

Estafeta

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East Timor hits potholes on the road to independence

By Charles Scheiner

Four centuries of colonial domination, capped by 24 years of brutal military occupation, leave deep scars. Indonesian troops have been out of Timor-Leste (East Timor's official name) for seven years, and the new country has been self-governing for more than four, but legacies of poverty, trauma, patterns of violence and criminality, injustice and isolation will take decades to overcome. Over the last year, Timor-Leste's people have painfully learned just how difficult this process can be. National visions, shared struggles and promises of prosperity no longer suffice to unify

the one million citizens of one of the world's least developed countries.

Beginning last April, the country's capital unraveled – regional schisms and political machinations, manipulated by ruthless individuals and mishandled by government officials, led to fighting among and between Timor-Leste's army and police. On May 25, soldiers massacred nine unarmed police officers, the most deadly day of a week of killings. Most police went into hiding, and gangs of jobless young men, alienated by exclusion from the benefits of independence, filled the security vacuum with street fighting.

Defense Minister Roque Rodriques and Interior Minister Rogerio Lobato resigned on June 1, but this failed to stem the violence. President Xanana Gusmão, with Australian backing, escalated pressure on Prime Minister Mari Alkatiri, who had just been re-elected as head of the FRETILIN party. Alkatiri resigned on June 26, to be replaced two weeks later by Foreign Minister José Ramos-Horta. FRETILIN, with a large parliamentary majority since the 2001 election, is reluctantly working with Horta's government until the elections slated for later this year—but many resent the “coup” that ousted their Prime Minister.

The leadership shakeup did not end the disaster, which had taken 37 lives and displaced more than 150,000 people before Alkatiri resigned. Since then, dozens more Timorese have been killed, hundreds injured, and thousands of houses have been destroyed. In December, the rain began, worsening public health in refugee camps – interim shelters for about half of the 100,000 displaced East Timorese. Street fighting and house burnings by youth gangs recur almost every day, with murders about once a week.

In late May, Timor-Leste's government in-

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Support Democracy! Become an Election Observer

By Jill Sternberg

East Timor will hold its first parliamentary elections as an independent country this year, as well as a presidential election. In response to encouragement from civil society groups in Timor-Leste, we are organizing the Solidarity Observer Mission for East Timor (SOMET), a grassroots project of ETAN and the Free East Timor Foundation. We hope you will consider joining one of the delegations or support them in other ways.

ETAN plans to have a small team of people on the ground for a few months before and after each of the elections. A larger group will arrive around ten days before each election and remain several days after the voting. We are asking delegates to commit to spend a minimum of two weeks in country, but encourage a longer visit.

The current Parliament was elected in August 2001 as the Constituent Assembly to write the constitution. Under the election

laws, they had the option of evolving into the country's first parliament, which they did. The constitution set Parliament's maximum term at five years. Thus, some political leaders argue that since the parliament did not begin its work until August 2002, that this year's election can take place any time before August. As of early February, the parliamentary election date has not been set. The Presidential election is scheduled for April 9.

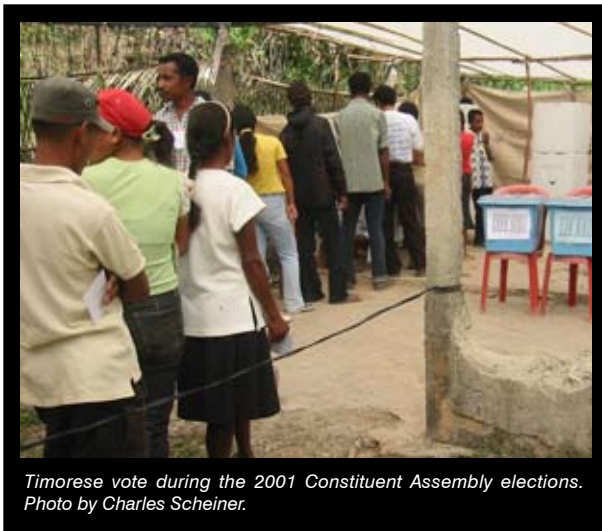
ETAN will support a free, fair and peaceful democratic process, working in partnership with nonpartisan Timorese civil society groups. SOMET will monitor and report on the entire election process, including civic education, the campaigns, the voting and vote counting, and implementation of the election results.

Peaceful elections are critical to Timor-Leste's young democracy, as many people

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Timorese vote during the 2001 Constituent Assembly elections. Photo by Charles Scheiner.

the Netherlands, Foundation for a Free East Timor. We expect that everyone will return home invigorated and committed to ongoing solidarity work.

Before going, each observer needs to form a group at home to support them and to help raise funds for their participation. You must be in good mental and physical health—conditions in Timor-Leste are basic and unpredictable, and there is potential personal danger. Delegates will have to be flexible, stable and mature, committed to nonviolence and nonpartisanship. You must commit to follow project guidelines.

We ask you to publicize your involvement, write about your experience and give presentations upon your return to broaden support for East Timor in the U.S. Even if you cannot go, we need your help with fundraising and publicity.

ETAN will provide advice and materials for fundraising and publicity, select and train delegates, and organize logistical support in East Timor. We will have a debriefing after the elections to prepare delegates as they return home and continue their solidarity work with the people of East Timor.

For an application form or for more information about the observer project, go to ETAN's website www.etan.org or contact Observer Project coordinator Jill Sternberg at etan-op@etan.org.

Support Resolution on "Comfort Women"

Rep. Michael Honda (D-CA) has introduced a resolution on "Protecting the Human Rights of Comfort Women." House Resolution 121 denounces Japanese military sexual enslavement of Asian and Pacific Island women during World War II and demands that the Japanese government apologize and accept responsibility. *Urge your representative to become a co-sponsor and to support the resolution.*

Sexual slavery was widely practiced by Japanese occupation forces in Indonesia and East Timor. February 20 marked the 65th anniversary of Japan's invasion of then Portuguese Timor. Approximately 40,000 East Timorese were killed during the three-year occupation, and about one thousand Timorese women were enslaved by the Japanese military.

The Japan Coalition for East Timor recently called on their government to extend an "official apology to the victims as soon as possible," and to consult with survivors about compensation.

The text of the resolution and additional background can be found at www.etan.org/action/action3/honda.htm.

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are disheartened by the continuing violence in Dili. A problematic election or post-election violence will further alienate both the Timorese population and international support for the country. International solidarity lets the Timorese know that we continue to support their struggle for self-determination, and that they are not alone at this difficult time.

By joining the delegation, you will share a momentous occasion with the East Timorese people. Anyone who has visited knows that this visually stunning country and its welcoming people leave a deep, heartfelt impression. You will have the experience of a lifetime and contribute to the country's emerging democracy. The delegation will consist of solidarity activists from around the world, organized in cooperation with our sister organization in

Support ETAN!

I've long admired ETAN's work. For well over a decade, ETAN has conducted some of the most effective grassroots campaigns I know. With limited resources, they helped free a nation and fundamentally changed policy toward one of the U.S.'s closest and most repressive allies, Indonesia.

— Amy Goodman, host of "Democracy Now!"

Please donate generously to support ETAN's efforts in solidarity with East Timor and Indonesia. Your support is crucial to ETAN's ability to continue our important work for justice, human rights, and democracy in both Indonesia and East Timor.

Send your check to ETAN, PO Box 21873, Brooklyn, NY 11202 or make a secure, online donation, by visiting <http://www.etan.org/etan/donate.htm>. Donations of any size for ETAN's political and advocacy work should be made out to ETAN and are not tax-deductible. Tax-deductible checks for over \$50 can be made out to "AJ Muste Memorial Institute/ETAN" and will be used to support our educational work. *Thank you.*

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

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U.S. Re-engages the Indonesian Military Rights, Democracy Suffer

By Ben Terrall and John M. Miller

On his return from last November's Asia Pacific Economic Cooperation (APEC) summit in Vietnam, President Bush briefly touched down in Indonesia to meet President Susilo Bambang Yudhoyono. Demonstrations against the visit highlighted popular outrage against the Bush administration's Middle East policies.

The historic botanical gardens where Bush was scheduled to arrive in Bogor, 40 kilometers south of Jakarta, to meet Indonesian president Susilo Bambang Yudhoyono were dug up to build an enormous asphalt landing pad for Bush's helicopter. In the end, Bush landed in a nearby Sports Center.

Prior to the visit, ETAN coordinated a public letter to Bush from 53 U.S. human rights, labor, religious and peace groups condemning the failure to hold the Indonesian military (TNI) accountable for years of serious human rights violations. The groups wrote, "restrictions on U.S. assistance to the Indonesian military are essential to promote concrete, demonstrable progress in the areas of military reform, accountability, and respect for human rights in Indonesia and Timor-Leste."

The primary focus of discussions between the two Presidents was economic development and facilitation of trade deals, but Condoleezza Rice did tell Indonesian television that the meeting would give Bush a chance to discuss U.S.-Indonesian military relations. Bush administration support for the TNI is now a given. Normalization of military relations accelerated when, taking advantage of a loophole, the final legislated restrictions on weapons sales were waived on November 22, 2005. Thus there was little need to make additional assistance in this area a major item on the November visit's agenda.

Subject to Debate

Military assistance to Indonesia will likely again be a subject of debate in Congress. The mid-term Democratic takeover has put members in key positions who support continued pressure on the Indonesian military and government for reform and accountability. For the past 15 years, Congress has often led U.S. efforts to promote democratic change, self-determination and human rights in Indonesia and East Timor, dragging reluctant administrations in its wake. ETAN believes that Con-

gress should fully restrict Foreign Military Financing, military training programs, like International Military Education and Training (IMET), and export licenses for defense articles for Indonesia in the Fiscal Year 2008 Foreign Operations Appropriations Act. In the coming months, ETAN will be meeting with these committee and subcommittee chairs, as well as other members, about ways to step up pressure and put human rights front and center in relations with Indonesia.

The Bush administration's decision to remove all restrictions on assistance to the TNI has essentially eliminated U.S. government leverage which heretofore had been used to assist democracy and human rights advocates in Indonesia to campaign for Indonesian military reform, accountability and an end to human rights abuses.

According to Ed McWilliams, an advisor to ETAN who headed the political section of the U.S. Embassy in Jakarta in the late 1990s, "Bush Administration support for the TNI has expanded vastly beyond levels seen at any time in the last 15 years. TNI impunity, corruption and violation of human rights has continued and in some ways worsened. TNI involvement in illegal logging continues unchecked in West Papua and elsewhere. Efforts to hold TNI senior officials responsible for their orchestration of the 1999 bloodbath in East Timor have ground to a halt. Similarly, despite promises that justice would be done in the 2004 murder of leading human rights advocate Munir, senior ex-military officials implicated in the crime have not been prosecuted. In West Papua intimidation of human rights advocates have continued forcing some to flee abroad. Others face daily abuse in jail as political prisoners." (See *article page 11*)

McWilliams added, "It is a cruel irony that as the Bush Administration chooses to ignore the absence of TNI reform in favor of recruiting the TNI as an 'ally in the war on terror,' that ally continues to be a key sponsor of terror groups in Indonesia, including Islamic fundamentalist groups such as Laskar Jihad and the Front for the Defense of Islam, among others."

The Human Rights Watch World Report 2007 criticized ongoing impunity for Suharto era crimes: "Military reform efforts have largely stalled. At this writing, there was no government plan to review the country's de-

fense structure, which is currently based on a territorial defense model... Some government officials also continue to actively resist measures to bring soldiers before civilian courts to answer for non-military crimes."

"Longstanding rules against military profit-seeking have not been enforced," according to the Indonesian human rights group KontraS. "The business practices of military enterprises have helped sustain the reputation of the Indonesian military as abusive, corrupt and largely above the law. Troops are breaking the law, violating human rights and hiding the money they make on the side. Military reform means getting soldiers out of business and prosecuting those who broke the law."

Outspoken Generals

The increasing outspokenness of a number of prominent retired generals shows how quickly the military becomes rankled by even modest efforts at reform. The disgruntled TNI veterans are questioning the legitimacy of the government of their former colleague, President Yudhoyono. "There has been talk about asking Dr. Yudhoyono to step down, proceeding with impeachment and even some chatter about a revolution," according to the *Straits Times*.

In its final report, East Timor's official Commission for Reception, Truth and Reconciliation called on governments to make military assistance to Indonesia "totally conditional on progress towards full democratization, the subordination of the military to the rule of law and civilian government, and strict adherence with international human rights." (See *article page 7*)

In their November letter to Bush, the U.S. groups urged him "to maintain the best leverage the U.S. has—withholding prestigious U.S. military assistance, including foreign military financing and training such as IMET and JCET — to demonstrate that the U.S. government's commitment to these issues goes deeper than words to actual action." ETAN will be stressing a similar message to the new Congress.

Ben Terrall is a San Francisco-based writer. John M. Miller is the Brooklyn-based National Coordinator of the East Timor and Indonesia Action Network. An earlier version of this article appeared on Counterpunch.org.

Justice Remains Distant for East Timorese

By John M. Miller and Ben Terrall

On November 12, 1991, Indonesian soldiers massacred at least 271 East Timorese civilians nonviolently marching to demand a United Nations-supervised referendum after years of illegal Indonesian military occupation.

U.S. reporter Allan Nairn was with the marchers at the Santa Cruz cemetery in Dili, East Timor's capital. He had his skull fractured by a soldier wielding a U.S.-supplied M-16, and later wrote: "The troops fired no warning shots and did not tell the crowd to disperse. They . . . raised their rifles to their shoulders all at once and opened fire."

By the time of that 1991 massacre, as many as 200,000 East Timorese had died as a result of the U.S.-backed occupation. But the testimony and documentation of Nairn, Amy Goodman and other foreign journalists who survived Santa Cruz exposed the brutality of Indonesian military occupation to the outside world, and helped spark ETAN's campaign to block U.S. military assistance to Jakarta.

East Timor finally achieved independence after a hard-won referendum in 1999, a process steeped in yet more Indonesian military mass killings. Under intense U.S. grassroots pressure, the Clinton administration suspended all military assistance to Jakarta when the Indonesian military responded to the pro-independence vote by laying waste to East Timor in September 1999, and Congress subsequently legislated continuing limits on aid. (See *article page 3*) But after seven years and countless processes, Indonesia, East Timor and the United Nations have failed to achieve accountability for crimes against humanity committed between 1975 and 1999. This impunity has led some in East Timor to believe that they will not be held accountable when they commit violent crimes contributing to the country's current crisis. (See *article page 1*)

Tribunal

The majority of East Timorese, and solidarity activists internationally, continue to view an international tribunal as the best way to pursue Indonesian generals and political leaders who organized and ordered the worst occupation-era atrocities and to ease post-traumatic stress. A credible international tribunal can demonstrate that impunity will not prevail, as indicated by a May 2005 UN Commission of Experts report on 1999 human rights violations

in East Timor. That report concluded, "The Commission wishes to emphasize the extreme cruelty with which these acts were committed, and that the aftermath of these events still burdens the Timorese society. The situation calls not only for sympathy and reparations, but also for justice. While recognizing the virtue of forgiveness and that it may be justified in individual cases, forgiveness without justice for the untold privation and suffering inflicted would be an act of weakness rather than of strength."

East Timor's truth commission, the Commission for Reception, Truth and Reconciliation in East Timor (known by its Portuguese initials, CAVR) strongly called for concrete justice. The product of three years of extensive research by dozens of East Timorese and international experts, the CAVR report (called "Chega!", Portuguese for "Enough!") recommended reparations for East Timorese victims from countries that backed the occupation, including the U.S., and from corporations that sold weapons to Indonesia during that period. (See *article page 7*)

An East Timorese involved in disseminating the report throughout the country remarked, "It is clear that many in the community who took part in seminars on Chega! over the last two months saw a strong connection between the findings and recommendations of Chega! and the re-emergence of violence and instability. Many asked why East Timorese leaders have failed to learn the lessons of the past."

The UN's Secretariat and its Security Council's responses to the Commission of Experts and the CAVR report have been modest at best. They agreed to complete investigations into serious crimes committed in 1999 that remained unfinished when the Serious Crimes Unit was closed in 2005. A solidarity fund to support the UN's efforts to strengthen Timor's justice system has yet to be established some six months after it was called for.

Bi-lateral "Truth"

The Security Council also called for those involved "to make every effort to strengthen the efficiency and credibility of the [joint Indonesia-East Timor] Commission of Truth and Friendship (CTF) in order to ensure further conformity with human rights principles, with a view to ensuring credible account-

ability." This is unlikely. The CTF, whose mandate is also confined to 1999, is holding high profile hearings with General Wiranto, former Indonesia President Habibie, Xanana Gusmao and others. Since its formation in December 2004, the CTF has been heavily criticized by rights groups in both Indonesia and East Timor. Activists fear it will offer a watered-down view of events of 1999 that have already been well-aired in numerous reports, as well as in indictments issued via the serious crimes process in East Timor. The CTF's mandate forbids it from recommending prosecutions.

The CTF came under renewed attack after some of its Indonesian commissioners announced that it could recommend amnesties for perpetrators who cooperate. Rafendi Djamin of the Human Rights Working Group told the *Jakarta Post* that "It has been agreed by the international community that gross human rights violations did take place in East Timor and the perpetrators must stand trial for that. There is no such thing as amnesty for the perpetrators." East Timor's Judicial System Monitoring Programme said any amnesties would likely be the result of "a high level political conspiracy between the Government of Indonesia and Timor-Leste," undermining the rights of victims and paving the way for further rights violations.

The CTF's legal basis is also dubious. It is supposed to operate under the principles of both the CAVR and Indonesia's Truth and Reconciliation Commission. However, Indonesia's Constitutional Court recently declared the Indonesian commission unconstitutional, citing provisions allowing for amnesty for serious crimes and conditioning reparations on victims forgiving their tormentors.

Most official efforts at justice and accountability (and even those that seem primarily designed to avoid both) have focused on 1999. One exception is an ongoing Australian coroner's inquest involving public hearings featuring witnesses to the killing of five journalists who reported on October 1975 cross-border incursions by Indonesian troops. At press time, most testimony has pointed to then-Special Forces Captain Yunus Yosfiah, who later became Indonesia's information minister, as directing and participating in executions of the journalists (the Suharto regime launched its full-scale invasion six weeks after those killings).

From Ford to Saddam Crimes Against Humanity

By Joseph Nevins

As one might expect, official Washington's reactions to the deaths of Saddam Hussein and Gerald Ford have been as different as night and day, with Democrats following the White House lead in lockstep. President Bush called the former president a "great man," while Representative Nancy Pelosi voiced respect for Ford's "fair and reliable leadership." By contrast, George Bush welcomed Hussein's execution, characterizing it as "an important milestone on Iraq's course to becoming a democracy," and Senator Joseph Biden, the new chairman of the Senate Foreign Relations Committee, declared with satisfaction that "Iraq has . . . rid the world of a tyrant."

On the surface, it makes sense to judge the two men in such divergent ways. An Iraqi court convicted Hussein of a crime against humanity for ordering the deaths of 148 Shiite villagers in Dujail. While the court was of the kangaroo variety, there's no doubt that the Dujail massacre was only one of many atrocities he oversaw while ruling Iraq. Gerald Ford, to the contrary, was never even indicted for any such crime.

But this distinction reflects a double standard for judging similar conduct. If we examine Ford's behavior through an internationalist lens similar to that employed to judge Saddam Hussein and concerned with crimes against humanity, we find that Ford, too, was responsible for mass murder—in East Timor.

Permission Granted

On Dec. 6, 1975, Ford and Henry Kissinger, his secretary of state, were in Jakarta, Indonesia to meet the country's dictator, General Suharto. Ford was fully cognizant of Indonesia's plans to launch an imminent invasion of the former Portuguese Timor. According to declassified documents published by the Washington-based National Security Archive, Ford assured Suharto that with regard to East Timor, "[We] will not press you on the issue. We understand . . . the intentions you have."

Suharto needed Washington's go-ahead due to a 1958 agreement that prohibited Indonesia from using U.S.-origin weaponry, which

made up 90 percent of Jakarta's arsenal at the time, except for "legitimate national self-defense." For this reason Kissinger suggested that the invasion be framed as self-defense, thus circumventing any legal obstacles.

Kissinger then expressed understanding for Indonesia's "need to move quickly" and advised "that it would be better if it were done after we [he and Ford] returned [to the United States]." About 14 hours after their departure, Indonesian forces invaded neighboring East Timor.

While Indonesian troops massacred civilians during the first hours of the Dec. 7



Ford and Suharto lunch at Camp David in 1975.

invasion, Ford spoke at the University of Hawaii. There, he declared—apparently with a straight face—his commitment to a "Pacific doctrine of peace with all and hostility toward none," and spoke of an Asia "where people are free from the threat of foreign aggression."

Ford and his White House successors helped make sure that his lofty vision was not realized in occupation-ravaged East Timor. According to the now-independent country's truth commission report, released late last year, Indonesia's war and illegal occupation resulted in many tens of thousands of East Timorese deaths, widespread rape and sexual enslavement of women and girls, and, in the waning days of Jakarta's presence, systematic destruction of the territory's buildings and infrastructure. Today, East Timor is one of the world's poorest countries. It is, according to a 2006 United Nations Development Program (UNDP) report, a country "chained by poverty."

Over the almost 24 years of Indonesian rule, Democratic and Republican admin-

istrations alike provided invaluable diplomatic cover and billions of dollars' worth of weapons, military equipment and training, and economic aid to Jakarta. The truth commission report characterizes U.S. assistance as "fundamental" to the invasion and occupation, and calls upon Washington to apologize and pay reparations to East Timor.

Washington's considerable share of the blame for East Timor's plight does not rest solely at Ford's feet. But it was Gerald Ford that opened the door to this dreadful chapter in history.

There is little doubt that Ford's authorization was key to Indonesia's invasion. Intelligence and diplomatic documents reveal that Jakarta was so worried about how the U.S. would react to its aggression that Suharto had vetoed earlier plans to invade. Had the United States (along with its allies, especially Australia and Britain) said "no" to Jakarta's invasion prior to its launching, the Suharto regime would have been in a very difficult bind and most likely have reversed course. And, given the profound anti-communism of the regime, it could hardly have turned to the likes of the Soviet Union as an alternative.

As William Colby, the head of the Central Intelligence Agency in 1975, said in the 1990s, if the United States had vetoed Indonesia's plan to invade, "[w]e certainly would have had a little diplomatic strain there," but nothing beyond that, the implication being that Jakarta would have backed down. Colby suggested that Jakarta had no other options apart from securing Washington's compliance, asking rhetorically, "where would have [Suharto] gone" had the Indonesian ruler not been happy with the U.S. position?

One week after the meeting in Jakarta, Ford sent Suharto a package of golf balls as "a personal gift." In the months that followed, his UN ambassador, Daniel Patrick Moynihan, prevented the United Nations from taking effective steps to compel Jakarta to end its illegal aggression. Later in 1976, Ford's administration shipped a squadron of counterinsurgency OV-10 "Bronco" ground-attack planes to Indonesia.

In the 1990s, journalist Allan Nairn asked

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Gerald Ford if he had authorized the invasion. Ford replied, "Frankly, I don't recall," explaining that there were many topics on the December 6, 1975 meeting agenda, and East Timor was one of the lesser items.

While Ford had the luxury of forgetting, the East Timorese are condemned to remember. They will live with the physical, social, and psychological effects of the horrific war and occupation for decades.

According to a 2006 UNDP report, 90 out of 1,000 East Timorese children die be-

fore their first birthday, half the population is illiterate, 64 percent suffers from food insecurity, half lack access to safe drinking water, and 40 percent live below the official poverty level of 55 cents a day. Meanwhile, a study conducted by the International Rehabilitation Council for Torture Victims determined that about one-third of East Timor's population suffers from post-traumatic stress disorder.

This is a legacy for which we should remember Gerald Ford, just as Saddam

Hussein will justifiably be memorialized for his role in crimes against humanity.

Joseph Nevins, a co-founder of ETAN, teaches at Vassar College. He is the author of A Not-so-distant Horror: Mass Violence in East Timor, which is available from ETAN. A version of this article appeared in Counterpunch.

In Memoriam: Nate Osborn

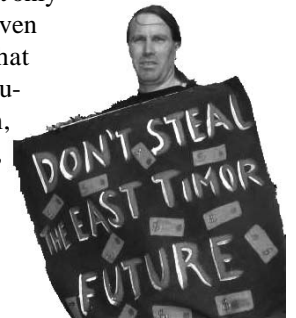
It is with great sadness we commemorate the life of Nathan Osborn, one of ETAN's longest-running and most dedicated members, who died June 16, 2005, six weeks after he was diagnosed with an aggressive sarcoma cancer. Nate was completely dedicated to ETAN's work; as he liked to point out, his name is "ETAN" spelled backwards.

Nate hosted ETAN's very first lobby days training and strategy meeting in the community room of his Washington apartment building in the early 1990s. Nate went on to play a memorable role in many lobby days to come. As ETAN's resident puppeteer, he provided much-needed moments of wild humor by creating and staging an annual puppet show—skewering friend and foe alike—during lengthy trainings for ETAN's activist lobbyists. Street theater was his forte.

As a 1999 referendum observer with the International Federation for East Timor Observer Project in Same, East Timor, Nate played a special role in supporting the East Timorese people as they struggled to end the Indonesian occupation of their country.

Nate was invaluable to ETAN as a key leader in the organization nationally and in its local Washington, DC chapter. A longtime member of ETAN's Executive Committee, he was always willing to do the hard, unglamorous work necessary to run an effective organization.

Successful movements for social justice require people like Nate, who seek change not credit and by their example remind us that activism is not only necessary but, given a commitment that includes sharing humor, enthusiasm, and love of life, can be joyous as well. He is deeply missed by all of us.



Munir Update

In September 2004, Munir, one of Indonesia's leading human rights lawyers was murdered somewhere over Hungary. While flying to the Netherlands to continue his studies, Munir was poisoned with arsenic.

An off-duty airline pilot on the same flight, Pollycarpus Budihari Priyanto, was soon arrested, and eventually convicted of murder. Phone logs showed that Pollycarpus had made dozens of calls to a top intelligence official around the time of the murder. But intelligence officials have yet to be effectively questioned, and airline staff who flouted regulations to ensure Pollycarpus' presence on the fatal flight have not been prosecuted either.

Then, in a shocking setback, in October 2006 the murder conviction was overturned by the Indonesian Supreme Court due to lack of evidence. Pollycarpus remained in prison on a related forgery charge until Christmas Day, when the only person ever prosecuted in the case walked out of prison.

But Munir's friends and family have not given up. Just weeks after the Supreme Court decision, Munir's wife, Suciwati, came to the United States, where she met with U.S. and UN officials. Following her briefing to the House Human Rights Caucus, members of Congress wrote a letter to President Yudhoyono calling for progress. After the UN's special rapporteur on extrajudicial killings promised to raise his concerns with the Indonesian government, officials in Jakarta reacted angrily, saying there was no need for international involvement in a domestic matter.

By keeping the case in the spotlight at home and abroad, Munir's friends and family have kept alive some hope of accountability. In January, the Attorney-General's office announced plans to file a request for a review of the Pollycarpus verdict by the Supreme Court.

The Indonesian police also recently requested technical assistance from the FBI.

This is a welcome development, although there is no guarantee that such cooperation will be effective. While technical assistance may help develop new leads and evidence, the crucial missing factor has always been political will.

Munir was a skilled lawyer and careful researcher. But perhaps his most important contribution was to show by example that there was no need to fear the soldiers and spies of Indonesia's dictatorship. The rest of us now owe it to him to prove that he was right, and that, in the end, the guilty are punished and their victims enjoy justice.

To learn more about Munir and take action on his case, go to:

<http://www.kontras.org/munir/> or
http://www.humanrightsfirst.org/defenders/hrd_indonesia/hrd_indonesia_munir.asp

—Matt Easton, *Human Rights First*

Luis Kemnitzer dies at 77

Radical activist and longtime ETANer Luis Kemnitzer died Friday, February 17, 2006 of complications from lung cancer.

A founding member of the San Francisco Bay Area chapter of the ETAN, Luis helped connect Timorese visitors and ETAN with other indigenous peoples' organizations also working for justice and sovereignty. He and his wife Moher, who survives him, were always enormously generous with their house, a frequent spot for dinners and fundraisers benefiting ETAN and other groups.

Over decades of activism, Luis managed to maintain an enthusiasm for living and appreciation for people, and a down to earth, often surreal sense of humor. Luis is greatly missed by his surviving family members and by his many friends in the Bay Area and throughout the world.

1. Timor Leste and the International Community

1.1 This Report is given the widest possible distribution at all levels in the international community through the media, internet and other networks and particularly within the United Nations and those individual nations and institutions that are highlighted in the Report, viz. Australia, China, Britain, France, Indonesia, Japan, Portugal, Russia, U.S., the Catholic Church, as well as the East Timorese diaspora and international civil society organisations.

1.6 The states that had military cooperation programmes with the Indonesian Government during the Commission's mandate period, whether or not this assistance was used directly in Timor-Leste, apologise to the people of Timor-Leste for failing to adequately uphold internationally agreed fundamental rights and freedoms in Timor-Leste during the Indonesian occupation.

1.8 Business corporations which profited from the sale of weapons to Indonesia during the occupation of Timor-Leste and particularly those whose material was used in Timor-Leste contribute to the reparations programme for victims of human rights violations.

1.9 All UN member states refuse a visa to any Indonesian military officer who is named in this Report for either violations or command responsibility for troops accused of violations and take other measures such as freezing bank accounts until that individual's innocence has been independently and credibly established.

1.10 States regulate military sales and cooperation with Indonesia more effectively and make such support totally conditional on progress towards full democratisation, the subordination of the military to the rule of law and civilian government, and strict adherence with international human rights, including respect for the right of self-determination.

5. Effective Institutions

5.1.4 Government and donors continue to provide financial assistance, training and other forms of support for civil society in Timor-Leste to ensure it has the capacity to take its seat at the table and fulfill its role constructively and effectively.

5.3.6 The United Nations and international community continue to support the development and strengthening of the legal and judicial system in Timor-Leste to ensure accountability before the law.

6. Security Services

6.2.7 Specialised and ongoing training is provided on the gathering of evidence, forensic practice and appropriate methods of interrogation in order to lessen the risk that members of the police will seek to gather evidence from confessions obtained under duress.

6.3.6 On-going training in international human rights, humanitarian law and civic education is provided to the members of the Defence Forces, including senior leadership.

7.1 Justice for past atrocities

7.1.12 The international community demonstrates its commitment to justice and the Serious Crimes process by, inter alia:

- ensuring that their law enforcement authorities are enabled to transfer those indicted to the Serious Crimes regime established by the UN, to try those indicted themselves or to extradite them to a jurisdiction genuinely interested in trying them
- ensuring that persons responsible for the crimes described in this report are not allowed to continue profitable careers regardless of their crimes
- establishing a special board of investigation under the auspices of the United Nations to establish the extent, nature and location of assets held by those indicted for crimes against humanity in Timor- Leste
- freezing the assets of all those indicted for crimes against humanity in Timor-Leste, subject to national and international laws and pending hearing of cases before the relevant tribunal
- placing travel bans on those indicted for crimes against humanity in Timor-Leste
- linking international aid and cooperation to specific steps by Indonesia towards accountability, such as cooperation with the Serious Crimes process, the vetting of perpetrators who continue their careers in the public sector, and the scrutinising of Indonesian members of peacekeeping missions and training courses to ensure that alleged perpetrators of violations are not included.

Excerpts from the recommendations of Chega! The Report of the Commission for Reception, Truth, and Reconciliation Timor-Leste is available online at <http://etan.org/news/2006/cavr.htm>.



More than a thousand frightened Timorese sought refuge at the U.S. Embassy in Dili on April 29. Amb. Joseph Rees allowed them into the compound, but Washington was upset, so President Gusmão persuaded them to leave the following day. Photo by Charles Scheiner.

(ROAD, cont. from page 1)

vited international soldiers and police, mostly from Australia, to restore order. Three months later the UN enlarged its presence in Timor-Leste (it had been downsizing since 2002), and the country now hosts 1,600 international police and about one thousand foreign soldiers. These peacekeepers are poorly organized, don't know much about Timorese society or politics, and are reluctant to take risks. Their limitations are compounded by the judicial system's near-impotence: many arrestees are released because no judge is available to arraign them.

In October, a United Nations Commission of Inquiry issued a report recommending criminal prosecution or investigation of dozens of police, soldiers, government officials and others. Crimes ranged from murder to illegal distribution of government weapons.

Culpability is widespread, but one key figure is army major Alfredo Reinado, who deserted in early May, and two weeks later ambushed soldiers, sparking a firefight which took five lives. On July 24, Reinado was arrested for illegal weapons possession. On August 30, he and 56 others escaped from Becora Prison. Reinado frequently meets with journalists and government officials, but has not been rearrested, and additional charges have not been brought against him.

Ongoing violence is perpetrated by a small minority of the population, but their identities and leaders are rarely known. Although casualties are less than one-tenth of Indonesian-driven "black September" 1999 (which was itself far less devastating than the cumulative toll of the U.S.-backed Indonesian military occupation), the concealed identities of the

masterminds and the intractability of restoring peace have shaken the Timorese people to the core. Many worry that the 2007 national elections—the first since Timor-Leste's independence—may be perverted or prevented by the situation, or that the campaign will become violent.

The causes of this crisis are many and disputed, but one consequence is clear—many Timorese have lost faith in their ability to govern themselves. Without experience or good models in democratic self-governance, and unaware of the setbacks that plague nearly every country post-independence, it is difficult to understand what is happening. Analyses are permeated with conspiracy theories, partisan power struggles, hidden agendas and *ad hominem* accusations, magnified by the unlikelihood of achieving justice for past or current crimes.

The UN Commission of Inquiry and others have described power struggles and personal conflicts, focusing on individual acts while downplaying more fundamental, instructive and challenging contextual, societal and institutional causes.

In this globalized era, it takes more than a referendum to achieve independence. Timor-Leste has been governed by the United Nations; its National Development Plan was largely written and enforced by

the World Bank and Asian Development Bank; the IMF designs fiscal and monetary policy; "development partners" decide what projects to implement. Police and military structures were mostly created and trained by international "advisors." Ninety percent of the economy depends on foreign oil companies. The new nation has had to surrender petroleum reserves to Australia and abandon justice in deference to Indonesia, where military officers from the President on down built their careers on the illegal, brutal occupation of Timor-Leste.

International Responsibilities

Nearly every new nation in history took many years to establish peace, national unity, stable constitutional government and rule of law. The United States, for example, endured local insurrections and intermittent repression from the colonists' victory in 1783 until the War of 1812. Nation-building requires patience, time and trial-and-error. The political priorities of UN Member States began to shift from Timor-Leste as soon as the last Indonesian soldiers had departed, but the need for international support had only begun.

The 30-month UN transitional government was less than fully successful at moving Timor-Leste toward self-reliance, peace and democracy. This failure was due to systemic flaws characteristic of UN missions: an emergency/crisis orientation; personnel responsible to the UN bureaucracy rather than to local situations and needs; few women in decision-making roles; short-term mandates, planning

Petroleum dependency

For the next two generations, Timor-Leste will depend on its petroleum reserves to escape from its position as the second poorest country in Asia. By 2009, 94% of government revenues and 90% of GDP will come from selling offshore oil and gas. Although this money can improve people's lives, the experience of other countries dependent on non-renewable resources is not encouraging. Difficult tradeoffs abound: current demands versus saving for future generations, investing in people or infrastructure versus operational spending, satisfying constituencies versus national needs. The country's petroleum reserves will be exhausted within 50 years, and other sectors must be developed to make the economy sustainable. Corruption, ubiquitous in the oil industry among both companies and politicians, must be minimized.

Timor-Leste's oil prospects are complicated by a border dispute with Australia over oil fields in the Timor Sea. In the 1980s, Australia and Indonesia divided these spoils, with Australia taking far more than its normal share under international law in return for accepting Indonesia's illegal occupation. After the 1999 referendum, UN and Timor-Leste negotiators gradually increased the fraction of its own resources Timor-Leste receives from 0% (pre-1999) to 24% (2000) and 42% (2003). Australia then dug in its heels, but the Timorese government, supported by activists in the U.S. and around the world, was able to increase its share to 60% in the January 2006 CMATS Treaty. The crisis delayed ratification of this agreement and complicated hopes to use prospective onshore petroleum development to create jobs, infrastructure and secondary economic benefits. Given the often-horrendous consequences of petroleum development in other Third World countries, this is a dubious disappointment.

and hiring; under-qualified international staff; failure to use local capacity; unwillingness to displease powerful states; and excessive focus on milestones (e.g. elections).

Capacity-building, mentoring and transfer of authority to Timorese staff was rushed, half-hearted or poorly executed. Many international advisors were hired on six-month contracts, so they spent most of their time getting oriented and looking for their next posting. They had little teaching experience, and were ineffective in transferring their skills to Timorese counterparts. Given Timor-Leste's history, many Timorese had limited education and work experience, but rapidly assumed responsibilities that usually require years of classroom and on-the-job training.

Indonesian intransigence and limited international political will have blocked accountability for the architects of the most serious crimes committed during the 24-year Indonesian occupation. Timor-Leste's government is unable to overcome prevailing impunity, and perpetrators of crimes against humanity hold powerful positions in Indonesia. This lack of justice, felt deeply by victims (the majority of Timor-Leste's people), set the precedent for today's lawlessness. Timor-Leste's judicial system is crippled by lack of experienced personnel, arbitrary language restrictions, a hodgepodge of legal codes, scarce material resources and few citizens who have lived in a society ruled by law. In the current crisis, violence has filled the justice gap. Perpetrators anticipate impunity, and victims, lacking confidence in the courts, take matters into their own hands.

Consent of the Governed

One of the most challenging tasks of a victorious anti-colonial struggle is transforming people's relationship with government from resistance to ownership, and neither international civic educators nor Timorese political leaders have been effective in this area. Politicians and political parties attack their adversaries' integrity, rather than propose alternative policies or look for compromises. Dissatisfied voters insult or give up on their elected representatives, rather than lobby them. Elected officials are beholden to their party or patron, rather than to their constituents, as exemplified by the exceedingly generous pensions Parliament awarded itself last fall. Media coverage amplifies charges and counter-charges, without analysis or facts to help the people decide what is true.

National unity, relatively easy to maintain while fighting a common enemy, becomes more difficult after the occupier is gone. Mis-

trust remains between actual or suspected collaborators and those who fought for freedom. Regional and tribal differences are magnified. Skills of returning exiles, who often had more educational opportunities, need to be utilized without generating resentment from those who stayed and struggled. Unrealistic expectations that life would improve quickly after independence are not met, resulting in social jealousy when some inevitably prosper more than others.

Decades of trauma and displacement create lasting psychological effects, which need to be addressed through public health measures. Effective, responsible, reliable media and communications systems are also essential: when people do not trust information from official or public sources, they depend on rumor, imagination and disinformation.

Men and Women with Guns

Timor-Leste's resistance leaders had hoped to create a nation without an army. But after the 1999 terror campaign, they decided that they needed a defense force. FALINTIL-FDTL, Timor-Leste's military, was designed by international consultants with limited understanding of Timor-Leste's needs, history and society. Although the new defense force honored and provided employment for some

veterans of the guerilla resistance, it has been used for internal security several times, in violation of Timor-Leste's Constitution.

In addition to the unclear roles and misinterpreted mandate of the armed forces, international and Timorese leaders gave little thought to the difficulties of transforming an underground liberation army into a national defense force. During the Indonesian occupation, FALINTIL guerillas had to work secretly and independently in a decentralized structure. Distinctions between soldiers and civilians were blurred, as people moved between the armed resistance and the civilian underground, often taking clandestine roles in Indonesian civil or military structures. Although these tactics are necessary for a successful guerilla resistance, they can be disastrous in a peacetime defense force answerable to a civilian government under the rule of law.

During a quarter-century of resistance, thousands of Timorese men and women served in the guerilla forces. Although these sometimes numbered only a few hundred soldiers, and although they have had infrequent combat since the 1980s, there are too many FALINTIL veterans to include in today's defense force. The inevitable exclusion of many former combatants, some of whom sacrificed decades to the struggle, left a pool of resentful

Madison-Ainaro Sister City Alliance Maintains Solidarity Links

The Madison-Ainaro Sister City Alliance (MASA) has continued to forge strong solidarity ties between mountainous Ainaro and our home city, Madison, WI. Through delegations, fundraisers, and community events, we're working hard to keep alive the valuable connection between people here and there.

Our annual Tour de Timor bike ride continues to be a success — for both Madison and Ainaro. Dozens of riders join us each spring for a casual afternoon of bicycling, and we raise around \$2000 each year, most of which goes to mini-grants for small community groups in Ainaro. We also continue to support — with finances, supplies, and logistics — the Bairo Pite Clinic and the work of Dr. Dan Murphy, including a maternal and child care clinic in the Hatubuilico region of northern Ainaro district.

Regular delegations to East Timor are a benchmark of our organization; while we did not host a proper delegation in 2006, we were privileged to have a number of dedicated individuals serve as ambassadors for MASA. Among these was Colleen Coy, with Madison's fair trade coffee roaster, Just Coffee. Colleen fell in love with East Timor upon her arrival and wound up spending several months there. After a short visit back home, she will return to East Timor in early 2007 and plans to live there for some time.

Communication with Ainaro is difficult, but through our partners in Ballarat, Australia (who also have a sister city relationship with Ainaro), we're working to maintain open lines of dialogue and flow of information. We're focused on a number of possibilities for the future, including hosting a Timorese student in the U.S., music exchanges, and more delegations.

We've also begun preparations for the coming Tour de Timor 2007. If you'd like to help us with this or other projects — or if you'd like information on hosting your own Tour de Timor, please call Eric at (608) 244-4563 or email: eric@etan.org. For full details on MASA, visit our website at www.aideasttimor.org

— Eric S. Piotrowski, Madison ETAN



Displaced villagers enjoy a simple lunch at their makeshift accommodation outside Hera. ©UNHCR/N.Ng

ployment was around 40%, and the country's Human Development Index ranks 142nd of 177 countries in the world.

Since 2000, transitional economic development has been led by the World Bank, Asian Development Bank, IMF and UNDP, who have emphasized "Washington consensus" policies. This includes fees for school and other public services, minimal public sector employment, few restrictions on foreign investment, public services contracted out to private (often foreign) companies, and plans to privatize public infrastructure. Components of this "free trade"

agenda are now being modified in response to popular demand and the unemployment disaster, but local rice continues to be crowded out by cheaper imports, and electricity, telephone service and potable water remain unavailable or unaffordable to most people. Local industry remains negligible, and food imports have increased due to this year's crisis disrupting domestic market channels and making displaced people dependent on foreign-supplied humanitarian assistance.

Highly paid international consultants and advisors decry corruption, but Timor-Leste's most experienced civil servants learned these habits in Indonesian times, when it was patriotic to steal from the occupation government. Add a remnant of Portuguese inefficiency and overzealous new safeguards for accountability, and the result is paralysis – most government departments cannot spend their budget allocations, resulting in public services even more limited than poverty requires. The new government is beginning to address economic issues, even as they simplify the bureaucracy for foreign investors.

From 2000 to 2005, UN missions made up most of Timor-Leste's economic activity, expending nearly two billion dollars, with

another billion spent in foreign aid to Timor-Leste. Unfortunately, only a small fraction of this entered the local economy; the bulk of it paid for foreign consultants, soldiers or imported goods and services. Money that could have built a potable water system and electric power grid for Dili residents was spent on imported bottled water and generators for UN buildings. Self-serving UN policies like these sacrificed opportunities to rebuild destroyed infrastructure, which could have jump-started Timorese small businesses and provided employment, income and training for Timorese workers and managers. Timor-Leste might have avoided its current astronomical levels of joblessness and alienation, at the root of today's gang violence.

When Timor-Leste achieved independence, many resistance activists became government officials. Although ETAN and other solidarity activists still count many of these officials as friends, our international movement has developed new relationships with Timorese civil society, trying to hold all of our governments accountable.

Self-determination and independence means that the people of Timor-Leste are responsible for their own destiny. However, solidarity activists, giving personal reparations for our governments' complicity in their past oppression, continue to stand with the Timorese people. We can offer perspectives and information, advice and support, and work with them in challenging violations of human and political rights.

Timor-Leste's people will overcome the current crisis, but it will take hard work and time. As we have for fifteen years, ETAN will continue to accompany them during the next phase of their journey.

Charles Scheiner is a co-founder of ETAN and also works with La'o Hamutuk, an East Timorese non-governmental organization that monitors the principal international institutions present in Timor-Leste.

fighters available for manipulation.

Another complexity is the makeup and role of the police, tasked with internal security. Upon independence, the only experienced Timorese police had served in the Indonesian occupation police force. Some of these had demonstrated their commitment to Timor-Leste's people, but the loyalties of others were questioned. With many new recruits, extensive but often ineffective training, numerous weapons including automatic and assault rifles, and militarized border patrol and rapid reaction units of debatable necessity, the police are perceived by some past and current soldiers as usurpers or worse.

Timor-Leste needs broad, public discussion about the future role and structure of its military, and to unlearn bad models and habits. Indonesia's *dwi fungsi* (dual function) system uses the military to drive national development, which allowed Suharto's military regime to control the economy through monopolies, extortion and graft. UNTAET, with 8,200 soldiers, 1,350 police, and 2,000 civilian staff was one of the most military-heavy governments in history, yet it had almost no skirmishes after 2000. Peacekeepers built roads, repaired bridges and did other jobs normally done better by civilians. Timor-Leste's new government, emulating these bad examples, has proposed to enact universal military service regardless of the country's security needs.

Ending Poverty

At the start of 2006, Timor-Leste's per capita yearly income was \$370. Fertility is the highest in the world; mothers and babies die faster than anywhere else in Asia. The average Timorese mother will have eight children (one will die before age five), and the population will double in seventeen years. Urban unem-

New Year Dawns with Threats to Human Rights in West Papua

By Edmund McWilliams

The new year dawned ominously for Papuans, as a new military campaign in the remote Puncak Jaya region in central West Papua reportedly displaced thousands of civilians who fled to nearby mountains and jungles.

Meanwhile, in the capital, Jayapura, Indonesian government security forces injured two Papuan pastors while forcefully seizing the Synod headquarters of the second largest Christian church in West Papua. The central government in Jakarta is supporting an effort to block Papuan pastors from breaking away from an all-Indonesia Church grouping. Prejudicial involvement by Jakarta political and security officials in the church dispute was foreshadowed in statements by senior Indonesian security officials earlier in 2006 who alleged, without evidence, Papuan church support for the region's small armed pro-independence elements. Papuan church officials have forcefully denied the claim, noting that all religious leaders in West Papua have been pressing for nonviolent solutions to West Papua's many problems, especially the lack of health, education and other basic services, and for the area's demilitarization.

The new year has also brought efforts to form yet another province within West Papua, without the consent of Papuan civil society. The previous Jakarta initiative transpired despite Indonesian Supreme Court disapproval. Both efforts have been engineered by a cabal of Jakarta interests working through Papuan individuals. Meanwhile, Human Rights Watch noted in a January report that Papuan human rights defenders "still suffer threats and intimidation from security forces when monitoring and investigating human rights abuses."

While all of these developments raise grave concerns among human rights advocates in West Papua and abroad, the new military campaign in the Puncak Jaya region and the growing pressure on the Papuan church are particularly alarming.

Indonesian military (TNI) operations beginning in Fall 2004 and extending into early 2006 entailed destruction of villages and the forced flight of thousands of residents into the jungles to escape marauding Indone-

sian soldiers. In the forests, absent medical care, shelter or access to gardens and other food sources, scores of Papuans died. The military's tight restrictions on access to the besieged civilian population by humanitarian workers exacerbated the crisis. During such military campaigns, already tight restrictions on access to West Papua by journalists, human rights monitors or humanitarian assistance providers are even more severe. Such restrictions afford the security forces carte blanche to violate fundamental human rights norms and even Indonesian law.

The new TNI campaign raises prospects of similar abuses against Papuan civilians. Developments leading up to the current crisis remain somewhat unclear. Earlier in December, the Indonesian military reported two Indonesian soldiers were killed while searching for an armed resistance element of the OPM (Free Papua Movement) that had briefly taken over the town of Mulia. The OPM group withdrew from Mulia when it appeared the TNI would attack the town. The OPM action was unexpected, as the OPM has for several years generally observed a truce in support of political efforts by civic leaders to end military repression and attain self-determination.

Generating Tension

Human rights sources have reported that the TNI commander for the Nabire region was in Mulia in late December. These sources also report the presence of military and police forces in the region, including TNI Battalion 753 from Nabire, Kopassus (notorious special forces troops), Brimob (Police Mobile Brigade), and intelligence units. Human rights defenders in West Papua also report that the military buildup has generated tensions in the region.

Escalating pressure on the Kingmi church (Gareja Kingmi), while not presenting the immediate, dire consequences for the welfare of Papuans posed by military operations in the Puncak Jaya region, nonetheless constitutes a fundamental threat to human rights and the safety of church leaders.

From 1962 to 1983 the Kingmi Church (established by American missionaries from the Christian and Missionary Alliance) oper-

ated independently in West Papua. In 1983 Kingmi Church joined with the Gereja Kemah Injil Indonesia (The Tabernacle Bible Church of Indonesia). That step was necessary to assure that Indonesian authorities would permit visas for foreign missionaries applying to live in West Papua.

Pastor Benny Giay, Chair of Kingmi Church's Bureau of Peace and Justice, notes that in 2006, "when foreign missionaries stopped coming to West Papua we decided that there was no reason to continue to remain under the control of Jakarta. In our congress this year we withdrew our membership from the Gereja Kemah Injil Indonesia and reinstated the Kingmi Church's former status as an independent Synod in West Papua. Jakarta opposes this and accuses us of being separatists."

Following severe intimidation targeting Papuan human rights advocates in 2006, it is clear that international concern for and support of human rights in West Papua, especially in the face of abuses carried out by an unaccountable and unreformed Indonesian military and police, will be essential in 2007.

Ed McWilliams is a former political counsellor with the U.S. Embassy in Jakarta. He works with ETAN and the West Papua Advocacy Team.

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