

Estafeta

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Timor Still Awaits Justice

by John M. Miller

Although many view Indonesia's new President, retired General Susilo Bambang Yudhoyono, known as SBY, as a reformer, he has yet to take steps toward greater accountability for human rights violations by Indonesia's security forces.

SBY was armed forces (TNI) commander General Wiranto's top deputy in 1999, when Indonesian troops leveled East Timor after it voted overwhelmingly for independence. Indonesia's new president has always been a stalwart defender of the TNI against allegations of human rights violations. Earlier this year, he said, "Democracy, human rights... are all good, but they cannot become absolute goals because pursuing them as such will not be good for the country."

After taking office in October, SBY faced an initial test when Indonesia's Supreme Court extended the farce of Jakarta's ad hoc trial process by releasing from jail Abilio Soares, East

Timor's last governor. Despite evidence of Soares' complicity, the Supreme Court overturned his conviction arguing that, since the territory was under military rule during the post-referendum violence, the civilian governor could not be held responsible. It did not explain why the few convictions of security officials had been overturned.

The court had earlier acquitted all of the military and police defendants among the 18 people initially charged, sentencing only civilians, including Abilio, to jail. Only former militia leader Eurico Guterres awaits the outcome of his appeal of a five-year sentence.

While SBY has yet to comment, Indonesia's foreign minister acknowledged the Abilio decision was not helpful to Indonesia's international stature. "I am sure the decision provides more reasons for others to question the credibility of the ad hoc human rights tribunals," he told reporters on November 6.

The Indonesian government clearly designed the Jakarta process to deflect interna-

tional calls for justice and to avoid holding senior officials accountable for crimes committed in East Timor. Together with Indonesia's refusal to cooperate with the UN-backed serious crimes process in East Timor, where many top Indonesian officials have been indicted, ETAN, along with many NGOs in East Timor, have stepped up their calls for an international tribunal to try the officials responsible for the massive death and destruction in East Timor since Indonesia's invasion in 1975.

The snubbing by Jakarta of the UN Secretary-General's repeated calls that "impunity must not prevail" and the pending closure of the UN-backed serious crimes process in East Timor have caused a mild stir in the sleepy corridors of UN headquarters in New York.

At a November Security Council meeting on East Timor, the UN Special Representative for East Timor, Sukehiro Hasegawa, noted the inadequacies of the serious crimes process and that the UN must choose from several propos-

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Congress Takes on TNI, Justice, Australia

by Karen Orenstein

November 2 has come and gone. As we ponder the results, we must gear up for four more years of a Bush administration and Congress that will lean farther to the right than before the election. President Bush, along with staunch Suharto ally Paul Wolfowitz, entered office in 2001 expecting to ease and remove Congressional restrictions on assistance for the Indonesian military (TNI). Through hard work, we have held them off. But, with the 2005 Senate and House likely to be more hostile to human rights concerns, we must prepare for a concentrated administration assault against the TNI assistance ban and a steep uphill battle to secure justice for East Timor and Indonesia.

Throughout the election season, the State Department and their friends in Congress sought

to expand assistance to the TNI. They were largely unsuccessful – this was no small feat! We should take heart from this outcome.

The Senate version of the 2005 appropriations bill renewed bans on Foreign Military Financing (FMF) of weapons sales, International Military Education and Training (IMET), and export licenses for lethal equipment to Indonesia. Strong human rights and TNI budget transparency conditions on releasing FMF remained. IMET conditionality were much weaker – calling only for Indonesian cooperation with the FBI investigation into the ambush killings in West Papua in August 2002. ETAN continues to push for stronger restrictions. These provisions were maintained in the final version of the bill, included in the mammoth omnibus appropriations bill passed November 20.

The appropriations bill does allow for an

exception to the FMF restriction. The bill would provide \$6 million in FMF to the Indonesian navy for "maritime security," but only if the navy complies with strict human rights conditions. With its record, the navy will have a very tough time doing so. The Pentagon also continues to provide counter-terrorism training to the TNI under different legislation. Yet such assistance ignores the reality that the investigation of fundamentalist terrorist attacks is a police, not a military, function in Indonesia. ETAN continues to urge Congress to extend human rights conditions to all assistance, including counter-terrorism programs.

In a report accompanying the Senate Foreign Operations Appropriations bill, the Appropriations Committee expressed its "disappointment with the acquittal of Indonesian military offi-

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ers in connection with the 1999 atrocities in East Timor and the performance of the ad hoc tribunal." The Committee also raised concerns about the situation in rebellious Aceh, where an Indonesian military offensive continues.

Military Reform

Continued restrictions on IMET and FMF send an important signal to the new Indonesian government that Congress believes military reform is vital to democratic progress in Indonesia, and that justice for crimes against humanity in East Timor is essential. The Bush administration will undoubtedly use newly elected Indonesian President Susilo Bambang Yudhoyono's (SBY) reputation as a reformer to fuel their attempts to lift military restrictions. However, SBY's long military career, which includes two tours of duty in East Timor, as well as implementation of martial law in Aceh while in former President Megawati's cabinet, does not bode well for hopes of real military reform and accountability.

As election campaigning heated up in both countries, ETAN and its allies protested possible State Department plans to budget FMF for Indonesia in 2006. Congress has restricted FMF for Indonesia since 2000 because of the 1999 East Timor scorched-earth campaign. In October, led by Patrick Kennedy (D-RI), Chris Smith (R-NJ), Lane Evans (D-IL), and James McGovern (D-MA), 45 Representatives protested possible provision of FMF for Indonesia in 2006 as "premature, unwarranted, and unwise." The previous month, ETAN coordinated a similar letter from 70 U.S. organizations to Secretary of State Powell. Furthermore, in August, 65 Representatives, led by Evans, Tom Tancredo (R-CO), and Smith, wrote Defense Secretary Donald Rumsfeld, urging him to reconsider Pentagon steps towards resumption of normalized U.S.-Indonesia military relations.

Members of Congress also continued to raise their voices for justice for the TNI's many

ETAN Needs Your Support!

In the coming months and year, ETAN's work remains as crucial ever. Please contribute to ETAN's vital work in support of East Timor's right to control its resources, genuine justice for the crimes committed against the people of East Timor and Indonesia, and continued restrictions on U.S. assistance to Indonesia's brutal military. Your participation and financial support remain essential. Please be generous as together we move ahead, and thank you for your support.

Contributions of any amount towards our political advocacy work should be made to ETAN/U.S. Tax-deductible contributions of more than \$50 towards our educational work should be made out to A.J. Muste Memorial Institute/ETAN. Mail your contributions to ETAN (to Washington address below), or donate by credit card safely and securely online at www.etan.org.

victims. In July, an impressive 78 Representatives — led by Nita Lowey (D-NY) and Frank Wolf (R-VA) — urged UN Secretary General Kofi Annan to "ensure that the international community holds responsible those who committed crimes against humanity and war crimes in East Timor," including through the possibility of an international tribunal. Senator Russ Feingold (D-WI) also wrote to Powell expressing deep concerns about justice for East Timor. And in June, Frank Lautenberg (D-NJ) and 19 other Senators urged Annan to appoint a UN Special Representative to Indonesia to monitor the situations in Aceh and West Papua and make recommendations on steps the UN might undertake to end these conflicts.

Congress also maintained pressure on the Australian government to deal fairly with East Timor in boundary negotiations. The Senate Appropriations Committee encouraged "all parties to negotiate in good faith in accordance with international legal principles." During the House debate of the U.S.-Australia Free Trade Agreement, Reps. Kennedy, McGovern and Dennis Kucinich (D-OH) urged Australia to expeditiously negotiate a permanent maritime boundary with Timor according to international law.

On November 11, 2004, 16 East Timorese groups urged the U.S. Congress to end all assistance to the Indonesian military and to work

for justice for victims of past human rights violations. The groups wrote that Congress should "provide leadership by ending all assistance to the military which so damaged our country... Restrictions on military aid are essential to efforts to end impunity for the horrendous crimes committed in East Timor.... The more powerful and unaccountable the Indonesian military remains, the slimmer the chances for stability and democracy in Indonesia."

The next few years will pose great challenges for those concerned with human rights protections for the peoples of East Timor, Indonesia, and elsewhere. However, we have prevailed in the past over obstacles as least as difficult. After all, East Timor is free and U.S.-TNI ties remain restricted. Many strong supporters of human rights and democracy in Indonesia and East Timor will be returning to Congress. Just like us, they need additional allies and supporters. We must continue to educate ourselves and others. This is an opportune time to meet with your newly elected and returning Representatives and Senators to clearly convey to them your concerns about U.S. policy toward East Timor and Indonesia. Please get in touch with ETAN's Washington office; we can do this together!

For more info see <http://etan.org/legislation/default.htm>.

The East Timor *Estafeta* is the newsletter of the East Timor Action Network of the United States. We welcome your comments and suggestions.

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East Timor's Oil: Blessing or Curse?

by Charles Scheiner

East Timor hopes to use its offshore oil and gas deposits to enable the country to escape its position as the poorest nation in Asia. Managing those resources, however, will be a challenge for the inexperienced nation. East Timor must avoid the "paradox of plenty" which has brought misery to people in oil-producing countries across the Third World.

However, given that Australia illegally claims much of East Timor's seabed resources, many East Timorese people see the issue of the oil curse as secondary to what they perceive to be an ongoing struggle for independence. That struggle will not end until Australia respects the country's true national boundaries and allows East Timor full access to its fair share of the seabed resources.

The economic future of East Timor depends on where the Timor Sea boundary with Australia is drawn. Since the 1999 referendum, the Australia government has taken in more than one billion dollars in revenues from oil fields much closer to East Timor than to Australia. Under current international legal principles, these fields should belong to East Timor. (Larger fields, yet to be developed, are claimed by both countries.)

After two years of stalling, Australia finally sat down at the negotiating table last April, one week after one thousand East Timorese protested Canberra's "occupation" of the Timor Sea. The talks went nowhere, because Australia refused to discuss the 60 percent of East Timor's legal entitlement Australia claims on the basis of illegal agreements with the former Indonesia occupiers.

Over the next few months, grassroots pressure in East Timor, Australia and around the world grew increasingly uncomfortable for Canberra. Two months before Australia's October election, Foreign Ministers José Ramos Horta and Alexander Downer suggested a "creative solution," whereby Australia would give up some revenues from disputed fields. In return, East Timor would not ask for a permanent maritime boundary until the oil and gas had been exhausted. Under pressure from the oil companies to reach an agreement by year-end, Downer said that he hoped for a "Christmas present for all the people of East Timor."

East Timorese NGOs, insulted by Downer's "present" of a fraction of what his government had stolen from them and resenting Australia's use of their national entitlement as a campaign

tool, wrote "Over the past six months, we have been disappointed to see Timor-Leste's rights used by Australian politicians for domestic political purposes. Our rights are based on international law and moral principles, not on Australian public opinion polls."

Two weeks of talks were suspended in September for the Australian election. On October 9, Australian voters re-elected their conservative government. At the negotiations two weeks later, East Timor again asked for respect of its rights, including a possible gas pipeline to a future liquification plant in East Timor. Unfortunately, Australia has returned to its former intransigent position, and refused to discuss non-Australian development options.

A "seriously disappointed" Prime Minister Mari Alkatiri wrote "We were talking about East Timorese participation in the development of the disputed resources. The Australians, unfortunately, only wanted to talk about money. The stakes are high for both nations, but it is fair to say these talks were of vital importance to a country that after 24 years of brutal occupation has no industry and most of whose people are desperately poor and live a semi-subsistence lifestyle."

Negotiations will not resume until mid-2005, but it appears that Australia hopes to prolong its maritime occupation indefinitely. Thus, ETAN and other advocates in East Timor, Australia and around the world will continue to demand that Canberra respect the rights of its sovereign neighbor.

As talks continue, Dili has begun to receive some oil revenues. The new nation is developing policies to regulate the industry, to issue new on-shore and off-shore licenses, and to manage the income, which will soon far exceed all other government revenues.

Resource Curse

In virtually every country which was not rich, economically diversified and democratic before oil money started to flow, the "resource curse" has left people worse off than in comparable countries without oil. Petroleum extraction almost invariably brings war, corruption, unsustainable economic policies, conflict, debt and/or environmental devastation.

East Timor contains all the pre-conditions



Last June, ETAN demonstrated in support of East Timor at the Australian Embassy in Washington, DC.

for this "paradox of plenty": its population faces desperate poverty and an inexperienced government structure with no tradition of integrity or democracy. In a few years, oil and gas revenues will comprise more than half of East Timor's gross domestic product, nearly all its exports, and more than two-thirds of its government income. In a few decades, all of the oil will be gone.

East Timor, which is influenced by advisors from international financial institutions and pressured by oil companies, is writing laws to manage the petroleum industry and revenues. Although international advisers and policymakers know of the pitfalls of basing an economy on oil, their drafts are not imaginative enough to avoid the resource trap. La'o Hamutuk (a Timorese NGO), ETAN and others are bringing in broader perspectives promoting transparency, accountability, public and community consultation, environmental protection and restoration, long-term economic planning, and other lessons learned from countries which have suffered the resource curse.

Although East Timor's struggle against Indonesian military occupation was long and painful, the goals and methods were clear. The means of protecting future generations from present-day petroleum mismanagement are harder to envision, more uncertain and probably more difficult to implement.

With skill and luck, East Timor could break the pattern and become a leader in responsible oil development. However, international solidarity is essential to help the Timorese people resist pressure from the oil companies and bad advice from pro-globalization economists.

For more information, see <http://www.etan.org/action/issues/tsea.htm>.

In Remembrance

Two friends of East Timor and ETAN have recently passed away. Both men will be missed, and our condolences go to their friends and colleagues. Below are brief remembrances.

Dan Fietkiewicz

Dan Fietkiewicz, 52, a long-time member of ETAN's New York chapter, died peacefully in his sleep in October at his home in New Jersey. A professional English-Indonesian interpreter, Dan escorted many Indonesian and East Timorese people during government-sponsored tours of the United States. He interpreted at all levels, including between several U.S. presidents and Suharto.

Despite his access to that rarified world, Dan's concern for ordinary people living in Indonesia and East Timor and for advancing human rights and democracy was always evident. Whenever he accompanied visitors to the U.S., he made sure to connect them with ETAN and other activists, in addition to leading them though the State Department itinerary.

Dan visited East Timor only once. He was part of the Peace Brigades International exploratory team to East Timor in April 1999.

In addition to their long-term interest in Indonesia, Dan and his wife Brenda advocated for a range of progressive causes locally and nationally.

Brenda has suggested that contributions in Dan's memory be made to ETAN, PO Box 15774, Washington, DC 20003.

Munir

Indonesian human rights activist Munir was murdered by arsenic poisoning on a flight from Jakarta to the Netherlands in September. The 38-year old Munir was a fearless advocate for human rights in Indonesia, and often exposed human rights violations committed by the Indonesian armed forces. He faced many threats for these activities.

During the closing months of the Suharto dictatorship, Munir was instrumental in confronting the disappearances of dozens of Indonesian pro-democracy leaders, many of whom were recovered thanks to his efforts.

Following on his years of personal support for East Timorese struggling for independence, Munir played a leading role in the official Indonesia Human Rights Commission's (Komnas



Dan Fietkiewicz (2nd from left) interpreting for Presidents Clinton and Suharto (far right).

HAM) investigation into human rights violations in East Timor in 1999. The commission's report squarely placed the blame for those crimes on the highest levels of the Indonesian security forces and called for the prosecution of a number of ranking military officers.

Munir founded the Commission for Missing Persons and the Victims of Violence (Kontras), and, in 2002, he co-founded the Indonesian Human Rights Watch, or Imparsial. Munir's life was often threatened, and organized groups of thugs invaded his office a number of times.

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als "ranging from continuation of the current serious crimes process to establishment of an international tribunal" or an international truth commission to follow up on 1999 crimes.

The U.S. Ambassador to the UN, John Danforth told the council that "The international community has a responsibility... The Ad Hoc Tribunal process was seriously flawed.

"There must be some level of accountability for those atrocities to create a climate con-

ducive to the development of democratic institutions in both Indonesia and East Timor."

At this writing, the Secretary-General has yet to establish the Commission of Experts to evaluate existing justice processes and recommend alternatives. The proposal, which has the backing of most countries concerned (except for Indonesia) could provide an impetus to international action. However, whether justice prevails for even the most egregious abuses of

1999, much less for those that took place in the preceding 24 years, may in the end depend on the recommendations of a small handful of experts yet to be appointed and, more importantly, international public pressure.

To send a message to the Secretary-General calling on him to take action for justice go to <http://www.etan.org/action/action2/22alert.htm>.

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