these languages continued to be taught in the seminary and parish schools for as long as possible. He has built up a strong chain of secondary schools throughout the country, and has also fostered a system of clinics to provide basic medical care in parishes. The provision of orphanages to cater for a new social phenomenon, parentless children, has become a pressing need. In the past, extended families provided the care. Because of the long years of violent conflict, many such families have been wiped out. The Church has stepped in and filled the gap.

Bishop Belo has applied himself with great energy to the establishment of a new seminary in East Timor, to provide a wide and universal education to future leaders of the nation. A large segment of the secular leadership in East Timor has come from the old seminary, where its members gained the intellectual energy and strong edge of a spirit of nationalism that has helped to keep hope alive in the collective heart of the people.

The bishop has to endure the daily surveillance from the secret police, who watch his every move. His phones are tapped. His fax machine is monitored. His visitors are closely watched. They keep close to him whenever he moves around East Timor. They attempt to restrict any movement he may care to make outside the country. But Bishop Belo persists in his courageous efforts to defend justice, peace and the preservation of the dignity of his people. Recently, he has set up a Church commission to monitor human rights abuses, and has opened up a radio station to disseminate information and news.

Despite all the difficulties placed in his way, Bishop Carlos Filipe Ximenes Belo perseveres ceaselessly, calling on his compatriots, at home and abroad, to be united, to work for peace and reconciliation, to work for freedom, and ultimately, to have their right to freely determine their own future respected.

FRANCE DEFENDS TIMORESE

Diario de Noticias, 2 February 1995. Translated from Portuguese

Lisbon – A high-ranking French Embassy official in Lisbon has assured the Free Xanana, Free Timor Commission that France will be adopting a firm stand in Geneva on the question of human rights in East Timor.

The Commission also sought meetings last week at the British and German Embassies in Lisbon for the same purpose.

STOP ARMING INDONESIA CAMPAIGN

Arms Trade News from the International Peace Bureau, Feb. 22

In the spring of 1994 the member organisations of the European Network Against Arms Trade (ENAAAT) initiated a common campaign against arms trade to Indonesia. Reasons for this campaign were not only the illegal occupation of East Timor, but also the role of the Indonesian military in the suppression of the population of Indonesia itself. The Network is also very concerned about the growing arms trade to South East Asia in general, which is taking the shape of a

new arms race. Since the countries in South East Asia are doing well economically, they have a lot to spend. Unfortunately many governments in the regions decided to spend on weapons.

From the beginning the Stop Arming Indonesia campaign worked together with solidarity organisations on Indonesia and East Timor and with human rights organisations. We were very pleased when Amnesty International started a campaign on Indonesia in September this year. Many ENAAT members have good contacts now on the subject with their national Amnesty section, and the two campaigns do strengthen each other.

The official role of the Indonesian military is a double one: They have to defend the country to external enemies but even more important is their fight against the "internal enemy," which everybody who dares to raise his or her voice against Suharto and his clique. This army role as internal oppressor is executed with the use of weapons that are often bought in the United States and Europe.

An important element in the campaign was the visit of a member of the Indonesian opposition to Europe. Indro Tjahyono, vice-chair of the human rights organisation Inflight, was prepared to give the ENAAT member organisations an eye-witness view on the role of Indonesia's army.

Indro visited seven Western European countries. In Belgium he spoke to members of the European Parliament. In France he joined the meeting of the European Network against Arms Trade. In Sweden he applied to the Minister of Foreign Traffic not only to embargo news transactions to Indonesia but also stop the supply of spare parts. In the new EU member state Finland scandal arose during his visit when a secret arms deal to Indonesia came into the open. Everywhere he spoke with activists, politicians, and journalists.

At the moment of writing Indro is still in Europe but he will soon be going back to Jakarta. We are all concerned about his safety when he is back home. Still the ENAAT and a lot of its new Indonesian friends think the visit of Indro to Europe has been very fruitful. For example, the European Parliament has recently adopted a resolution against arms sales to Indonesia. Unfortunately the European Parliament is not very powerful. It is now up to national campaigns to push this resolution further and convince their governments that arms trade to a military regime that is violating human rights should be stopped.

Red Cross launch urgent campaign against blinding weapons

There are now clear indications that blinding laser weapons could be used on the bat-

tlefield within the next two to five years. One western army has already tested two hand-held laser weapons that could be used to blind enemy troops. More than a thousand of these laser rifles have been handed out and put into field tests. "The 1995 Review Conference to amend the 1980 Inhumane Weapons Convention provides a unique and unrepeatable opportunity to stigmatize blinding as a method of warfare and to prevent such lasers from being manufactured before it is too late," urges Louise Doswald-Beck, legal adviser at the International Committee of the Red Cross. This Review Conference will be held from 25 September to 13 October 1995 in Geneva.

The ICRC and the Swedish government have proposed amendments to the 1980 Inhumane Weapons Convention which would prohibit blinding as a method of warfare. So far thirteen countries have expressed support for these proposals. The ICRC strongly urges other states to support this initiative. The ICRC and Swedish proposals aim to establish a rule against blinding which would be contained in a new Protocol to the Convention. Both focus on the use of blinding weapons but this rule would also discourage the development, production and transfer of weapons designed for the purpose of blinding.

The number of eye.....

A vital information resource on these horrific weapons which can permanently blind from over a kilometer away is *Blinding Weapons* by Louise Doswald-Beck. This book is based on four meetings hosted by the ICRC which included specialists in laser technology, ophthalmology, military medicine, psychiatry and international humanitarian law. The book and an excellent illustrated brochure on the ICRC campaign are available in English and French. For single or bulk copies contact: ICRC Publications, 19 avenue de la Paix, 1202 Geneva, Switzerland. Tel: +41-22-734-6001, fax: 733-2057.

Lawyers Conference on Arms Trade

The next Conference and Assembly of the International Association of Lawyers against Nuclear Arms (IALANA) will be held in Florence, Italy, on 13-14 May. The Conference will focus on several themes: the UN Register; the Draft Convention on the Monitoring and reduction of Arms Production, Stockpiling and Transfers, drawn up by IALANA lawyers; Defensive Defence; Alternative Security; and societal verification. Details: IALANA, PO Box 11589, 2502 AN The Hague, Netherlands. Tel: +31-70-363-4484, fax: 345-5951, email: ialana@antenna.nl

Conversion training

A German business school offers an unusual course of studies: conversion of former military sites and arms production companies. Law, marketing, management, consulting, fund-raising, and feasibility studies are taught in a combination of classroom and on-site training. For more information fax FAW at +49-351-471-6194.

SWEDEN MAY BLOCK SUBMARINE SALES TO JAKARTA

The Australian, Friday March 10 1995 - abridged. by Helen Trinca in London & Cameron Stewart.

The new Social Democrat Government of Sweden could attempt to block the export of Australian-made submarines to Indonesia in retaliation for Jakarta's record on human rights in East Timor.

Swedish government spokesman, Paul Beijer, said from Stockholm that Sweden 'would probably insist on a say if third-country exports were raised as an issue' under the joint submarine venture between Australia and the Swedish firm Kockums.

The Australian Submarine Corporation (ASC) is building six Collins class submarines for the Australian navy in Adelaide. It is 49% owned by Kockums. ASC has held preliminary discussions with at least five Asian countries, including Indonesia, about possible sale of a smaller version of the Collins submarine. The potentially lucrative export push is backed by the Australian Government although no regional countries have indicated they will purchase Australian submarines.

Swedish NGOs which have lobbied hard against Swedish arms sales to Indonesia told the Australian that it would be politically impossible for the Swedish government to allow exports of submarines to Indonesia following a tough stand taken by the Minister for Foreign Trade, Mr. Mats Hellstrom.

Speaking in the Swedish Parliament on November 18, 1994 Mr. Hellstrom said 'My position is that because of the situation in Indonesia today, I do not intend to suggest that the Government issues permits for any export of new war materials systems to this country.'

Mr. Beijer, deputy assistant under-secretary at the Inspectorate General for Military Equipment in the Department of Foreign Affairs in Sweden, said that Mr. Hellstrom had been referring to Swedish products.

But he said that the Collins class submarine was considered to have a strong Swedish content and the Swedish government would

be interested in a say in what happened to them if there was a suggestion of exports.

Spokesmen for ASC and the Australian Defence Dept. refused to comment yesterday.

However in October last year, ASC managing director, Mr. Hans Ohff said that 'ASC is strongly monitoring the requirements of neighbouring navies, in particular for submarines. It's very clear, budgets permitting, that countries like Malaysia, Singapore, Thailand, Indonesia and Taiwan are interested in having strong submarine arms by the early part of next century - we would like to be a player in providing these navies with that capability.'

Swedish guidelines ban export of arms to countries which violate human rights but a restrictive policy towards Indonesia were gradually weakened from 1992 under the then Conservative Government. After a long public debate the Conservative Government agreed that Kockums export submarines from its Swedish yards to Pakistan. However Kockums lost the contract and at this point, it is understood, that they began looking for Asian sales.

SUHARTO TO VISIT DENMARK, GERMANY

President Suharto will be making a trip to Europe in March and April this year. Dates are not certain but the visit to Germany will be on the occasion of the Hannover Fair which runs from 4 - 8 April and the visit to Denmark will be to attend a UN sponsored international conference on social affairs, presumably in late March. He has plans to meet the Finnish president at the Denmark event.

SUHARTO TO VISIT GERMANY

From Student Union of Hannover University, March 11

As you might have recognized is Hannover/FR Germany a place where the so called biggest industrial fair takes place every year. During the fair time there is lots of media attention on technological improvements and developments. It helps the public to accept technologies more easy. Every time the organizing committee (Messe AG) chooses one country to be the so-called partnerland. In the past it was mostly used to point on so called developing countries that improved their productivity in a good way. Means they behaved.

For this year's fair from the 3rd to the 8th of April, Indonesia is chosen. This ought represent the good relation between German and Indonesian industry. I.e. in 1993 Germany exported arms and ammunition for 228,22 Million DM (about 90 Million US Dollars) to Indonesia, electronic equipment,

small arms and other strategic goods not counted.

As a special guest the German state and the laender-presidents invite the president/head of government of this partnerland. In the current case it means that Mr. Suharto and his wife will come to Germany and visit Hannover, Celle, Erfurt, Dresden and Weimar. He will arrive at the 1st of April at Hannover airport and, of course, be the special guest at the opening ceremony of the industrial fair at the 2nd of April.

Thinking that these events should be backed with some more information about the actual situation of Human Rights, Environment and Democracy in Indonesia, East-Timor, Irian Jaya and Aceh, human right groups (i.e. AI), environmentalists, East Timor and Indonesia solidarity groups, political parties, students and others call for a demonstration at the 1st of April in Hannover.

Together we will organize some events, like lectures, discussions and press conferences around Suharto's visit. A timetable of the events and who will be present in Hannover enlightening the public will be posted later on.

At the moment I would like to call on journalists in the network to know who is interested in more detailed information and probably cover stories about the partnerland of the biggest industrial fair of the world. So the industrial coverage could be backed with other voices even though your are not here in Hannover.

Please send a little note to our account.

Other information about current developments in Indonesia, East Timor Irian Jaya, Aceh,... always welcome.

LOVE, PEACE & RESPECT

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EVENTS IN CANADA

BRIEF TO CANADA ON UNCHR

BRIEF PRESENTED BY THE EAST TIMOR ALERT NETWORK/CANADA TO THE CANADIAN DELEGATION IN PREPARATION FOR THE 51ST SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

January 17, 1995

NOTE: This year's submissions by Canadian NGOs on East Timor and Indonesia were the largest to date; and in terms of submissions on Asia, surpassed that of China and Burma. In a Canadian context, this is very significant (and encouraging!).

There were over twelve submissions on Indonesia and East Timor, including briefs from Amnesty International, the Canada-Asia Working Group, Canadian Lawyers Committee for Human Rights, Article 19, the Canadian Autoworkers Union and the Coalition to Oppose the Arms Trade, amongst others. One of the highlights for me was to hear Yvon Bonn, former Canadian Ambassador to the UN (and very highly regarded by the Department of Foreign Affairs) speak on the issue of East Timor and direct a specific comment to Ed Broadbent (who was sitting in for the China, Burma and Indonesia/East Timor session), that the International Centre for Human Rights needs to fund research into this issue. Amnesty International and CAWG presented two briefs each, one focusing on East Timor and the other focusing on Indonesia.

The Government noted that Indonesia was much more organized this year in terms of preparation for the UNCHR, noting that the Indonesian Ambassador to Canada had met with the Department for Foreign Affairs last week to "discuss their version of human rights."

One final comment, the Department was most interested in my comments on human rights violations against women. Given that Indonesia has ratified CEDAW, I personally hope that this is one issue that will be given emphasis at the Commission this year. I strongly urge other solidarity groups to ask their government delegations to raise the issue, and have it included in the requests for thematic rapporteurs to visit East Timor in 1995.

Sharon Scharfe National Coordinator,
East Timor Alert Network/Canada etanott@web.apc.org

My name is Sharon Scharfe and I represent the East Timor Alert Network of Canada. Thank-you for giving us the opportunity to express our concerns regarding East Timor; concerns that I hope will be reflected in the position taken by the Canadian delegation at the upcoming session of the UNCHR.

I must begin by noting that I object to East Timor being lumped in with details on Indonesia in the briefing book. At the Commission, East Timor is given its due concern. While human rights abuses that are occurring in Indonesia are part of a larger picture of systemic human rights violations by the Indonesian government, as coordinator of the

only group in Canada specifically dealing with human rights in East Timor, I shall restrict my comments to issues relating to East Timor.

Human Rights Violations in East Timor in 1994

As the briefing section on East Timor notes, the human rights situation in East Timor has not improved in 1994. Many people have been detained, arrested or have disappeared for protesting the illegal Indonesian occupation. Canada's delegation to APEC could not miss the protests and arrests of Timorese in Dili and Jakarta. However, the activities and responses by the Indonesian military that were highlighted at APEC were not an aberration; if anything the presence of the Heads of State served as a moderating effect on the actions of the Indonesian military. With the international spotlight now gone, the repression continues for the East Timorese.

Part of this problem is due to transmigration as the transmigrants are simply intensifying the suffering of the Timorese. It also seems to be part and parcel of the fundamental problem of Indonesia's illegal occupation of East Timor. In the past year there have been many documented cases of transmigrants killing Timorese which results in understandable consequences, such as acts of anger and resentment. This gives Indonesia a scapegoat for their impact in East Timor under the rubric of "ethnic strife" as well as giving the Indonesian police/military more reason to maltreat and even kill Timorese (simply because they are protesting a violation committed by a transmigrant).

While there are untold thousands of cases of human rights abuses by the Indonesian military, I would like to draw the attention of Canada's delegation to one specific category of abuse, namely human abuses against Timorese women. I have begun to document only a few of the many thousands of cases of forced sterilization, killing of Timorese infants, torture, disappearances, systemic rapes and killings of Timorese women. On October 18, 1994, the Catholic Bishop of East Timor said that Indonesia is carrying out a "systematic sterilization program" of indigenous East Timorese women." In a telephone interview, Bishop Ximenes Belo said that Jakarta's policy is to cut the birth rate and replace the local population with immigrant supporters of its annexation of the territory it disputes with Portugal. "They are forcing people to follow their orders by telling them that if it is the state that feeds the population, it should obey the state and not the church," said Bishop Belo. He claimed that the policy of limiting the birth rate among the Timorese "made no sense" since the Indonesians were "using their migration

plan to fill the territory with people from Java and Bali" and did not respect the beliefs of the local population.

Report by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

At the 50th Session of the UNCHR, Canada was part of the international community that supported the Chair's Statement on East Timor. In our opinion, the one positive thing to have emerged from the last session was the report by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. This report will be formally submitted in the upcoming discussions on East Timor at the UNCHR, but for now I wish to draw to your attention some of the recommendations contained within this report.

This report deals specifically with the 1991 Dili Massacre, where as many as 273 peaceful protestors were killed. After stating he had "clearly sensed the terror among the many Timorese" with whom he had spoken, Bacre Ndiaye recommends that what happened at Santa Cruz should not be considered "a thing of the past," stating that "it is not too late" to find out the truth. The recommendations include setting up a civil police force in Timor, allowing international organisations access to the territory, creation of a new and credible commission of inquiry, establishment of mechanisms through which lawsuits could be brought against the military by Timorese civilians and through which they could be tried by ordinary courts. They are predictable suggestions. What was not expected, however, was the recommendation that Jakarta accelerate and broaden the demilitarisation of East Timor, so that "families feel safe enough to denounce the murder or disappearance of their relatives." In its Conclusions, the report states that "no confidence measure can be effective, and no solution for the problems of East Timor can be found before justice is done."

The report by Mr. Bacre Ndiaye, in exposing Indonesia's official lies over the Santa Cruz massacre and the persistent and widespread pattern of abuse of human rights in East Timor, calls into question the conciliatory approach by Canada, Australia, the US, Japan and the UK in their bilateral dealings with Indonesia and compromising posture at the CHR.

The people of East Timor are not going to quietly accept integration with Indonesia; this is obvious given the activities of 1994, particularly those surrounding APEC in November. As the people of East Timor stand up for their legitimate right to self-determination, the Indonesian army and government continue to grossly violate their basic human rights. The Special Rapporteur noted this in his report as well, for he states

his concern that the same conditions that allowed the killings in Dili to happen on November 12, 1991 still persist in East Timor. With a view to preventing violence in the context of public manifestations, he recommended that the new law on demonstrations currently being drafted explicitly recognise the right to peaceful assembly and manifestations, and clearly reflects the obligation of the security forces to respect the restrictions and limitations on the use of force and firearms, as contained in the pertinent international instruments.

Resolution on East Timor at the 51st Session of the UNCHR

In light of this authoritative UN Report, and the relative ineffectiveness of the Chair's Statement of 1994, the East Timor Alert Network calls on the Canadian government to take the lead and actively lobby for a Resolution on the issue of East Timor at this year's 51st Session. Canada must support firm action at the CHR in February when East Timor is considered under item 12 of the CHR's agenda.

A Resolution at this year's Commission should include the following points:

- 1) A proper, impartial, UN moderated investigation must be made into the Dili Massacre of 1991, with the findings made public and the perpetrators of the Massacre brought to justice. The impunity currently enjoyed by members of the Indonesian armed forces must end;
- 2) Must condemn the continuing human rights abuses, enforced disappearances and the persistent practice of torture;
- 3) Canada and other members of the Commission must also impress upon Indonesia to invite at least three more thematic bodies of the UN to visit East Timor in the course of 1995, namely the Special Rapporteur on Torture, the Working Group on Disappearances and the Special Rapporteur on Violence Against Women;
- 4) The release of political prisoners (notably Xanana Gusmão, José Antonio Neves);
- 5) Call for a fact finding mission concerning human rights violations against East Timorese women;
- 6) Cessation of arrest and mistreatment of students;
- 7) Reduction of Indonesian troops which cause human rights violations;
- 8) Cessation of religious provocations; and
- 9) Cessation of illegal population transfers (the cause of recent inter-ethnic conflicts).

Can the members of Canada's Delegation to the UNCHR who are present today assure me that Canada will vigorously pursue a resolution on the issue of East Timor?

I thank you for this opportunity to speak today, and I will follow with great interest the activities of the Canadian delegation at the UNCHR concerning the issue of East Timor.

CANADIAN EAST TIMOR UPDATE #38

Number 38 – February 1, 1995 From the East Timor Alert Network/Canada. Abridged

Indonesian human rights activist visits Canada

Come hear SALEH ABDULLAH, secretary of the Indonesian Front for the defence of Human Rights (INFIGHT), the only independent organization devoted to human rights in Indonesia. Events sponsored by the Canadian Catholic Organization for Development and Peace, Canada Asia Working Group and East Timor Alert Network. OTTAWA, FEB. 13, 7 p.m., Glebe Community Centre TORONTO, FEB. 17, 7:30 p.m., St. Peter's Church (Bathurst north of Bloor)

INDONESIA DEFIES UN

Human rights violations are still widespread in East Timor, despite resolutions at the last three sessions of the United Nations Commission on Human Rights, says a report from a special UN observer. "The Special Rapporteur urges the Indonesian authorities to carry out thorough, prompt and impartial investigations of all suspected cases of extrajudicial, summary or arbitrary executions and enforced or involuntary disappearances," said Mr. Bacre Waly Ndiaye, a Senegalese who is the UN's special rapporteur on extrajudicial, summary or arbitrary executions.

The East Timor Alert Network is asking supporters, as a matter of urgency, to write to Foreign Minister Andre Ouellet (House of Commons, Ottawa Ont., K1A 0A6, Fax 613-995-9926). Please ask that Canadian representatives at the commission meeting push for a strong resolution, not a so-called "consensus declaration" approved in advance by Indonesia. Canada should also demand that past commission resolutions on East Timor – such as free access to the territory for human rights groups like Amnesty International – be enforced. Finally, Canada should seek to have the recommendations of the two UN special rapporteurs enforced, and seek approval for UN rapporteurs in other areas to go to East Timor.

East Timor Alert Network/Toronto PO Box 562, Station P, Toronto, Canada, M5S 2T1 Phone/fax 1-416-531-5850, Email etanor@web.apc.org

EVENTS IN THE UNITED STATES

MAIL FROM BILL CLINTON

The following letter was received by people who wrote or faxed the White House about East Timor in the pre-APEC blitz:

The White House
Washington

January 5, 1995

Thank you for your letter regarding my trip to Indonesia for the Asia-Pacific Economic Cooperation (APEC) meeting and the human rights situation in East Timor.

I share your concerns about East Timor, and I discussed the human rights situation with President Soeharto in some detail while in Jakarta. In particular, I emphasized the importance of taking steps to promote political reconciliation, including direct talks between the Indonesian Government and East Timorese representatives. I also called for further Indonesian troop withdrawals from East Timor and underscored the importance of President Soeharto's assurance that retribution would not be sought against the twenty-nine East Timorese demonstrators at the U.S. Embassy compound. After my departure, I was pleased that all the demonstrators were permitted to travel to Portugal, where they received political asylum.

Several senior members of my APEC delegation reiterated these points to their Indonesian counterparts in Jakarta to emphasize to them that human rights issues are a high priority for my Administration and an important component of the U.S.-Indonesian bilateral relationship. They also held informative meetings with nongovernmental organization representatives and other human rights advocates.

I appreciate your sharing your views with me on this important issue.

Sincerely,
/s/ Bill Clinton

EVENTS IN SEATTLE

Report from ETAN/Seattle

On January 23, 1995 ETAN/Seattle hosted two talks by Constâncio Pinto. The main event drew around 100 people, and was entitled Resistance Resurgent: 20 Years of Struggle in East Timor. We attribute the large turn out to a good deal of advance planning, and good publicity work including a well-designed, attractive poster, the support of the Southeast Asian Center at the University of Washington which did a mailing, and two advance radio appearances and radio an-

nouncements. Constâncio also addressed a graduate student audience in a special seminar about CNRM strategies and the so-called reconciliation talks. It was valuable to have a separate talk geared toward people with a more in-depth understanding of Indonesian and East Timorese issues for all involved, including Constâncio himself. The talk ended in a lively discussion about the status of Indonesian immigrants in East Timor.

Constâncio also spoke in San Francisco, Portland, and Vancouver during his tour.

LETTER FROM SENATOR PATTY MURRAY (D-WA)

United States Senate
January 25, 1995

Dear _____:

Thank you for contacting me to express your views regarding the ongoing human rights crisis in East Timor. I apologize for the delay in responding, but I want you to know that I share many of your concerns regarding U.S. policy towards Indonesia, and would like to take this opportunity to express my thoughts to you on this difficult matter.

As you know, the people of East Timor have suffered under the strict rule, and at times brutal practices, of the Indonesian security forces for almost twenty years. During my time in the Senate, I have tried to add to the chorus of voices of those who, like yourself, wish to see a positive resolution to this tragic situation.

Last year I voted to bar the sale of small arms to Indonesia until it has been determined that there has been significant progress in the human rights situation. In addition, I supported an amendment attached to the FY 1995 foreign aid spending bill which would have expressly forbidden the use of any munitions on East Timor which were provided to the government of Indonesia by the United States. Only by applying tough economic pressures such as these will the Indonesian government come to fully recognize the value that the United States places on international human rights.

In October, 1994, I joined Senator Pell (D-RI) and other colleagues in a letter to President Clinton, urging him to raise the issue of East Timor with Indonesian President Suharto during his visit to Indonesia. I am hopeful that President Clinton's interest in this matter will finally convince the government of Indonesia to reconsider its hostile policies towards East Timor.

Once again, thank you for sharing your thoughts on this matter. I am always eager to listen to your views, and was encouraged to hear that we agree on the need to press for human rights reform in East Timor. If you have any further questions or comments, on

this or any other issue, please feel free to let me know.

Sincerely,
Patty Murray
United States Senator

U.S. DEPARTMENT OF STATE 1995 HUMAN RIGHTS COUNTRY REPORT FOR INDONESIA

Issued February 1, 1995. Full text, provided courtesy Voice of America.

The Indonesian political system, despite a surface adherence to democratic forms, remains strongly authoritarian. President Soeharto, now in his sixth 5-year term, a small group of advisers, and the military dominate the political life of this heavily populated developing country, whose people come from hundreds of different cultural, linguistic, and ethnic backgrounds. The Government requires allegiance to a state ideology known as "Pancasila," which includes belief in a supreme god, a just and civilized humanity, national unity, democracy, and social justice. It has used Pancasila as a justification for restricting the development of opposition elements.

Under a doctrine of "dual function," the military is given special civic rights and responsibilities, including unelected military seats in Parliament (DPR) and local legislatures, in addition to its defense and security roles. The 450,000-member armed forces, including 175,000 police, consider the maintenance of internal security as their primary mission, and they have traditionally acted swiftly to suppress perceived threats to security, whether from criminal acts, separatist movements, or allegedly subversive activities, with a vigor that has often led to human rights abuses. A few military leaders sometimes raised questions about the validity of this "security approach." There continued to be numerous, credible reports of human rights abuses by the military and police, although they exhibited some restraint in controlling crowds and demonstrations.

In contrast to its restrictive political system, Indonesia has an increasingly open and deregulated economy. Though still a poor country, Indonesia's economy continued to expand in 1994, especially in manufacturing, with gross domestic product expected to increase by 6.7 percent. With inflation remaining under control, the continued economic growth has produced steady gains in living standards for much of Indonesian society. The number of people living below the poverty line has fallen from 70 million in 1970 to 27 million in 1990. Income inequality has been slightly reduced over the past quarter century. Widespread unemployment

persists, however, as do corruption and influence peddling.

The Government continued to commit serious human rights abuses and in some areas, notably freedom of expression, it became markedly more repressive, departing from a long-term trend towards greater openness. The most serious abuses included the continuing inability of the people to change their government and harsh repression of East Timorese dissidents. Reports of extrajudicial killings declined. Security forces continued to torture those in custody: some sources reported that the use of torture declined, but definitive statistics are not available. Extrajudicial arrests and detentions continued, as did the use of excessive violence in dealing with suspected criminals or perceived troublemakers.

The Government imposed severe limitations on freedoms of speech, press, and assembly, and suppressed efforts to develop a free trade union movement. The armed forces continued to be responsible for the most serious human rights abuses. Some military leaders showed a willingness to admit misconduct publicly and take action against offenders. The Government in a few cases brought abusers to justice, but their punishment rarely matched the severity of the abuse. The judiciary continued to be largely subservient to the executive branch and the military. Widespread corruption in the legal system remained a serious problem.

The Government withdrew the licenses of three leading publications. It prepared but has not issued a draft presidential decree that would restrict further the activities of non-governmental organizations (NGO's), and it increasingly cracked down on anti-governmental critics, labor activists, and alleged criminals during the year, including in an anti-crime campaign dubbed "Operation Cleanup" by the Government. These constraints, however, did not completely dampen dissenting voices in the media, and the many human rights NGO's continued to be active. The government-appointed National Human Rights Commission established in 1993 showed some independence and a willingness to criticize government policies and actions.

On East Timor, no progress was made in accounting for the missing persons following the 1991 Dili incident, and troop levels remained unjustifiably high. Somewhat greater access was permitted to foreign journalists and others, including a July visit by the United Nations Special Rapporteur on Summary, Arbitrary and Extra-judicial Executions, although some NGO representatives and foreign journalists continued to encounter difficulties or were denied access to East Timor.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killings

Historically, politically motivated extrajudicial killings generally have occurred most frequently in areas where separatist movements were active, such as East Timor, Aceh, and Irian Jaya. Although security forces continue to employ harsh measures against separatist movements in these three areas, there were no confirmed reports of politically motivated extrajudicial killings in 1994.

However, there were reports of security forces killing armed insurgents including six Aceh Merdeka supporters in clashes in Aceh. At least four members of the security forces were also reported killed in these clashes. Reliable civilian sources reported that in East Timor security forces killed several Timorese civilians. The number of such reports was lower than in previous years, however. There were no reports of such killings in Irian Jaya.

Troop strength in East Timor declined in 1994. Reliable estimates indicated that about 6,000 army troops from outside the province reinforced the normal garrison of about 3,000. There are also about 3,000 police in East Timor. Commanders there have stated that they intend to review the level of troops in the province for possible further reductions on a twice yearly basis. The Government offered a general amnesty to members of the Timorese resistance who surrender their arms, and it was reported to have released some who were apprehended rather than trying them.

The police often employ excessive force in apprehending suspects or coping with alleged criminals. In Jakarta police in April mounted an anti-crime program dubbed "Operation Cleanup," in which they employed deadly force against suspects. In response to protests that the methods used are unjustifiably harsh and amount to execution without trial, police have generally claimed that the suspects were fleeing, resisting arrest, or threatening the police. Although accurate statistics were unavailable, the number of fatal shootings by police seemed to be increasing, with some 150 incidents reported in West Java (including Jakarta) by mid-July. Human rights groups were particularly concerned that this cleanup campaign was intensified in the weeks leading up to the Asia-Pacific Economic Cooperation forum (APEC) meeting in November. In North Sumatra, 80 shootings by police, including 4 deaths, were reported by mid-December.

In the past the authorities almost never took action against police for using excessive

force. However, there is some indication that the situation is improving, although action taken by the authorities is still not commensurate with the gravity of police abuses. For example, a military court in Medan sentenced a policeman accused of killing a suspect in 1993, who was allegedly trying to escape, to 3 months in prison in 1994. In March a military court sentenced four policemen in Palembang to prison terms of 2 to 3 months for shooting, but not killing, a suspect at close range. The five police officers detained in 1993 in North Sumatra in connection with the death of Syamsul Bahri were not tried, apparently because the family did not pursue the case. At least one of the 10 police cadets accused of beating a man to death in Kupang in April was sentenced to 2 years in prison. At year's end the military claimed to be still investigating the September 1993 killings by security forces of four demonstrators who were peacefully protesting construction of a dam in Madura; some two dozen police and military personnel are involved. Residents from the area met with representatives of the National Human Rights Commission in May and December to request legal action against civilians and military personnel accused of involvement in the shootings.

b. Disappearance

There were no politically motivated abductions. Security forces in areas of conflict often hold suspects for long periods without formal charges, but these cases usually end with official acknowledgment of detention (see Section I.d.). Reliable sources report that all those alleged to have disappeared during the mid-July disturbances at the University of East Timor have been located.

Government efforts to account for the missing and dead from the November 12, 1991 military shooting of civilians in Dili, East Timor, remained inadequate. No additional cases of those still listed as missing in a report the military gave to Human Rights Watch/Asia were resolved during the year. Government spokesmen implied that their failure to locate those missing was primarily due to those persons wishing to evade detection. Many knowledgeable observers, however, continued to believe that most of the missing are dead and that some members of the armed forces know where their bodies are located.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession, and it establishes pretrial procedures to give suspects or their families the right to challenge the legality of an arrest or detention. In practice, security forces continued to employ torture and other forms of

mistreatment, particularly in regions of security concerns such as Aceh and East Timor, although some sources reported that the use of torture declined. Legal protections are both inadequate and widely ignored. According to the January, 1994 report of the Special Rapporteur on Torture to the United Nations Human Rights Commission, the most commonly used methods are: beating on the head, shins, and torso with fists, lengths of wood, iron bars, bottles, rocks, and electric cables; kicking with heavy boots; burning with lighted cigarettes; electric shocks; slashing with razor blades and knives; death threats, faked executions and deliberate wounding with firearms; pouring water through the nose; prolonged immersion in fetid water; hanging upside down by the feet; placing heavy objects on knees and other joints; isolation; sleep and food deprivation and genital mutilation, sexual molestation, and rape. Civilian sources in East Timor report that security agencies still employ torture before releasing suspects to police custody, particularly electric shocks, though its incidence has decreased.

Police often resort to physical abuses even in minor incidents, and prison conditions are harsh, with violence among prisoners and mistreatment and extortion of inmates by guards reportedly common. The incidence of mistreatment by prison officials drops sharply once a prisoner has been transferred from police or military custody into the civilian prison system, and prison conditions generally have improved in recent years. Officials have publicly condemned police brutality and harsh prison conditions and occasionally instigate disciplinary action, including transfer, dismissal, and trials leading to prison. In August a civilian employed at a Medan jail was tried on charges of causing the death of an inmate who died from injuries sustained in a beating. He was sentenced to 6 months in jail. Such actions, however, are an exception to the rule of general impunity.

Political prisoners are usually mixed with the general prison population, although in the Cipinang prison in Jakarta high-profile political prisoners are segregated. In 1994 the Government allowed the International Committee of the Red Cross (ICRC) to visit prisoners in Cipinang in Jakarta and also granted access to prisons elsewhere in Java, Sumatra, Aceh, and other provinces as well as East Timor. The Government also has allowed the ICRC to organize family visits to political prisoners. In January the authorities suspended visitation rights for jailed East Timorese Fretilin leader Xanana Gusmão for 1 month following release of a letter he sent to the International Commission of Jurists which Indonesian authorities deemed objectionable.

d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedures Code contains provisions against arbitrary arrest and detention which are routinely violated. The Code specifies the right of prisoners to notify their families, and that warrants must be produced during an arrest except under specified conditions, such as when a suspect is caught in the act of committing a crime. It also authorizes investigators to issue warrants to assist in their investigations or if sufficient evidence exists that a crime has been committed. Despite these requirements, authorities sometimes make arrests without warrants. Some persons suspected of involvement in the Medan riots in April were arrested before formal warrants were issued.

The law presumes defendants innocent and permits bail. They or their families may also challenge the legality of their arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained. However, it is virtually impossible for detainees to invoke this procedure, let alone receive compensation, after being released without charge. In both military and civilian courts, appeals based on legality of arrest and detention are rarely, if ever, accepted. The Code also contains specific limits on periods of pretrial detention and specifies when the courts must get involved to approve extensions, usually after 60 days.

In areas where active guerrilla movements exist, such as East Timor and Aceh, people are routinely detained without warrants, charges, or court proceedings. Bail is rarely granted, especially in political cases. The authorities frequently prevent access to defense counsel and make it difficult or impossible for detainees to get legal assistance from voluntary legal defense organizations. The authorities routinely approve extensions of periods of detention. In addition, suspects charged under the 1963 Antisubversion Law are subject to special procedures outside the Criminal Procedures Code which allow, for example, the Attorney General the authority to hold a suspect up to 1 year before trial. He may renew this 1-year period without limit. Special laws on corruption, economic crimes, and narcotics are similarly exempt from the Code's protections.

The Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS) operates outside the Code and has wide discretion to detain and interrogate persons thought to threaten national security. It is impossible to state the exact number of arbitrary arrests or detentions without trial but in March 59 people being held in connection with the 1989-91 Aceh insurgency were released without charges or trials, bringing the total number released since 1990 to around 965 persons.

Many had been held incommunicado without knowing the charges against them; some, including at least five of those released in 1994, had been held for over 2 years. The authorities require many of those released to report back at regular intervals. Three other Acehnese convicted previously of subversion were released in 1994 after serving two-thirds of their sentences. The decline in armed separatist activity led to fewer detentions, and fewer than 100 Acehnese were believed to be in detention without trial at year's end. An additional five persons were sentenced for subversion in Aceh in 1994, and the trials of five others on charges of subversion and narcotics smuggling were scheduled to begin in mid-December.

In East Timor military authorities continued the practice of detaining people without charges for short periods and then requiring them to report daily or weekly to police after their release. Three East Timorese students detained by police in August for bringing forbidden books and foreign items into the province were released, but two of them are required to report to the authorities. Six East Timorese who received lengthy sentences in connection with the November 1991 shootings in Dili were transferred to the maximum security prison in Semarang without prior notice to their families or humanitarian organizations, and their whereabouts were unknown for several days. José Antonio Neves, an acknowledged member of the clandestine pro-independence movement, and in detention since May, was charged with sedition in September. His defense attorney asked for dismissal of the charges, citing procedural flaws in Neves' arrest. They also allege that police denied him access to legal representation for the first 2 months of his detention. Around 100 people were arrested during demonstrations and outbreaks of violence in Dili around the time of the November APEC meetings. Some remained in custody at year's end.

e. Denial of Fair Public Trial

The Constitution stipulates the independence of the judiciary, but in practice the judiciary is subordinated to the executive and the military, and in many cases procedural protections, including those against coerced confessions, are inadequate to ensure a fair trial. A quadripartite judiciary of general, religious, military, and administrative courts exists below the Supreme Court. The right of appeal from district court to high court to Supreme Court exists in all four systems of justice. The Supreme Court does not consider factual aspects of a case, only the lower courts' application of law. A three-judge panel conducts trials at the district court level, poses questions, hears evidence, decides guilt or innocence, and assesses pun-

ishment. Initial judgments are rarely reversed in the appeals process, although sentences are sometimes increased or reduced (both the defense and the prosecution may appeal). In 1994 for example, the 4-year sentence of a student tried in Jakarta for insulting the President in leaflets he distributed near the Parliament in November 1993 was increased to 5 years upon appeal of the prosecutor. The relatively light (6 months) sentences of 21 other students who were also convicted of insulting the President during demonstrations at Parliament in December 1993 were increased to between 8 and 14 months following appeal by the prosecutor. In August the Supreme Court ordered the release of those among the 21 students whose sentences had been raised to 8 months when they were still being held a week following completion of their sentences.

Defendants have the right to confront witnesses and to produce witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court. In such cases, sworn affidavits may be introduced. However, the Criminal Procedures Code does not provide for witnesses' immunity or for compulsory process of defense witnesses. As a result, witnesses are sometimes too afraid of retribution to testify against the authorities.

In cases tried under the 1963 Antisubversion Law, trials in absentia are permitted and public access generally requires advance approval by the military. The courts commonly allow forced confessions and limit the presentation of defense evidence. For example, the court trying the suspects in the Marsinah murder admitted their confessions into evidence and convicted them of the murder, even though the defendants claimed that their confessions had been obtained by coercion and torture. The court allowed defense attorneys for the student mentioned above whose sentence was raised to 5 years on appeal, to call only one out of 17 witnesses they wished to present. Mochtar Pakpahan was not allowed to call expert legal witnesses in his defense (see Section 6). Defendants do not have the right to remain silent and can be compelled to testify in their own trials.

The Criminal Procedures Code gives defendants the right to an attorney from the moment of their arrest through the investigation and trial. The law requires that a lawyer must be appointed in capital cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, a lawyer must be appointed if the defendant desires an attorney and is indigent. In theory destitute defendants may obtain private legal help, such as that provided by the Legal Aid Institute. In practice, however, defendants are often per-

suaded not to hire an attorney, or access to an attorney of their choice is impeded. The authorities reportedly pressured several defendants tried in Medan on charges stemming from labor unrest in April, which turned into anti-Chinese riots, to decline attorneys, while some attorneys involved in the cases were subjected to official harassment of various kinds. Five East Timorese sentenced to 20 months imprisonment for publicly expressing anti-Indonesian sentiments during a banner-waving incident in the presence of foreign journalists were not represented by counsel. Authorities claim they declined the right to counsel, while nongovernmental sources indicated access to counsel was impeded, and that the defense lawyers were not notified in advance of their appearance in court that sentencing was to begin.

The Supreme Court theoretically stands coequal with the executive and legislative branches, but it does not have the right of judicial review over laws passed by Parliament. The Supreme Court has not yet exercised its power (held since 1985) to review ministerial decrees and regulations. In 1993 Chief Justice Purwoto Gandasubrata laid out judicial procedures for limited judicial review, and some cases of this kind were initiated in 1994. Judges are civil servants employed by the executive branch, which controls their assignments, pay, and promotion. They are subject to considerable pressure from military and other governmental authorities. Such control often determines the outcome of a case. Corruption permeates the legal system. In civil and criminal cases, the payment of bribes can influence prosecution, conviction, and sentencing. To address this problem, the Government announced that the salaries of judges would be doubled as of January 1, 1995.

The Supreme Court bowed to government pressure in a longstanding land dispute between the central Java government and 34 farmers who had been forced to sell their land for the construction of the Kedungombo dam, a development project funded by the World Bank. The villagers sued for increased compensation. The Supreme Court initially overturned decisions of both the Semarang district court and the central Java high court in favor of the Government, awarding the plaintiffs even greater compensation than they had sought, including "non-material losses." However, the Supreme Court later reversed its own ruling after the Government refused to accept it and asked the Court to review it again.

In an unusual move in November, the East Java High Court overturned the conviction of the reputed mastermind of the Marsinah murder for insufficient evidence. The Government has appealed the decision to the Supreme Court despite provisions of the

Criminal Code which disallow an appeal in such circumstances.

For the fourth consecutive year, there was a decline in the number of persons prosecuted under the 1963 Antisubversion Law, which carries a maximum penalty of death. The authorities tried at least five persons in 1994 under the Law for subversion in Aceh and sentenced them to from 19 to 20 years' imprisonment. The Antisubversion Law makes it a crime to engage in acts that could distort, undermine, or deviate from the state ideology or broad outlines of state policy, or which could disseminate feelings of hostility or arouse hostility, disturbances, or anxiety among the population. The excessively vague language makes it possible to prosecute people merely for peaceful expression of views contrary to those of the Government.

The Government does not make available statistics on the number of people currently serving subversion sentences or sentences classified as felonies under the so-called Hate-Sowing or Sedition laws. Informed sources estimate the number of people serving sentences for subversion in 1994, including members of the banned Communist Party of Indonesia (PKI), Muslim militants, and those convicted of subversion in Irian Jaya, Aceh, and East Timor, at around 300. Scores, and possibly hundreds, more were believed to be serving sentences under the Hate-Sowing or Sedition laws. Some of these persons advocated or employed violence, but many are political prisoners who were convicted for attempting to exercise such universally recognized human rights as freedom of speech or association or who were convicted in manifestly unfair trials. Six prisoners convicted of subversion remained under death sentence. Five of these were associated with the Indonesian Communist party, are 78 or more years old, and have

been imprisoned for 29 years. In June two students convicted of subversion in 1993 for possessing banned literature and participating in illegal discussion groups were granted conditional release after serving two-thirds of their sentences. Three alleged members of Aceh Merdeka convicted of subversion were released after serving lengthy sentences.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption. However, security agencies regularly make forced or surreptitious entries. They also intimidate by surveillance of persons and residences and selective monitoring of local and international telephone calls without legal restraint. Government security officials monitor the movements and activities of former members of the PKI and its front organizations, espe-

cially persons the Government believes were involved in the abortive 1965 Communist-backed coup. The Government stated in late 1990 that this latter group then totaled 1,410,333 people. These persons and their relatives sometimes are subject to surveillance, required check-ins, periodic indoctrination, and restrictions on travel outside their city of residence. Their legally required identification cards carry the initials "E.T." which stand for "Ex-Tapol," or former political prisoner, which readily identifies them to prospective employers or government officials.

The Government's transmigration program which moved large numbers of people from overpopulated islands to more isolated and backward ones has been criticized by nongovernmental human rights monitors. They say that it not only violates the rights of indigenous people but also those of the transmigrants, claiming that they are frequently duped into leaving their home villages without any means of return (see Section 5.).

SECTION 2. RESPECT FOR CIVIL LIBERTIES, INCLUDING:

a. Freedom of Speech and Press

The trend toward greater openness and freedom of expression in the press, which began in 1993 and continued through the first half of 1994, suffered a serious setback on June 21 when the Government revoked the publishing permits of three of Indonesia's best known weekly publications: Tempo, DeTik, and Editor. Tempo was the nation's most influential newsmagazine, founded in 1971 and widely respected for the breadth and depth of its coverage. DeTik was a hard-hitting tabloid specializing in political affairs and social issues. Editor was a respected voice on public affairs. The official reasons given for revocation of the licenses were that Tempo had endangered national security through its reporting, and that the other two had committed administrative violations. It is widely believed, however, that reporting of alleged differences in the Cabinet over a controversial military procurement issue was the proximate cause of the Government's action.

Although the Constitution and the 1982 Press Law provide for freedom of the press, the issuance of publishing licenses under a 1984 ministerial decree is one method the Government uses to control the press. Three other publications had their licenses revoked in the last decade, although two later reappeared with new names and changes in top management. In December Minister of Information Harmoko stated that the Government would issue no new press licenses during 1995 for publications on current affairs, and he said there was no chance that the

majority group of journalists from the former Tempo magazine would be issued a press permit to found a successor publication; rather, the Minister noted that a press permit had already been issued to a smaller group of former Tempo employees. Other means of control include regulation of the amount of advertising permitted and of the number of pages allowed in newspapers. The practice of telephoning editors to caution against publishing certain stories – the so-called telephone culture – continued, and its incidence seemed to increase following the action against the three publications in June. Self-censorship continued to be another publicly acknowledged brake on free expression whose effectiveness increased after June.

Military and civilian authorities continued in some cases to issue instructions, more or less subtle, to local journalists on what they could print. For example, after extensive coverage of the April strikes and riots, press coverage of labor issues dropped markedly in Medan following directives from authorities to cut back on controversial issues. In Jakarta, papers were warned against covering topics ranging from the prolonged summer drought to the ban of the three publications. Medan police tried to curb foreign coverage of the April disturbances by insisting on special permits from the ministry of information, and at least two foreign reporters were forced to leave the city. The staff of East Timor's only newspaper were subject to various forms of intimidation by unknown sources, and a newspaper-owned vehicle was burned and heavily damaged following the newspaper's coverage of a mid-July demonstration which was at variance with the official account.

The Government's actions against press freedom in 1994 limited the increasingly vocal and independent press that has emerged in recent years. Although protest demonstrations dwindled following the harsh government reaction against some demonstrators, active opposition to the new government press measures continued in other channels. A number of unsanctioned journals continued to provide critical coverage of controversial issues, but they were circulated in small numbers largely in major cities. In August, 55 journalists founded the Alliance of Independent Journalists, rivaling the government-sponsored Indonesian Journalists Association (PWI), to work for freedom of expression and oppose any form of censorship and interference in press freedom. In September the former chief editor of Tempo brought a lawsuit in Jakarta administrative court against the Minister of Information over the revocation of Tempo's license, the first ever such lawsuit. At year's end, this suit was still not decided. In October most of the editorial staff of DeTik joined the staff of

the existing publication *Symphony* and revamped it to resemble *DeTik*. However, publication was suspended after only a few days when the PWI withdrew its legally required approval, thus jeopardizing *Symphony's* own publication license.

While public dialog is still freer than it was a few years ago, the Government continues to impose restrictions on free speech. For example, on August 29 security forces prohibited noted human rights activist Adnan Buyung Nasution from addressing a seminar on development in Indonesian society in Surabaya. The Government also prevented several other public figures, including members of the National Human Rights Commission, from participating in public seminars on one or more occasions. Authorities often capriciously applied these strictures without clear justification for the prohibition. In East Timor authorities denied permission for NGO's and the local university to hold an open seminar on development and the local environment. In February authorities in East Java banned the performance in Surabaya of a play by well-known author Emha Ainun Nadjib, which was critical of government land policies in development cases. Subsequently the authorities allowed performance of the play, which had been previously performed in Jogjakarta. Two U.S. movies were banned following protest by Islamic religious leaders. However, a play about the controversial murder of labor activist Marsinah was staged in Jakarta in September.

The electronic media remained more cautious in their coverage of the Government than the printed media. The Government operates the nationwide television network, which has 12 regional stations. Private television companies continued to expand, with a fifth station scheduled to begin operation in November. All are required to broadcast government-produced news, but many also produce public affairs style programming that borders on news.

Approximately 600 private radio broadcasting companies exist in addition to the Government's national radio network. The government radio station produces "National News," which is by law the only radio news broadcast in Indonesia, and it is relayed throughout the country by the private stations and 49 regional affiliates of the government station. By law, the private radio stations may produce only "light" news, such as human interest stories, and may not discuss politics. In practice, many broadcast interviews and foreign news as well.

Foreign television and radio broadcasts are readily accessible to those who can afford the technology, and satellite dishes have proliferated throughout the country. The Government makes no efforts to restrict access to this programming.

The Government closely regulates access to Indonesia, particularly to certain areas of the country, by visiting and resident foreign correspondents, and occasionally reminds the latter of its prerogative to deny requests for visa extensions. The Government requires a permit for the importation of foreign publications and video tapes, which must be reviewed by government censors. Importers sometimes avoid foreign materials critical of the Government or dealing with topics considered sensitive, such as human rights. Foreign publications are normally available, although several issues were delayed or embargoed in 1994 when they carried stories on matters considered sensitive, such as East Timor.

Special permission is necessary for foreign journalists to travel to East Timor, and the Government organized a number of group trips to the province during the year. Approval for individual trips by journalists to the province, and for travel outside Dili, remains difficult. During the November APEC meetings, the Government approved travel to the province by several dozen foreign journalists, the largest number to visit the province in many years. Some six journalists and freelancers who had not obtained permits were denied access to the province or instructed by authorities to leave East Timor.

While the law provides for academic freedom, constraints exist on the activities of scholars. Political activity and discussions at universities, while no longer formally banned, remained tightly controlled. Scholars sometimes refrain from producing or including in lectures and class discussions materials that they believe might provoke government displeasure. An Indonesian academic who has conducted studies on East Timor and whose conclusions are at variance with those of the Government was strongly criticized by government figures and his house stoned by unknown youths. Publishers sometimes refuse to accept manuscripts dealing with controversial issues. On occasion the Government bans publications and books outright. In January it banned a book dealing with President Soeharto's rise to power, and in August, the Attorney General banned a book published by the leader of the messianic Islamic sect Darul Arqam, the third book of this group to be banned in Indonesia. On the other hand, "*The Fugitive*," a book by the prominent Indonesian novelist and former political prisoner Pramoedya Ananta Toer, which together with other works by Pramoedya had been banned for many years, was published in August.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly and association, the Government places significant controls on the exercise of this right. All organizations must have government permission to hold regional and national meetings. Public marches and demonstrations also require permits, which are frequently not granted. During the year, government and military authorities returned to a more restrictive policy on authorizing public protest demonstrations, after loosening such restrictions for a while during the latter half of 1993. Many jurisdictions often require prior approval for smaller gatherings as well. While obtaining such approval is usually routine, the authorities occasionally withhold permission or break up peaceful gatherings for which no permit has been obtained. In 1994 authorities broke up a meeting between an attorney and his clients in a labor compensation case, and a public seminar on land issues which was sponsored by a well-known NGO.

The courts sometimes hand out stiff penalties to persons convicted in cases involving free expression, as in the two cases of student demonstrators (mentioned in Section I.e. above), whose sentences were increased on appeal, while at other times they are more lenient. On June 27, security forces violently broke up two peaceful marches on the Ministry of Information by persons protesting the withdrawal of publication licenses from the three publications mentioned above. Approximately 30 persons were detained by the authorities and several demonstrators were injured. The Jakarta central district court sentenced all but one of the persons arrested on the day after their arrest for demonstrating without a permit, and they were released after paying a nominal fine equivalent to \$1. The remaining person, a parolee, was returned to prison to finish his sentence. On July 7, police entered the compound of the Legal Aid Society, a prominent Indonesian human rights NGO, and arrested 41 hunger strikers who were protesting the media banning. These demonstrators, too, were sentenced to pay token fines and released after 2 days. Other demonstrations on this issue during this period were allowed to take place without incident, such as a July 5 demonstration of journalists in Jakarta.

A group of several hundred people, who had assembled at the University of East Timor wishing to march to the provincial assembly to air their views about an incident of alleged religious disrespect the previous day, were dispersed by riot police who refused to let the march proceed without a permit. Around a dozen individuals were lightly injured in this incident, and a number

were briefly detained. The authorities showed greater restraint than in past incidents involving crowds, using police rather than the army and avoiding the use of firearms.

The 1985 Social Organizations Law (ORMAS) requires the adherence of all organizations, including recognized religions and associations, to the official ideology of Pancasila. This provision, which limits political activity, is widely understood as designed to inhibit activities of groups seeking to make Indonesia an Islamic state. The law empowers the Government to disband any organization it believes to be acting against Pancasila and requires prior government approval for any organization's acceptance of funds from foreign donors, thereby hindering the work of many local humanitarian organizations. Nevertheless, a significant number of organizations, including the independent labor organization Serikat Buruh Sejahtera Indonesia (SBSI), continue to be active without official recognition under this law (see Section 6).

In the past few years, NGO's have proliferated in such fields as human rights, the environment, development, and consumer protection. In late 1994, the Government prepared a draft presidential decree that would bring the more than 700 NGO's under controls similar to the ORMAS Law. The draft decree made available by the Government for comment indicated that NGO's would have to receive government approval for the use of any foreign assistance they accept, and such assistance must be deemed consistent with national development policy and not detrimental to national interests. NGO's would also be prohibited from engaging in political activity and would receive government guidance on fulfilling their declared functions. Many NGO's, fearing that the proposed new decree is an effort by the Government to control their organizations or curb some of their activities, reacted strongly to the draft which, at year's end, the Government had not yet put into effect.

c. Freedom of Religion

The Constitution provides for religious freedom and belief in one Supreme God. The Government recognizes Islam, Christianity, Buddhism, and Hinduism, and permits practice of the mystical, traditional beliefs of "Aliran Kepercayaan." Although the population is overwhelmingly Muslim, the practice and teachings of the other recognized religions are generally respected, and the Government actively promotes mutual tolerance and harmony among them. Some restrictions on certain types of religious activity exist (see below).

Because the first tenet of Pancasila is belief in a supreme being, atheism is forbidden.

The legal requirement to adhere to Pancasila extends to all religious and secular organizations. The Government strongly opposes Muslim groups which advocate establishing an Islamic state or acknowledging only Islamic law. There are government procedures for banning religious sects in Indonesia. Among those prohibited are Jehovah's Witnesses and Baha'i. In 1994 the Government banned the messianic Islamic sect Darul Arqam in a number of provinces, prohibited three of its books, and in August forbade its leader, Abuya Sheikh Imam Ashaari Muhammad, from entering Indonesia.

Violence between rival factions in the Huria Kristen Batak Protestan (HKBP), Indonesia's largest Protestant church, continued in north Sumatra throughout 1994, with at least six fatalities. In early 1993, citing a threat to civil order, the Northern Sumatra regional military commander intervened in an internal leadership dispute which broke out within the HKBP the previous year, appointing a new bishop and helping the new bishop's supporters take over church property. Civilian and military authorities have called the dispute an internal church matter that should be resolved by the HKBP members themselves. To date, however, only supporters of the former bishop have been prosecuted for acts of violence despite evidence that members of the opposing faction engaged in violent acts as well.

There were widespread reports from religious minorities indicating that the extent of religious tolerance weakened somewhat during the year and that they felt less free to carry out their religious activities unimpeded. High-level officials, including the President, however, spoke out several times to emphasize the importance of religious tolerance. Two army privates accused of provocative behavior during a Catholic mass in East Timor in June were court-martialed. In October both were expelled from the army, and received prison sentences of 2, and 2 and 1/2 years respectively. The law allows conversion between faiths, and such conversions occur. Marriages between persons of different religions are allowed. The Government views proselytizing by the recognized religions in areas heavily dominated by one recognized religion or another as potentially disruptive and discourages it. Foreign missionary activities are relatively unimpeded, although in East Timor and occasionally elsewhere missionaries have experienced difficulties and delays in renewing residence permits, and visas allowing the entrance of new foreign clergy are difficult to obtain. Laws and decrees from the 1970's limit the number of years foreign missionaries can spend in Indonesia, with some extensions granted in remote areas like Irian Jaya. Foreign missionary work is subject to the fund-

ing stipulations of the ORMAS Law (see Section 2.b.). Indonesians practicing the recognized religions maintain active links with co-religionists inside and outside Indonesia and travel abroad for religious gatherings.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In 1993 the Government drastically reduced the number of people barred either from entering or departing Indonesia from a publicly announced figure of 8,897 "black-listed" people in January to a few hundred by August. According to government authorities, no one is now prohibited for political reasons from leaving the country. However, the Government restricts movement by Indonesian and foreign citizens to and within parts of Indonesia. In addition, it requires permits to seek work in a new location in certain areas, primarily to control further population movement to crowded cities, and special permits are required to visit certain parts of Irian Jaya. The military carried out security checks affecting transportation and travel to and within East Timor sporadically in 1994, and it occasionally imposed curfews in connection with military operations. The authorities require former political detainees, including those associated with the abortive 1965 coup, to give notice of their movements and to have official permission (see Section 1.f.) to change their place of residence.

In past years the Government admitted large numbers of asylum seekers from Indochina. Only a relatively small number now remain and the Government plans to work with Vietnam under a tripartite Memorandum of Understanding signed in 1993 with the United Nations High commissioner for Refugees (UNHCR) to peacefully repatriate the remaining asylees to Vietnam.

SECTION 3. RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

Citizens do not have the ability to change their government through democratic means. The 1,000-member People's Consultative Assembly (MPR), which is constitutionally the highest authority of the State and meets every 5 years to elect the President and Vice President and set the broad outlines of state policy, is controlled by the Government through the appointment of half its membership. The remaining half come from the National Parliament (DPR), 80 percent of whose members are elected. In 1993 the MPR elected Soeharto to his sixth untested 5-year term as President. Legally, the President is constitutionally subordinate to the Parliament, but actually he and a small group of active duty and retired military

officers and civilian officials exercise governmental authority.

Under a doctrine known as "dual function," the military assumes a significant sociopolitical as well as a security role. Members of the military are allotted an unelected 20 percent of the seats in national, provincial, and district parliaments, and occupy numerous key positions in the administration. The other 80 percent of national and local parliamentary seats are filled through elections held every 5 years. All adult citizens are eligible to vote, except active duty members of the armed forces, convicted criminals serving prison sentences, and some 36,000 former PKI members. Voters choose by secret ballot between the three government-approved political organizations, which field candidate lists in each electoral district. Those lists must be screened by BAKORSTANAS (see Section I.d.), which determines whether candidates were involved in the abortive 1965 Communist coup or pose other broadly defined security risks. Critics charge these screenings are unconstitutional, since there is no way to appeal the results, and note that they can be used to eliminate critics of the Government from Parliament.

Strict rules establish the length of political campaigns, access to electronic media, schedules for public appearances, and the political symbols that can be used. The Government permits only three political organizations to exist and contest elections. The largest and most important of these is GOLKAR, a government-sponsored organization of diverse functional groups which won 68 percent of the seats in the 1992 elections. The President strongly influences the selection of the leaders of GOLKAR. The other two small political organizations, the Unity Development Party (PPP) and the Democratic Party of Indonesia (PDI), split the remaining vote. The law requires all three political organizations to embrace Pancasila, and none of the organizations is considered an opposition party. Government authorities closely scrutinize and often guide their activities. Members of the DPR and the provincial assemblies may be recalled from office by party leaders.

GOLKAR maintains close institutional links with the armed forces and KORPRI, the association to which all civil servants automatically belong. Civil servants may join any of the political parties with official permission, but most are members of GOLKAR. Former members of the PKI and some other banned parties may not run for office or be active politically. The DPR considers bills presented to it by government departments and agencies but does not draft laws on its own, although it has the constitutional right to do so. The DPR makes techni-

cal and occasionally substantive alterations to bills it reviews. In practice, it remains clearly subordinate to the executive branch, but recently it has become much more active in scrutinizing government policy through hearings at which members of the Cabinet, military commanders, and other high officials are asked to testify. For example, parliamentary examination brought to light a major scandal in government banks and forced the Government to address it seriously. The DPR has also become increasingly a focal point of appeals and petitions from students, workers, displaced farmers, and others protesting alleged human rights abuses and airing other grievances.

While there are no de jure restrictions on women in politics, only 55 out of 500 members of the national Parliament are women; 2 women are cabinet members.

SECTION 4. GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

While various domestic organizations and persons interested in human rights operate energetically, some human rights monitors face government harassment such as frequent visits by police or agents from military intelligence, interrogations at police stations, or cancellations of private meetings (see Section 2.b.). Following the April labor unrest in Medan, local security authorities increased surveillance and harassment of NGO's in north Sumatra that were active in labor affairs. Moreover, the Government prepared in 1994 a draft decree which, if issued and fully implemented, would give it broad powers to control the activities of NGO's concerned with human rights and seriously impede their ability to function.

The Government considers outside investigations of alleged human rights violations to be interference in its internal affairs and emphasizes its belief that linking foreign assistance to human rights observance is unacceptable. In 1994 it pressured several neighboring countries to prohibit or restrict NGO-sponsored human rights seminars on the situation in East Timor.

The ICRC continued to operate in East Timor, Irian Jaya, and Aceh, and to visit prisoners convicted of participation in the abortive, Communist-backed coup in 1965, convicted Muslim extremists, and East Timorese prisoners. However, as of year's end, the Government had not approved the ICRC's request to open an office in Aceh, though official cooperation on access by its delegates from Jakarta showed substantial improvement in 1994.

ICRC access also greatly improved in other areas, including East Timor where it has an office. The ICRC no longer maintains an office in Irian Jaya but visits that province from Jakarta several times a year. However, in 1994 the visiting representative of Human Rights Watch/Asia, a key U. S. human rights NGO, was denied permission to visit Medan and East Timor. The Government authorized the visit of the U.N. Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions and allowed him to see those persons he had requested. The Rapporteur publicly questioned, however, whether all those who might have wanted to speak with him had been afforded full access.

In January the National Human Rights Commission, most of whose members were named the month before, began operations. Despite continuing skepticism about the Commission's independence, in part because its members are appointed by the President, commission members during the course of the year actively looked into many of the numerous complaints and petitions presented to it and in some cases showed themselves willing to question government actions. For example, the Commission strongly condemned the Government's revocation of the publication licenses of three publications (Section 2.a.) as an infringement of free speech, and it has criticized the way in which the suspects in the Marsinah murder case were prosecuted, as well as questioning whether all the guilty had been brought to justice. Lacking enforcement powers, the Commission attempts to work within the system, sending teams where necessary to inquire into possible human rights problems and employing persuasion, publicity, and moral authority to highlight abuses and encourage corrective action. A team visited East Timor in September and December. Operations in 1994 were hampered somewhat by startup logistical and procedural problems.

SECTION 5. DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

Women

By law, women are equal to and have the same rights, obligations, and opportunities as men. However, in practice women face some legal discrimination. For example, in divorce cases women often bear a heavier evidentiary burden than men, especially in the Islamic-based family court system. Although some women enjoy a high degree of economic and social freedom and occupy important mid-level positions in both the public and private sectors, the majority of women do not experience such social and economic freedoms, and are often disproportionately represented

at the lower end of the position scale. For example, although women constitute one-quarter of the civil service, they occupy only a small fraction of the service's top posts. Income disparity between men and women diminishes significantly with greater educational attainment.

Women are often not given the extra benefits and salary that men receive that is their due when they are the head of household, and in some cases do not receive employment benefits for their husband and children, such as medical insurance. Despite laws guaranteeing women a 3-month maternity leave, the Government has conceded that pregnant women are often dismissed or are replaced while on leave. Some companies require that women sign statements that they will not become pregnant. Women workers also have complained of being sexually victimized by foremen and factory owners.

Women workers in manufacturing generally receive lower wages than men and also are more likely to be hired on a daily only basis. As a result, they are less likely to receive benefits legally mandated for permanent workers.

Women disproportionately experience illiteracy, poor health, and inadequate nutrition. However, women's educational indicators have improved in the last decade. For example, the number of girls graduating from high school tripled from 1980 to 1990. Several voluntary, private groups work actively to advance women's legal, economic, social, and political rights and claim some success in gaining official cognizance of women's concerns.

Rape is a punishable offense in Indonesia. Men have been arrested and sentenced for rape and attempted rape. The National Police reported 1,341 rape cases for 1991, 1,356 cases for 1992, and 1,341 cases for 1993. However, women's rights activists believe rape is grossly underreported owing to the social stigma attached to the victim. Some legal experts state that if a woman does not go immediately to the hospital for a physical exam which produces semen or other physical evidence of rape, she will not be able to bring charges. Some women fail to report rape to police out of fear of being molested again by the police themselves."

In general, the problem of violence against women remains poorly documented. However, the Government has acknowledged the problem of domestic violence in society, which some say has been aggravated by recent social changes brought about by rapid urbanization. Longstanding traditional beliefs that the husband may "teach" or "control" the wife through several means, including violence, also contribute to the problem. Although women's groups are trying to change the law, rape by a husband of a wife

is not a crime in Indonesia. While police could bring assault charges against a husband for beating his wife, due to social attitudes they are unlikely to do so. The Government provides some counseling, and several private organizations exist to assist women. Many of these organizations focus mainly on reuniting the family rather than on providing protection to the women involved. There are no battered women's shelters. Many women rely on extended family systems for assistance in cases of domestic violence.

Children

The Government is committed to children's rights and welfare, but is hampered by a lack of resources in translating this commitment into practice. A 1979 law on children's welfare defines the responsibility of the State and parents to nurture and protect children. However, implementing regulations have never been developed, and the law's provisions have yet to go into effect. The Government has made particular efforts to improve primary education, maternity services, and family planning.

The United Nations Children's Fund (UNICEF) estimates that more than 1 million children drop out of primary school every year due mainly to the cost of supplies, uniforms and other expenses, in addition to the professed need for the children to supplement family income. Thousands of street children living in Jakarta and other cities sell newspapers, shine shoes, help to park or watch cars, and otherwise earn money. Many thousands more work in factories and fields (see also Section 6.d.). NGO's criticize government efforts to help these children as inadequate.

Child prostitution and other sexual abuses occur, especially cases of incest between stepfathers and stepdaughters, but data on their incidence is lacking. Some child care experts believe it to be low. While there are laws designed to protect children from indecent activities, prostitution, and incest, the Government has made no special enforcement efforts in these areas.

Female genital mutilation (FGM) occurs in some parts of Indonesia; precise statistics are not available. In Java, it usually takes place within the first year after birth and is performed either at a hospital or by a local traditional practitioner or "dukun," especially in rural areas. Usually a small section of the tip of the clitoris is cut or a small incision is made in the tip of the clitoris with the purpose of drawing a few drops of blood. Total removal of the clitoris is not the objective of the practice, although it does occur if ineptly performed.

Indigenous People

The Government states publicly that it recognizes the existence of several indigenous

population groups, and that they have a right to participate fully in political and social life. Critics maintain that the Government's approach is basically paternalistic and designed more to integrate them more closely into Indonesian society than to protect their traditional way of life.

The Government's transmigration program, which moved large numbers of people from overpopulated islands to more isolated and backward ones, has been significantly reduced in recent years. The program is criticized by human rights monitors who say that it not only sometimes violates the rights of indigenous people but also those of some of the transmigrants who claim that they are duped into leaving their home villages without any means of return.

Human rights monitors have expressed concern about the practices of some logging companies which recruit indigenous people for work. According to Human Rights Watch, this activity in Irian Jaya has separated these people from their traditional economies. Workers reportedly are paid using company-issued credit cards that can be used only at company stores where prices are fixed. Workers go into debt and remain indentured to the company.

Where indigenous people clash with development projects, the developers almost always win. For example, in Kalimantan members of a Dayak tribe were forced from their land by a timber concession in August. In retaliation, they attacked company facilities and several were subsequently arrested.

Most civil servants in local governments in Irian Jaya and other isolated areas continue to come primarily from Java rather than the indigenous population.

National/Racial/Ethnic Minorities

Indonesians exhibit considerable racial and ethnic tolerance, with the important exception of official and informal discrimination against ethnic Chinese, who comprise about 3 percent of the population. Since 1959 non-citizen ethnic Chinese have been denied the right to run businesses in rural Indonesia. Regulations prohibit the operation of all Chinese schools for ethnic Chinese, formation of exclusively Chinese cultural groups or trade associations, and public display of Chinese characters. In August the ban on use of Chinese characters was eased slightly to allow firms working in the tourist industry to produce Chinese-language brochures, programs, and similar material for Chinese-speaking tourists. However, Chinese-language publications, with the exception of one government-owned daily newspaper, may neither be imported nor produced domestically. Private instruction in Chinese is generally prohibited but takes place to a limited extent, and since August has been

allowed in training employees in the tourism industry in functional Mandarin. State universities have no formal quotas that limit the number of ethnic Chinese. The law forbids the celebration of the Chinese New Year in temples or public places, but its enforcement was limited in 1994, and Chinese New Year decorations were displayed in public shopping areas in major cities.

East Timorese and various human rights groups charge that the East Timorese are underrepresented in the civil service in East Timor. It is difficult to confirm or deny the charges as there appears to be no registry of the birth place of civil servants, who can be transferred anywhere. East Timorese have expressed concern that the transmigration program could lead to fewer employment opportunities and might eventually destroy East Timor's cultural identity.

People with Disabilities

No national law specifically addresses the problems or status of the disabled, nor do they receive special programs or attention. However, during 1994 the Ministry of Social Welfare began drafting regulations on treatment of the handicapped partly based on the Americans with Disabilities Act, and President Soeharto gave his approval to submission of these new regulations to the Parliament. Virtually no public buildings or public means of transport are designed specifically for access by the disabled. They face considerable discrimination in employment.

The Constitution includes the right of every citizen to obtain an education. In 1989 the Government issued regulations covering education for the mentally and physically disabled. However, the regulations do not grant a right to public education for handicapped children. While there are some public schools for the handicapped, the Government supports the concept that education should be provided by the community in the form of NGO-run private schools that may receive some public funds.

SECTION 6. WORKER RIGHTS

a. The Right of Association

Private sector workers including those in export processing zones are free to form worker organizations without prior authorization. Until 1994 only a recognized union could bargain on behalf of employees or represent workers in the Department of Manpower's labor courts. A new regulation promulgated in January provides that workers in a single company with more than 25 employees can join together and negotiate legally binding agreements with their employer outside the framework of the All Indonesian Workers Union (SPSI), the only legally recognized union (see below). The Government encourages these plant-level workers associations to join the SPSI. While 192 of these plant-level associations were formed by the end of the year, only one had concluded a collective bargaining agreement with management. Current numerical requirements for union recognition, though lowered in 1993, still constitute a significant barrier to recognition and the right to engage in collective bargaining. In addition, the Ministry of Manpower enforces a regulation that requires a union be set up "by and for workers" to deny recognition to groups which include people it considers non-workers, such as lawyers or human rights activists, who are involved as labor organizers.

There is, de facto, a single union system, and it is the Government's stated policy to seek to improve effectiveness of the recognized SPSI unions rather than to further the process for the formation of alternative organizations. The SPSI began in 1993 a transformation from a unitary (centralized) to a federative (decentralized) structure. Its 13 industrial sectors are now registered as independent unions. The only unions recognized by the Department of Manpower are those which previously constituted the SPSI's industrial sectors.

Two other labor groups, Setia Kawan (Solidarity), also known as Serikat Buruh Merdeka (SBM, Free Trade Union), and Serikat Buruh Sejahtera Indonesia (SBSI, Indonesian Workers Welfare Union), have been organized but are not registered. Setia Kawan, founded 3 years ago, is now essentially moribund. The SBSI, created in 1992, claims it has formed the necessary number of factory-level units to meet the legal requirements for registration as a labor union, but its most recent request in November for registration as a trade union was denied. The Minister of Manpower has stated that any unions which are formed should affiliate with the SPSI federation and that the Government will not recognize any unions outside the federation. There have reportedly been tentative overtures to bring the SBSI into the SPSI.

The SBSI, however, has refused to accept these offers.

The SBSI also has attempted unsuccessfully three times to register with the Department of Home Affairs as a social organization under the ORMAS Law, a prerequisite to recognition as a labor union. The Home Affairs Department had not replied at year's end to SBSI's most recent request of November 17.

The Government considers the SBSI illegal. Although the Government has not disbanded it, it has continually harassed it, especially after large-scale labor demonstrations, which the SBSI helped to organize in Medan in April, degenerated into anti-Chinese rioting. The Government arrested a number of the Medan SBSI leadership in the spring, and it arrested the National Chairman of the SBSI, Muchtar Pakpahan, in August. They were charged with inciting violence in connection with the riots. The Director General of the International Labor Organization (ILO) sent a strongly worded letter to the Minister of Manpower expressing "serious concern" over the arrest of Pakpahan. The Medan leadership received sentences of between 3 and 15 months in prison. In November Pakpahan was sentenced to a 3-year prison term, a sentence that was extended to 4 years in January 1995 when his appeal was rejected. It is widely believed that the Government's actions against the SBSI leadership are intended to discredit or destroy the organization.

Also in November, the ILO's Committee on Freedom of Association, in its conclusions on the complaint made by the SBSI against the Government, criticized the Government's policy of recognizing only the SPSI and commented that "beyond the specific events raised in the present case, the Committee feels bound to note that the allegations reveal, from a more general perspective, a situation of a trade union monopoly in practice, and of heavy involvement of the police and armed forces in labor matters," and called on the Government to refrain from showing favoritism toward, or discrimination against, any particular unions.

Because of past Ministry of Manpower regulations, many SPSI factory units are led by persons who have little credibility with their units' members because they were selected by employers. A new regulation states that employees must only notify their employer that they wish to form a union and that they may proceed if they do not receive a response from their employer within 2 weeks. Despite this new provision, strikes continue to occur because employers attempt to prevent the formation of union branches. These strikes are invariably successful, and the formation of an SPSI unit follows shortly thereafter. However, workers who are active

in the formation of the union are frequently dismissed and have no practical protection by either law or government practice.

Civil servants are not permitted to join unions and must belong to KORPRI, a non-union association whose Central Development Council is chaired by the Minister of Home Affairs. State enterprise employees, defined to include those working in enterprises in which the State has a 5-percent holding or greater, usually are required to join KORPRI, but a small number of state enterprises have SPSI units. Teachers must belong to the Teachers' Association (PGRI). While technically classed as a union, the PGRI continues to function more as a welfare organization and does not appear to have engaged in trade union activities such as collective bargaining.

Unions may draw up their own constitutions and rules and elect their representatives. However, the Government has a great deal of influence over the SPSI and its federated unions. The head of the SPSI is a senior member of GOLKAR, and he and two other senior SPSI officials are members of Parliament representing GOLKAR. With one exception, all members of the executive council are members of GOLKAR. These persons have been given positions in the new federated industrial sector unions. The Minister of Manpower is a member of the SPSI's Consultative Council. Numerous regional SPSI officials also are GOLKAR members, sometimes serving in regional legislatures. According to credible reports, the Government interferes in the selection of SPSI officers, especially by placing retired military officers in mid-level SPSI positions. The Government has stated that it will cease the practice of placing military officers in union positions and eventually will remove officials with significant GOLKAR connections.

Under the Criminal Code, police approval is needed for all meetings of five people or more of all organizations outside offices or normal work sites. This provision also applies to union meetings. Permission is routinely given to the SPSI but not to rival organizations such as SBSI, which was prevented from holding several meetings over the last few years, including its first congress in 1993. The Government may dissolve a union if it believes the union is acting against Pancasila, although it has never actually done so, and there are no laws or regulations specifying procedures for union dissolution.

The SPSI maintains international contacts but is not affiliated with any international trade union organizations except the association of Southeast Asian nations (ASEAN) Trade Union Council.

On April 20 the International Confederation of Free Trade Unions lodged a formal complaint against Indonesia with the Interna-

tional Labor Organization (ILO), supplementing a previous complaint filed in 1987, accusing the Government of denying workers' right to set up unions of their own choosing, harassing independent workers' organizations, and of taking other actions contrary to ILO standards on freedom of association and the right to collective bargaining.

While Pancasila principles call for labor-management differences to be settled by consensus, all organized workers except civil servants have the legal right to strike. While state enterprise employees and teachers rarely exercise this right, private sector strikes are frequent. Before a strike can occur in the private sector, the law requires intensive mediation by the Department of Manpower and prior notice of the intent to strike. However, no approval is required. In practice, dispute settlement procedures are not followed, and formal notice of the intent to strike is rarely given because Department of Manpower procedures are slow. These procedures have little credibility with workers, who ignore them. Sudden strikes, therefore, tend to result from longstanding grievances or recognition that legally mandated benefits or rights are not being received. While strike leaders are not arrested for illegal strikes, they often lose their jobs and have no legal recourse for reinstatement. The number of strikes increased significantly during 1994 compared to the previous year, with the most dramatic increases occurring in the first quarter of the year.

b. The Right to Organize and Bargain Collectively

Collective bargaining is provided for by law, and the Department of Manpower promotes it within the context of the national ideology, Pancasila. Until recently only recognized trade unions, that is, the SPSI and its components, could legally engage in collective bargaining. As noted, new government regulations also permit unaffiliated plant-level workers associations to conclude legally binding agreements with employers, though only one had done so by year's end. Agreements concluded by any other groups are not considered legally binding and are not registered by the Department of Manpower.

The majority of the collective bargaining agreements between the SPSI units and employers are negotiated bilaterally. Once notified that 25 employees have joined a registered SPSI or independent plant level union, an employer is obligated to bargain with it. In companies without unions, the Government discourages workers from utilizing outside assistance, e.g., during consultations with employers over company regulations. Instead, the Department of Manpower prefers that workers seek its assistance and believes

that its role is to protect workers. There are credible reports that for some Indonesian companies, consultations are perfunctory at best and usually with management-selected workers; there are also credible reports to the contrary from U.S. companies. Over half of the factory-level SPSI units have collective bargaining agreements. The degree to which these agreements are freely negotiated between unions and management without government interference varies. By regulation, negotiations must be concluded within 30 days or be submitted to the Department of Manpower for mediation and conciliation or arbitration. Most negotiations are concluded within the 30-day period. Agreements are for 2 years and can be extended for 1 year. According to NGO's involved in labor issues, the provisions of these agreements rarely go beyond the legal minimum standards established by the Government, and the agreements are often merely presented to worker representatives for signing rather than being negotiated.

Although government regulations prohibit employers from discriminating or harassing employees because of union membership, there are credible reports from union officials, of employer retribution against union organizers, including firing, which is not effectively prevented or remedied in practice. Some employers reportedly have warned their employees against contact with union organizers from the unrecognized SBSI organization. In addition to Marsinah (see Section 1.e.), several other labor union activists have died under mysterious circumstances during the past 2 years. Some human rights and labor NGO's believe that the authorities have not adequately investigated these deaths.

Charges of antiunion discrimination are adjudicated by administrative tribunals. However, many union members believe the tribunals generally side with employers. Because of this perceived partiality, many workers reject or avoid the procedure and present their grievances directly to Parliament and other agencies. Administrative decisions in favor of dismissed workers tend to be monetary awards; workers are rarely reinstated. The provisions of the law make it difficult to fire workers, but the law is often ignored in practice.

The armed forces, which include the police, continues to involve itself in labor issues, despite new regulations promulgated in January to prohibit military interference when there is no threat to security. There is some evidence that the incidence of such military involvement decreased in 1994, and some observers credit government security forces with restraint in restoring order in the Medan riots of April. However, these perceptions are not shared by all observers.

Workers charge that members of the security forces attempt to intimidate union organizers and strike leaders and have been present in significant numbers during some strikes, even when there has been no destruction of property or other violence. Members of military intelligence attended and monitored trade union education seminars run by the Asian-American Free Labor Institute (AAFLI), even though these programs were approved by the Department of Manpower. In 1993 the military command in Surabaya also halted an AAFLI-SPSI program on legal aid for industrial disputes approved by the Department of Manpower. At year's end the program had not been allowed to resume despite government assurances. Military officials occasionally have been reported present during negotiations between workers and management. Their presence has been described as intimidating by plant-level union officials. A military officer was among those convicted in connection with the Marsinah murder case.

Labor law applies equally in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law forbids forced labor, and the Government generally enforces it. NGO reports have alleged that some cases of forced labor in the form of debt bondage by logging companies exist in Irian Jaya. The Government says that it is unable to verify these allegations because they are insufficiently specific. No complaints or information on forced labor in Irian Jaya had come to the attention of the National Human Rights Commission as of late September. (See also Section 5, Indigenous People.)

d. Minimum Age for Employment of Children

Child labor exists in both industrial areas and rural areas. There are an estimated 2.7 million working children between the ages of 10 and 14, according to a 1994 report of the U.N. Human Rights Commission. Indonesia was one of the first countries to be selected for participation in the ILO's International Program on the Elimination of Child Labor (IPEC), and signed a memorandum of understanding with the ILO to guide their collaboration under this program on May 29, 1992. Recommendations for a plan of action were developed at a national conference in Bogor in July 1993. During 1994, 120 government labor inspectors received ILO-sponsored training on child labor matters under the IPEC program.

The Government acknowledges that there is a class of children who must work for socioeconomic reasons, and in 1987 the Minister of Manpower issued regulation perol/men/1987, "Protection of Children

Forced to Work," to regulate this situation. This regulation legalizes the employment of children under the age of 14 who must work to contribute to the income of their families. It requires parental consent, prohibits dangerous or difficult work, limits work to 4 hours daily, and requires employers to report the number of children working under its provisions. It does not set a minimum age for children in this category, effectively superseding the colonial-era government ordinance of December 17, 1925, on "Measures Limiting Child Labour and Nightwork of Women," which is still the current law governing child labor and sets a minimum age of 12 for employment. The 1987 regulation is not enforced. No employers have been taken to court for violating its restrictions on the nature of employment for children, and no reports are collected from establishments employing children.

Act No. 1 of 1951 was intended to bring into force certain labor measures, including provisions on child labor which would replace those of the 1925 legislation. However, implementing regulations for the child labor provisions have never been issued. Thus the child labor provisions in the 1951 Act have no validity. In September 1993, the Government announced it would review its child labor regulations with the intention of tightening enforcement of restrictions on child labor. At year's end, the review had not been completed.

e. Acceptable Conditions of Work

In the absence of a national minimum wage, area wage councils working under the supervision of the national wage council establish minimum wages for regions and basic needs figures for each province—a monetary amount considered sufficient to enable a single worker to meet the basic needs of nutrition, clothing, and shelter. While Indonesia has succeeded in dramatically lowering the level of poverty throughout the country, the minimum wage rates have lagged behind the basic needs figures. Minimum wage rates were raised throughout the country in three stages by province on January 1, April 1, and August 1. While in most cases the new rates still did not equal the basic needs figure, the Government announced in August that new increases would take place simultaneously throughout the country on April 1, 1995. The Department of Manpower projects that at that time minimum wage rates on the average will equal 106 percent of the basic needs figure, up from 97 percent as of August 1, 1994. Payment of the minimum wage is another question. There are no reliable statistics. The Government's estimate in September, that 96 percent of all companies were paying at least the regional minimum wage is certainly exag-

gerated; independent observers' estimates range between 30 and 60 percent. Government enforcement is weak, and sanctions are light against employers who fail to pay the minimum wage. Nevertheless, as a result of government pressures, the wave of strikes in the first quarter, and the Medan riots, some improvement in the situation seems to have taken place. Labor law and ministerial regulations provide workers with a variety of other benefits, such as social security, and workers in more modern facilities often receive health benefits and free meals.

The law establishes 7-hour workdays and 40-hour workweeks, with one 30-minute rest period for each 4 hours of work. The law also requires 1 day of rest out of every week. The daily overtime rate is 1 1/2 times the normal hourly rate for the first hour, and twice the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower and with the agreement of the employee. Observance of laws regulating benefits and labor standards varies from sector to sector and by region. Employer violations of legal requirements are fairly common and often result in strikes and employee protests. The Ministry of Manpower continues publicly to urge employers to comply with the law. However, in general, government enforcement and supervision of labor standards are weak.

Both law and regulations provide for minimum standards of industrial health and safety. In the largely Western-operated oil sector, safety and health programs function reasonably well. However, in the country's 100,000 larger registered companies in the non-oil sector, the quality of occupational health and safety programs varies greatly. The enforcement of health and safety standards is severely hampered by the limited number of qualified Department of Manpower inspectors as well as by the low level of employee appreciation for sound health and safety practices. Allegations of corruption on the part of inspectors are common. Workers are obligated to report hazardous working conditions. Employers are forbidden by law from retaliating against those who do, but the law is not effectively enforced.

ALATAS REJECTS AMERICAN CRITICISM

JAKARTA, Indonesia (AP, Feb. 6) — Indonesia's foreign minister, cautioning that it is "not a good idea to judge another country," on Thursday rejected American criticism of his nation's human rights record.

Ali Alatas acknowledged, however, that he had not read the U.S. State Department

report he was criticizing. It was released Wednesday.

The report said Indonesia remains strongly authoritarian despite surface adherence to democracy. It said President Suharto, the military and a small group of advisers dominate the country.

"The economy is increasingly open and decentralized, but repression increased in some areas, particularly freedom of expression," the report said.

Alatas called it imbalanced because, he said, it ignored such factors as economic progress and education.

He reiterated Jakarta's commitment to human rights but said the issue should be discussed through U.N. channels that allow it to be handled "mutually, instead of judging each other."

The United States also criticized Indonesia for extending the sentence of a union leader convicted of inciting an ethnic riot during an industrial strike. Mochtar Pakpahan had denied responsibility for last year's riot, which killed three people.

A district court in November sentenced Pakpahan, leader of the independent Indonesian Welfare Labor Union, to three years in prison. A higher court last month extended the sentence to four years.

Pakpahan's conviction is widely seen as helping mold the United States' overall evaluation of workers' rights in Indonesia.

Indonesia permits only one government-sponsored union, which has about 900,000 members. Pakpahan's group claims to have a membership of 500,000.

Alatas dismissed criticism of the Pakpahan case as premature because it is still pending.

A.I. CRITICISES WASHINGTON

Free translation/summary from Portuguese.

Washington, Feb. 16 (LUSA) - Amnesty International and other human-rights organizations criticised today US policies on human rights, during a presentation to Congress. Human rights "are not one of the priorities of the Clinton Administration and the violating countries know this," said James O'Dea, director of A.I. in Washington.

O'Dea was asked to comment on the Secretary of State report on human rights around the world, before a committee of the House of Representatives. O'Dea stated that the document serves no other purpose but for Washington to camouflage its inaction, given that the document will have no effect on the financial aid by the US to the violating countries, nor will it affect bilateral relations in any way.

O'Dea said also that the Clinton administration should have gone farther in its criti-

cism of Turkey, Sri Lanka, Indonesia and Egypt. Finally, O'Dea denounced the fact that the US had given a virtual "green light" to Moscow to crush the secession movement in Chechnia.

JOHN SHATTUCK INTERVIEWED

UNITED STATES INFORMATION
AGENCY, 1/31/95

SHATTUCK: 1994 A "VERY DRAMATIC YEAR" FOR HUMAN RIGHTS

(USIA Interview with top U.S. human rights official) By Edmund F. Scherr USIA Diplomatic Correspondent

Washington - 1994 was a "very dramatic year" for human rights and democracy around the world, a senior U.S. State Department official says, and the developments came in many different areas.

It was a year, "more than any year since the end of the Cold War, that demonstrated the new nature of human rights problems and the global challenges of human rights," John Shattuck, assistant secretary of state for democracy, human rights and labor, said in a USIA interview on the department's annual report on human rights practices around the world, which was made public February 1.

During the Cold War, Shattuck noted, there was a focus on human rights abuses by strong governments - and "today we continue to have abuses by strong governments" such as China, Iran, Iraq, Syria, Burma, Cuba and North Korea.

"But, he added, "we also have - most dramatically in 1994 - tremendous new types of human rights abuses that are being perpetrated in ethnic and religious conflict, often in situations where there are weak governments."

[...deleted...]

In a brief look at the country reports, Shattuck made the following comments:

Indonesia - This country has had long-term problems, particularly in East Timor, where there continued to be arrests of those demonstrating for greater freedom. In the last half of 1994, there were also human rights setbacks in Indonesia itself when the government closed three newspapers and imposed some restrictions on freedom of the press. There has been growth of strong non-governmental human rights groups in Indonesia, he said, and the "climate for human rights over the long-term should improve."

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STATE DEPARTMENT REGULAR BRIEFING, WEDNESDAY, FEBRUARY 1, 1995

BRIEFERS: UNDERSECRETARY FOR
GLOBAL AFFAIRS TIMOTHY
WIRTH; ASSISTANT SECRETARY
FOR DEMOCRACY, HUMAN
RIGHTS AND LABOR JOHN
SHATTUCK

[...deleted...]

Yes?

Q: *Thank you, sir. In what - in the context of this year's Indonesia report it seems to be worse than in fact last year. You say here the government continues to commit serious human rights abuses, and now with another element, which is a clamp-down on freedom of expression. The only real positive aspect that I can detect here on this report on Indonesia is actually their passion for free market initiatives which they pursue with extreme vigor. On East Timor you say here no progress was made in accounting for missing people since 1991 - killed in a massacre in 1991. The question is the same that everybody has been making here. How can you reconcile a policy with these people?*

And I have one observation. In public statements, whenever there are Indonesian rulers present here in the State Department or elsewhere, they do appear projected as partners in finding a solution for the situation there more than actually culprits for what is going on there, while you identify them here very clearly as culprits.

SHATTUCK: Well, I think the situation in Indonesia, as it is in some other countries that are highly authoritarian and where there are significant human rights abuses, we tell the story honestly, candidly. It is the purpose of these reports to show that there are long-term challenges that we and the rest of the world and the governments in question all face in addressing these questions of human rights abuse.

With respect to Indonesia specifically, we have engaged with them at the level of the president and the secretary on many of these questions. We believe that the forces that are being unleashed are in fact over time going to have significant impact on the climate of openness and the prospect of change and more freedom.

There also are, I think, in Indonesia some aspects of openness. The operations of non-governmental organizations, of course, are very important in that country. But these are not problems that get resolved over time.

Q: *You're saying the reports are being -*

SHATTUCK: There are potential efforts to restrict those nongovernmental organizations,

and of course we've made very clear that that's wrong and inappropriate.

Q: Can I ask just a brief follow-up?

SHATTUCK: Well, I think I've given you two, so let me go to somebody else.

Q: How far is the State Department –

SHATTUCK: I'm sorry. I want to get someone who hasn't had a question yet. Excuse me.

[...]

INDONESIA BUSINESS PROPAGANDA ROAD SHOW TO RE-VISIT U.S.

From ETAN/US, March 3

In April-May 1994, a high-profile road show sponsored by the Indonesian government and various corporations, and facilitated by the Asia Society toured the U.S., with events in many cities. In New York and Seattle, East Timor supporters "rained in the parade" by picketing, leafleting, and asking uncomfortable questions.

Surprisingly, we did not deter them from doing an encore.

There will be a second round of the Asia Society tour, THIS MONTH, in New Orleans, Chicago, Washington D.C., Minneapolis, and Atlanta? People should try to attend, leaflet, picket, etc., in these places.

Here is the basic information:

Uncovering Indonesia: Insights for the 1990s

"This series...concludes a year-long public education project dedicated to increasing American understanding of Indonesia and its growing importance as a regional and international power and as a valuable global partner of the United States."

March 13-17, 1995

New Orleans: The Keys to Business in Indonesia, March 13, 1995. World Trade Center of New Orleans.

Chicago: Uncovering Indonesia, Politics, Economics and Society Today, March 13, 1995. Mid America Club

Washington DC: Indonesia After APEC, March 15, Carlton Hotel

Minneapolis/St. Paul: Uncovering Indonesia: A Big Emerging Market, Friday, March 17, Minnesota World Trade Conference Center

Atlanta: Uncovering Indonesia as a Business Partner, March 17, Ritz-Carlton (Downtown)

There will be other events: speakers at universities, press conferences, private business meetings, etc. in each city. You might be able to get information by calling the local Indonesian consulate or Asia Society repre-

sentative. The Chicago consulate (for Chgo and Mpls) is 312-938-0101. The one in Houston (for NO and Atlanta) is 713-785-1691.

International Sponsors: The Asia Society, The Centre for Strategic and International Studies – Jakarta (CSIS), The United States-Indonesia Society, The American Indonesia Chamber of Commerce

Corporate Sponsors/Benefactors: Bell Atlantic International, Freeport-McMoRan Inc., Mobil Oil, Texaco, American Express, JP Morgan & Co., Union Texas Petroleum.

Other: Asian Wall Street Journal, Garuda Airlines

High Profile participants include: Hadi Soesastro (CSIS), M. Sadli (ex Manpower minister), Prof. Juwono Sudarsono (IR prof at UI), Steve Sondakh (Hero group), Aristides Katoppo (publisher of Sinar Harapan), Jusuf Wanandi (CSIS), Emil Salim (ex-environment minister), Ambassador A. Hassan Habib (ambassador to NAM, ex Ambassador to the US), Mulya Lubis (ex of LBH), Abdurrahman Wahid (NU), Clara Joewono (CSIS).

HELP TEXACO LEARN ABOUT HUMAN RIGHTS

The following resolution on international human rights will be on the corporate shareholder ballot for Texaco this year. It was filed by the Reformed Church in America and is being supported by the Sisters of Loretto, among others. Similar resolutions may be on the ballots for Pepsico and Unocal.

Most of Texaco's involvement with Indonesia and East Timor is through Caltex, the largest foreign oil company in Indonesia, which is owned by Texaco and Chevron.

Texaco's annual meeting will be on Tuesday, May 9 at the Rye Town Hilton in Westchester County, New York. There will probably be activities both inside and outside the meeting in support of this resolution and in criticism of Texaco's activities in Burma, Ecuador, Indonesia, East Timor, and elsewhere. Proxies are needed to allow people access to the meeting, where questions can be asked.

For more information, or to offer proxies, contact Charles Scheiner at the East Timor Action Network and WESPAC (Westchester People's Action Coalition) at PO Box 1182, White Plains, NY 10602, 1-914-428-7299, fax 1-914-428-7383, email cscheiner@igc.apc.org.

February 28, 1995

TEXACO SHAREHOLDER RESOLUTION

WHEREAS: Texaco's Corporate Conduct Guidelines function as the company's state-

ment of policy governing business internationally. In it, Texaco states our company:

- cooperates with federal, state and local governments in analyzing emerging environmental issues, finding solutions to environmental problems and developing cost-effective, scientifically based environmental standards.
- promotes employee safety and health, both on and off the job.
- demonstrates commitment to environment, health and safety matters by scheduling auditing/compliance assurance visits developed annually.
- believes a work environment which reflects diversity and is free of all forms of intimidation and harassment is essential for a productive and efficient work force.
- respects each employee's right to engage in or refrain from engaging in activities associated with representation by a labor organization.

We commend Texaco for creating such forward looking guidelines. However, we believe these guidelines fall short in vitally important areas and that, in fact, Texaco's international conduct, at times, is in direct conflict with the company's own guidelines.

For example, take the case of Texaco's expanding involvement in the police state of Burma, one of the world's most repressive countries, as confirmed by Amnesty International and the U.S. State Department. Many human rights groups believe Texaco's controversial connection with the illegitimate military junta in fact hurts our reputation more than it builds respect in the world community. Furthermore, a clear case can be made that Texaco's Burma involvement strengthens the repressive military government through the payment of tens of millions of dollars as payment for exploration rights, goods and services now and in the future. We believe Texaco also provides legitimacy to an ostracized government by investing there and portrays the country in a positive light which helps counter growing international criticism.

But Burma is only one example. Texaco also does business in other countries with controversial human rights records: Indonesia, China and Thailand.

Thus, we believe the Texaco's principles need significant expansion. Entirely absent from the present guidelines, for example, are clear human rights criteria. For example, Levi Strauss, in its Guidelines for Country Selection, states, "We should not initiate or renew contractual relationships in countries where there are pervasive violations of human rights."

RESOLVED: The shareholders request the Board of Directors to review and update the Texaco Corporate Conduct Guidelines

and report their revisions to shareholders and employees by September 1995. In its review, the Board shall include a section with guidelines on maintaining investments in or withdrawing from countries where there is a pattern of on-going and systematic violation of human rights, where a government is illegitimate or where there is a call by human rights advocates, pro-democracy organizations or legitimately elected representatives for economic sanctions against their country.

SUPPORTING STATEMENT: We believe our company policy has a major loophole that needs to be addressed as it does business internationally. This resolution urges our Directors to take leadership and add to our Guidelines.

ACTION ALERT FROM THE EAST TIMOR ACTION NETWORK / U.S.

This is similar to action alerts produced in late February by groups in Australia, Britain and the United States. March 5, 1995

TERROR REIGNS IN DILI — U.N. PRESENCE URGENTLY NEEDED TELL INDONESIA TO STOP THE KILLING

The situation in East Timor is extremely serious at present. Tensions have been rising since the protests during the APEC summit in November; there have been a number of demonstrations organized by the clandestine resistance, as well as outbreaks of urban violence resulting from what may be deliberate provocations on the part of Indonesian settlers.

And the reprisals from the Indonesian authorities are becoming more and more severe. Some 10-20 East Timorese civilians were murdered by Indonesian soldiers in Baucau on New Year's Day (although Indonesia claims that the soldiers were not acting in their official capacity).

There are unconfirmed reports that nine young East Timorese were shot dead by members of Battalion 744 in Taibesi, Dili on 9 January. These killings occurred shortly after several dozen people demonstrated briefly near the University of East Timor in Dili, to welcome the talks between the Indonesian and Portuguese foreign ministers under UN auspices in Geneva. According to one source, when the father of one of the nine victims went to the battalion headquarters looking for his son, he was shot dead by the deputy commander of the battalion. On January 12, six civilians were executed in cold blood in the village of Liquica; the authorities initially claimed that they were "guerrillas," but this claim has now been

proven false. Many East Timorese have been arrested during February and March.

Most disturbing, however, is the sudden outbreak of activity by the "ninja" gangs — the Timorese slang term for what are fundamentally death squads. It is well known that these "ninjas" are trained, equipped, and well-paid by the Indonesian military. Although they have been present in East Timor for some time, terrorizing, assaulting and abducting the civilian population, they have never been so active as in the past two weeks. They have been stoning and burning houses in Dili, and it is reported that they have abducted 29 people so far. Even Manuel Carrascalão, a member of the pro-Indonesian puppet government in East Timor, admits that eight people have been murdered, and says that 5,000 farmers have stopped tending their fields simply out of terror at the "ninjas" — thus creating the risk of many more deaths due to famine.

In response, the army of occupation has claimed that the "ninjas" are "pro-independence" gangs, and deployed the troops (the very people who in fact created these gangs) throughout Dili in force on Feb. 14, to "protect" the population. Not surprisingly, this "protection" has taken the form of raids on private houses, the severe beating of a number of young people, and, it is reported, at least one killing so far.

The Indonesian Commission on Human Rights, a Suharto-appointed and controlled quasi-governmental body, issued unprecedented criticism of the military over the Liquica killings, in early March admitting that soldiers tortured and killed innocent civilians who were not part of the resistance. Their report is indicative of a division within the Indonesian power structure, with some elements wanting to scapegoat low-level military officers in order to disown responsibility for government-supported killings in East Timor. The "ninjas" are another example of the effort to distance genocide from government — but the bullets and the corpses are just as real.

UN presence needed

It is urgent that the United Nations establish a presence in East Timor immediately, in order to ensure that there is an independent body able to monitor the situation and report reliably on human rights violations, and provide some sort of protection for the terrorized population. This UN presence need not take the form of "blue helmet" troops, but rather the stationing of a permanent representative of the Secretary-General in Dili. This should be followed by the establishment of offices of the UN specialized agencies such as UNICEF, UNDP, WHO and FAO in order to build longer-term stability

independent of Indonesian military control and exercise restraint on the army.

This presence must be established in a way that does not imply recognition of Jakarta's annexation of East Timor. If the UN has the will to make such a move and key UN members, especially the U.S. and other permanent members of the Security Council, press for and support it, they will surely be able to find ways of doing so without implying recognition. Similar dilemmas have been posed in Western Sahara and elsewhere.

On March 1, the UN Commission on Human Rights (CHR) issued a "Chairman's declaration" by consensus. Like all such statements, this is a compromise, but it does express "deep concern over the continuing reports of violations of human rights ... including the recently reported tensions and the violent incident [at Liquica]." It calls on Indonesia to continue to cooperate with the ICRC, media, human rights organizations and UN Special Rapporteurs, and states that the UN High Commissioner for Human Rights will visit East Timor this year. The Timorese resistance hailed Indonesia's willingness to negotiate this declaration as indicative of "a turning-point in the international community's perception that those responsible in Indonesia and East Timor have failed to live up to their undertakings to the CHR" in 1992 and 1994.

What you can do

Exert pressure on the U.S. government to ask the UN to establish such a presence. Call or fax the State Department (202-647-4000, fax 202-647-9519) and the White House (202-456-1111, fax 202-456-2883) to encourage the U.S. delegation at the UN. Human Rights Commission (currently meeting in Geneva) to press for a resolution calling for strong, urgent action on East Timor. The US government (as well as Canada and Australia) has already privately protested to Indonesia about the six civilians killed in Liquica on January 12, but Washington should send a more public and forceful message as the violence continues to escalate. Suharto is defying President Clinton and other U.S. diplomats, who asked for improvements in East Timorese human rights and local control during APEC in Jakarta last November.

Call your Senators and Representatives (202-224-3121) to urge them to pressure the White House. The new Republican chairmen of the International Relations Committees, Rep. Benjamin Gilman (202-225-5021, fax 226-3581) and Sen. Jesse Helms (202-224-4651, fax 224-5011) should also get the message, both to communicate to the White House and to issue protests on their own.

Call or fax the Indonesian Embassy in Washington, or your local Indonesian Consu-

late, to let them know of your concern: Ambassador Arifin Siregar, 2020 Mass. Ave. NW, Washington, DC 20036. Tel: 202-775-5200. Fax: 202-775-5365.

Call the office of the United Nations Secretary General Boutros Boutros-Ghali (212-963-5012, fax 212-963-4879) and urge him to establish a UN presence in East Timor. Also contact the UN High Commissioner for Human Rights, Jose Ayala Lasso, at the UN Human Rights Center, Palais des Nations, Geneva, (fax 011-41-22-917-0092 or 011-41-22-917-1234). The High Commissioner is a new post created by the General Assembly a year ago, a mechanism not yet used to help East Timor. Perhaps the present perilous situation in East Timor is the occasion for him to become involved.

Please send any responses you receive to ETAN. Thank you.

RESOURCES

ELECTRONIC RESOURCES ON EAST TIMOR

From ETAN/US. March 3, 1995

There are several possibilities, so please let us know which you prefer. Adding and removing people is done manually. For access, contact John M. Miller (fbp@igc.apc.org) or Charles Scheiner (cscheiner@igc.apc.org).

ETAN/US also maintains a postal mailing list (for the newsletter and other mailings), a fax list for alerts, and a phone list. Even if you only wish to receive electronic material, we would appreciate having your postal mailing address, phone and fax numbers.

ALERT LIST

East Timor Action Network/US has a electronic mailing list we use for action alerts on the issue. These alerts primarily deal with issues such as the need to lobby congress, severe human rights violations and the like. Items are sent on an as needed basis, at the discretion of ETAN. Postings average 2-3 per month.

REG.EASTTIMOR

We can forward to you the contents of the reg.easttimor, a conference (newsgroup) which originates from the Alliance for Progressive Communications member networks (PeaceNet, GreenNet, Pegasus, etc.). Reg.easttimor contains postings from a wide range of sources, including the National Council of Maubere Resistance (CNRM), ETAN/US, TAPOL, and other support groups in Australia, Portugal, Japan, France, Canada, Ireland and elsewhere. Reports and translations from wire services and the Indo-

nesian, Portuguese, Australian, British, U.S. and Irish press also regularly appear there, as well as official documents and statements from the U.N., national governments, and other sources. Postings average 6-10 per day, although the frequency varies with the pace of East Timor-related events.

You can write replies or new topics to the conference by sending e-mail to reg.easttimor@conf.igc.apc.org. (If you subscribe directly to PeaceNet or one of its sister networks you will have easier access to the conference including past material. For information about PeaceNet, a non-profit progressive networking service run by the Institute for Global Communications (IGC), send a message to peacenet-info@igc.apc.org.)

An abridged, read-only version of reg.easttimor, limited to two or fewer postings per day, is on APC as the conference tapol.etimor. This is also available as e-mail; send a note to maggie@gn.apc.org to receive it.

NETWORK NEWS

ETAN/US prepares an electronic version of its quarterly newsletter, NETWORK NEWS, which averages eight printed pages. Many prefer the paper version of the newsletter to e-mail one.

GOPHER

ETAN maintains background information in the Institute for Global Communications Gopher. To access the East Timor information go to IGC's public gopher. Type 'gopher gopher.igc.apc.org' and look under the "Peace, Human Rights and Social Justice." The URL for this gopher is {gopher://gopher.igc.apc.org:70/11/peace/timor.gopher}.

WORLD-WIDE WEB

East Timor information in English has been put on two World-Wide Web sites in Portugal: at the University of Coimbra (<http://www.uc.pt/Timor/timortop.htm>); and the University of Lisbon (<http://iguana.inesc.pt:8000/Timor/index.html>). These web pages include both background and current information, and link to many other systems including the IGC Gopher.

USENET

The Usenet newsgroup soc.culture.Portuguese includes information on East Timor in both Portuguese and English. The soc.culture.Indonesia group discussion of East Timor is mostly flaming debates, with little substantive English-language material not available elsewhere. Misc.activism.progressive and soc.rights.human also contain materials. Several mailing lists, including seasia-l@msu.edu (bit.listserv.seasia-l as a newsgroup) and

INDONESIA-L (a private list mediated by apakabar.clark.net), also contain materials, but have little on East Timor in English that does not appear in reg.easttimor. INDONESIA-L does have a lot of material in Bahasa Indonesia.

RESTRUCTURED INDONESIA-L EMAIL LIST

From owner-Indonesia-l Jan 19, 1995.

From: John MacDougall <apakabar>

INDONESIA-L is a free **moderated** list managed by John MacDougall from apakabar@clark.net. INDONESIA-L focuses on news, views, and resources on contemporary Indonesia. East Timor falls within the scope of INDONESIA-L. The list is privately owned by Indonesia Publications. John MacDougall is editor of the Indonesia Publications line of periodicals and briefing books. Indonesia Publications materials do not appear on INDONESIA-L and are available only through paid email or print subscription. There is virtually no duplication of content between INDONESIA-L and Indonesia Publications materials.

General List Policies

The moderator will not let the list become the vehicle of any particular person, group, line or ideology. The list policy is pluralism.

There is no official list language. The vast majority of list postings are in English or Indonesian. Postings in regional Indonesian languages will be returned for translation. Portuguese, French, and German language materials are explicitly permitted, though a **brief** summary in English or Indonesian is appreciated when possible. **Subject lines** of list messages are written in the language of the accompanying posting.

Admission to the list remains at the discretion of the moderator. Almost all subscription requests are approved. However, known net 'flamers' will not be allowed on the list.

The INDONESIA-L subscriber roster is kept confidential for a wide variety of reasons. The user software command to obtain this roster has been disabled. Subscribers make themselves known through their postings. Only the moderator has access to the INDONESIA-L subscriber roster.

Any subscriber who wishes for good reason to post a message **anonymously** may do so by sending it directly to apakabar@clark.net. The moderator will strip all identifying information and send the posting to the list.

Almost all submitted postings are approved for dissemination to list subscribers. However, 'chat,' private email, administrative requests, duplicative material, and sources clearly protected by U.S. copyright law will be rejected.

Copyrighted sources may be posted if permission has been obtained through specific-instance prior agreement or existing contract, or if Internet fair use practice guidelines are followed.

The list may not be 'mirrored' (reproduced substantially or as a whole) without prior explicit permission of the moderator. However, prudent and selective re-posting of list messages is **encouraged**. There is no need to seek special permission from the moderator or original poster. INDONESIA-L itself relies heavily on re-posting by the moderator of public domain sources drawn from a wide variety of sites on the Internet.

However, if an original poster on INDONESIA-L or another net source has explicitly requested no further re-posting, such requests should be honored. All subscribers to INDONESIA-L also agree to prudent and selective re-posting of material they place in public areas elsewhere on the Internet.

How to Subscribe, Post, and Unsubscribe to the List

Subscribe to the list by emailing

majordomo@igc.apc.org
a one-line message using this format:
subscribe INDONESIA-L

Unsubscribe permanently or temporarily (if you'll be away) by emailing

majordomo@igc.apc.org
this one-line message:
unsubscribe INDONESIA-L

The posting address for the list is different.

To post your message, just email
INDONESIA-L@igc.apc.org

List messages come individually with IN:, ET:, NET:, GEN.: or ADMIN: as identifiers in the subject line. You **must** use them in your own postings.

If you're not interested in one or another of the IN:, ET:, GEN.: or NET: postings, just delete those with these headers quickly from your mailbox. Similarly, just delete messages with subject lines in languages you don't understand if you don't want to see those messages. Please be sure to read the occasional ADMIN: messages.

IN: covers postings specifically on Indonesia, ET: covers postings explicitly on East Timor, NET: covers Internet tools and resources which encourage Internet literacy to enable wider use of the net in finding information on Indonesia, GEN.: covers information involving or impacting Indonesia but not always explicitly mentioning it, and ADMIN: covers all matters concerning the functioning of the list.

Do **not** insert personal messages to the moderator in your list postings. Messages for the moderator should be emailed to apakabar@clark.net

with the identifier JOHN: in the subject line. Feel free to email the moderator anytime.

Other Stuff

The list has a set of subscribers – Indonesian and non-Indonesian – who are exceptionally well-informed on many aspects of contemporary Indonesia. A good number are willing to reply to questions posted to the list. Do not hesitate to use this expertise when you need it. Also do not be daunted by it. Almost all subscribers have certain unique knowledge or access to information which should be shared with everyone. The more often you post to the list yourself, the more likely it is you will elicit reciprocation when you need to ask questions of your own.

Volunteers to monitor various Internet resources on Indonesia are always welcome. So are ideas to help defray the costs of maintaining the lists. In this regard, all subscribers automatically get placed on a special low-traffic read-only mailing list called SEASIA-INFO which contains occasional announcements of Indonesia Publications' and selected other publishers' periodicals and books. The Indonesia Publications materials are especially suited for libraries and other institutions. Part of the proceeds from sales support this online effort.

Finally, INDONESIA-L is **free** to subscribers. However, a **voluntary** donation of \$25 for a year's service **by those able to afford it** would be very helpful in ensuring that the list continues to function at the most useful level possible. Subscribers in Indonesia already burdened by very high online costs should ignore this appeal.

You may want to save this message!

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ON-LINE HUMAN RIGHTS DATABASE AT UNIV. OF ESSEX

The database at Essex contains information from diverse sources and, whilst the compilers take responsibility for loading the information, they do not take responsibility for its veracity. Notwithstanding this, we believe the information loaded here to be accurate and the sources are quoted so there should not be any confusion over what has been said and by whom. The contents of these files are therefore entirely dependent upon those who supply the information and those who do not.

This archive is not intended as an historic record, nor is it supposed to give a particular slant to anything except that it is a record of human rights abuses and acts of aggression as

reported by various bodies and stored at Essex. The contents are limited to those subject areas for which information has been made available and in which particular people have shown an interest and is not complete, only a start. Whilst not an historical record, it is none the less a collection of historical records for other sources.

No information is turned away, rejected or edited outside of giving each piece a title and file space; any personal and additional remarks are contained in separate directories, which should avoid confusion. Editorial comment is generally restricted to the contents listings, where we attempt to let you know what a file contains.

Detail of the Human-Rights Centre, courses, staff, students and its main projects can also be found on this server.

The Centre is always looking for more information and submissions to the Centre will be entered on the Database Archive unless a specific request for this not to be done is included with the information. Submissions can be in the form of electronic data on a disk, manuscript (preferably typed), or fax in text or images; there is also a limited facility for storing short movie clips (60 seconds max.).

It is envisaged that this archive will remain free to the end user, for this reason, the University hopes that contributors will be willing to make a pro rata contribution for data entry and also that sponsors will be willing to help meet the costs for data entry and for information searches.

At present, the keeper of the archive at Essex is Martin Hogan (email hogamd@essex.ac.uk); the address of the archive is <http://www.essex.ac.uk/law/human-rights>

THE INTERNET AND HUMAN RIGHTS

The Internet is a tool used to link together diverse sites and areas of interest; it is a tool which can either be used or ignored.

Currently, the Internet covers North America, Western Europe and Japan, Australia and New Zealand, South America, Eastern Europe, Asia and Africa - in that order. The US government is presently offering to finance the extension of the system to the 'Third World.'

At Essex, I have compiled files with a human-rights bias, which cover Bosnia, E Timor in detail and contain additional information from the ICRC (including the 1993 Annual Report, ICRC News, Panorama and various other documents and press releases as they become available). The enclosed appendix lists the human-rights home page, which gives the titles of all the major directories included

The purpose of collecting this information:

1. A great deal of human-rights information is exchanged over the Internet by a variety of groups, most of it is not saved and is soon lost (daily news postings on Bosnia run to about 3,000 words, this is not indexed or referenced in any way but is, I believe, currently held on floppy disks in a drawer).

2. Human rights information must be immediate. University departments, activists and campaigners are often working with information which has been published or disseminated several years after the event; this hinders their work and places them at a great disadvantage when confronting governments.

3. The Internet is a versatile and easy to use tool, which has been modified so that it can be used by those who are not familiar with much more than basic word processing. The information loaded at Essex is from a variety of sources and has the aim of showing that information can be quickly, efficiently and effectively collected and collated.

4. The Internet should enable the results of studies by diverse human-rights groups to be used as a single unit instead of separate causes.

5. The subject of human rights is vast and only specific topics can be covered by individuals. For this reason, different institutions must continue to specialize in the acquisition of information, just as they currently specialize in the teaching and researching of various topics. Now, they will be able to share their experiences and there will not necessarily be a need for a student to visit a particular university to study a topic, it can be accessed over the Internet and visits can be reserved for important information gathering and idea-swapping, not routine information gathering.

This is at base an educational resource and is covered by the copyright laws as such. Any charging for using services might blur the difference between educational and commercial use. The intention therefore is to cover the costs of finding, loading and collating the information through sponsorship from trusts and companies which wish to be associated with human-rights work. Zero cost at the point of access must be maintained if the site is to justify its name of a human rights archive.

RESEARCH WORK

Many groups now have access to the Internet and use it to publicize events and swap information. This will broaden the base of their knowledge and enable them to be in touch with people they would normally not meet. It is not a matter of having all the information the individual needs but to acquire as much information as possible so that it can be stored for future reference - if someone has not covered a particular aspect, this

does not mean that that aspect will not be of relevance to someone else later.

By composing research files now, whilst the event is current and sources of information can more easily be uncovered, future research time is saved.

USES SO FAR

Many organisations from the US Defense Department, NASA, Bull, Time and USAID have made use of the files generated, many more will make use of them in the future. I have had inquiries for information on Angola from the head of a UN delegation, Rwanda from the South African Broadcasting Service and inquiries from academics conducting research; I have also helped to point people to locations within their own universities so that they can access my data more easily.

THE FUTURE

This project is as big as those involved wish it to be. I have currently filed and indexed ten months of BosNet (the index runs to over 10,000 words); there is a previous two years of postings which still have to be tackled. I hope that funding can be made available so that this can be made into a research project; at present there is not a fully indexed history of events in Bosnia and BosNet contains many first hand postings. Similar exercises can be carried out on any topic for which any member of the research team shows sufficient enthusiasm.

Links within the different documents compiled must be finished, some do not yet have the full cross-references which would be of great additional value.

At present, I believe Essex holds the largest and most comprehensive collection of on-line human-rights material. This will not be maintained because the resources here are not likely to be large enough but co-operation with other universities with larger computing facilities and full time staff to devote to data loading will give the university an important function within a co-operative structure.

All work can only be carried out by those who have an interest in it and files can only be maintained when that interest is there, hence inter-site co-operation is essential.

Some organisations such as Oxfam and Cafod do not have any Internet facilities but they produce resources which can be of use. Discussions and meetings with them will help make us aware of each others needs and aid in the dissemination of information (I have recently loaded extracts from the recent African Rights Report on Rwanda, which would make a very useful addition to the archive and have recently secured the Human-rights net files on Rwanda).

Essex is currently looking at the possibility of acquiring UNHCR data, which could be loaded on site here and some of which is already available on CD. It is also hoped that

information from Essex will be available on CD for use in classrooms and for private users without access to the Internet.

CONTROL

Control of the input of information must be maintained for two reasons: 1. The information must be accurate and not edited by the inputter. 2. Errors in inputting could damage other files, so to avoid accidents it is better if input access is restricted. 3. Editing a file or directory must be restricted to giving it a title and ensuring that a source is quoted, this is what makes the Internet resource different from a newspaper, which is obliged to cut articles for reasons of space.

FUNDING

Funding from commercial organisations is requested to cover the costs of computer hardware and software, office furniture and other office requirements. They are also asked to consider sponsoring specific areas of research - environment, consumerism, human-rights research into particular areas etc.

Other sources of funding might include the Diana resource through Harvard and possibly through Students Against Genocide, an American group who have expressed an interest in putting the BosNet archive onto CD.

Sponsorship of any aspect of the work of the Archive does not give any editorial rights to the sponsor

Below is a list of current contributors:

AAASHRAN (American Association for the Advancement of Science, Human Rights), African Rights, Babymilk Action, BosNet, British Columbia University Law Centre, BCET (British Coalition East Timor), CAFOD (Catholic aid agency, UK), Campaign Against The Arms Trade, Centre for Antiwar Activity, Beograd, N Chomsky, Danish Emergency Management Agency, Freedom Network (UK), Humanitarian Law Fund, Beograd, International Committee of the Red Cross, Lambda Legal Defence and Education Fund (USA), Oxford Refugee Studies Centre, Peace Pledge Union, Reporteurs sand Frontieres, Road Alert, Students Against Genocide, TAPOL (Indonesia action group), University of Essex Human-Rights Centre, Womens Information Centre, Zagreb, World Development Movement, Yugo-Anti War, Zagreb Diary.

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WWW SERVICE ON EAST TIMOR**TIMORNET at the Univ. of Coimbra**

The TimorNet page is now available at the University of Coimbra's WWW (World Wide Web) Server.

Since the Santa Cruz massacre in November 12th 1991 the issue of East Timor has been rising more and more interest around the world. Many people now are familiarized with the obscure story of this former Portuguese colony that was brutally invaded by Indonesia in December the 7th 1975, shortly after its independence, and before the process of decolonization came to an end. For twenty years now the world didn't pay enough attention to the fate of the Maubere people, who saw their physical integrity and cultural identity gradually destroyed by the occupying country (an estimated 200 thousand people disappeared since 1975). It seems, however, that "the times they are a-changing," since more information about East Timor is now circulating, due to the action of many NGO's and some governments, and there is growing solidarity among people concerned with simple but fundamental words such as "Justice," "Peace" and "Human Rights."

This concern can be sensed in the great bulk of information currently available in the Internet on Human Rights in general, and on the plight of East Timor in particular. As soon as you are connected to the Internet you can find almost everything on the subject, since Xanana Gusmão's and Bishop D. Ximenes Belo's letters to annual human rights reports on Indonesia, as well as fresh news from East Timor daily updated. An estimated 20 million people from all the world are using the Internet, and this figure is growing every day. The aim of the TimorNet is to provide quick access to any kind of information service related to East Timor around the globe, as well as to present valuable background information about East Timor's History, Geography, Anthropology and Cultural features, East Timor solidarity groups, and so on. It is certainly not an actual help to the Timorese who are suffering, but it can help in the long run... TimorNet is accessible through the World Wide Web, so you can view not only texts but also colourful images and pictures and (soon) sounds from the Maubere. You can view our pages by using a computer connected to the Internet and running any program that enables "navigation" through the WWW (such as Mosaic, Winweb, Macweb, Lynx and many others). Contact your system administrator if you need assistance and connect to the following URL:

<http://www.uc.pt/Timor/TimorNet.html>
(pay attention to the capitals)
We wish you good navigation...

the TimorNet Team

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UN NOW HAS HUMAN RIGHTS FAX HOT LINE

Capital, 3 January 1995. Translated from Portuguese

Lisbon – The UN has just made available a fax hot line at its Geneva headquarters in Switzerland. According to the Secretariat's communiqué, the number to dial is (41-22) 917-0092 for complaints and reports about human rights abuses.

The fax line, which will be open 24 hours a day and is available to the victims of human rights violations, their relatives and NGOs, has been created by the UN High Commission for Human Rights, Jose Ayala Lasso. The fax service will allow the UN Centre for Human Rights to record and act upon more quickly emergency situations as they arise.

The Centre is also going to create a human rights data base to store information for use by special rapporteurs investigating such matters as religious intolerance, torture, racism, and freedom of expression.

The fax hot line and the data base are part of the human rights defence programme which is divided into five priority areas: emergency human rights situations; situations which could require preventive action by the High Commission; investigative missions by special rapporteurs and working groups; situations in which the High Commission is observing or undertaking follow-up action on the recommendation of special rapporteurs or working groups; practical measures taken by human rights organisations on the basis of agreements and technical advice and assistance services to the UN member states.

POSTER FROM EUROPEAN CAMPAIGN AGAINST ARMS TRADE

To support the campaign from ENAAT Infogroup Schism made a poster. Its A-3 size poster in the colors of the Timorese Flag. The used language is of course English. Beneath a very, very nice drawing, there's some information about European arms trade. Our intention is that the poster will last through the whole year which is for Holland a year of action. You can order the poster (no more than 20 at once) for printing-costs. Which

means 75 cents for every single poster and mailing costs.

Address: schism@schism.aps.nl

IRISH POSTERS AVAILABLE

The East Timor Ireland solidarity Campaign is at present running a poster campaign in Ireland.

The poster being used is a very striking one.

The poster consists of a picture of a bullet. It is accompanied by a brief text. The wording on the text is as follows;

THIS IS WHAT THE INDONESIAN ARMY USES FOR BIRTH CONTROL IN EAST TIMOR.

This poster is available, free of charge, to all East Timor solidarity groups. One copy per group.

Jim Curley ETISC

GINGER BAKER SONG FOR EAST TIMOR

The Ginger Baker Trio's album *Going Back Home* contains a song titled "East Timor." The song the only one with lyrics contains a strong indictment of Western complicity in the invasion of East Timor. (Baker was the drummer in the rock bands Cream and Blind Faith, but now works in jazz.)

In the liner notes Chip Stern (the album's producer) writes:

"Ginger's 'East Timor' is the emotional epilogue to *Going Back Home*. Its haunting theme comes directly from the drum, but Ginger's somber recitation is from the heart. His own father, Frederick Louvaine Formidable Baker, died in the doomed Dodecanese operation of 1944 [an effort to open a second southern front in Europe], caught up in the gears of dubious foreign policies...."

"Nowadays, nobody talks about the Dodecanese fiasco, because Churchill's this great man and all – they're trying to keep it quiet.

"Same with East Timor. It's a major source of oil, so America, England and Australia go together in secret and decided to bring East Timor into a security zone for their own protection. Then they turned the Indonesians loose on them; it's an ongoing genocide, and over the last 14 (sic) years they've slaughtered like 800,000 (sic) people. And yet nobody hears about East Timor in the media. It's a bloody disgrace." Ginger states his fanfare for fallen innocents with melodic figures on the toms, as [bassist Charlie] Haden blocks out harmonic accents and [guitarist Bill] Frisell responds with to Ginger and Charlie's rocking interplay with a wink and a nod and a wink to the Eric Clap-

ton of yore – an epic solo full of screaming lyricism and nostalgic asides.”

Endnote: Bassist Charlie Haden has his own history of speaking out. In November 1971, while performing at the First International Jazz Festival of Cascais (near Lisbon) with Ornette Coleman, he dedicated a song “to the black people liberation movements in Mozambique, Angola and Guinea.” The next day he was arrested by the Portuguese secret police at Lisbon’s International Airport and was only released 4 hours later after the intercession of the U.S. Embassy. The Portuguese dictatorship also tried to cancel a second concert by the group, but relented given the wide interest in the festival. This according to the liner notes of Haden’s 1976 album *Closeness*, which includes a song called ‘For a Free Portugal.’

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Compiled by Matthew Jardine (ETAN/Los Angeles), and Charles Scheiner (ETAN/US), February 1995.

This is necessarily a very incomplete listing, especially of materials since 1991, when coverage has greatly increased.

*Starred items are available from the East Timor Action Network (ETAN). Contact ETAN for our resource lists, which include electronic and audio-visual resources in addition to paper ones. ETAN also publishes bi-monthly compilations of new documents and articles, which are available by subscription.

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MISCELLANEOUS

INTERNATIONAL PEACE-KEEPERS PROPOSED IN 1975

Tiras, 9 March 1995. Translated from Indonesian.

[Remark: an interpretive summary; the suggestion of an international peace keeping force in 1975 is new to me - GvK]

As part of its cover story on East Timor, *Tiras* interviews at length former Foreign Minister Mochtar Kusumaatmadja (For. Min. ad interim for Adam Malik 1975-78, For. Min. 1978-87). He is now a legal consultant, aged 66. He regrets the opening of East Timor to Indonesian settlers in 1989 as premature. Back in 1975, following the meeting between Gough Whitlam and Suharto, Mochtar as ad interim Foreign Minister suggested an 'international peace keeping force' consisting of ASEAN, Australian and (a majority of) Indonesian troops, under at least part Indonesian command, and responsible to the Portuguese governor. But no one felt like contributing. Mochtar regrets that no record of this suggestion appears in the recent White Book on East Timor published by the Indonesian Government. As for future international diplomacy, he does not recommend 'continued constant dialogue,' because Indonesian credibility declines on every occasion. Indonesia should never cut itself in the face by suggesting that a referendum is under consideration - it is not. Internally, he mentions the main problems as being lack of cooperation from the Catholic clergy, who unlike the Islamic ulema in Indonesia are 'on the outside' [that's the most dangerous position in a corporatist system; GvK]. Without these social legitimators on side, Indonesia has only the military to face an increasing urban guerilla phenomenon. The military are diplomatically insensitive, and some actually have an interest in blocking 'normalization.' For example they were prepared to 'betray' Warouw after the Dili event in 1991. They even blocked Bishop Belo's recent letter to President Suharto. There is no dialogue even with 'good' East Timorese. Under these conditions it is not possible to reduce troop levels.

COMMENT FROM GEOFFREY GUNN

The apparent omission from the recent Indonesian White Book on East Timor of former Indonesian Foreign Minister Mochtar Kusumaatmadja's proposal that an "international peace keeping force" be inserted in the colony after the UDT coup and Fretilin victory of August 1975 (cf. *Tiras* 9/3/95), becomes clearer if we examine the concerned

diplomatic demarche. It takes the form of a "Draft Memorandum of Understanding" bearing Mochtar's name and was offered up to Dr. Antonio Almeida Santos (Special Envoy of the President of the Republic of Portugal) for his signature. It reads:

1. The Republic of Indonesia recognise the Republic of Portugal as the sole authority in Portuguese Timor.

2. Both sides reaffirm their continued adherence to the principle of decolonization and the understanding to ensure its implementation in an orderly manner enabling the people to decide their own political future.

3. Realizing that the situation in Portuguese Timor requires immediate restoration of peace and order to enable the resumption of humanitarian actions and the expeditious implementation of the process of decolonisation, it was agreed to establish as the highest administrative body in Portuguese Timor a joint authority consisting of Indonesia, Portugal, (Australia) and (Malaysia).

4. Upon the request of the Portuguese Government it was agreed that Indonesia will dispatch a task force to Portuguese Timor to assist in the restoration of peace and order.

5. It was agreed that said task force will be under Indonesian Command, with the understanding that after the establishment of the joint authority, the task force commander will be under the directives of said authority.

6. Financial consequences will be borne by the Government of Portugal.

Jakarta,August 1975

According to the official Portuguese record, Almeida Santos replied: "The Portuguese government is not in a position to solicit a unilateral Indonesian military intervention in Timor." Neither, he declared, was Portugal about to financially underwrite such a venture.

The general context of this diplomatic bluster is well described in the book by James Dunn, although Mochtar is not specifically named. Of course, if Mochtar wishes at this stage to truly internationalize the ET question, then he should be encouraged.

COMMENT FROM JEAN INGLIS:

"Internationalization" of the East Timor situation after the civil war broke out was mentioned in the Japanese newspapers, which had almost daily coverage of the situation up until the invasion (at which they went silent, making it easy for UN Ambassador Saitoh Shizuo to lobby for the Indonesians with no criticism at home.)

Here, however, I give a translation of a question and answer session after a speech in Tokyo in mid September 1975 by a leader of the Japan-Timor Association which refers to the "internationalization" question. The Association followed the ET developments

very closely and was poised to launch a development project in East Timor after independence, which they expected to take place under Fretilin leadership. I'm not qualified to comment on the accuracy of these opinions, so I quote them unedited. Jean Inglis)

(SHIBUYA san, answering the first question after his speech.)

Q. *The internationalization of the Timor issue was mentioned in the newspaper on the 10th. What does this refer to?*

A. This is something which Indonesia has proposed. They want deliberations on the question of sovereignty by an international body, including interested countries such as Indonesia, Singapore and Australia, with the three parties in Timor, UDT, FRETILIN and APODETI.

Portugal originally intended to hold deliberations with a coalition of the three parties, UDT, FRETILIN, and APODETI, but none of the parties accepted this. In the meantime FRETILIN has gained control of almost all of the territory. Thus the Timorese have not accepted the Indonesian proposal of international supervision of Timor by an international organization composed of interested countries, and in the meantime FRETILIN has taken control of the island. And the Portuguese government is responding to Fretilin's demand for immediate independence with a proposal to hold negotiations with FRETILIN alone.

Indonesia is opposed to this; but even if they wanted to go to the point of sending troops, they haven't got any provocation. (The speaker then discusses a hypothetical scenario in which Indonesia invades and is trapped in a no win guerrilla war!)

(In extended comments, the other main activist in the Association, WADA san, referred to the "internationalization" question as follows:)

"In reference to the question that came up on international supervision of the situation...this is an idea that comes from Portugal and Indonesia and is a proposal to maintain order through international power or through mobilizing the United Nations. Given Suharto's anti-Communist stance, Indonesia would be extremely upset if FRETILIN ruled here. But having stated that they won't interfere with the government that the Timorese themselves choose, Indonesia can't very well openly say that it is upset because that government seems to be left wing. Yet they are writing all sorts of things in the newspaper.

As far as international supervision of Timor goes, Indonesia is very interested in intervening. At one point they had two destroyers in Dili harbor. The Portuguese governor general was still in Dili then and, not surprisingly, asked them to leave. But right now they have international public opinion

to worry about, so I don't think that they can try any blatant intervention.

Fortunately, the Labor Party is now in power in Australia. Whitlam's policy ("We're not going to get deeply involved in the problem of Timor; under no circumstances will we intervene militarily.") is not congenial to the proposal of international supervision.

BRAZIL CONDEMNS INDONESIA WHILE SEEKING TO BOOST TRADE

Diario de Noticias, 3 January 1995. Translated from Portuguese. Abridged

Lisbon – According to the new Foreign Minister, Luis Filipe Lamprea, Brazil's trading relationship with Indonesia will not be affected by its condemnation of Jakarta for its occupation of East Timor.

... "One thing has nothing to do with the other. Just because Brazil trades with Indonesia, it does not mean it cannot criticise the current situation in East Timor," said the Minister.

He added that he did not believe that Brazil's pragmatic attitude towards Jakarta would cause any problem with the Portuguese Government, who holds a different position on the invaders of Timor.

ACP-EU ASSEMBLY RESOLUTION ON TIMOR

Original document, full text.

The following is a resolution adopted at the Joint Assembly of the Asia-Caribbean-Pacific/European Union parliamentarians:

The ACP-EU Joint Assembly, meeting in Dakar, Senegal, from 30 January to 3 February 1995,

- A. having regard to the recent outbreaks of violence which occurred in Dili and Baucau on the occasion of the fifth round of negotiations between Portugal and Indonesia held under the auspices of the UN Secretary-General,
- B. whereas the United Nations has never recognised Indonesia's sovereignty over East Timor,
- C. whereas the Indonesian Government is continuing to ignore all calls by the international community concerning respect for human rights and for self-determination,
- D. noting with concern that Indonesia has recently strengthened its military presence in East Timor,
- E. recalling its previous resolutions on East Timor.

1. Condemns the behaviour of the Indonesian Government, which is disregarding the calls for the freedom of the people of East Timor and continuing to act in defiance of the international condemnation directed against it;
2. Condemns the human rights violations perpetrated by the Indonesian regime against the population of East Timor, whose most basic rights, such as the freedom of the press, freedom of assembly and freedom of association, have been flouted;
3. Calls on the Indonesian authorities to order the immediate release of the members of the Timor opposition, including Mr. Gusmão;
4. Considers that negotiations under the aegis of the Secretary-General of the United Nations must continue, with the intention of associating the representatives of the people of Timor, but believes that there should be no limitation on the subjects on which they can express an opinion, particularly the status of East Timor;
5. Expresses its solidarity with the Bishop of Dili, D. Ximenes Belo, in his efforts on behalf of the Timorese people;
6. Also expresses its solidarity with the Maubere National Resistance Council;
7. Stresses the need for strict compliance with the arms embargo against Indonesia;
8. Instructs its Co-Presidents to forward this resolution to Xanana Gusmão, the Secretary-General of the United Nations, the ACP-EU Council of Ministers, the Commission and the governments of the signatory states of the Lome Convention