

# Documents on East Timor

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## Special Issue: United Nations Decolonization Committee Hearings on East Timor

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**BACKGROUND**

Extract from “Decolonization -- the Task Ahead,” a book published by the U.N. in April 1991.

**SPECIAL COMMITTEE ON DECOLONIZATION**

Chapter XI of the Charter (Declaration regarding Non-Self-Governing Territories) sets out the obligations of administering Powers for the Non-Self-Governing Territories. Those States recognize that the interests of the inhabitants of the Territories are paramount, and accept as a sacred trust the obligation to promote to the utmost their well-being. Under Article 73e of the Charter, they transmit to the Secretary-General information on economic, social and educational conditions in the Territories for which they are responsible.

To accelerate the process of decolonization, the General Assembly in 1960 adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples (Declaration on decolonization) which proclaims that the subjection of people to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights. It affirms that all peoples have the right to self-determination.

The Declaration calls for immediate steps to be taken to transfer all powers to peoples in Trust and Non-Self-Governing Territories

or all other Territories that have not yet attained independence, in accordance with their freely expressed will and desire.

In 1961, the General Assembly established the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization) as the main United Nations body concerned with the progress of all people under colonial rule towards self-determination and independence.

The Committee:

- studies information submitted under Article 73 e,
- regularly examines the application of the Declaration and makes recommendations to facilitate its implementation,
- dispatches missions to Territories to obtain first-hand information,
- calls the attention of the Security Council to colonial situations it deems a threat to international peace and security,
- receives communications and hears individuals or representatives of organizations and Governments,
- makes recommendations on dissemination of information on decolonization with a view to mobilizing public opinion in support of the cause,
- reviews foreign economic and other interests operating in Territories, and military activities and arrangements which may be

impeding the process towards complete decolonization,

- examines the assistance provided to the people of the Territories by specialized agencies and other organizations of the United Nations system, and
- examines the items on its agenda in plenary meetings or assigns them to one of the two sub-committees – the Sub-Committee on Small Territories and the Sub-Committee on Petitions, Information and Assistance.

The work of the Special Committee is reviewed by the General Assembly at its plenary meetings and through its Fourth Committee. The Fourth Committee’s recommendations serve as a basis for Assembly decisions on decolonization.

The Special Committee consists of 25 Member States: Afghanistan, Bulgaria, Chile, China, Congo, Côte d’Ivoire, Cuba, Czechoslovakia, Ethiopia, Fiji, India, Indonesia, Iran (Islamic Republic of), Iraq, Mali, Papua New Guinea, Sierra Leone, Sweden, Syrian Arab Republic, Trinidad and Tobago, Tunisia, USSR, United Republic of Tanzania, Venezuela and Yugoslavia.

It currently follows the application of the Declaration to 17 Non-Self-Governing Territories – American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, East Timor, the Falkland Islands (Malvinas), Gibraltar, Guam, Montserrat, New Caledonia, Pitcairn, St. Helena,

Tokelau, the Turks and Caicos Islands, the United States Virgin Islands and Western Sahara – as well as the Trust Territory of the Pacific Islands. The Committee annually reviews the list of Territories to which the Declaration is applicable.

The Special Committee has consistently reiterated the view that factors such as territorial size, geographical location, size of population and limited natural resources should not prevent the peoples of the remaining Territories from exercising their right to self-determination, as it is ultimately for those peoples themselves to determine freely their future political status in accordance with the relevant provisions of the United Nations Charter and the Declaration, as well as other relevant United Nations resolutions. In this connection, the Committee has also reaffirmed the importance of fostering an awareness among the peoples of those Territories of all the possibilities open to them in the exercise of their right to self-determination.

Reiterating that it is the administering Powers' responsibility to create conditions in the Territories to enable their peoples to exercise freely that right, the Committee has called on those Powers, taking into account the peoples' expressed wishes, to expedite the decolonization process. It has noted efforts made towards training and placing citizens of the Territories in public service positions and other sectors of society where contributions to development could be made, with a view to running an independent country.

The Committee has also reaffirmed the importance it attaches to the co-operation of the administering Powers. In that connection, it has called upon those Powers to participate or continue to participate in the work of the Committee and to invite United Nations visiting missions to the Territories under their administration.

The Special Committee held two regional seminars in 1990, one in the Pacific and the other in the Caribbean region, in observance of the thirtieth anniversary of the Declaration. The primary objectives of the two events were to provide the Special Committee with the opportunity to discuss the specific problems of the remaining dependent Territories, most of them small island Territories, their special needs and the challenges posed by their geographical locations and other specific conditions and to draw up plans for the rapid decolonization of those Territories, bearing in mind the provisions of the General Assembly resolution calling for a complete decolonization by the year 2000.

## **WORKING PAPER PREPARED BY THE U.N. SECRETARIAT**

**UNITED NATIONS  
General Assembly**

**DISTR. GENERAL**

**A/AC.109/1187**

**7 JULY 1994**

**ORIGINAL: ENGLISH**

SPECIAL COMMITTEE ON THE  
SITUATION WITH REGARD TO THE  
IMPLEMENTATION OF THE  
DECLARATION ON THE GRANTING  
OF INDEPENDENCE TO COLONIAL  
COUNTRIES AND PEOPLES

EAST TIMOR

**WORKING PAPER PREPARED BY THE  
SECRETARIAT**

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### **I. GENERAL**

1. The Territory of East Timor comprises the eastern part of the island of Timor, which is located at the tip of the chain of islands forming the Republic of Indonesia; the enclave of Oecusse Ambeno; the island of Atauro, off the northern coast of Timor; and the island of Jaco, off its extreme eastern tip. It lies between latitudes 8°17'S and 10°22'S and longitudes 123°25'E and 127°19'E. According to the 1980 census, the total population of the Territory was 555,350; in 1991, it was estimated at 752,000.<sup>1</sup>

### **II. CONSIDERATION BY THE UNITED NATIONS<sup>2</sup>**

#### **A. General Assembly and other United Nations bodies**

2. Between 1961 and 1982, the General Assembly annually reviewed the question of East Timor and adopted resolutions on the basis of the reports submitted by the Sp-

cial Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.<sup>3</sup> Since its 38th session, the General Assembly has deferred consideration of the item.<sup>4</sup>

3. Since 1977, the Government of Portugal, in its capacity as administering Power of East Timor, has annually informed the Secretary-General that owing to conditions prevailing in the Territory, namely the presence of armed forces of the Republic of Indonesia, it has been de facto prevented from transmitting any information concerning East Timor under Article 73e of the Charter of the United Nations.<sup>5</sup> In a note verbale dated 20 June 1994 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General (A/49/184), Portugal drew the attention of the Secretary-General to certain points regarding the situation in the Territory where, it said, in general no improvement had been reported in spite of pledges made by the Indonesian authorities.

4. At its thirty-seventh session, by its resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report to the Assembly at its thirty-eighth session. The Assembly requested the Special Committee to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General to facilitate implementation of the resolution.

5. Since 1983, the Secretary-General has kept the General Assembly regularly apprised of developments related to the exercise of his good offices.<sup>6</sup> In his most recent progress report, submitted to the General Assembly at its forty-eighth session (A/48/418), the Secretary-General recalled that with regard to the search for a comprehensive and internationally acceptable solution to the question of East Timor, he had invited the Ministers for Foreign Affairs of Indonesia and Portugal to hold informal consultations under his auspices and without preconditions with the object of arriving at a mutually acceptable format for resuming substantive discussions on the matter. The informal talks were held in New York on 26 September 1992 and resulted in an agreement to hold substantive discussions at the level of Foreign Ministers. Since then, he had held three rounds of substantive discussions with the ministers for Foreign Affairs of Indonesia and Portugal, in New York on 17 December 1992, in Rome on 21 April

1993 and in New York on 17 September 1993 (for information on the fourth round of talks held at Geneva on 6 May 1994, see paras. 18-26 below). While it yet had proved difficult to make progress on the core question, owing to the wide difference in the positions of the two sides, he was moderately encouraged by the substance and tone of the most recent discussions and was hopeful that, with patience and the continued cooperation of the parties, it would be possible to build on these initial steps and that the process would bear further results.

6. During the general debate at the forty-eighth session of the General Assembly, the representatives of Angola, Cape Verde, Guinea-Bissau, Mozambique and Portugal referred to the question of East Timor in their statements (A/48/PV.5, 7, 11 and 15.)

7. In statements before the Third Committee, Canada, Finland, Belgium (on behalf of the European Union) and Sweden made references to the question of East Timor.

8. In the general debate in the Fourth Committee, several representatives made references to the question of East Timor under the agenda item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples": Brazil, Belgium (on behalf of the European Community) (A/C.4/48/SR.4); Chile (on behalf of the Rio Group) (A/C.4/48/SR.5); and Nigeria (A/C.4/48/SR.6).

9. Under the mandate entrusted to it and renewed annually by the General Assembly, the Special Committee continued its review of the question of East Timor at its 1993 session. The Special Committee considered the question at its 1418th through 1420th meetings, on 13 and 14 July. During those meetings, the Committee heard statements by the representatives of Tunisia (A/AC.109/PV.1418 and 1419), Portugal, as the administering Power (A/AC.109/PV.1419 and 1420), Sao Tome and Principe (on behalf also of Angola, Cape Verde, Guinea-Bissau, and Mozambique) (A/AC.109/PV.1420) and Indonesia (A/AC.109/PV.1420), as well as 21 petitioners (A/AC.109/PV.1418 and 1419).

10. At its 1420th meeting, on 14 July, the Special Committee decided to continue consideration of the item at its 1994 session, subject to any directives which the General Assembly might give in that connection at its forty-eighth session (A/AC.109/PV.1420).

11. On 20 August 1993, the United Nations Subcommission for the Prevention of Discrimination and Protection of Minorities adopted resolution 1993/12 on East Timor

by a vote 13 to 10 with 2 abstentions.<sup>7</sup> By that resolution, the Subcommission expressed its deepest concern at reports of continuing violations of human rights in East Timor; noted with satisfaction the recent lifting of restrictions imposed upon the activities of the International Committee of the Red Cross (ICRC); and urged the Indonesian authorities to implement fully the decisions of the Commission on Human Rights at its forty-eighth and forty-ninth sessions; and to honour the provisions of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, regarding the prohibitions on removing prisoners from their original place of residence.

12. The question of East Timor was subsequently discussed by the Commission on Human Rights at its fiftieth session held in February and March 1994. The Commission had before it reports by its Special Rapporteurs on the questions Of torture<sup>8</sup> and of extrajudicial, summary or arbitrary executions<sup>9</sup> as well as reports by its Working Groups on Arbitrary Detention<sup>10</sup> and on Enforced or Involuntary Disappearances.<sup>11</sup> The Commission also had before it the report on the situation in East Timor submitted by the Secretary-General<sup>12</sup> pursuant to resolution 1993/97 adopted at the previous session.

13. On 9 March 1994, the Commission unanimously adopted a statement by its Chairman<sup>13</sup> in which it noted with concern continuing allegations of human rights violations in East Timor while recognizing the positive measures taken by the Government of Indonesia to improve the situation. The Commission said it was preoccupied by the incomplete information concerning the number of people killed and the persons still unaccounted for as a result of the violent incident which took place in Dili in 1991. While acknowledging the efforts made by Indonesia to account for those persons, the Commission called upon Indonesia to continue its investigation of those Still missing and the circumstances surrounding the matter. The Commission further expressed the hope that cooperation between ICRC and Indonesia would continue and called upon the Indonesian authorities to ensure that East Timorese in custody were treated humanely and that their rights were fully respected and to take further appropriate measures aimed at the early release of those convicted. The Commission said it was encouraged by the greater access recently granted by Indonesia to human rights and humanitarian organizations as well as to international media and called upon Indonesia to continue this policy of expanding access; welcomed the undertaking by Indo-

nesia to invite the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to visit East Timor; took note of Indonesia's intention to continue to cooperate with other relevant thematic special rapporteurs and/or working groups; and welcomed the dialogue between Indonesia and Portugal under the auspices of the Secretary-General. It encouraged the Secretary-General to continue his good offices in order to achieve a just, comprehensive and internationally acceptable settlement to the question.

## B. Communications related to the question

14. Communications related to the question of East Timor included inter alia:

- Letter dated 28 July 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General transmitting the text of a letter on the Pacific Regional Seminar held by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Port Moresby, Papua New Guinea from 8 to 10 June 1993, and a statement made by the delegation of Portugal to that Seminar (A/48/282);
- Letter dated 4 August 1993 from Brazil addressed to the Secretary General transmitting the final document of the third Ibero-American Summit of Heads of State and Government, held at Salvador, Brazil, on 15 and 16 July 1993 (A/48/291-S/26242);
- Letter dated 2 March 1994 from Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal and Sao Tome and Principe, transmitting a joint communiqué of the First Meeting of the Ministers for Foreign Affairs and External Relations of the Portuguese-speaking Countries, held at Brasilia, Brazil, on 9 and 10 February 1994 (A/49/87-S/1994/263).
- Note verbale dated 20 June 1994 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General (A/49/184) concerning the information transmitted under Article 73c of the Charter of the United Nations and the situation prevailing in the Territory.

## III. POLITICAL DEVELOPMENTS

### Background

15. According to Indonesian Law 7/76 of 17 July 1976, East Timor is a province or a "first-level region" of Indonesia with a Government consisting of a "Regional Secretariat" and a "Regional House of Representen-

tatives." East Timor is represented in the National House of Representatives and in the People's Consultative Assembly of Indonesia.

16. By its resolution 32/34 of 28 November 1977, the General Assembly rejected the claim that East Timor had been integrated into Indonesia, inasmuch as the people of the Territory had not been able to exercise freely their right to self-determination and independence.

17. The current "Governor," Mr. Abilio José Osório Soares, was elected by the East Timor "House of Representatives" in 1992. "Governor" Soares is reported to be a staunch supporter of Indonesia's take-over of the Territory.

18. In an interview with The Jakarta Post (10 July 1993), "Governor" Soares said that after 17 years the people of East Timor had not fully grasped the essence of integration. "If we had fully embodied the aims and objectives of integration, I don't think we would have had the problems and upheavals that we have experienced over the last 17 years," he said. The "Governor" added that he did not see any problems in the relations between the Roman Catholic Church, the provincial Government and the military, the three forces that counted the most in East Timor.

#### Fourth Round of Talks

19. In January 1994, Mr. Francesc Vendrell, a representative of the Secretary-General, visited Portugal, Indonesia, East Timor and Australia to help prepare the forthcoming meeting between the Foreign Ministers of Indonesia and Portugal and the Secretary-General scheduled for May. According to a Reuters report of 18 January, Mr. Vendrell met with Portuguese officials, Timorese exiles in Portugal, the Minister for Foreign Affairs of Indonesia, Mr. Ali Alatas, and State Secretary Moerdino. He also met with Mr. José Alexandre "Xanana" Gusmão, leader of the National Council of the Maubere Resistance who is in jail in Indonesia and Mr. José Ramos-Horta, joint chairman of the National Council of Maubere Resistance in Australia.

20. On 6 May 1994, at Geneva, the Secretary-General held a fourth round of talks with the Ministers for Foreign Affairs of Portugal and Indonesia in the context of the ongoing efforts under his auspices to seek a just, comprehensive and internationally acceptable settlement to the question of East Timor. A statement issued by the Secretary-General's spokesperson said the discussions focused on confidence-building measures aimed at fostering an atmosphere propitious to addressing the substance of

the question.<sup>14</sup> The statement stressed the following points:

- (a) The Secretary-General welcomed the positive atmosphere in which the talks were held as well as the restraint displayed by both sides at international forums, which had made possible the adoption by consensus of the Chairman's statement at the fiftieth session of the Human Rights Commission;
- (b) The meeting took note of the Indonesian Government's intention to continue its investigation to account fully for the persons dead or missing as a result of the violent incident in Dili on 12 December 1991;
- (c) The Secretary-General was encouraged by the increased access to East Timor by the United Nations and by human rights and humanitarian organizations and journalists as well as by the exchange of visits to East Timor and Portugal by East Timorese living abroad and in East Timor, respectively. The Minister for Foreign Affairs agreed that such access and visits should be continued and further expanded;
- (d) The Ministers for Foreign Affairs concurred on the need to ensure humane treatment of and full respect for the rights of East Timorese in custody as well as on the need to ensure that further appropriate measures were taken for their early release;
- (e) The invitation of the Indonesian Government to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions of the Commission on Human Rights to visit East Timor in June 1994 was welcomed. It was deemed important that the Government of Indonesia continue to cooperate with other relevant thematic special rapporteurs and/or working groups of the Commission and that they be invited to visit East Timor whenever necessary for the fulfillment of their duties;
- (f) The Secretary-General believed that the dialogue among East Timorese should be encouraged and noted that he would explore ways of facilitating an all-inclusive intra-Timorese dialogue. The Ministers for Foreign Affairs of Portugal and Indonesia indicated their readiness to meet with both supporters and opponents of integration with Indonesia, respectively;
- (g) The Ministers requested the Secretary-General to identify a series of issues to be considered in advance of the next round of talks, including possible avenues towards achieving a just, comprehensive and internationally acceptable solution.

21. A fifth meeting between the Secretary-General and the Foreign Ministers was scheduled for January 1995.

#### Other developments

22. The arrest, trial and sentencing of Mr. José Alexandre "Xanana" Gusmão, leader of the National Council of the Maubere Resistance and long the symbol of resistance to Indonesian rule, were reported in the previous paper prepared by the Special Committee (see A/AC.1154, sect. IV). It will be recalled that Mr. Gusmão was captured on 20 November 1992 by Indonesian soldiers on the outskirts of Dili, moved to Bali for interrogation and put on trial on 1 February 1993 at Dili. He was charged with (a) seeking to separate a part of the national Territory from the authority of the State; (b) leading an armed rebellion against the Indonesian State; (c) conspiring to commit the crimes referred to above; and (d) unauthorized possession of firearms which carries a maximum penalty of death. On 21 May 1993, having been found guilty on all counts, Mr. Gusmão was sentenced to life imprisonment.

23. On 14 August 1993, Indonesian President Soeharto reduced Mr. Gusmão's sentence from life to 20 years and also reduced the sentences of several other East Timorese who had been convicted of participating in the events in Dili in 1991.<sup>15</sup> President Soeharto's decision was said to be "based on the consideration that Xanana has acknowledged his mistakes and has accepted East Timor's integration into Indonesia" and had asked for clemency.

24. It was reported in January 1994 that in a letter to the International Commission of Jurists which was smuggled out of jail, Mr. Gusmão repudiated President Soeharto's assertion that he had asked for clemency and appealed for a campaign for the annulment of his trial and the appointment of a Portuguese lawyer to act on his behalf.<sup>16</sup> Mr. Gusmão said that his Indonesian-appointed lawyer had colluded against him with Indonesian authorities.

25. The Department of State of the United States, in its annual report on human rights, stated that, while the conduct of Xanana's trial appeared to violate several provisions of the Criminal Procedures Code and while he may not have freely chosen his defence attorney, he had none the less been represented by an able group of lawyers who conducted a vigorous defence on his behalf.<sup>17</sup>

26. In October 1993, the then Military Commander of the Eastern Command which includes East Timor, Major-General Theo Syafei, announced that because of the im-

proved security situation, two combat battalions would be withdrawn from East Timor the following month.<sup>18</sup> He is reported to have acknowledged that the move was in response to foreign criticism that Indonesia's heavy military presence had led to widespread human rights violations.<sup>19</sup>

27. In November 1993, Indonesian military officials stated that only one combat battalion of about 650 men and seven battalions engaged in development projects remained in East Timor, or a total of about 5,000 troops.<sup>20</sup> The United States country report on human rights for 1993<sup>21</sup> said that, although the Indonesian armed forces had made several public pledges in 1993 to reduce by stages the number of troops in East Timor, by early December the status of this pullout was not clear. The report further noted that in April 1993, the Special Operational Military Command for East Timor had been disbanded and replaced with a command structure similar to that in the 26 provinces of Indonesia. The composition of troops had been reportedly changed to emphasize civic action over combat missions, although civic action troops also carried weapons and conducted patrols. The report characterized these changes as largely cosmetic and said that most sources in East Timor continued to report an oppressive military presence.

28. In February 1994, it was announced that Major-General Syafei had been replaced as military commander of the Eastern Command by Major-General Adang Ruchiatna Puradiredja.<sup>22</sup>

29. Also in February 1994, foreign journalists were allowed to visit East Timor for the first time in nine months. According to Reuters, the group, consisting of nine Jakarta-based correspondents, was accompanied by an official from the Indonesian Foreign Ministry and observed by local plainclothes security officials. Speaking to the group on 19 February, military commanders, including General Adang, said that the war in East Timor was no longer between Indonesia and the Frente Revolucionária de Timor Leste Independente (FRETILIN), which numbered less than 200 men, but against poverty and lingering resentment of Jakarta's rule. The military presence was necessary to assist the Government's development programme.<sup>23</sup>

30. Reuters, in reporting the remarks of the military, added that local residents had said that Indonesian officials were hostile to the Timorese population and that harassment, detention and torture remained part of everyday life.

31. A second group of 25 journalists was allowed to visit East Timor under escort in

April. Reporting in The Guardian, of 16 April 1994, one journalist wrote that the "ruthless control apparatus built up by Indonesia since ... (1975)" was still operating and that there was "a climate of terror, of threats, of war." He said that when interviewed, the local military commander evaded answering directly when the military presence might be terminated, replying only that the situation was not stable. The commander was quoted as saying that although FRETILIN hardly posed a military threat and clashes between Indonesian troops and the guerrillas were reduced to about one a month, the Fretilin members who remained active in the Territory were the hard-core nucleus of the movement. The correspondent for The Times (London), in an article dated 16 April 1994 stated that there was a pervasive security apparatus with Indonesian soldiers barracks on almost every street and spies and informers everywhere. There was little, he said, that could prepare one for the barely concealed hysteria of life in East Timor which had the feel of a vast prison. The article quoted Florentino Sarmiento, Director of the East Timor Association for Development and Progress who is also a member of Golkar, the Indonesian ruling party, as saying that the situation was worse than it had been under (Portuguese) colonialism ... "now we are considered a mere province of Indonesia and government rule has been reduced to military occupation."

32. The Guardian reported that five students demonstrated briefly in front of the hotel where the journalists were staying, shouting "Long live East Timor" and waving banners with slogans supporting Xanana until police appeared. The Guardian said the demonstration was a rare show of defiance as the Indonesian armed forces habitually applied stringent controls to pre-empt any display of opposition. Another student demonstration was held in front of a church the following day and protests were also voiced by prisoners in the Dili jail which the journalists visited with their escort.

33. On 23 May 1994, Indonesia announced that six East Timorese had been detained for questioning in connection with the demonstrations.<sup>24</sup> East Timorese sources were reported to have said that a total of 12 persons had been detained in East Timor and Indonesia, but did not identify them or specify the charges. It was not clear whether the 12 included four East Timorese who were allegedly detained in Jakarta on 30 April in connection with the killing of a commander of the presidential guard. In a statement on 24 May,<sup>25</sup> Amnesty International said that "the arrests ... are consistent with a long-standing pattern of short-term

detention and ill-treatment of real and alleged political opponents of Indonesian rule." Amnesty reported that one of 12 detainees had been released.

34. On 13 June, it was reported that six prisoners who had voiced protests to foreign journalists in April (see para. 39 above) had been moved from Dili to a prison in East Java. The six are serving sentences varying from five years to life for their non-violent participation in the march to the Santa Cruz cemetery in Dili in 1991.

35. On 24 June 1994, it was reported that Indonesia had sentenced three East Timorese students to 20 months in jail each for staging a demonstration, and in particular, for expressing anti-Indonesian sentiments in front of visiting foreign journalists on 14 April.

36. In May 1994, the Government of the Philippines decided to deny visas to or withdraw visas from non-Filipinos invited to participate in a conference on East Timor that was originally to have been attended by academics and representatives of non-governmental groups from 15 countries, including Danielle Mitterand, wife of the President of France, and Mairead Maguire of Ireland,<sup>26</sup> who had received the Nobel Peace Prize. Ms. Maguire was expelled from the country. The Government said that under the freedom of speech provisions of the Philippine Constitution it could not prevent the conference from being held as Indonesia had requested.<sup>27</sup>

#### IV. HUMAN RIGHTS SITUATION

37. A member of the United Nations Commission on Human Rights since 1991, Indonesia has repeatedly affirmed its commitment to international human rights principles.

38. In May 1994, at the meeting at Geneva with the Secretary-General and Portugal, the Minister for Foreign Affairs of Indonesia presented an aide-mémoire to the Secretary-General which stated that since the capture and trial of Xanana, there had been an overall improvement in security in East Timor and consequently in the human rights situation as manifested by greater freedom of movement of people to and from the "province," greater personal safety and more tolerance for dissent.

39. As an example of its more liberal policies, Indonesia said it had granted permission to 59 East Timorese to leave for Portugal within an "expanded family reunion" programme and allowed seven young men who had tried earlier to seek asylum at foreign embassies in Jakarta, to leave for Portugal on 29 December 1993. Also, requests

from a number of East Timorese currently residing in Portugal and Angola to return to Indonesia to live had been approved.

40. on the question of persons unaccounted for after the incident of 12 November 1991, Indonesia was continuing to search for the missing persons albeit with limited success. As at 17 September 1993, only 57 persons were unaccounted for. Subsequently, another person listed as missing reported to the authorities in East Timor, reducing the number unaccounted for to 56.

41. The aide-mémoire to the Secretary-General stated that a more conducive atmosphere for the promotion and protection of human rights throughout Indonesia had resulted from the establishment of the National Commission on Human Rights on 7 June 1993; all 25 members of the Commission had been appointed, one of whom was Timorese.

42. As regards access to East Timor by the United Nations and humanitarian and human rights organizations, the aide-mémoire noted that misunderstandings and miscommunications with ICRC had been sorted out in September 1993, allowing protection visits to prisoners, including Xanana, to proceed smoothly; Xanana had been seen most recently on 2 April 1994. Under the ICRC protection programme, it was also noted, ICRC could visit East Timorese prisoners wherever they were held, whether in East Timor, Kupang or Jakarta. The aide-mémoire further noted that the two representatives of the Secretary-General who had visited East Timor from 19 to 23 January 1994 had been allowed complete freedom of movement. In addition to the foregoing, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions was expected to visit East Timor in June 1994.

43. With respect to the agreement of 17 September 1993 to continue to promote a balanced exchange of visits of journalists and personalities from Indonesia and Portugal, the aide-mémoire to the Secretary-General reported that visits to East Timor had been made by (a) the chairman of a newly-established Portugal-Indonesia Friendship Association (4-21 January 1994); (b) Dr. Manuel Tilman, an East Timorese lawyer from Macao who was also a member of the "International Platform of Jurists for East Timor"; (c) a group of nine correspondents/foreign media representatives (15-18 February 1994) (see para. 36 above); and (d) 25 foreign journalists representing 16 print and electronic media organizations in various countries (12-15 April 1994) (see para. 38 above).

44. Amnesty International, in a report entitled Indonesia and East Timor: Fact and

Fiction of 16 February 1994, reviewing Indonesia's implementation of resolution 1993/97 of 11 March 1993 of the Commission on Human Rights, said that the Government had taken a number of initiatives in support of human rights since late 1991 but that they seemed to be principally aimed at improving Indonesia's image internationally rather than at squarely addressing the root causes of the problem.

45. Amnesty International noted that since the Santa Cruz incident, at least 400 Timorese had been detained without charges for periods ranging from a few days to several months and that many had been denied access to their relatives, lawyers and ICRC. Some had also been required to undergo "political guidance" while in military custody and to swear oaths of allegiance to the Indonesian Government as a condition of their release. In addition to those held without charge, some 20 East Timorese were serving sentences of up to life imprisonment for subversion and other political crimes, including three men who had been in detention since 1984.

46. As regards the treatment of Xanana in prison, Amnesty International said that in early January 1994, Indonesia had temporarily suspended ICRC and family visits to him after it was discovered that he had written letters to the International Commission of Jurists and to the Government of Portugal. Following protests from Indonesian human rights organizations, the ban on visits was lifted on 9 February 1994. However, Xanana was still prevented from meeting Indonesian legal aid lawyers.

47. Amnesty International acknowledged that over the past two years there had been progress with respect to improving access to East Timor by human rights and humanitarian organizations: East Timor was now more open to outsiders than at any other time since 1975. Nevertheless, in the past year, military authorities had continued to impose unacceptable conditions on the work of ICRC, closely to monitor visits by foreign delegations and journalists and to restrict access by international human rights organizations. Just as importantly, the Government and in particular the military - had continued to restrict the activities of domestic human rights activists and journalists. In June 1993, ICRC had suspended visits to political prisoners in East Timor for the third time in six months because of unacceptable restrictions imposed by the military. Since then, however, the organization had been able to work without undue interference. It was another positive sign that a number of government and parliamentary delegations had been granted permission to

visit East Timor in the past two years, but such visits continued to be tightly controlled: ordinary Timorese who spoke to foreign delegates were likely to be detained for questioning. Amnesty International considered that the Government had also taken a more positive attitude towards the work of United Nations officials and bodies concerned with East Timor.

48. According to the 1993 annual report on human rights of the United States Department of State,<sup>28</sup> in areas where there were active guerrilla movements such as East Timor, people were still routinely detained for short periods without warrants charges or court proceedings and that bail was rarely granted, especially in political cases. Also, authorities frequently interfered with access to defence counsel. After their release, people were required to report daily or weekly to the police and there were credible reports of scores of people being detained without charges at various times during the year for enforced "civics training" in areas outside the capital. This particularly occurred during the visits of prominent guests, such as Amos Wako, the Personal Envoy of the Secretary-General and the visits during August and September of two United States Congressional staff delegations. Two former leaders of the armed East Timorese resistance, José "Mauhudu" da Costa and Antonio Gomes "Mauhunu" da Costa, remained under tight military control in 1993 although no charges had been formally filed against either. Mauhudu was arrested in January 1992 and Mauhunu in April 1993. They were in East Timor during the period August through September making speeches on the merits of integration with Indonesia. Despite public announcements that they had been granted an "amnesty," and were therefore "free," they were required to spend each night at the homes of military officers.

## V. ECONOMIC AND SOCIAL CONDITIONS

49. In the absence of information submitted by the administering Power under Article 73e of the Charter for reasons explained in paragraph 3 above, the material in the present section has been derived from other sources.

50. According to a statement by the "Governor" of East Timor to a plenary session of the East Timor provincial legislative council in January 1994, the economy had grown more than 10 per cent since 1989, surpassing Indonesia's national average rate of growth. Progress had been made notably in agriculture, industry, trade and service.<sup>29</sup>

51. Official agricultural statistics indicate that food crop production has expanded considerably with an output of 292,392 tons and a harvest area of 127,701 hectares as compared to 157,460 tons with a harvest area of 86,012 hectares in 1989. Food crops include rice, corn, ground nuts, soybeans, cassava and vegetables.<sup>30</sup>

52. Indonesia is continuing to carry out various development plans, particularly the construction of roads, bridges and schools. In March 1994, the "Governor" said that the Government of Indonesia had spent over 2 trillion rupiahs on development in East Timor (since 1975).<sup>31</sup> In 1994, it intended to allocate 624 million rupiahs for the first phase of a three-year project to improve 312 underdeveloped villages which would cost 18.7 billion rupiahs over the three-year period.<sup>32</sup> Nevertheless, East Timor was still the "poorest of Indonesia's 27 provinces." About 82 per cent of the population live in poverty<sup>33</sup> and about 70 per cent of the population under 30 years of age is unemployed.<sup>34</sup>

53. In 1993, 10 Indonesian companies undertook to invest a total of 232,642,527,000 rupiahs in East Timor, but by the end of the year only two of them had started operating. The 10 investors would employ a total of 24,263 people when their enterprises are fully operational.<sup>35</sup>

54. The State-owned electricity company intends to install electricity in at least 20 more villages in East Timor during 1994-95. Currently about 25 per cent of the 442 villages in East Timor have electric power.<sup>36</sup>

55. There are 3,767 kilometres of roads in East Timor of which 1,716 kilometres are asphalted.<sup>37</sup>

## VI. HEALTH AND EDUCATION

56. As previously reported, according to the Indonesian Government, since 1975 the number of hospitals in East Timor increased from 2 to 10 and the number of doctors from 3 to 104 (see A/AC.109/1154, para. 7). There were approximately 2,000 health care professionals in East Timor working in more than 200 facilities. Sanitation programmes to improve health conditions were also being undertaken. Hundreds of small reservoirs to collect rain water were dug and the drilling of wells was being undertaken in order to provide potable drinking water for the population. Also, child, mother and family welfare improvement programmes were being started in cooperation with UNICEF.

57. Schooling is available from kindergarten through high school. In 1992/93, there were 37 kindergartens with 2,066 students, 612 elementary schools with 101,935 students,

101 intermediate schools with 22,122 students, and 34 high schools with 11,447 students. Vocational training at the high school level is also available. In 1992/93, 3,376 students were studying economics; 964, technology; 342, family welfare; and 268, agricultural technology.<sup>38</sup>

## NOTES

1. World Population Prospects, 1990 (United Nations publication ST/ESA/SER.A/120, Sales No. E.91.XIII.4), p. 140.
2. For details, see corresponding sections of the previous working papers contained in documents A/AC.109/L.1328, A/AC.109/623, 663, 715, 747, 783, 836, 871, 919, 961, 1001, 1115, and 1154.
3. See General Assembly resolutions 1699 (XVI), 1807 (XVII), 1913 (XVIII), 2107 (XX), 2184 (XXI), 2395 (XXIII), 2507 (XXIV), 2707 (XXV), 2795 (XXVI), 2918 (XXVII), 3113 (XXVIII), 3294 (XXIX), 3485 (XXX) and 31/53, relating to the question of Territories under Portuguese administration, including East Timor; see also Assembly resolutions 32/34, 33/39, 34/40, 35/27, 36/50 and 37/30 on the question of East Timor.
4. General Assembly decisions 38/402, 39/402, 40/402 and 43/402; see also A/41/PV.3, A/44/PV.3, A/45/PV.3, decision 46/402, A/47/PV.3 and A/48/130.
5. See A/35/233, A/36/160, A/37/113, A/38/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219, A/44/262, A/45/172, A/46/131, A/47/189, A/48/130 and A/49/184. Owing to lack of information from the administering Power, the information contained in the present paper has been derived from other sources.
6. A/38/352, A/39/361, A/40/622, A/41/602, A/42/539, A/43/588, A/44/529, A/45/507 and A/46/456.
7. E/CN.4/1994/2, E/CN.4/Sub.2/1993/45, chap. II.
8. E/CN.4/1994/31, paras. 317-343.
9. E/CN.4/1994/7, paras. 343-356.
10. E/CN.4/1994/27, Annex II, decision no. 36/1993.
11. E/CN.4/1994/26, paras. 260, 261 and 269.
12. E/CN.4/1994/61.
13. E/CN.4/1994/SR.64.
14. SG/SM 5283, 6 May 1994.
15. The New York Times, 15 August 1993.
16. Reuters, 9 January 1994; The Guardian (Manchester), 11 January 1994.
17. United States Department of State, Country Reports on Human Rights Practice for 1993, Washington, D.C., February 1994, p. 643.
18. Reuters, 6 October 1993.
19. The Jakarta Post, 6 October 1993.
20. Reuters, 5 November 1993.

21. United States, op. cit. p. 639.
22. Reuters, 9 February 1994.
23. Ibid., 19 February 1994.
24. Ibid., 23 May 1994.
25. Ibid., 24 May 1994.
26. Le Monde, 2 June 1994
27. Ibid.
28. United States, op. cit., p. 641.
29. Antara News Agency, 17 January 1994.
30. Ibid., 30 November 1993.
31. Ibid., 2 March 1994.
32. Ibid., 29 December 1993.
33. The Jakarta Post, 17 July 1993.
34. Reuters, 19 February 1994.
35. Antara, 7 January 1994.
36. Ibid., 9 March 1994.
37. Ibid., 17 January 1994.
38. Data on education in East Timor provided by the Regional Office of the Department of Education and Culture in East Timor.

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## U.N. PRESS RELEASES

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### SPECIAL COMMITTEE ON DECOLONIZATION

GA/COL/2927  
13 July 1994  
1435th Meeting (AM)

### PETITIONERS TELL SPECIAL COMMITTEE ON DECOLONIZATION OF HUMAN RIGHTS ABUSES IN EAST TIMOR BY INDONESIAN GOVERNMENT

Human rights abuses by Indonesian military and police units, the suppression of free expression and limited access by international human rights organizations were evidence of continuing repression in East Timor, the Special Committee on decolonization was told this morning as it began consideration of the question of East Timor.

The United Nations shared responsibility for the human rights problem there, a representative of Amnesty International told the Special Committee. A March statement by the Commission on Human Rights had encouraged the preservation of the status quo in East Timor by making no mention of torture and ill-treatment of political detainees.

A petitioner from the British Coalition for East Timor, said that the provision of \$5.2 billion in assistance to Indonesia for next year demonstrated that Western nations would do nothing to pressure Jakarta to change its ways. A petitioner from the International Platform of Jurists for East Timor said that intensified repression was evidence that Timorese youth were willing



to fight for freedom, refusing to be Indonesian.

Human rights activist "Xanana" Gusmão was serving a 20-year prison sentence, but his trial had not complied with international standards nor with Indonesian law, a petitioner from the Parliamentarians for East Timor said. A petitioner from the East Timor Alert Network of Canada, said many East Timorese women had been forcibly injected with contraceptives or sterilized in order to minimize the birth rate of the Territory.

A representative of Indonesia said that consideration of East Timor by the Special Committee was unwarranted because the Territory was a province of Indonesia with rights and obligations equal to those of other provinces.

Also speaking this morning were petitioners from the Timorese Democratic Union, East Timor Action Network of the United States, Free East Timor Japan Coalition, Pax Christi International, Agir pour Timor, Hobart East Timor Coalition, and the Asia-Pacific Conference on East Timor/Philippine Solidarity for East Timor and Indonesia.

The Special Committee will meet again at 3 p.m. this afternoon to continue its discussion of East Timor.

#### **Committee Work Programme**

The Special Committee on decolonization met this morning to hear petitions on East Timor and ...

The report of the Subcommittee on the question of East Timor (document A/AC.109/L.1815) summarizes consideration of the question by the General Assembly; political developments, along with the human rights situation; and the economic and social condition, as well as information on health and education. It cites the fourth round of talks, held in May this year in Geneva, in which the Secretary-General met with the Ministers for Foreign Affairs of Portugal and Indonesia. That discussion focused on confidence-building measures aimed at fostering an atmosphere propitious to addressing the substance of the question.

The report also contains information on a February 1994 report by Amnesty International which states that the Government of Indonesia had taken a number of initiatives in support of human rights since late 1991 but that they seemed to be principally aimed at improving Indonesia's international image rather than addressing the root causes of the problem.

#### **Discussion on East Timor**

FRANCISCO NICOLAU, of the Timorese Democratic Union, said that on the eastern part of Timor island, the Government of Indonesia permitted all forms of

human rights violations. At last year's World Conference on Human Rights in Vienna, Indonesia had reached the heights of hypocrisy by calling "sacred" the right to maintain physical integrity, the right to free expression and the right to life. The Timorese Democratic Union was the traditional nationalist party of East Timor which had never collaborated with Indonesia. The force of Timorese nationalist parties had been insufficient to curtail the barbarity of the armed forces of Indonesia, but they hoped that one day President Soeharto would learn the lessons of history.

ALYN WARE, from the Hobart East Timor Committee, said there were many excuses which Indonesia had used to explain why it had invaded East Timor. The first was that it believed the Territory was "going communist." However, "that 680,000 people in East Timor would go communist would have little impact compared with the millions of communists who already existed in Indonesia." Other speculations were that Indonesia was worried that East Timor was going independent and that was why it had been invaded. An independent East Timor, eligible for a wide range of United Nations and bilateral aid packages, was seen by Jakarta as a threat because it could exacerbate existing discontent in the South Moluccas and nearby islands.

He said that East Timor had remained a "training ground," a way for the Indonesian military to augment their pay through a variety of corrupt practices. Soeharto and his generals had seen it as a means to restore some prestige to Indonesia's military. The Indonesian Army had taken over Timorese land, possessions and resources. The Timorese languages had been banned and their culture had been undermined. Furthermore, Timorese families and communities had been broken up and dispossessed. He said those were many powerful legal and moral reasons why the United Nations should be willing to be as active in East Timor as it had been in Cambodia, Bosnia and elsewhere. The "Dili massacre" in 1991, had reminded the world that that tragedy had come 16 years after the Security Council had specifically requested "Indonesia to withdraw, without further delay, all its forces from the territory."

ABDUL NASIER (Indonesia) said that East Timor was a province of Indonesia with rights and obligations equal to those of other provinces. The consideration of East Timor by the Special Committee was unwarranted.

CONSUELO VILLANUEVA, of Amnesty International, said that Indonesia had been directly responsible for systematic human rights violations in East Timor for 20 years. The Member States of the United

Nations shared responsibility for the long-standing human rights problem there. Since the last meeting of the Special Committee, the international community appeared to have turned its back on systematic violations of human rights in East Timor. Some had accepted the Indonesian Government's promises of "openness," but in recent weeks three of Indonesia's leading news magazines had been banned and arbitrary detention and ill treatment had been used to suppress those who had spoken out against the Government.

Many Governments continued to supply military equipment to Indonesia, she said. That "business as usual" approach sent a clear signal that human rights took second place to economic interests. The lack of concerted international pressure had contributed to the perpetuation of torture and ill treatment. The consensus statement read by the Chairman of the Commission on Human Rights in March of this year had actually praised Indonesia for unspecified "positive measures." That statement seemed to have encouraged the preservation of the status quo. That statement had made no mention of the torture and ill-treatment of political detainees and had failed to mention the recommendations made by the Commission's Special Rapporteur on torture following his visit to East Timor and Indonesia in 1991. The failure of the Commission to specifically refer to torture helped ensure that nothing would change.

With respect to extrajudicial executions and disappearances, the Commission's statement obscured the inadequacy of Indonesia's response to the "Santa Cruz Massacre," she said. The Government had provided clarification on the fate of only a small fraction of the estimated 270 dead and 200 missing and had published false information. The Human Rights Commission had given a misleading impression that Indonesia had undertaken a "policy of expanding access" to East Timor. International human rights and humanitarian organizations were kept under close surveillance, making their work difficult and potentially dangerous to Timorese that they contacted.

SHARON SCHARFE, from the East Timor Alert Network of Canada, said the Canadian Government had cancelled two aid projects totalling millions of dollars due to Canadian citizens' concerns after the 1991 Dili massacre and the events following it.

She said the human rights of East Timor's women had been violated numerous times. There had been many documented cases of women who had been forced to become local "wives" for the Indonesian military posted in East Timor. Children had been conceived through those imposed husbands. Women were also being injected with

contraceptives without their knowledge. Women in East Timor had been forcibly sterilized as well. That was being done to keep the birth rate in East Timor to a minimum. Women had also been indirectly affected by Indonesia's illegal occupation through the killing, torture and disappearance of husbands, children, parents and friends.

KAN AKATANI, from the Free East Timor Japan Coalition and the Japanese Catholic Council for Justice and Peace, said the "Indonesation" of East Timor was moving at a very fast pace. He hoped forced birth control and family planning would cease in that Territory. He called for human rights organizations and pro-democracy movements to be allowed to operate freely in East Timor.

He called for the decolonization and liberation of East Timor from Indonesia. Public opinion could play an important role in the East Timor issue. For example, showing documentaries worldwide on the East Timor situation could serve such a purpose.

Mr. Akatani said that after the Dili massacre, Indonesian soldiers had knowingly administered pills to the wounded Timorese, which instead of helping them had actually killed them. The doctors had been accomplices to those murders. Two and a half years after that incident no investigation had been conducted in those hospitals. Such incidents portrayed how the colonial Power could do whatever it pleased in East Timor, without fear of the international community.

INGELA MARTENSSON, of Parliamentarians for East Timor, said that the East Timorese people were living as if they were in prison. Approximately 10,000 Indonesian soldiers and 3,000 police were stationed in the Territory. Military and police forces were part of an enormous oppression apparatus. The Government of Indonesia had built new roads and 5,000 houses in some 40 new villages, but those settlements reminded her of the so-called "strategic villages" in Iraq. The majority of the inhabitants of those villages would like to return to their own villages.

"Xanana" Gusmão, the human rights activist, was serving a 20 year prison sentence. That individual was a symbol of East Timorese resistance because he had rejected Indonesia's claim that they had integrated the territory into Indonesia. He had been sentenced in a trial which had not complied with international standards nor with Indonesian law. No lawyer had been present during his interrogation. A defence lawyer, with close contacts to the Indonesian military, had later been named to his case, but it was not clear that he represented Gusmão's best interests. International human rights observers had been denied access to the

court file on the case. Parliamentarians for East Timor believed that Gusmão had not received a fair trial and that he should be released and allowed to choose a sanctuary.

THOMAS S. MAHEDY, of Pax Christi International, said that an intervention by his organization to the fiftieth meeting of the Commission on Human Rights on 18 February this year, had reported that survivors of the 12 November 1991 Dili massacre had been killed after being taken to Wira Husada Military Hospital. Several initiatives could be undertaken to deal with self-determination issues in East Timor, including the honouring of commitments made to the Commission on Human Rights and providing access to its Special Rapporteurs, working groups and United Nations specialized agencies. Freer access to East Timor by international human rights groups should also be allowed. Any serious proposals for dialogue must include the people of East Timor, he said.

CHARLES SCHEINER, East Timor Action Network of the United States, said that the East Timorese people should play a role in any negotiation between Indonesia and Portugal. The Jakarta Government was feeling international pressure, but it was suppressing discussion and hiding unpleasant realities. The recent Asia-Pacific Conference on East Timor in Manila had become a world class news event because of the clumsy attempts of "the generals" in Jakarta and Manila to prevent it.

Many in the United States Administration and Congress supported the status quo in Indonesia because of American corporate interests in trade, mining and weapons sales. But since 1992, the Congress has prohibited all United States military aid to Indonesia. Last July the State Department refused to allow the resale of four American-made F-5E fighter planes from Jordan to Indonesia. Over 150 members of Congress had written to President Clinton urging action in support of East Timor, and last fall the Senate Foreign Relations Committee had unanimously approved an amendment linking arms sales to Indonesia to human rights concerns over East Timor. The bill never reached the full Senate, but it was the first attempt to link arms sales to human rights in Indonesia. Other legislation approved by congressional committees would challenge United States support for multilateral loans and non-humanitarian aid for countries with excessive military involvement in their economies or which falsely report military spending. Indonesia had been the principal illustration of those problems.

JOSÉ MARIA ALBUQUERQUE, Agir pour Timor, said his organization's main task had been to expose the situation in East Timor in France. The issue had a special

impact in the Portuguese community in France, the largest one in the world outside Portugal. Also, a campaign called "Four Months for East Timor" had been launched by 12 French non-governmental organizations in March this year. The campaign's main purpose had been to call attention to the issue at the Conference of the Consultative Group on Indonesia which took place in Paris last week. Each non-governmental organization that participated in the campaign had published an article on East Timor in their bulletins. Also, a campaign bulletin had been published. Furthermore, the campaign had addressed its concerns to the Indonesian Embassy, the French Ministry of Foreign Affairs and had also reached the French Parliament.

He said that the campaign's efforts would be futile unless Governments worldwide exerted pressure on the Indonesian Government. The French Government, for example, did not recognize the Indonesian annexation of East Timor and believed the Indonesian presence there to be exploitative and abusive. However, the French Government had failed to exert pressure on the Indonesian Government because of economic interests. France was one of the most important arms supplier to Indonesia and had invested heavily there. Unless Governments around the world exerted pressure on the Indonesian Government, the situation in East Timor would not improve, he emphasized.

RICHARD KOCH, of British Coalition for East Timor, said that it was sad that on 8 July donor nations had decided to increase aid to Indonesia for next year to a record \$5.2 billion. That demonstrated that Western nations expressed hope that Indonesia's human rights record would improve, while doing nothing that might actually pressure Jakarta to change its ways.

The British Foreign and Commonwealth Office had dedicated its energies to defending its policies on arms sales to Indonesia, including the sale of Hawk jet fighters worth 500 million pounds sterling. The British Government had defended those sales by invoking Article 51 of the Charter which guarantees United Nations Member States the right to self-defence while denying that right to the Government of Bosnia and Herzegovina. The British Government was effectively saying that the Indonesian armed forces had the British seal of approval.

Britain's tolerance of Indonesia's East Timor policy dated to the 1975 invasion, he said. At that time the British Ambassador had suggested that it was "in Britain's interest that Indonesia should absorb the territory as soon and as unobtrusively as possible."

PEDRO PINTO LEITE, International Platform of Jurists for East Timor, said that the colonialist regime of Jakarta was aware of its defeat and had intensified repression in the occupied Territory. That 10,000 Indonesian soldiers had failed to crush Timorese resistance in 18 years of occupation was evidence of their defeat. The massacre of Santa Cruz showed that Timorese youth were willing to fight for freedom, refusing to be Indonesian.

Two months ago in the community of Uelau, the military murdered an unarmed young boy and threw his body into a river, he said. In May, 11 persons were arrested for demonstrating before foreign journalists. In June, two young Timorese were sentenced to prison for three years for raising the flag of the Revolutionary Front for the Independence of East Timor (FRETILIN). In May, two other Timorese were arrested in Malang in East Java; one of them was a leader of RENETIL, the Maubere student resistance movement. Indonesia had forced East Timorese, who were animist, to choose one of five officially accepted religions. The Government was building mosques all over the Territory with the expectation that the East Timorese would choose Islam.

The Indonesian dictatorship was also losing the war on the diplomatic front, he said. In Bangkok, more than a hundred Asian human rights organizations had appealed for East Timorese self-determination. In Manila, the Asia-Pacific Conference on East Timor had been on the front pages of many Philippine newspapers for three weeks despite attempts by Jakarta to stop it. Just two weeks ago, in Kuala Lumpur, a forum on East Timor organized by 30 non-governmental organizations had criticized Association of South-East Asian Nations (ASEAN) Governments for tolerating human rights violations in the Territory.

LITA KILLUP, of the Asia-Pacific Conference on East Timor and the Philippine Solidarity for East Timor and Indonesia, said every time the Philippines called attention to the situation in East Timor, Indonesia exerted pressure by threatening to freeze that country's economic interests there. The United Nations had to act as soon as possible by passing new Security Council resolutions so that the people in East Timor could enjoy self-determination. An immediate cease-fire, demilitarization and the establishment of a peace plan should be put in place. All of which should be done under supervision of the United Nations, she went on.

She called for the freedom of all East Timorese political prisoners especially Xanana Gusmão, who symbolized the Timorese resistance movement. Abuses of women in East Timor should cease and the

Indonesian efforts to decrease the Timorese population growth should be investigated.

### DECOLONIZATION MEETING CONTINUES IN AFTERNOON

13 July 1994  
1436th Meeting (PM)

In East Timor, arbitrary detention and torture were routine, and freedom of expression, association and assembly were non-existent, a representative of Human Rights Watch Asia told the Special Committee on decolonization this afternoon as it continued its consideration of the question of East Timor.

She said the Indonesian Government deserved credit for allowing the recent visit to the Territory of the Commission on Human Rights Special Rapporteur on summary and arbitrary executions. However, in advance of high-profile visits of foreigners to East Timor, extensive security preparations were made by the Indonesian authorities, including the rounding up of potential "trouble makers."

A representative of the Revolutionary Front for the Independence of East Timor (FRETILIN) said that Governments of the Association of South-East Asian Nations (ASEAN) preferred to ignore the plight of East Timor. The FRETILIN was opposed to international arms sales to Indonesia and viewed with concern the sale of warships and warplanes to the Jakarta Government by European and American companies.

Also speaking before the Special Committee this afternoon were petitioners from the International League for Human Rights, the National Council of Maubere Resistance, the Unrepresented Nations and Peoples Organization, the Catholic Institute for International Relations, National Assembly of Portugal, Timorese International Secretariat for Human Rights, the Timorese Liberation Organization and Solidarieta con Timor Est of Italy. Other petitioners were Maureen Tolfree, Francisco Xavier Amaral and a representative of United States Congresswoman Nita M. Lowey.

#### Discussion on East Timor

JONATHAN BIRENBAUM, speaking on behalf of United States Congresswoman Nita M. Lowey, said the people of East Timor had never had the opportunity to elect their own officials or to determine their own future. Human rights abuses added to the problems there. The United States must help to enforce the self-determination clauses of the United Nations Charter, and it must take a strong and coherent stand against the Indonesian presence in East Timor.

The Indonesian Government had not seriously investigated allegations of human rights abuses or moved towards compliance with the 1993 recommendations of the Commission on Human Rights, he continued. Indonesia must be urged to open East Timor to investigators and journalists. It must be made clear to the Indonesian Government that the way to eliminate embarrassing criticism was not to suppress critics, but to reform treatment of the accused and of prisoners. The Indonesian Government must be pressured to act on the Commission's recommendations by such means as a complete cut-off of arms sales until it complied.

CHARLES NORCHI, of the International League for Human Rights, said fundamental human rights continued to be widely abused in East Timor. East Timor had changed directly from domination by the Portuguese to domination by the Indonesians. More than 5,000 troops of an Indonesian military presence spread fear in the Territory and abused individuals who were suspected of having pro-independence sentiments, even if they were expressed peacefully. For example, last month, three East Timorese had been sentenced to 20 months in prison for shouting pro-independence slogans to foreign journalists. Furthermore, the Commission on Human Rights Special Rapporteur on extrajudicial, summary or arbitrary executions had expressed his concern that the "perpetrators of human rights violations continued to enjoy impunity" in East Timor.

"Transmigration," the Indonesian resettlement policy whereby population was transferred from densely populated to sparsely populated parts of the archipelago, was changing the demographic face of East Timor. He cited reports that two ships per week arrived in Dili carrying Japanese settlers who were provided with backdated identity cards so that they could vote if a plebiscite on East Timor was held.

CONSTÂNCIO PINTO, of the National Council of Maubere Resistance, said that his organization believed in harmonious relations between East Timor and its neighbours in the south-east Asia region. The Council envisioned an independent republic of East Timor without a standing army with external security framed by a treaty of neutrality guaranteed by the Security Council. The new government would proclaim a general amnesty aimed at forgiving current enemies. Over 100,000 Indonesians had settled in East Timor; those willing to abide by East Timorese law would be welcome to stay.

The Council had put forward a three-phase peace plan which would begin with bilateral talks with Indonesia and Portugal under the auspices of the United Nations

Secretary-General. A five-year transition to autonomy would allow East Timorese to govern themselves through their own institutions. A local assembly would be elected, with only East Timorese being allowed to vote and stand for office. A third phase would include preparation for a self-determination referendum in which the population could choose between free association, integration into Indonesia, or independence.

MAUREEN TOLFREE, another petitioner, said she was the sister of Brian Peters, one of five journalists murdered in Balibo, East Timor, in 1975. While visiting Australia to investigate an incident, she had thought that she would go to Jakarta, where her brother's remains were. She had received a phone call from either the British or Australian Embassy informing her that they could not guarantee her safety in Jakarta and urged her to return to her home in the United Kingdom.

Apart from a statement by an Australian official and an account of an investigation which suggested that the five had died in mortar fire, she said she had heard nothing more about the cause of her brother's death. She found out a few months ago that journalists had tried to contact her and her father following the incident in Balibo, but they had been told by the United Kingdom Foreign Office not to do so. She also found out that the Foreign Office was informed about the deaths of the five journalists within 24 hours of the incident. They had known officially from Australia's Defence Minister that the Indonesians had killed those men, but the Indonesian authorities had hidden the facts.

She called upon the people of East Timor to have an internationally supervised referendum on their future and urged Governments, including her own, to stop lying about East Timor. She demanded a properly conducted investigation into the deaths of the five journalists.

M.C. VAN WALT VAN PRAAG, of the Unrepresented Nations and Peoples Organization, said that the right to self-determination of the people of East Timor had been recognized by the United Nations and was legally beyond question. The Secretary-General should meet with the Chairman of the National Council of Maubere Resistance, "Xanana" Gusmão, prior to the next round of talks on East Timor scheduled for January 1995. The East Timor peace plan presented by the Council to the political committee of the European Parliament in 1992 provided the best basis for a process that could lead to a just and lasting peace.

International access to East Timor for the United Nations and human rights and humanitarian organizations was still very lim-

ited, he said. His organization had twice asked for permission to visit the Territory, but had received no response.

SALLY K. LEVISON, of the Catholic Institute for International Relations, said that last autumn, Bishop Belo had written to a friend that East Timorese were living in an environment of terror. Indonesia was increasing the presence of its military units, creating an atmosphere of military occupation and dictatorship. The Catholic Institute was concerned for the safety of all East Timorese that rejected Indonesian rule, but especially for members of the Roman Catholic clergy. The Indonesian military regularly intervened in church affairs, harassed church-goers and discredited church personnel through disinformation.

ELISA MARIA RAMOS DAMIÃO, a Member of Parliament of Portugal, said that, since 1975, Portugal, as the administering Power, had been prevented from assuming its responsibility towards East Timor. In 1992 and 1993 and 1994, consultations had been held under the auspices of the Secretary-General. However, nothing had changed for the people in East Timor. Indonesia was only concerned with improving its image on the world stage. Patterns of detention and human rights abuses continued in East Timor. In spite of efforts of the Secretary-General, violence and repression had not stopped. On behalf of the people of Portugal, she asked the Committee to act quickly on behalf of the people of East Timor.

LUIS MANUEL GERALDES, another Portuguese Member of Parliament, said the General Assembly in 1975 had recognized Portugal as the Power responsible for administering East Timor. Since that time, the fear, violence, repression, torture, disruption of family life and the attempts to destroy the Timorese culture had been the norm. The Indonesian Government knew that the current situation in East Timor could not be maintained indefinitely. The signs of nervousness shown by Indonesia during the recent Asian-Pacific Conference on East Timor in Manila was a clear indication of its uncertainty about the situation in East Timor.

Since 1992, the question of East Timor had reached a different level of discussion in the Human Rights Commission, he continued. However, serious violations of human rights continued in East Timor. Indonesia was a nation of two faces: one for international consumption; another for internal horror. The international community should adopt more drastic measures to stop the growing suffering in East Timor.

NARANA SINAI COISSORO, another Member of Parliament of Portugal, said the question of East Timor must be seen in the context of the inability of the international

community to enforce respect for human rights and the right of people to self-determination. It was intolerable when great Powers abuse their strengths to serve their own interests. A great military Power had invaded and occupied East Timor, killing hundreds of thousands of East Timorese – a crime of genocide which should be judged by an international tribunal. It was unacceptable that nations such as Australia and the United States allowed such events in the Pacific, while they claimed to be extremely worried about Africa and the former Yugoslavia. He appealed to those nations to place respect for international law and fundamental morality above their own interest.

MIGUEL URBANO RODRIGUES, also a Member of Parliament of Portugal, said that Indonesia was carrying out policies which made it an outlaw State. Indonesia has repeatedly promised reforms which had not taken place. Reports of Amnesty International and visiting parliamentarians had described extrajudicial executions and other violations.

Without the support of major industrialized Powers, Indonesia would not be able to carry out its policies of intransigence in East Timor, he said. The European Commission had actually named the Indonesian Foreign Minister as a human rights leader. The support of the Government of the United States was the most immoral of all. The State Department report on Indonesia in 1994 had stressed that the country's economy showed great dynamism, but that the Government was characterized by oppression, arbitrary detention and torture. The State Department was aware of what was taking place in East Timor, but had come to regard the annexation of East Timor as a fait accompli. American author Noam Chomsky had recalled that United States President Ford and Secretary of State Kissinger, in 1975, had given the "green light" to the Indonesian invasion.

Another petitioner, FRANCISCO XAVIER AMARAL, said he was the founder of the Revolutionary Front for the Independence of East Timor (FRETILIN) and had served as the first President of the Democratic Republic of East Timor. Reviewing the history of East Timor prior to 1975, he said that East Timor had endured a cruel colonial experience when the Portuguese occupied East Timor. It was Portugal that had, in 1975, left East Timor in a state of civil war, and it was Portugal that had not wanted the United Nations involved in East Timor after proclaiming it to be an overseas province.

Today in East Timor, there were people that held out false hopes and unfounded dreams to the youth of East Timor, he said. It was untrue that East Timor was a closed

territory, since it was open to serious, fair-minded visitors and professional human rights organization. The false hopes and dreams held out to young people there had dire consequences. Having analysed all the pros and cons of the future of East Timor, he said he continued to accept Indonesian citizenship and the connection of East Timor to other provinces of Indonesia. The East Timorese belonged to the same ethnic group as those living in West Timor, a part of Indonesia since 1945. Indonesia's concern with East Timor had brought development, the hope of stability and an end to 450 years of occupation. He appealed to the people of East Timor to stop listening to the promises and empty dreams given by politicians and their international friends.

PAULINO GAMA, of the Timorese International Secretariat for Human Rights, said that after the Santa Cruz incident of 12 November 1991, his organization had denounced the behaviour of the Indonesian military. After investigating, they had concluded that the incident had only been an isolated action of certain individuals motivated by Portuguese interference. Indonesian authorities were observing the recommendations of the Human Rights Commission, not only in East Timor, but in all Indonesia.

SIDNEY JONES, Human Rights Watch Asia, said that East Timor was a place where arbitrary detention and torture were routine and where basic freedoms of expression, association and assembly were non-existent. The Indonesian Government had taken steps for which it deserved credit, such as the recent visit to the area by the Human Rights Commission's Special Rapporteur on summary and arbitrary executions. But extensive security preparations are taken by the Indonesian authorities in advance of high-profile visits of foreigners to East Timor, including the rounding up of potential "trouble makers."

From 12 to 15 April, 26 foreign journalists were taken on an official visit to East Timor at the invitation of the Indonesian Government. One day prior to their departure, a small group of East Timorese held a pro-independence demonstration in front of their hotel. Those demonstrators were arrested and tried for having taken part in an "illegal meeting."

JOSÉ MARTINS, of the Timorese Liberation Organization, asked how the United Nations could harmonize the positions of Portugal and Indonesia if East Timorese political leaders did not face each other without external interference. Indonesia was the "ancestral tree" from which East Timorese were descended. Timor had been arbitrarily divided between Portugal and the Netherlands during the colonial period. East

Timor had been abandoned at precisely the moment that the Timorese were engaged in a civil war. Because of Portuguese imperialism, Timorese had been forced to choose between a new protecting Power, Indonesia, and self-extermination.

In 1975, Portugal had requested Indonesia to establish peace and order in East Timor. Today, Timorese had to decide whether they should continue to provoke and offend Indonesia, its "saviour from chaos and disorder." East Timor today was already independent – through its decision to ask Indonesia to preserve it from new forms of colonialism. East Timor was only a problem for those stubborn groups who wanted to restore socialism, and the dictatorship of the party over the workers.

JOHN M. MILLER, of Solidarieta con Timor Est of Italy, said the situations that had occurred in Namibia, Belize and Western Sahara were similar to that of East Timor. He was gravely concerned at the difficulties regarding access to East Timor experienced by human rights organizations and at the pressure exerted by the Indonesian Government on the Philippine Government in order not to allow the holding of the international meeting of solidarity groups in Manila in May. Bearing in mind the continuous human rights violations in East Timor, he requested that the United Nations guarantee the right of the people of East Timor to self-determination with processes similar to those adopted for Namibia, Western Sahara and Belize.

JOSÉ LUIS GUTIERRES, representative of FRETILIN, said that his organization had appealed many times to the countries of the Association of South-East Asian Nations (ASEAN), but those Governments preferred to ignore the plight of East Timor. This year, the Timorese struggle had received a positive reference in several international forums; the major success of the year had been the Asia and Pacific Conference on East Timor in Manila. The recent establishment of the Joint Committee on East Timor, in Jakarta, also represented a turning point in the struggle.

East Timor was a resource-rich country with large oil and gas reserves in the Timor Sea, between East Timor and Australia. That reserve had attracted multinational corporations from around the world. The Timor Gap Treaty, for joint exploration between Indonesia and Australia, had been challenged by Portugal, the administering Power of East Timor, in the World Court. While not opposed to the operation of multinationals in East Timor, FRETILIN did not support their activities in the Timor Sea at this stage.

Indonesia had created companies and employment in East Timor, but those com-

panies belonged to Indonesian generals, and the jobs had been primarily given to Indonesian immigrants. The FRETILIN was opposed to international arms sales to Indonesia and viewed with concern the sale of warships and warplanes to the Jakarta Government by European and American companies.

DOMINGOS AUGUSTO FERREIRA (Sao Tome and Principe), speaking also on behalf of Angola, Cape Verde, Guinea-Bissau and Mozambique, said the situation in East Timor remained unchanged. Indonesia did not want to allow those people to express their right to self-determination. He expressed concern about continued human rights violation in East Timor. The talks between Indonesia and Portugal, under the auspices of the Secretary-General, should continue. He hoped that one day those talks would lead to a situation where the people of East Timor would have control over their own future.

#### CONTINUATION OF DEBATE THE NEXT DAY

GA/COL/2929

14 July 1994

1437th Meeting (AM)

[Section on Western Sahara omitted]

The Special Committee concluded its deliberations on Western Sahara and East Timor. It took note of the reservations expressed by the representative of Indonesia who stated that the appropriate forum for seeking an internationally acceptable solution on East Timor was the ongoing dialogue between Portugal and Indonesia, under the auspices of the Secretary-General. He also told the Committee that some unauthorized security personnel who had recently disrupted a Catholic procession in Dili, East Timor, had been placed in custody pending trial. The military commander there had apologized for the incident, he added.

He was speaking in response to the representative of Portugal who said that three Timorese had been killed and 20 wounded in an altercation between the Indonesian military and Catholic devotees in East Timor in the last few hours. The Portuguese representative also condemned the Indonesian military's disrespect for Catholics in East Timor and said that his country fully supported the Territory's decolonization.

The representative of the Philippines also made a statement on the question of East Timor.

#### Question of East Timor

RUI QUARTIN SANTOS (Portugal) said that during the last few hours, 3 Timorese had been killed and 20 had been wounded during an altercation between the

Indonesian military and Catholic devotees in the Territory. The Catholics had been held in the University of Dili. The problem had been solved through negotiations mediated by the International Committee of the Red Cross (ICRC). He condemned the Indonesian military's disrespect of the rights of Catholics in East Timor. "It is an intolerable abuse towards the religion of most Timorese," he said.

Mr. Santos said his country, as an administering Power of the Territory, had been unable to perform its duties due to Indonesia's "illegal" take-over of East Timor. His country fully supported the decolonization of East Timor, he emphasized.

He called attention to the human rights violations in that Territory. Human rights organizations such as Amnesty International and Asia Watch had still not been able to visit the Territory. Also, the population there had been strongly dissuaded from speaking to foreign visitors. The Commission on Human Rights Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions had just visited the Territory and would soon present a report on the human rights situation there.

Indonesian authorities had failed to provide sufficient information about the fate and identity of those killed and of the overwhelming majority of those still unaccounted for after the Santa Cruz killings. The military and police personnel responsible for the Santa Cruz event had not yet been brought to justice. Also, those convicted for non-violent activities had not been released. In addition, five young East Timorese who had demonstrated peacefully during a visit of foreign journalists to Dili in April had been arrested and recently sentenced. Furthermore, lawyers from the Indonesian Legal Aid Institute had been prevented from meeting "Xanana" Gusmão, the East Timorese leader who had been imprisoned for 20 years. Only a few days ago his wife and children been allowed to visit him, he added.

RONALD B. ALLAREY (Philippines) said his Government had banned the entry of some non-Filipinos to the country and because it feared they intended to use the country as a platform and venue for political statements or activities against a friendly neighbouring country. A report contained in a Secretariat working paper alleging that all non-Filipinos had been barred from entering his country to attend a conference, was untrue. He had hoped that the Secretariat would have been more thorough in its research and not merely relied on a newspaper report to make such an allegation. It would be more accurate if the paper was amended to show that some non-Filipinos had been

allowed into the country to attend the conference.

MAX RAI (Papua New Guinea) said that there were two views on the matter of East Timor: one seeking integration and the other wanting independence. Many of the petitioners had been parliamentary members from Europe and some non-governmental organizations. The motives of some of those organizations could be questioned. It could not be presumed that all such entities were really speaking for the people of East Timor.

He said he wondered if the Special Committee on decolonization was the right forum for petitioners to raise the issue of alleged human rights abuses. He urged members of the Committee to focus on the issue of East Timor.

ABDUL NASIER (Indonesia) said that the appropriate and only forum to seek an internationally acceptable solution to the situation in East Timor was the ongoing tripartite dialogue between Portugal and Indonesia, under the auspices of the Secretary-General. At a 17 September 1993 meeting between the Foreign Ministers of Portugal and Indonesia, a series of confidence-building measures were agreed to, including the need to create a favourable and non-confrontational atmosphere, and respect for human rights and fundamental freedoms.

Indonesia had continued to provide access by foreign representatives, parliamentary missions, journalists and others to East Timor. Many international humanitarian organizations were also operating in East Timor. Some quarters continued to foster the myth of a large Indonesian military presence on the island. Since public order had improved in East Timor, the military command there had been downgraded to a regular district command, as in any other province of Indonesia.

Since the incident of 12 November 1991, the Indonesian Government had made every effort to continue searching for missing persons, but with limited success. It had kept the Secretary-General apprised of the investigations. The number of those unaccounted for had been reduced to 56.

There was complete freedom of cultural expression in East Timor. Indonesia was committed to preserving Portuguese relics there. A number of Catholic churches had been renovated and restored by the East Timor Administration. As part of a family reunion programme, 59 East Timorese had been permitted to leave for Portugal.

In East Timor, the process of decolonization had been tumultuous due to the hasty departure of the colonial Power and the attempt by a minority party to seize power by force. But four other political parties, representing the majority of the population,

had desired integration with Indonesia. In the 18 years since integration with Indonesia, the people of East Timor had made substantial progress in all aspects of life.

The religious procession in Dili that was disrupted recently was disturbed by unauthorized security personnel. The Government had taken prompt steps to address the situation and the military commander in East Timor had expressed regret and had apologized. The personnel involved had been placed in custody pending their trials.

RUI QUARTIN SANTOS (Portugal) said Indonesia wanted to blame his country for the problems taking place in East Timor. However, his country had already paid its share and allegations that Portugal had abandoned the Territory were unfounded. Portugal had done everything possible to improve the conditions of the Timorese, he emphasized.

ABDUL NASIER (Indonesia) asked whether a proposed decision to include the question of East Timor on the Committee's agenda for its next session would be acted upon.

FERNANDO REMIREZ DE ESTENOZ BARCIELA (Cuba), the Acting Committee Chairman, replied that it would be considered at the General Assembly's next session.

Mr. NASIER (Indonesia) said he opposed the inclusion of an item on East Timor in the agenda of the Committee. His country's position should be fully reflected in the report.

The ACTING CHAIRMAN said Indonesia's position would be reflected in the report.

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## TESTIMONY BY PETITIONERS

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### UNIÃO DEMOCRÁTICA TIMORENSE (TIMORESE DEMOCRATIC UNION)

*Presented by Francisco Nicolau, Vice President U.D.T.*

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen

Questions of primacy continue unresolved at a level which through the preceding decades has emerged as systematic continuous violation of Human Rights by member states which take part in an organization which declared in 1948 the universality of these same rights whose underlying essence constitute the respect of most elementary and basic rights of man by all civilized states which cohabitate on our planet.

It is precisely because of such violations that there is a necessity for certain vital committees to continue their existence, none more so than the committee for decolonization. This committee would benefit as all if the evolution of states were mature enough to render the reasons for the existence of this committee unnecessary.

But herein lies the difference between the sacred and profane, because on the eastern part of Timor the impunious sentiment of the Indonesian State permits and condones all forms of Human Rights violation which to care has sighted a lack of action which would allow the maturity of civilized and non-barbaric behaviour.

On the contrary in Vienna, Indonesia reached the very heights of political hypocrisy through the nebulous defense of values (such as the right to physical integrity, the right to free expression and the right to life) which human conscience holds sacred as inherent to every human being independent of geographical location, gender and race.

The Timorese people are unwavering in their legitimate defense against Indonesia's aggression since 1975.

In tandem with this sentiment, UDT underwent a reorganization through a congress, held in Lisbon, which restructured the party to make it more efficient with the threat of Indonesia's continuing aggression and any future challenge, particularly in safeguarding the rights of our people in the event of a referendum.

UDT is the historical nationalist party of East Timor. It has never collaborated with Indonesia in Indonesia's push for imperialism. Contrary to what Indonesia has preached about its allegedly signing in

Balibo in 1975, UDT has refused to be subjugated or integrated.

In spite of the passing of time, UDT continues to defend vehemently the basic values and principles which formed the basis for its formation in 1975, and which, in spite of its limited funds, has never wavered in its continuing defense of Timorese people's rights to self-determination and independence.

After the congress which saw the election of Mr. João Carrascalão as President, Ms Maria Helena Pires, Mr. Zacarias da Costa, Mr. Francisco Nicolau as Vice Presidents and Mr. Domingos Oliveira as Secretary General, the Timorese resistance has been invigorated; not only through the rejuvenation of the party but also through the adoption of a structure more suited to the realities of today.

Lamentably the force of the Timorese Nationalist Parties alone are insufficient to curtail the barbarity practised by the Indonesian armed forces. The violation of Universal Human Rights continues almost as an assertion that these Rights will never return to East Timor. As such Pantaleao Amaral, 18 years old, was detained in Dili, in 23/6/94; Duarte Ximenes, 17 years old, was tortured; Sebastião Fraga Freitas continues to be missing since 12/11/91; Duarte Ximenes, 17 years old, was assassinated in 5/1/94 ... These are examples of common rule which Indonesia implements in East Timor and in other islands where it wishes to maintain its subjugation.

However, Mr. Chairman, a day will arrive when President Suharto will learn the lessons of History, and then the process of the decolonization initiated by Portugal and abruptly interrupted by Indonesia invasion of the territory will be translated into the Timorese people's free exercise of their rights to self-determination conducive to acceptable modes of civilized states and not in "ad hoc" models such as those promoted by Indonesia because then and only then will Peace, Justice and Freedom prevail in East Timor.

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### HOBART EAST TIMOR COMMITTEE

*2/65 Bay Rd, New Town, Tasmania, Australia. Presented by Alyn Ware*

Your Excellency, Respected Members of this Committee,

Thank you for the opportunity to again present a Petition to these Hearings. Like everyone desiring peace and justice for East Timor we regret that a solution has not been achieved 19 years after Indonesia's invasion and we ask that the United Nations be as willing to impose tough measures, including sanctions, to achieve compliance with all

Security Council and General Assembly Resolutions, as it has been in other situations of invasion.

We would like to speak briefly on the reasons which prompted Indonesia to invade East Timor in 1975 and the extent to which those reasons are still impacting on the search for peace.

The most publicised claim in 1975 was that East Timor was "going Communist." But, even if by some miracle every one of East Timor's 680,000 people had "gone Communist" in the space of 20 months, it could have had little impact on Indonesia which numbered its "Communists" in the millions.(1)

In 1974 Indonesia began its clandestine program to destabilize and, if that failed, to invade East Timor, and this plan was formulated at a time when East Timor's two major political parties were working together harmoniously and productively towards the shared ideal of independence.

Former Australian Consul in East Timor, James Dunn, has written of this period "One could not help but be struck by the relaxed and happy atmosphere prevailing in the towns and villages, as well as the spirit of tolerance and the optimism among the politically active Timorese."(2)

There are grounds to suggest that Indonesia was worried that East Timor was "going independent," not that it was "going Communist." Yet, if Indonesia's Foreign Minister, Adam Malik, had meant his 1974 assurance to East Timor that "whoever will govern in Timor in the future after independence, can be assured that the government of Indonesia will always strive to maintain good relations, friendship and cooperation for the benefit of both countries"(3), then harmony in East Timor should have been a matter for rejoicing.

In 1975 the surrounding areas of Indonesia - West Timor, Alor, Ambon, Wetar and so on - were among the poorest and most neglected parts of Indonesia. Massive amounts of aid were flowing into Indonesia but very little of it was reaching the outer islands. It was easy to find untreated cases of leprosy, malaria and tuberculosis; there were schools without staff or books; there were islands without paved roads or wharves,

An independent East Timor, eligible for a wide range of United Nations and bilateral aid packages, was seen by Jakarta as a threat because it could exacerbate existing discontent in the South Moluccas and nearby islands. But the answer to this potential problem lay not in invading East Timor but in giving greater respect and support to the aspirations of the people living in the most neglected parts of Indonesia.

When the Australian Council for Overseas Aid assessed the situation in East Timor in late 1975 they wrote that "the actual level of external assistance required to maintain an independent East Timor in the future would be remarkably small (at least compared to a country such as Indonesia, which will this year require some \$2,800 million in loans and grants)-"(4)

Indonesia could find millions of dollars towards the cost of invading East Timor but could not find the money to provide Dapsone treatment for its many leprosy victims in West Timor.

There is a widespread belief that Indonesia wanted East Timor so as to use it as a "training ground," and its behaviour both before and after the invasion supports this belief.

When Indonesia, in the early 1960s, began dropping paratroopers into Dutch New Guinea, in a campaign masterminded by Major-General (now President) Suharto, it was a fiasco. The indigenous people preferred to support Dutch efforts to prepare them for independence in 10 years' time rather than believe in Indonesian rhetoric and simply handed captured Indonesian troops to the Dutch authorities. But it became a diplomatic success when the United States chose to support Indonesia rather than Holland.

Understandably, Indonesia then began planning to take over North Borneo. Suharto again played a vital role in this campaign plan.(5) But Britain chose to support the young nation of Malaysia and the campaign became a military and diplomatic failure.

So it is understandable that Suharto and his generals saw the small nation of East Timor as a means to restore some prestige to Indonesia's military. East Timor had no navy, no air force, and an army of 5,000 men. In fact, the entire called-up strength of the Indonesia army was greater than the total population of East Timor. The Indonesian military was so confident of success that it dropped leaflets into East Timor claiming it would control the country within five days.

In 1975 Portugal, like South Africa, was regarded by the Non-Aligned world as an "evil empire" because of its desire to hold on to its African colonies. President Suharto could boost his position within the Non-Aligned Movement by appearing to act against Portuguese colonialism in Timor. But it was not the Portuguese colonists who were bombed, shot, napalmed, tortured, raped and terrorized, but the indigenous people of East Timor colonised by Portugal.

It is to the lasting credit of the Portuguese-speaking nations of Africa that they have persistently worked to overcome this

misconception and promote the right of the East Timorese people to self-determination.

It is no longer a secret that the American and Australian Intelligence services monitored every step of Indonesia's covert destabilisation and invasion plans - and not only made no attempt to stop Indonesia or to raise the matter within the United Nations but actually supported, encouraged and helped to finance Indonesia's brutal takeover of East Timor. A CIA operative in Jakarta in 1975(6) has revealed that as well as weaponry the United States also provided material such as soldiers' uniforms.

It is not hard to understand why. The United States was facing defeat and withdrawal in Indo-China. Indonesia was offering it the opportunity to be associated with a military success, as well as the chance to be seen as a still-effective anti-Communist crusader.

Which then of these reasons remains as an impediment?

President Suharto, despite the slaughter in East Timor, West Papua, and Aceh, and his defiance of 2 United Nations Security Council Resolutions, has achieved his ambition to become leader of the Non-Aligned Movement.

Regardless of how he and his generals feel about past military fiascoes it must be clear to them that there is no military glory to be gained by killing defenceless people in East Timor. Although East Timor remains a "training ground," a way to rapid promotion, and a way for the Indonesian military to augment their pay through a variety of corrupt practices.

The number of Indonesians still listed as "Communists" continues to exceed the total population of East Timor - so that, clearly, East Timor has had no influence on what Indonesia regards as its "Communist threat."

The poverty of the eastern islands of Indonesia has only been addressed marginally. It is still not difficult to find untreated leprosy, malaria and tuberculosis; there are still villages without clean water or sanitation; there are still communities without access to anything but the most minimal education,

Indonesia continues to claim it is "developing" East Timor. In 1966 a group of donor nations (the Intergovernmental Group on Indonesia) agreed to provide Indonesia with \$500 million to help overcome the "chaos of the Sukarno years." Each year since then the amount of assistance required by Indonesia has increased to where it is now over \$5 billion a year. It is debatable whether Indonesia can afford to "develop" East Timor when its own needs for outside assistance are so great. And to channel some of this assistance to East Timor through Indonesia's massive and corrupt bureauc-

racy is an extremely inefficient and inappropriate way of providing assistance to East Timor.

The United States has begun to withdraw moral support and practical assistance from Indonesia's military. And there are progressively fewer places in the world where Indonesians can be "safe" from embarrassing questions on East Timor.

Within East Timor itself Indonesia has made sure that resistance will continue - because the only truly Timorese thing left to the East Timorese people is their struggle for identity and independence. Indonesians are taking over Timorese land; Timorese possessions are regularly "expropriated" by the Indonesian army; Indonesians have now taken control of all of East Timor's resources; Timorese languages are banned; Timorese culture is being undermined and derided; Timorese families and communities are broken up and dispossessed; and even the Timorese church is having Indonesian priests foisted upon it.

There are many powerful legal and moral reasons why the United Nations should be willing to be as active in East Timor as it has been in Cambodia, Bosnia, and elsewhere. Perhaps too, in this "Year of the family," more attention can be paid to Indonesia's cynical destruction of East Timor's once rich and supportive clan, family and community structures.

The Matebian Encirclement of 1976 and 1977 was as horrific as anything which has occurred in Bosnia but there was no media to film it and it was not followed by active United Nations intervention.

Instead it was followed by massive famine, the brutal "Fence of Legs" campaign, the Kraras and Lacluta Massacres, the forcible removal of much of the population from their traditional lands, the deliberate poisoning of at least 200 Timorese children - and, in 1991, when the Dili Massacre was shown around the world we were reminded that this tragedy came more than 30 years after the United Nations took responsibility for East Timor's de-colonisation and 16 years after the United Nations Security Council specifically requested "Indonesia to withdraw without further delay all its forces from the territory."(7)

Thank you.

#### Background Notes:

1. In 1960 the Indonesian Communist Party (PKI) claimed to have 3 million members. In 1971 1,900,000 people were banned from voting in Indonesian elections because of their alleged links with the PKI. In 1990 Indonesia had 1.4 million People listed as "ex-PKI" but over 8 million Indonesians continue to suffer various forms



of discrimination because of their alleged links to the PKI.

2. James Dunn "Timor: A People Betrayed."
3. Letter from Adam Malik, given to José Ramos Horta, for publication in East Timor in 1974.
4. ACFOA Report on Visit to East Timor for the ACFOA Timor Task Force, October 1975.
5. See e.g. Brian May "The Indonesian Tragedy."
6. See e.g. John Pilger "Death of a Nation."
7. Security Council Resolutions 384 and 389.

All figures in US dollars, IGGI has now become the Consultative Group on Indonesia (CGI).

### AMNESTY INTERNATIONAL: EAST TIMOR: WHO IS TO BLAME?

*AI Index: ASA 21/31/94*

*Presented by Consuelo Villanueva*

Mr. Chairman,

Each year for the past decade Amnesty International has come before this Committee to articulate its concern about human rights in East Timor. Each year our criticism has been directed principally toward the Government of Indonesia whose policies and practices have been directly responsible for systematic human rights violations in the territory for almost twenty years. This year we feel compelled to break with tradition: we address our remarks today not only to the Government of Indonesia, but also to member states of the United Nations (UN) who, in our view, share responsibility - both direct and indirect - for the long-standing human rights problem in East Timor.

Speaking before this Committee last year, we welcomed the passing of a resolution on East Timor at the 49th session of the UN Commission on Human Rights, and we expressed the hope that member states of the UN would continue to press the Indonesian Government to carry out the concrete recommendations contained in that resolution. We believed that by doing so, and by insisting that the government abide by international human rights standards, UN member states could contribute significantly to an improvement of the human rights situation in the territory.

Sadly, in the year and a half since the 1993 resolution was passed, the international community has effectively turned its back on the reality of systematic human rights violations in East Timor. It has accepted uncritically Indonesian Government promises of commitment to human rights and "political openness." The emptiness of those promises has been brought home in

recent weeks with the banning of three of the country's leading news magazines, and by the use of repressive measures - including arbitrary detention and ill-treatment - to suppress those who have had the courage to speak out against them.<sup>1</sup> Such measures may have come as a surprise to those eager to believe the government's blandishments about the new climate of "openness" - but they are nothing new to most East Timorese. Speaking in September 1993, the Catholic Bishop of East Timor, Dom Carlos Filipe Ximenes Belo, put it this way:

*People are not allowed the possibility to speak differently, to hold a different opinion ... they are also denied the fundamental right to express what they would like to be politically.... The military say they don't beat anyone, that they respect the people, that they work for the prosperity of the people. But for me it is a pure lie. From 1983 till now I have heard only lies from them.<sup>2</sup>*

Many governments, while publicly professing concern over human rights in East Timor, have continued to supply military equipment to Indonesia - equipment which could be used to commit human rights violations in East Timor. Others have provided military training to, or have conducted joint exercises with, Indonesian armed forces' units well known for human rights abuse. And while some governments have linked economic assistance to human rights performance, most aid donors have steadily increased their level of aid to Indonesia.<sup>3</sup> Nor have expressions of concern for human rights had any noticeable impact on trading patterns. The willingness of foreign governments to conduct "business as usual" sends a clear signal that human rights take second place to economic interest.

The lack of concerted pressure from the international community has contributed to the perpetuation of a pattern of systematic human rights abuse in East Timor in the past year. Torture and ill-treatment have continued to be the centre-piece of a strategy for silencing real and suspected political opponents and for extracting political intelligence through intimidation and coercion. Extrajudicial executions have continued to be reported, while the fate of those killed or "disappeared" in past years has yet to be clarified. Following a well-established pattern, hundreds of alleged political opponents have been arbitrarily detained within the past year, and at least 23 are now serving terms of up to life imprisonment following unfair political trials.

Despite its stated commitment to the protection of human rights, the Indonesian Government has done little to investigate past violations, and has failed to take significant measures to prevent their future

occurrence. Military authorities continue to dominate the government and to operate with considerable autonomy, with scant regard to human rights concerns. With rare exceptions, the perpetrators of human rights crimes have not been brought to justice. And, notwithstanding repeated government claims of increased openness, access to East Timor remains limited.

The weakness of the international posture toward Indonesia was epitomized by the Consensus statement read by the Chair of the UN Commission on Human Rights in March of this year.<sup>4</sup> Despite the fact that the Indonesian Government had failed utterly to implement any of the concrete recommendations made in previous resolutions - in particular the Commission's 1993 resolution - the Consensus statement praised the government for unspecified "positive measures" it had taken toward the protection of human rights. The dangers inherent in such a weak statement have been grimly illustrated by evidence of continuing human rights violations in the past year. Indeed, far from encouraging the Indonesian authorities to improve their human rights practice - as some government claimed it would do - the Consensus statement appears only to have encouraged them to preserve the status quo.

In Amnesty International's view, the Commission's statement was defective in four important respects. First, it made no mention of the problem of torture and ill-treatment of political detainees, despite the fact that the systematic use of torture continued - and that specific incidents of torture were reported by Amnesty International - even as the Commission met.<sup>5</sup> Also shocking was the Commission's failure to mention the recommendations made by the UN Special Rapporteur on torture following his visit to East Timor and Indonesia in late 1991.<sup>6</sup> More than two years after that visit, the Indonesian authorities had begun to implement only one of those recommendations. The Commission's failure to refer explicitly to torture, or to the Special Rapporteur's recommendations, has helped to ensure that nothing has changed; as the evidence appended to this statement demonstrates, torture continues in East Timor.

Second, in its reference to East Timorese political prisoners, the Consensus statement conspicuously avoided mentioning that more than thirty people have been imprisoned in the past three years for their non-violent political activities or beliefs - including 6 in the past year alone. It also failed to note that several hundreds of other alleged critics or opponents of Indonesian rule in East Timor have been subjected to short-term arbitrary detention without charge or trial in recent years. Instead, it called lamely upon the Indonesian Government to ensure

that prisoners would be "treated humanely," that their rights would be "fully respected." The Commission appeared not to recognize that arbitrary detention is fundamentally inconsistent with the principles of humane treatment and respect for basic rights that it is entrusted to uphold. It also failed to note that, as a matter of principle, those detained for their non-violent political activities or beliefs should be released immediately and unconditionally.

Third, with respect to the problem of extrajudicial executions and "disappearances" the Commission's statement conveyed a misleading impression of the extent and the nature of the problem in East Timor. In "acknowledging the efforts made to account for those persons missing" after the Santa Cruz massacre, the Commission obscured the inadequacy of the government's response. As Amnesty International reported during the Commission's 1994 session, the government has provided clarification of the fate of only a small fraction of the estimated 270 dead and 200 "disappeared," and has attempted to disguise the inadequacy of its efforts by publishing information which is false and misleading.<sup>7</sup> Moreover, by focusing exclusively on those killed in November 1991 the Commission has lent credence to the Indonesian Government's claim that the massacre was an isolated incident, which did not reflect official policy or an established pattern of practice. The clearest evidence that the Santa Cruz massacre was not an isolated incident lies in the fact that scores of political killings have been reported in East Timor since 1991 - including at least twenty in the past year alone.

Finally, the Commission gave a seriously misleading impression of the human rights situation when it welcomed what it called a "policy of expanding access" to East Timor by international human rights and humanitarian organizations, as well as the international media. The fact is that all delegations visiting East Timor continue to be kept under close surveillance, making genuine human rights monitoring difficult and potentially dangerous to those they contact. As the evidence appended to this statement makes clear, in the past year alone scores of East Timorese have suffered imprisonment, torture, and ill-treatment because of their efforts to gather and disseminate information about human rights abuse in the territory. Thus, while the government's decision to invite the UN Special Rapporteur on extrajudicial, summary and arbitrary executions to visit East Timor in July 1994 was undoubtedly a positive step, concern remains that such obstacles and dangers will limit his ability to conduct a thorough and impartial investigation. Finally, it must be stressed that, notwithstanding assertions

about "expanding access," some international human rights organizations including Amnesty International - continue to be denied access to the territory altogether.

Mr. Chairman, every year for the past decade Amnesty International has testified before this Committee in the sincere hope that it will be the last time. But it is only too clear that unless the Government of Indonesia takes immediate and concrete measures to address the root causes of human rights violations, and unless member states of the United Nations apply concerted pressure on the government to fulfill its responsibilities under international law, it will be necessary to return here for many years to come. Thank you.

#### NOTES

- 1) For details see Amnesty International document, *Free Speech Protesters Detained and Beaten* (ASA 21/27/94) June 1994.
- 2) From an Interview with *Timor Link*, September 1993.
- 3) In the three years since the Santa Cruz massacre, the Consultative Group on Indonesia (CGI), a development aid consortium which meets annually to agree bilateral and multilateral assistance to Indonesia, has consistently increased its total disbursement.
- 4) See Appendix I for the full text of the statement.
- 5) The torture of Salvador Sarmiento, detailed below, was reported in an Amnesty International document distributed during the Commission's 50th session. See *Indonesia & East Timor - Fact and Fiction: Implementing the Recommendations of the UN Commission on Human Rights* (ASA 21/05/94), 16 February 1994, p. 12.
- 6) In its March 1993 resolution on East Timor (1993/97, para. 8), the UN Commission on Human Rights did call on the Indonesian authorities to implement recommendations.
- 7) For further details of the government's response, see Amnesty International document, *Indonesia & East Timor - Fact and Fiction, Implementing the Recommendations of the UN Commission on Human Rights* (ASA 21/05/94), 16 February 1994, pp. 2-6.

**The remainder of this document was not included in the oral presentation before the Special Committee on Decolonization but was submitted in written form:**

#### 1. TORTURE AND ILL-TREATMENT

In the 12 months since Amnesty International last addressed this Committee the organization has received reports of scores

of East Timorese tortured or ill-treated by Indonesian security forces. As in previous years, the forms of torture described include electrocution, beating, death threats, faked executions, rape and other kinds of sexual abuse. Taken together, this information confirms Amnesty International's assessment, expressed consistently before this Committee since 1990, that short-term detention, ill-treatment and torture are used systematically in East Timor to intimidate even peaceful opponents of Indonesian rule, and to obtain political and military intelligence. More worrying still, many of those detained and subjected to torture or ill-treatment in the past year have been people trying peacefully to gather or to disseminate human rights information.

In November 1991 the UN Special Rapporteur on torture visited Indonesia and East Timor. His report, published in early 1992, concluded that torture was commonplace and offered eleven concrete recommendations for its prevention. Nearly three years later, the government had begun to implement only one of those recommendations, with the establishment of the National Human Rights Commission. The government's failure to act means that the root causes of torture have yet to be addressed. As the cases described in this report indicate, the consequence of inaction is that the practice of torture continues, and would seem destined to continue in the foreseeable future.

#### Case Study: Salvador Sarmiento

Indonesian military authorities have identified the Catholic church as a focal point of resistance in East Timor, and some of its more vulnerable members have increasingly been the target of ill-treatment and torture. In February 1994, Amnesty International reported the arrest and alleged torture of a young Catholic seminarian named Salvador Sarmiento. Since then the organization has obtained detailed testimony of the circumstances leading to his arrest, the treatment he suffered, the identities of some of the perpetrators, and the conditions of his release.

Salvador Sarmiento, a student at the Institut Pastoral Indonesia (IPI), was arrested in Dili by military intelligence officers shortly after 12 noon on 3 January 1994 as he walked toward home with a friend, Matias Soares. The two young men were forced into a military vehicle and driven to the headquarters of 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. Matias Soares was released the same day after questioning, but Salvador was held without charge for five

days before being conditionally released on the evening of 7 January.

During that time he was repeatedly beaten, given electric shocks, threatened with a handgun and subjected to mock executions by soldiers. When he was not under interrogation, Salvador was held in a cell, sometimes naked, and with his hands shackled. The detention and beating took place with the full knowledge and acquiescence of the SGI Commander, an army Lieutenant Colonel whose name is known to Amnesty International.

During the initial interrogation, which lasted from 1 pm until 5.30 pm on 3 January, Salvador Sarmiento's military interrogators did not use force. However, when the interrogation resumed at 10 pm that evening he was made to strip naked and was tortured in various ways while being questioned by six soldiers. In the course of interrogation, the soldiers held a pistol to Salvador's head and chest and threatened to kill him and dispose of his body.

*As they beat and kicked me I said 'please just kill me rather than torturing me like this. In the name of truth I am prepared to die.' Then they said - 'If you really want to die we can easily arrange for your corpse to disappear.' Then they ordered me to pray, and so I prayed: 'Oh God please receive my soul and forgive them for what they do.' As I prayed one of them said 'Let's just shoot him and throw his body into the sea.' When I had finished praying they did not shoot, but they threatened me twice more with a pistol. They held it to my head and to my chest so that I would confess...*

Later they attached wires to Salvador's thumbs and applied electric current causing him to scream and his body to convulse. Following electrocution, the soldiers continued to beat him until he lost consciousness. He was revived but the interrogation continued until 3 am.

The next morning, Salvador's face was bruised and swollen, making it difficult for him to eat. However, later that evening and the following day the interrogation continued and he was again subjected to beatings and death threats. On 5 January, unable to face further abuse, and afraid for his life, Salvador gave the "confession" the military had been seeking. Nevertheless, he was held for a further two days, during which time medication was applied to his face to reduce the extreme swelling caused by beating.

The substance of the confession and other information sought by military intelligence revealed the nature of official repression in East Timor in an era of ostensible "openness." The interrogators alleged that Salvador Sarmiento had led one or more

"clandestine meetings" in the parish of Ossu, Viqueque, in late December 1993, at which plans had been made to organize a peaceful demonstration on the occasion of a visit by Australian Bishop Hilton Deakin in March 1994. Military intelligence authorities also sought to obtain information about the political views and activities of key figures of the Catholic clergy in East Timor, including the parish priest of Ossu, Father Sancho Amaral, and Bishop Belo.

Having secured this information from Salvador Sarmiento under duress, the military then forced him to sign an affidavit as a condition for release. In the affidavit, dated 7 January, he admitted to committing acts "prohibited by Indonesian law," and promised never to repeat them on pain of punishment. The statement said that he had been involved in "clandestine" activities but, significantly, it did not specify what law had been broken.

The affidavit, and a letter of clarification issued on the same day by the SGI Commander, appeared to be aimed in part at protecting the security forces from any legal or political culpability for Salvador's arbitrary arrest and torture. The Commander's letter declared that Salvador Sarmiento was being "returned to his family in a healthy condition" while the affidavit stated, falsely, that his confession had been made "...while in a fit mental and physical state, without pressure from any party whatsoever." Just prior to his release, Salvador Sarmiento was taken aside by a military intelligence officer and warned not to tell anyone that he had been tortured.

#### **Case Study: Benevides Correia Barros**

Amnesty International has also received detailed information about an East Timorese university student, Benevides Correia Barros, who was detained and reportedly tortured by Indonesian soldiers during a visit home from Central Java in September 1993. Benevides had been detained for his role in non-violent demonstrations against the Santa Cruz massacre in late 1991, but the main reason for his arrest and torture on this occasion appears to have been his efforts to obtain photographic evidence of the consequences of military occupation, in the District of Bobonaro, East Timor.

Benevides was first abducted by military personnel while waiting for a bus in the town of Ainaro on 31 August 1993. He was taken immediately to the District Military Command (KODIM- Ainaro) where he was forced to undress, and then interrogated for five hours about his political opinions and activities. His interrogators threatened him, saying: "If you want to live, tell us what you know, what you have heard, what you do and how your network operates." He

was released without charge at about 10 am the following day, after the intervention of a relative who was a soldier there. However that was not the end of his ordeal. On 13 September he and a friend, Francisco Almeida Godinha, were arrested by two soldiers in the sub-district of Gailaco, near the town of Maliana, in Bobonara District, where they had been taking photographs of social and economic conditions. Describing their arrest and torture by three soldiers - a Sergeant, a Private and a Corporal of the KORAMIL, whose names are known to Amnesty International - Benevides wrote:

*They ordered us to lie down by the side of the road, tied our hands up and one of them threatened to execute us there and then.... After about half an hour a platoon of ten soldiers arrived with the KORAMIL Commander who took over the interrogation.... They frog-marched us to a small hut near the side of the road, stripped us naked and started beating us for about an hour, hitting our heads, chests, genitals, kidneys, thighs and knees. Soon our noses, mouths and ears were bleeding.... We were pushed into a vehicle and driven to the KODIM in Maliana, where we were beaten while being questioned about taking photos... They tried to make us admit that we intended to use the photos to discredit Indonesia in the eyes of the international community.... Our hands were tied up, we were forced to stand facing the wall and they beat us, kicked us with their jack-boots and banged our heads against the wall... After five hours, my friend Francisco was put into a cell and I was driven... to a place about two kilometres from the KODIM. When we arrived, I was pushed out of the car still handcuffed, ordered to kneel down and start praying in preparation for being executed. This happened three times, after which they pushed me back into the car and took me back to the KODIM. We were held there for three days, from 13 to 16 September, without food or water.*

Relatives who came to the KODIM-Maliana on 17 September to visit Benevides and to bring him food and fresh clothing, were prevented from seeing him. On 26 September, at about 2pm, he and Francisco were moved from KODIM-Maliana to the Sub-Regional Military Command (KOREM 164/Wira Dharma) headquarters in Dili. At about 6pm the same day they were transferred to the headquarters of military intelligence (SGI) in the Colmera district of Dili, where they were interrogated for a further five days.

Their relatives were not informed of the transfer. Benevides' father eventually learned that he had been moved to Dili, but when he arrived in the city he was unable to find his son. One of Benevides' sisters looked for him at the different military and police detention centres in Dili but was unable to locate him. The military authorities were keeping his whereabouts a secret; he had "disappeared." Several days later Benevides' relatives obtained a note from the local assembly (DPRD) asking the military authorities to permit them to visit him wherever he was. They were finally able to see Benevides on the morning of 1 October; he and Francisco were released shortly thereafter.

Following standard procedure in such cases, their release was subject to several conditions. First they were taken, with their families, to receive "political guidance" from the KOREM Commander and the Governor of East Timor. They were then made to sign affidavits promising not to repeat their "crimes." A letter of clarification from the SGI Commander specified that they were obliged to report daily to SGI headquarters, and that their families must assume responsibility if they engaged in any political activities. Finally, they were warned not to inform international human rights organizations about their treatment in military custody.

#### Case Study: Amarão dos Santos

Those who come to the defence of victims of human rights abuse in East Timor sometimes become victims themselves. Amarão dos Santos, the village head of Haupu, in the sub-district of Letefoho, Ermera, was reportedly badly beaten by military officers in January 1994 after he submitted a report to government authorities about the ill-treatment of another villager by military officers. The villager whose case he had reported, Domingos Sama Lelo, had been beaten by a military officer in the home of a local government official on 27 December 1993. Three weeks later Domingos was still in hospital recovering from his injuries.

On 11 January, several days after submitting his report, Amarão dos Santos was summoned to the District Military Command in Ermera (KODIM-Ermera). There he was beaten by soldiers before being transferred to Dili under the authority of the KODIM Commander. His wife, who saw him briefly on 12 January before he was transferred, said that his face was covered with bruises. She reported the information to the police in Ermera (POLRES Ermera) but was told that her husband would be safe in the hands of the KODIM Commander. When asked about the reported ill-treatment

the following day (13 January), the Sub-Regional Military (KOREM 164/Wira Dharma) Commander for East Timor (Colonel Lumintang) said that he had not received a report on the case.

#### Case Study: "Isabel"

Amnesty International has continued to receive reports of the sexual molestation and rape of East Timorese women by military forces in the past year. Many of the victims have been young women living in remote rural areas where combat troops continue to conduct counter-insurgency operations. Yet even women detained by military authorities in Dili and other towns are vulnerable to such treatment. The practice of short-term arbitrary detention, and denial of access to relatives and lawyers, inevitably increases the risk of rape.

One young woman, shot during the Santa Cruz massacre, has described how she was molested and harassed by soldiers while recovering in the military hospital in Dili. On the night of 13 November, one day after being admitted to hospital with five bullet wounds, she said that two soldiers came to her bed, cut off all her clothes with scissors, and began to touch her body. She was unable to move due to her wounds, and so simply closed her eyes so that she would not see their faces. Several days later, after her wounds had begun to heal but while still in military hospital, she was taken for questioning. One of her military interrogators reportedly told her that he would come to her room to sleep with her. At the time she was staying in a room with only one other woman. That night, she awoke to find the same man touching her breasts and other parts of her body. When she tried to run from the room, the man grabbed her and continued to molest her. Asked how her experience had affected her, she said:

*If men are hurt they can recover and forget what happened but for women, if they are raped or tortured, they cannot forget. Their life is destroyed forever.*

## 2. POLITICAL IMPRISONMENT AND UNFAIR TRIALS

In the year since Amnesty International last addressed this Committee, hundreds of East Timorese political suspects have been arbitrarily detained by Indonesian military authorities for periods ranging from a few hours to several months. The vast majority have been held without charge or trial. At least nine have been tried for their non-violent political activities, while seventeen others continue to serve lengthy sentences imposed in previous years.

Indonesian Government and military authorities have stated that those held have

not been "arrested" but simply summoned for "questioning." They have also maintained that those forced to undergo "political guidance" are not under arrest. However, such nuances cannot obscure the plain and continuing reality of routine political imprisonment in East Timor. The failure to charge or try suspects, or the decision to send them on "guidance" courses rather than to conventional jails, does not alter the fact that those suspects have been arbitrarily deprived of their liberty because of their political or human rights related activities.

Military authorities in East Timor have virtually absolute authority to detain suspects, to send them for political education, or to impose conditions on their release. This power is wielded independently of the judiciary or of the police who, under Indonesian law, have sole authority to arrest criminal suspects. The danger inherent in this extralegal power is compounded by the fact that, before being charged or tried, political detainees are usually held in military detention centres not readily accessible to relatives or lawyers. Even the International Committee of the Red Cross (ICRC), which has gained improved access to tried East Timorese prisoners within the past year, still faces serious obstacles in visiting those detained or sent on "guidance" courses by military authorities. Apart from breaching both international and Indonesian law, the lack of access to untried detainees dramatically increases the dangers of torture and ill-treatment described above.

In addition to the hundreds of political suspects detained without charge or trial, some 26 East Timorese are currently serving sentences of up to life imprisonment, imposed after unfair political trials since 1984. The majority of those currently jailed were sentenced in 1992, accused of organizing and taking part in the peaceful pro-independence procession to the Santa Cruz cemetery on 12 November or the peaceful demonstration in Jakarta one week later. Information received by Amnesty International within the past year confirms earlier assessments that the trials and appeals of these political prisoners were not conducted in accordance with international standards of fairness, and that some tried prisoners have been ill-treated in custody (see Case Study below).

The imprisonment of real or alleged political opponents has continued unabated in the past year. At least nine other East Timorese have been tried and sentenced since mid-1993 for their non-violent political activities. Most recently, in June 1994, five young men were brought to trial for staging a brief and entirely peaceful pro-independence demonstration during a visit to East Timor by foreign journalists in April 1994. As of early July four of the five -

Pantaleao Amaral, Miguel de Deus, Isaac Soares and Rosalino dos Santos - had been convicted and sentenced to 20 months imprisonment each (see Case Study below).

Other political prisoners convicted during the past year included a civil servant, Pedro Sarmento da Costa, sentenced to one year in prison in September 1993 for writing a demand on a 10,000 rupiah bank-note that compensation be paid to the victims of the Santa Cruz massacre. Another man, Alberto Rodrigues Pereira was sentenced to 22 months in December 1993 for destroying an Indonesian flag. A police officer, Corporal Augusto Pereira, was sentenced to 18 months in prison and dismissed from the armed forces by a military court in February 1994 for giving sanctuary to East Timorese resistance leader, Xanana Gusmão, for three years prior to his capture in November 1992. Two more East Timorese were reportedly sentenced to prison terms of three years each in June 1994 for raising the Fretilin flag on 17 July 1993, as a peaceful act of protest against Indonesian rule.

#### **Case Study: Peaceful Protesters Detained and Tried, May 1994**

Twelve East Timorese were detained by Indonesian military forces in May 1994 in connection with their non-violent political activities. They included José Antonio Neves arrested by military intelligence officers in Malang, East Java, and eleven others detained in Dili in the preceding weeks. Four of them had been tried and sentenced by early July and were prisoners of conscience.

A leading member of the clandestine pro-independence East Timorese movement, and a student at a theological institute in Malang, East Java, José Antonio Neves was arrested by military intelligence authorities at the main post office in Malang on 19 May 1994 and taken to a safehouse of the military's intelligence unit (SGI). He was subsequently transferred into police custody (POLRES Malang). Another student, Antonio Soares, was reportedly detained in Malang later the same day and held briefly for questioning before being released without charge.

Colleagues said that José Neves had recently returned from East Timor where he had been gathering information about human rights violations and political developments, and that on his return to Malang he had hoped to make this available to the international community. One source said that at the time of his arrest he was carrying a letter from the current leader of the guerilla resistance, Konis Santana. The letter was to be read out at a conference on East Timor which took place in Manila in early June.

Most or all of the eleven detained in Dili had taken part in a peaceful pro-

independence protest in front of the Mahkota Hotel in Dili during a visit to East Timor by foreign journalists in April 1994. They were: Nuno de Andrade Sarmento Corvelho, and Anibal of Santa Cruz, Dili; Rui Fernandes, of Bemori, Dili; Octaviano, Pedro Fatima Tilman, Pantaleao Amaral, Miguel de Deus, Rosalino dos Santos, and Marcos, all of Kuluhun, Dili; Lucas Tilman dos Santos, of Bairro-Pite; and Isaac Soares of Dili. They were taken to military intelligence (SGI) headquarters in Dili where they were interrogated about their political activities. Some were released without charge, but on 23 May a military spokesperson in Dili said that six of the eleven had been "detained for questioning" and that they might be brought to court if there was enough evidence against them.

In late June three of those detained - Pantaleao Amaral, Miguel de Deus and Isaac Soares - were tried at Dili District Court, and sentenced to 20 months imprisonment each for expressing opposition to the government. According to reports, none of the three were accompanied by legal counsel, either during interrogation or during their trial. A spokesman for the court told the press that the three were found guilty of "expressing anti-Indonesia sentiments in front of the public on April 14." Two others were due to be brought to trial on 21 or 22 June. One of them, Rosalino dos Santos, was sentenced to 20 months in jail in early July 1994 on similar charges.

#### **Case Study: Unfair Political Trials and Ill-treatment**

Addressing this Committee last year, Amnesty International expressed particular concern at allegations that the authorities had obstructed the efforts of several East Timorese prisoners of conscience to file appeals against their sentences before the High Court. A letter received from the prison in late 1993 confirms that, for a period or five months during and after the trials, officials did impede some prisoners' efforts to lodge appeals:

*During this time, newspapers, official documents etc., were not allowed in; nor were the pens and papers which prisoners needed to work on their appeal to the High Court...This prohibition led to the rejection of the prisoners' appeals on the grounds of failure to present an appeal in accordance with the Penal Code. On another occasion all documents relating to the legal proceedings were confiscated, including the written sentence of the District Court of Dili, and drafts of the appeal to the Court...Any attempt to contact relatives was expressly forbid-*

*den for five months, including relatives of prisoners who were seriously ill.*

Amnesty International also expressed concern last year for the safety of Saturnino da Costa Belo, a prisoner of conscience who had shouted pro-independence slogans during the trial of Xanana Gusmão in March 1993. Recent information confirms earlier fears that he was subjected to threats and ill-treatment in retaliation for his remarks. According to the letter from prison cited above:

*Because of the demand he made to the Indonesian Government while at the court to respect human rights in East Timor he was severely beaten and interrogated by the military police. They threatened him by placing the barrel of a pistol in his ear and he was put in a cell and left there in total darkness...Since he continued to refuse to apologise to the judge and did not admit to any wrongdoing, he was never again brought to the court as a witness on the grounds that he was ill, when in fact he was not ill at all.*

#### **Cases Study: "Political Guidance" and Detention without Trial**

At least fifty and possibly many more East Timorese were detained prior to and during the visit to East Timor of a delegation of US Congressional aides in September 1993. Many of those detained were reportedly taken to the interior where they were enrolled in "political guidance" courses for about one month before being released without charge. During the period of detention they were denied access to relatives and to the ICRC. As a condition for release, they were required to promise not to engage in the "crime" of pro-independence political activity, and to swear an oath of allegiance to the Indonesian Government.

In early 1994 Amnesty International received a list of 74 people said to have been undergoing "political guidance" courses under military supervision in September 1993. One of those named was José Manuel da Silva Fernandes who had been arrested on at least two previous occasions since October 1989. Addressing this Committee in August 1991, Amnesty International expressed concern that he had "disappeared" after his arrest in November 1990. In April of this year, the organization learned that he was in military custody in Viqueque. He is not known to have been tried.

Further arrests were carried out in the weeks prior to a scheduled visit by Australian Bishop Hilton Deakin in March 1994. After learning of the arrests and other repressive measures Bishop Deakin cancelled his visit. Most of those detained were subsequently released without charge, but again

on the condition that they would not repeat their "crime."

### 3. EXTRAJUDICIAL EXECUTION AND "DISAPPEARANCE"

It is nearly three years since Indonesian security forces opened fire on a crowd of peaceful pro-independence protesters in the Santa Cruz cemetery in Dili, killing an estimated 270 people, and precipitating the "disappearance" of some 200 others. The massacre and its aftermath continue to be of critical significance in any assessment of the current human rights situation in East Timor for at least three reasons.

First, new evidence has emerged suggesting that, in addition to those shot or stabbed at the cemetery, some protesters may have been killed subsequently while in military custody. Second, the government has yet to account adequately for the fate of the dead and the "disappeared." Finally, the government has failed to address the evident injustice of sentencing peaceful protesters to terms of up to life imprisonment while allowing the perpetrators of the massacre to walk free after 18 months or less.

#### The "Second Massacre"

Evidence brought to light in the past six months suggests that a number of those wounded during the massacre and taken to the military hospital in Dili were ill-treated or deliberately killed. One eyewitness has testified that some of the wounded at the hospital were hit with large rocks or crushed by military vehicles as they lay on the ground, and that others were given poison pills and lethal injections. Addressing the UN Commission on Human Rights in March 1994, an employee at the military hospital in Dili, João Antonio Dias, described the scene there shortly after the massacre:

*The trucks kept arriving with more bodies. They drove right over the ones that were on the ground. Some of the wounded gesticulated, moving their arms and legs to show that they were still alive, but the trucks did not stop...The military were looking for a quick way to get rid of the bodies and the survivors...They went to the store-room...took jars of pills, and started giving two pills and a glass of water to each wounded person. After taking these pills, the wounded started to lose their strength and their breathing became weaker... After a while, the soldiers returned to check whether they were dead. They killed anyone who was still alive by crushing their skulls with huge stones.*

Testimony about the behaviour of soldiers during and shortly after the massacre

lends credence to claims that some survivors were deliberately killed. A young man named "Jos" (not his real name), who was wounded in the massacre, told Amnesty International how four soldiers beat him on the head and chest with the butts of their automatic weapons after he had been felled by a bullet near the entrance to the cemetery. As he lay on the ground he could also see soldiers assaulting his friend Simplicio de Deus. He said the soldiers cut one of Simplicio's ears off and slashed the other deeply with a knife. About 15 minutes later, both "Jos" and Simplicio were thrown on to the back of a military truck together with dozens of others. Most were already dead and the floor of the truck was wet with blood. "Jos" told Amnesty International that, while in the truck, he saw soldiers use bayonets to stab at least one person who was still alive.

Allegations that civilians were deliberately killed or "disappeared" after the massacre have been corroborated by other reliable sources, including the Catholic Bishop of East Timor, Dom Carlos Filipe Ximenes Belo. Speaking in April 1994, Bishop Belo said:

*I cannot tell you how many people were involved but, naturally, there were people who disappeared following the shooting, the massacre. I know what happened at 2000 hours [on 12 November 1991] - because four people were killed with sticks near my house at around 2300 hours. Then, those young people I saw at the cemetery's chapel at 2300 hours, I went to look for them the following day at the hospital and they were not there.*

Information from government sources also lends support to claims that some of those detained or hospitalized after the massacre were deliberately finished off. An official government list of 84 people said to have died or "disappeared" after the massacre includes the names of at least 14 people reported by independent sources to have been detained (9) or hospitalized (5). This suggests that at least 14 people may have been killed in custody, though the true figure could be higher.

Due to restrictions on access to the territory, Amnesty International has not been able to verify independently all of the claims recently made concerning a "second massacre." However, it notes that the allegation of deliberate killings in the days and weeks after the massacre is consistent with information previously reported by the organization. Moreover, in view of the fact that the ICRC, relatives, and the UN Special Rapporteur on torture were all denied access to those detained or hospitalized, and given the long-standing pattern of ill-treatment and

torture of political suspects in Indonesian military custody, the organization believes that these allegations are credible and ought to be investigated promptly and impartially.

#### Impunity and the Fate of the Victims

Important as it is to establish the precise numbers of people killed, and the circumstances in which they died, Amnesty International is concerned about two equally important issues: the need to bring the perpetrators to justice, and the need to identify the dead and reveal the whereabouts of their remains. In Amnesty International's view, the government has failed utterly to address these issues in an adequate way.

While 13 civilians involved in peaceful protest during and after the Santa Cruz massacre were sentenced to terms of up to life imprisonment in 1992, the ten police and military officers tried in connection with these events received sentences ranging from just eight to 18 months for disciplinary offences. Despite substantial evidence of deliberate killing and torture, none of those tried was charged with murder and only one was charged with assault. Moreover, the higher ranking military officers, who were ultimately responsible for the actions of their troops, have not been brought to justice and there has been no indication that they will be.

The extreme disparity in the treatment of the military perpetrators of abuse and their civilian victims highlights a serious shortcoming of government human rights policy and practice. As noted by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in Indonesia and East Timor: "...the perpetrators of human rights violations continue to enjoy impunity." The prosecutions of military and police officials that followed the Santa Cruz massacre were an exception to the general rule insofar as some members of the security forces were tried and sentenced. Yet in most respects these trials reflected the general problem of impunity.

In contrast to the vigour with which they have sought to punish the survivors, the Indonesian authorities have made only a perfunctory effort to identify those who died or "disappeared" during and after the Santa Cruz massacre. In the past two years they have provided clarification to the UN on the fate of only a small fraction of the people reported to have "disappeared" on or about 12 November 1991. The government has located the remains of only 19 of the dead, and only one (the New Zealander, Kamal Bamadhaj) has been positively identified. They have failed to account for the whereabouts of some 200 reported as "disappeared" and as many as 270 believed to have been killed during and after the massa-

cre. In a letter to US First Lady Hilary Clinton, dated 10 September 1993, the mothers of many of those who "disappeared" or died at Santa Cruz expressed the anguish caused by the government's failure to act:

*As mothers of the disappeared and dead children, we are still living in the silence of this horrendous pain, without knowing where the graves of our beloved martyred children are. We demand that the Indonesian Government return the bodies of our children.*

The government has attempted to evade its responsibility to account for the dead and "disappeared" by publishing information which is false and misleading. Most seriously, in letters to the UN's Assistant Secretary General for Human Rights (dated 13 September and 29 November 1993), the Indonesian Government claimed that, as a result of its investigations, the number still missing after the massacre had been reduced from 66 to 56. However, of the ten people the government claimed had reappeared, only two were actually on the government's own list of 84 dead and missing. Of the remaining eight people that the government claimed had reappeared, four were actually unidentified corpses, with no known connection to the Santa Cruz massacre. Even the government, in a separate passage of its letter of 13 September 1993, admitted that "...it could not be ascertained if these were the remains of persons considered missing after the Dili incident."

#### **The Killing Continues**

There has been no single incident of extrajudicial execution on the scale of the Santa Cruz massacre since November 1991, but political killings continue. In the period January 1993 to mid-1994 Amnesty International has received reports of the extrajudicial execution by government forces of more than 20 East Timorese, and the unlawful killing of seven civilians by opposition forces (see Appendix III). The victims have come from all walks of life, but the most vulnerable have been people living in areas of suspected rebel activity, where Indonesian combat troops continue to conduct intensive counter-insurgency operations. Continued restrictions on access to the territory, and obstacles to proper human rights monitoring, make it difficult to confirm these reports but Amnesty International believes that the allegations are sufficiently grave to warrant thorough and impartial investigation.

As in past years, there has been no indication that the Indonesian authorities have conducted proper investigations into the reported killings and "disappearances" and, in keeping with established practice, none of those believed responsible has been brought

to justice. In one case mentioned by Amnesty International in its statement to this Committee last year - that of Carlos who died after being beaten in custody on 11 April 1993 - police authorities promised to bring the perpetrators to justice. Amnesty International wrote to the authorities responsible in April 1993 welcoming this news and seeking information on the measures taken. As of early July 1994 they had not replied.

Government authorities did respond to appeals on behalf of one man, Gaspar Carlos Xavier, whom Amnesty International feared had "disappeared" after being arrested by military authorities in September 1992. However, their replies did little to allay fears for his safety. In two separate communications dated 9 November 1993 the government confirmed that Gaspar Carlos Xavier had been arrested in Kupang, West Timor, in September 1992 on suspicion of involvement in East Timor's underground resistance. However, the letters made it clear that he had not been detained in a recognized prison but held in an unofficial detention centre at the discretion of military authorities. Apparently seeking to evade responsibility for his "disappearance" the government said that he had "abused" the "good treatment and trust given him" and had "escaped" from custody in December 1992. In offering this explanation, the government demonstrated a lack of understanding of its responsibilities for the safety of detainees and highlighted the vulnerability of all detainees held in unofficial military detention without charge or trial.

#### **Case Studies: Recent Extrajudicial Executions**

Two recent victims of apparent extrajudicial execution were Francisco and Eusebio, the sons of Deolinda and Laura of Leolima village in Ainaro District. According to reports they were shot by soldiers of Battalions 726 and 1633 on 10 January 1994 after refusing to allow the soldiers to confiscate their family's water buffaloes. Francisco died immediately from gunshot wounds while Eusebio was wounded and taken away by the soldiers. His whereabouts remained unknown at the end of February 1994, after which no further information was available.

Also killed in apparent extrajudicial executions in the past year were two men named Armando and Vicente, village heads of Waige, Vemasse, Baucau District. According to reliable sources, they were shot dead on 5 August 1993 by soldiers of the elite Special Forces Command, Kopassus (Komando Pasukan Khusus), whose units are notorious for their poor human rights record in East Timor and Indonesia. The soldiers reportedly buried their bodies in a

secret unmarked grave, where they remained until discovered by relatives two days later.

Another victim was a 30-year-old woman named Joana Soares, killed by soldiers in the village of Onu Larau, Bartoli, Viqueque District in October 1993. According to reports, the soldiers first stabbed her to death then mutilated her sexual organs with a knife. The same report said that four eyewitnesses - Antonio Amaral, Tomas Gomes, Manuel Amaral, and João Soares - were subsequently killed by soldiers, but precise details about the circumstance of their death were not known.

#### **4. THE QUESTION OF ACCESS**

In the two-and-a-half years since the Santa Cruz massacre, the Indonesian Government has frequently stated its commitment to improving access to East Timor by human rights and humanitarian organizations, as well as the international media. To its credit, in the past year the government has permitted a wide range of official delegations - including parliamentarians, members of church organizations, journalists, and representatives of some human rights organizations - to visit the territory. The government has also facilitated improved ICRC access to tried prisoners in the past year, and in January 1994 it invited the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit.

Nevertheless, serious obstacles remain to the proper monitoring and investigation of human rights in East Timor. Some international human rights organizations continue to be denied access altogether. Despite numerous requests and repeated public assurances that the territory is open to all, Amnesty International has not been permitted to visit. The organization's most recent request was outlined in a letter to Foreign Minister Ali Alatas, dated 6 May 1994, written after the Foreign Minister made a public announcement that the government wished to open a dialogue with Amnesty International. As of early July 1994 the government had not replied.

Even where formal access is granted, the political and security situation in East Timor presents all human rights monitors and visitors with unique difficulties. Whatever guarantees may be offered in advance by the Indonesian Foreign Ministry, all official visits - whether by parliamentarians, journalists, diplomats or UN representatives - are closely monitored by local military authorities, and particularly by its far-reaching intelligence apparatus.

Official delegations to East Timor find, almost without exception, that they are prevented on various pretexts from visiting specific locations or meeting certain people. Most also find that visits to alternative

locations have been organized on their behalf, thereby affording the authorities an opportunity to prepare the scene in advance and to ensure that time is spent in an unproductive way. Plainclothes intelligence officers and minders from the Foreign Ministry accompany delegations everywhere, and all contact with the local population is closely monitored. Those suspected of sympathy with the independence movement are warned in advance against approaching the delegation or undertaking any sort of demonstration.

Fully aware that they will be identified and their remarks recorded by Indonesian officials, most East Timorese are likely to be too frightened to approach a visiting delegation. Their fears are well founded. With the exception of a handful of well-known church or government personalities, those who do so are almost always subsequently detained. The best-known activists are commonly held without charge in the days and weeks prior to an official visit. Sentenced political prisoners are also subject to various kinds of control designed to prevent them from communicating with the outside world, and with domestic human rights organizations.

#### **Case Study: Prisoners of Conscience Moved**

In June 1994 six East Timorese prisoners of conscience serving sentences between five-and-a-half years and life imprisonment for their non-violent political activities, were transferred secretly from Dili to a prison several hundred miles away. The six had managed to stage a small pro-independence protest during a prison visit by foreign journalists in April 1994, causing the government considerable embarrassment. One of the journalists who visited Dili in April reported that, despite efforts by prison warders to prevent him, one of the prisoners shouted from his cell:

*They accused me of political crimes and tortured me with electric shocks, but they are invaders of my country and I don't accept their verdict. They prohibited us from talking to you and will punish us for this but we have to speak out.*

The Indonesian authorities claimed the prison move was a routine matter. However, given the background of the six prisoners it appeared likely that the move was intended to avoid embarrassment to the Indonesian authorities during future official visits to East Timor. The timing of the transfer suggested that it may have been designed to make it more difficult for the prisoners to communicate with the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, who was scheduled to visit Jakarta and East Timor just a few weeks later.

Apart from their reputation as outspoken advocates of East Timor's independence, the prisoners - Filomeno da Silva Pereira, Francisco Miranda Branco, Gregorio da Cunha Saldanha, Jacinto das Neves Raimundo Alves, Juvenio de Jesus Martins, and Saturnino da Costa Belo - had one thing in common which might have made the Indonesian authorities especially anxious to limit their contact with the Special Rapporteur: they were witnesses to the Santa Cruz massacre.

The prisoners were initially reported to have "disappeared." Relatives who went to the prison in Dili for a regular visit were reportedly told by other prisoners there that the six had been led away in handcuffs by a unit of the Police Mobile Brigade in the early morning hours of 9 or 10 June. As of 12 June, relatives had been unable to locate the six at other prisons and military installations in the city, and the authorities denied any knowledge of their whereabouts. Indonesian human rights organizations later discovered that they had been taken to a prison in Semarang, Central Java. Indonesian military authorities confirmed on 13 June that the six had been transferred to Semarang prison over the weekend.

Amnesty International welcomed the official clarification, but expressed regret that the authorities had failed to inform relatives in advance of the move, thereby causing considerable distress and concern for the prisoners' safety. It remains concerned that the prisoners are being held hundreds of miles from their homes, making visits by relatives and friends extremely difficult. Finally, in view of the fact that the six have been imprisoned for their non-violent political beliefs and activities, Amnesty International believes that they should be released immediately and unconditionally.

#### **5. CONCLUSIONS AND RECOMMENDATIONS**

The human rights situation in East Timor remains serious in 1994 and, despite its often stated commitment to the protection of human rights, the Government of Indonesia has done little to address the root causes of the problem. This report has highlighted four particular areas of concern - torture, political imprisonment, extrajudicial execution and access to human rights monitors - both because they demonstrate the continuation of a long-standing pattern of abuse in East Timor, and because they appear to have been ignored or seriously misunderstood by member states of the UN.

Torture and ill-treatment continue to be used routinely to intimidate suspected political opponents of Indonesian rule and to extract political intelligence. At the same time, the government has failed to imple-

ment the concrete recommendations of the UN Special Rapporteur on torture. Political imprisonment after unfair trial, and short-term arbitrary detention remain commonplace. The government has failed to clarify the fate of more than a small fraction of an estimated 270 people killed and 200 others thought to have "disappeared" during and after the Santa Cruz massacre. The officers ultimately responsible for the killings have yet to be brought to justice, while civilians who survived the massacre or protested against it continue to serve lengthy prison terms. Meanwhile, further extrajudicial executions and "disappearances" have been reported during the year. Serious restrictions remain on effective human rights monitoring, and some human rights organizations, including Amnesty International, continue to be denied entry to the territory altogether. While the government's decision to invite the UN Special Rapporteur on extrajudicial, summary or arbitrary execution to visit East Timor in July 1994 was a welcome step, concern remains about the conditions under which all such official visits take place.

The principal responsibility for improving the human rights situation in East Timor unquestionably rests with the Government of Indonesia. However, the international community necessarily shares some responsibility, particularly in view of East Timor's unresolved political status. The organization therefore offers the following set of recommendations to the Government of Indonesia, and to member states of the UN, in the belief that if implemented, they would go some way toward improving the situation.

#### **Recommendations to the Government of Indonesia**

1. Take immediate steps to implement the concrete recommendations of the UN Special Rapporteur on torture. In particular ensure that all persons deprived of their liberty are held in an officially recognized place of detention and are brought before a judicial authority promptly after arrest; and that all detainees are given prompt and unrestricted access to legal counsel of their own choice, as required by Indonesian and international law.
2. Release all East Timorese prisoners of conscience immediately and unconditionally, and cease the practice of short-term arbitrary detention of peaceful political opponents and human rights activists.
3. Account fully for the dead and the "disappeared" from the Santa Cruz massacre and its aftermath; and bring promptly to justice all those ultimately responsible for the Santa Cruz massacre.
4. Permit all qualified observers and organizations - including those that have been



critical of Indonesia's human rights record - to visit East Timor on a regular basis; and guarantee the safety of those who seek to provide information to visitors about human rights questions.

5. Invite the UN Special Rapporteur on torture, the UN Working Group on Arbitrary Detention, and the UN Working Group on Enforced or Involuntary Disappearances to visit East Timor.

#### **Recommendations to UN Member States**

1. Call upon the Indonesian authorities to implement the recommendations of the UN Special Rapporteur on torture.
2. Express concern about the routine imprisonment of the government's political opponents in 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 East Timor by human rights organizations, including Amnesty International, and to put an end to the legal and other obstacles that continue to impede the work of international and domestic human rights and humanitarian bodies.
5. Welcome the government's decision to invite the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit East Timor in 1994, and suggest that it also extend invitations to the UN Special Rapporteur on torture, the Working Group on Arbitrary Deten-

tion, and the Working Group on Enforced or Involuntary Disappearances.

#### **APPENDIX I:**

##### **Consensus Statement concerning East Timor read by the Chairman at the 50th Session of the UN Commission on Human Rights, Geneva, 8 March 1994**

Following consultations, I would like to make a statement announcing what has been agreed by consensus by the Commission on the situation of human rights in East Timor.

"The Commission on Human Rights discussed the human rights situation in East Timor. The Commission notes with concern continuing allegations of human rights violations in East Timor, while recognising the positive measures taken by the Government of Indonesia to improve the situation.

The Commission recalls the undertakings by the Government of Indonesia to promote human rights in East Timor and those contained in the consensus Chairman's Statement at its 48th session on the matter, and stresses the need to take further steps towards its implementation. A matter of pre-occupation of the Commission is the incomplete information concerning the number of people killed and the persons unaccounted for as a result of the Dili violent incident of 12 November 1991. While acknowledging the efforts made to account for those persons, the Commission calls upon the Government of Indonesia to continue its investigations on those still missing and the circumstances surrounding the matter.

The Commission expressed the hope that the cooperation between the ICRC and the Government of Indonesia will continue. It calls upon the Indonesian authorities to ensure that those East Timorese in custody

are treated humanely, and that their rights are fully respected, and to take further appropriate measures aimed at the early release of those convicted. The Commission is encouraged by greater access recently granted by the Indonesian authorities to human rights and humanitarian organisations as well as international media and calls upon them to continue this policy of expanding access.

The Commission welcomes the undertaking by the Government of Indonesia to invite the Special Rapporteur on Extrajudicial, summary or arbitrary executions to visit East Timor and to submit his report to its fifty-first session. In the same spirit, the Commission takes note of the intention of the Government of Indonesia to continue to cooperate with other relevant thematic Special Rapporteurs and/or Working Groups and to invite them to visit East Timor when necessary for the fulfilment of their duties.

The Commission welcomes the current dialogue between Indonesia and Portugal under the auspices of the UN Secretary-General and encourages him 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 the understanding reached on confidence building measures between the two governments and welcomes the recent mission undertaken by Mr. Francesc Vendrell as representative of the Secretary-General in order to promote further progress in that 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-first session."

**APPENDIX II: LIST OF TRIED POLITICAL PRISONERS FROM EAST TIMOR**

Name	Sentence	Prison	Alleged Offence
Albino Lourdes (m)	17 years, 17/01/85	Cipinang, Jakarta	Fretilin
Marito Mario Nicolaudos Reis (m),	17 years 18/11/84	Cipinang	Fretilin
Alfonso Rangel (m)	5 years *1/10/91	Dili	Stealing "secret documents"
Amarão de Araujo (29,m)	3 years	Dili	Stealing "secret documents" [Prisoner is the brother in-law of Felesmina dos Santos Conceição ]
Felesmina dos Santos Conceição (f,29)	5 years	Dili	Stealing "secret documents" [Prisoner is the sister-in -law of Amarão de Araujo ]
Aleixo de Silva Gama (22,m)	27 months (Re-leased)	Dili	Motael Church incident 28/10/91
João dos Santos (23,m)	2 years (Released)	Dili	Motael Church incident 28/10/91
Boby Xavier (19,m)	3 years	LP Kupang, West Timor	Motael Church incident 28/10/91
Bonifacio Bareto (m)	20 months (Re-leased)	Dili	Motael Church incident 28/10/91
Jacob da Silva (m)	2 years (Released)	Dili	Motael Church incident 28/10/91
Bonifacio Magno Pereira (34,m)	6 years	LP Kupang, West Timor	Santa Cruz demonstration, 12/11/91
Carlos dos Santos Lemos (30,m)	8 years	LP Kupang, West Timor	Santa Cruz demonstration, 12/11/91
Francisco Miranda Branco (40,m)	15 years	LP Semarang, Central Java [Secretly transferred from Dili, 11/6/94]	Santa Cruz demonstration, 12/11/91
Filomeno da Silva Pereira (33,m)	5 yr. 8 month	LP Semarang, Central Java [Secretly transferred from Dili 11/6/94]	Santa Cruz demonstration, 12/11/91
Gregorio da Cunha Saldanha (28,m)	Life	LP Semarang, Central Java [Secretly transferred from Dili 11/6/94]	Santa Cruz demonstration 12/11/91
Jacinto das Neves Raimundo Alves (33,m)	10 years	LP Semarang, Central Java [Secretly transferred from Dili 11/6/94]	Santa Cruz demonstration 12/11/91
Juvencio de Jesus Martins (32,m)	6 yr., 10 month	LP Semarang, Central Java [Secretly transferred from Dili 11/6/94]	Santa Cruz demonstration 12/11/91
Saturnino da Costa Belo (m)	9 years	LP Semarang, Central Java [Secretly transferred from Dili 11/6/94]	Santa Cruz demonstration 12/11/91
Fernando de Araujo, (25,m)	9 years	Cipinang, Jakarta	Peaceful demonstration in Jakarta, 19/11/91
João Freitas da Camara (36,m)	10 years	Cipinang, Jakarta	Peaceful demonstration, Jakarta 19/11/91
Virgilio da Silva Guterres (25,m)	2 years, 6 months (Released, April 1994)	Cipinang, Jakarta	Peaceful demonstration Jakarta, 19/11/91
Agapito Cardoso (m)	10 months (Re-leased 1993)	Cipinang, Jakarta	Santa Cruz demonstration Jakarta 19/11/91
Domingos Barreto (m)	6 months (Released 1992)	Cipinang, Jakarta	Santa Cruz demonstration Jakarta 19/11/91
Xanana Gusmão (45,m)	20 years [Sen-tenced reduced from life by President, August 1993]	Cipinang, Jakarta	Rebellion & illegal possession of firearms
Corporal Augusto Pereira (m)	18 months	Dili	Providing sanctuary to Xanana Gusmão
Alberto Rodrigues Pereira (22,m)	22 months	Dili	Destroying an Indonesian flag (1993)
Pedro Sarmiento da Costa	1 year	Dili	Defacing a banknote (asking for compensation for Santa Cruz victims)
Miguel de Deus (m)	20 months	Dili	Peaceful protest Dili, 14/4/94
Isaac Soares (m)	20 months	Dili	Peaceful protest, 14/4/94

Pantaleao Amaral (m)	20 months	Dili	Peaceful protest, 14/4/94
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**APPENDIX III: TABLE A - REPORTED EXTRAJUDICIAL EXECUTIONS BY GOVERNMENT FORCES IN EAST TIMOR, JANUARY 1993 TO JUNE 1994**

Name(s)	Residence	Date/place killing	Alleged Perpetrators and details
Francisco (48) (m)	Village head Suco de Balibar	Dili, 28 February 1993. Office of military intelligence, SGI (Satuan Gabungan Intelijen) in Farol, Dili.	Ten "Nanggalas" (members of Komando Pasukan Khususor Kopassus). Arrested and taken to SGI headquarters in Dili; died in custody. Witnessed by 6 East Timorese.
José Antonio (22) (m) Paulo Jeronimo (m) Roberto Belo (m)	Santa Cruz, Dili	mid-March 1993	"Ninjas" (police-backed vigilantes) Killed by Ninjas at about 7pm while on their way home.
Carlos (30) (m)	Lahane, Dili	11 April 1993. Lahane Village Office, Dili.	Two police officers and a village headman, identified as TAB. Different report says perpetrators were members of Army Battalion 507. Reports vary. One says Carlos was beaten in custody at Lahane Village Office by village head and two police then taken to Dili Police station. Hospitalised due to injuries, released, then died at home a few hours later. Different report says he was arrested one week earlier by military intelligence (SGI), then rearrested and beaten by three soldiers, not police. Another says he had been wounded and arrested after Santa Cruz, then arrested by members of Battalion 507 on 10.4.93, and killed at 1am the following morning. Corpse left in front of Chinese cemetery, Dili. Chief of Police for East Timor (Noegroho Djajusman) promised a full investigation but no sign that perpetrators were brought to justice, by July 1994. AI wrote to Noegroho on 4 May 1993, and to a local parliamentarian on 30 April 1993, but by July 1994 had received no replies.
Armando (m) Vicente (m)	Heads of Waige village, Vemasse, Baucau.	5 August 1993 at 7pm. Waige, Vemasse, Baucau.	Soldiers of "red berets" (i.e. Komando Pasukan Khusus or Kopassus) The two men were shot dead. Armando received three bullet wounds and Vicente seven. Soldiers buried them in secret. Families frightened to look at first but found their bodies on 7 August 1993.
Joana Soares (30) (f) Antonio Amaral (37) (m) Tomas Gomes (41) (m) João Soares (32) (m) Manuel Amaral (40) (m)	Luwa, Viqueque	October 1993. Onu Laran, Bartoli, 8km east of Viqueque. Place of killing four others unclear.	Indonesian military, identified only as "Armed-4," not a familiar appellation. Joana Soares raped and then killed with a knife; her sexual organs cut after she was killed. Four witnesses then reportedly shot dead; one other man - José Soares - reportedly wounded at Ai-Na-Bein, Bartoli, Viqueque.
Six people	Osoala, Baucau	28 October 1993. Osoala, Baucau.	Indonesian troops; unspecified. Opposition source claims the six were suspected members of the underground, while Indonesian military authorities claim they were killed by Falintil guerrillas (See Table B). Later information suggested they may have died in a non-political family dispute over land.
Tomas Guterres (29) (m) Duarte Ximenes (17) (m) Matias da Costa (27) (m)	Baguia, Baucau Laga, Baucau Iliomar, Los Palos	5 January 1994.	During military operation checking identity cards along main roads into Dili; precise place of capture, detention and killing unknown. Possibly detained in Baucau. Soldiers of Combat Detachment 515 (Detasemen Tempur 515), on the order of Lt. Col. Sarining Setoyo Utomo, Reg No. 28498. Allegedly died in military custody following ill treatment and torture. No details of treatment. Arrest occurred during military operations prior to the visit to East Timor of Portuguese General Carlos Galvao de Melo and Dr. Manuel Tilman. Earlier, opposition source claimed Duarte Dias and Matias da Costa were executed in Colmera prison 28/10/93 but Government denied this and claimed they were still alive.
Francisco (m) Eusebio (m) "disappeared" Sons of Deolinda and Laura of Leolima	Fatudu, Ainaro	10 January 1994. Near Leolima village, Fatudu, Ainaro.	Soldiers of Indonesian Army Battalions 726 and 1633. Young brothers shot by soldiers after they refused to allow soldiers to take their water-buffaloes. Francisco died immediately. Eusebio was wounded and taken by soldiers; whereabouts unknown as of end February 1994.
Petrus Tomae (32) (m)	East Timorese worker at PT Indocement, Citeureup, Bogor, West Java	29 January 1994. Found in Citeureup River, Bogor, near factory where he worked.	Unknown. Victim's corpse showed signs of physical abuse, leading human rights activists to suspect he had been murdered by security forces or company guards. This suspicion was fuelled by lethargic police investigation.

**APPENDIX III: TABLE B - REPORTED KILLINGS BY OPPOSITION GROUPS IN EAST TIMOR, JANUARY 1993 TO JUNE 1994**

Name(s)	Residence	Date/place killing	Alleged Perpetrators	Extra details
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Six Villagers	Osoala, Baucau	5 October 1993. Osoala, Baucau	Falintil guerrillas	Military sources claim the six were killed by Falintil, while opposition source claim they were killed by government troops (See Table A). Later information suggested it may have been a family dispute, not politically motivated.
Village Head		2 February 1994. Atsabe, Letifofo, Er- mera District	Falintil guerrillas	Victim was an alleged informer for Indonesian intelligence. After his death, the parish priest for Ermera, Father Domingos Soares, was called in for questioning in Dili. Fifteen people from the same village arrested.

**APPENDIX IV: LETTER TO AMNESTY INTERNATIONAL FROM CONFIDENTIAL SOURCE IN BECORA PRISON, DILI**

**A Short report on the Condition and Situation of Political Prisoners**

a) Following the tragic events of 12 November 1991, the survivors were arrested and taken to the police prison in Comoro. They remained in this prison from 12 November to 20 August 1992. Provisions in this prison were minimal; i.e. there were six cells, two of which had no roof, and were exposed to the air. The number of prisoners at the time totalled 37. The cells were very small for the number of inmates, five square metres per five to eight prisoners. Water was in very short supply, the food was wretched and the prisoners slept on the damp ground, without mats. All these factors contributed to a deterioration in the physical condition of the prisoners, many of whom, like Bobby Xavier, Antonio Belo and Francisco (from Viqueque), began to suffer from lung ailments. There was a lot of malaria, owing to the huge numbers of mosquitoes, and the lack of fresh air undermined the health of a large number of prisoners, many of whom also contracted anaemia. The prisoners were not allowed to take mass or have contact with priests, except at Christmas and Easter.

For about a month the prisoners were not allowed contact with their families. After that daily contact with the families was allowed. Later, when the prisoners chose the YLBHI lawyers for their defence, rejecting the local lawyer proposed by the Government, this contact was reduced to three times a week and restricted by glass screens.

Restrictions placed on contact with families increased again when the trial began. Relatives were only allowed to visit the prisoners after obtaining due authorization from the Court. Meetings with relatives took place in the presence of the Deputy Prosecutor of the Republic (Jaksa). The prisoners and their families were the targets of continual threats, intimidation and humiliation throughout the trial period. Their houses were placed under continual surveillance by strangers in civilian clothes, inflicting fear and distress on the occupants.

b) From 20 August 1992 to 5 April 1993 the prisoners, 13 in all, who were tried and

sentenced by the Court of Indonesia - five in relation to the events of 28 October 1991 at Motael Church, and seven in connection with the events of 12 November 1991 - were placed in the military prison of Balide (formerly Comarca), notorious to the Timorese people for the barbaric treatment meted out to the political prisoners that are held there. The prison building is old, a legacy of the Portuguese colonial government. The inhumane conditions, including the lack of ventilation, the damp floor - the place is situated on marshy ground - the unbearable heat, exacerbated by the building's very low roof, and the location of the cells, separated one from the other, combined to create surroundings of total isolation and gloom. In this prison the prisoners above-mentioned endured total isolation for five months. They had no contact with relatives or lawyers, nor with the prisoners who 'lived' in the other cells. In addition to this, the prisoners were not allowed fresh air and had to sleep on the damp ground, a factor which contributed to the physical deterioration of the inmates and caused four of them to become seriously ill with anaemia and malaria. One of these, Bonifacio Barreto, needed urgent and intensive treatment and was taken to the Military Hospital after his prison inmates had made insistent protests and pleas on his behalf. The outbreak of an epidemic affected all 13 prisoners in the cell. News of the incident was covered in the international press, leading the Government of Occupation to intervene and nominate a medical team, comprising military doctors of the army, navy and air force. Subsequently the prisoners were allowed outside their cells to take the sunlight and fresh air.

During this time newsletters, official documents, etc., were not allowed in; nor were the pens and papers which the prisoners needed to work on their appeal to the High Court of Indonesia, which was then taking place. This prohibition led to the rejecting of the prisoners' appeals by the Court on the grounds of failure to present an appeal in accordance with the Penal Code (KUHP). On another occasion all documents relating to the legal proceedings were confiscated, including the written sentence of the Court of Dili and drafts of the appeal to the Court, which was about to come to a half owing to lack of official documents, etc. Any attempt to contact relatives was ex-

pressly forbidden for five months, including contact with some relatives of the prisoners who were seriously ill. This situation only 'improved' during the preparations for the Human Rights conference in Geneva, when prisoners were gradually allowed more contact with their families; at first one hour per week, then up to two hours per week. Mass was also allowed, in the presence of canonesses and a Jesuit priest who came to celebrate mass every Sunday, with the participation of the prisoners' families.

c) In the interests of good international public relations/diplomacy with regard to respect for human rights in East Timor and the treatment of political prisoners and in preparation for the visit of the Special Envoy of the Secretary General of the UN, Mr. Amos Wako, on 5 April 1993, the prisoners were transferred from the military prison of Balide to the civilian prison of Becora. This prison building is new, recently built and with 19 cells. It covers about 900 square metres, with walls about 3.5 metres high. The cement floor is damp in the area where the prisoners are lodged, one to a cell, without beds, and prisoners' requests for beds and cushions have been rejected out of hand. The isolation continues as before. Contact with other prisoners is expressly forbidden and if any of these try to contact the prisoners of 12 November 1991 they are severely punished. Fresh restrictions have been placed on family visits. Officially prisoners are allowed one hour per week, but in practice only 45 minutes. Before visits the prisoners are searched at a post very close to the prison, as are the families, both before and after a visit. Even then, they are required to possess the necessary authorization from the Court of Dili. This has to be obtained two days beforehand and often the relatives are subjected to humiliating treatment and derision when news from abroad is not favourable to the Indonesian Government.

Medical care is non-existent. To give an concrete example, Gregorio de Cunha Saldanha is currently suffering from a debility in the arms as a result of lack of medical attention. (One arm was broken in a fall at the military prison of Balide four days before being transferred to Becora). It is to be feared that if in future something serious happens to one of the prisoners it will be difficult to get prompt and adequate treat-

ment, in view of the fact that for such treatment it is necessary that there be some coordination between the different military and civil institutions (according to the explanations given on a number of occasions by the prison officials).

On 7 April 1993, after the visit of Mr. Amos Wako, seven of the 13 political prisoners were deported from the territory without prior warning being given to their families, and the remaining prisoners are waiting the same fate.

A part of the result of the appeal to the High Court had already come to the knowledge of the prisoners. The appeals of Gregorio de Cunha Saldanha and Juvencio de Jesus Martins, were not accepted on grounds of the failure to present an appeal document, as mentioned above. On the other hand the prisoners were approached through representatives of the Government Prosecution Department (Jaksa) to sign 'Grasi' appeals to the President of Indonesia. The prisoners refused to do so. These overtures were made on several occasions, and the prisoners were brought a declaration made by Sudjono, supposed lawyer for the national leader, Xanana Gusmão, in which he declares in the name of his client, Gusmão's interest in petitioning the President. Nevertheless, approaches of this nature were always rejected by the political prisoners. To judge from the previous experiences of other political prisoners, it is likely that other kinds of approaches will be made, accompanied by physical coercion.

d) Another matter to which attention should be drawn is the situation of the political prisoner, Saturnino da Costa Belo. He was arrested in Dili and subsequently transferred to Baucau, where he was brought to trial. He remained for a year in Baucau before being transferred, together with other political prisoners connected with the events of 12 November 1991 in Dili. While in Baucau he was badly beaten, both at the prison and at the courthouse, during the trial. He was kept in a cell during this entire period, refused access to fresh air or contact with his family. During his trial, and also while at the prison, he declared his opposition to the Indonesian military occupation of East Timor and because of this he was often refused food on successive days. His house was placed under permanent surveillance by the military, who seized all his household possessions - radio, cats, kitchen knives, clothes and shoes, swords (or Surik) used in traditional ceremonies, money to the value of Rp 100.000 and many other household utensils. These items were later produced in court as evidence for the prosecution.

The prisoner's father, Afonso Mareal, aged 60, and living in Samalari-Baucau, was

arrested and held under investigation for a week. He was subsequently released into conditional liberty, required, that is, to present himself three times a day at the intelligence authorities' command post in Baucau.

His brother, Custodio de Jesus, a 19-year-old student, has been imprisoned at SGI in Dili since 5 October 1992. And another brother, Alcino Belo, aged 25, was barbarically murdered by the military in the course of reprisals for the attack made in Baucau by nationalist guerrillas on 5 October 1992. After being wounded, Alcino Belo was subjected to intensive interrogation by the intelligence forces, with the aim of obtaining information on the underground organisations existing in Baucau. Because he remained silent, stubbornly refusing to give information, he was severely tortured and they crucified, on a cross, in an imitation of the crucifixion of Christ at Calvary, and on the cross he drew his last breath. This act was carried out behind the Military Hospital building of Baucau, located in the small town of Kaibada, on 6 October 1992, at night.

During the trial of the national leader, Xanana Gusmão, Saturnino was taken to court to testify. Because of the demand he made to the Indonesian Government while at the court to respect human rights in East Timor he was severely beaten and interrogated by the military police. They threatened him by placing the barrel of a pistol inside his ear and he was put in a cell and left there in total darkness, including during the day. Since he continued to refuse to apologise to the judge and did not admit to any wrongdoing, he was never again brought to court as a witness by Indonesian Government agents, on the basis of the 'Pers' that the witness was ill and suffering from migraine, when in fact he was not ill at all.

It should be pointed out that the political prisoners of 12 November 1991 are being subjected to a very 'special' treatment compared to the other prisoners. This violates Indonesia's own laws, since the Penal Code contained no reference to a 'special' category of treatment for prisoners, whatever their crime. We wish to end our brief report by bringing attention the following facts; During the period of pre-trial investigation the houses of the prisoners of the tragic events of 12 November 1991 were raided by the forces of occupation, notably: - Gregorio de Cunha Saldanha: His house was raided and a number of documents were removed, including the 'Alvara,' study books on the Portuguese language, family photographs and various other household items. - Juvencio de Jesus Martins and Filomeno de Silva Pereira: Their houses were searched several times and their families terrorized with

threats of persecution, as was said by the judge in the course of the trial proceedings.

When the Conference of Non-Aligned Countries was held in Jakarta in November 1992 many young nationalists were arrested and taken to secret prison locations in Dili in the wake of an attempt by the young people to hold a peaceful demonstration in Dili in protest at the arbitrary and illegal actions of the Indonesian Government in East Timor.

Afterwards some of the detainees were taken to the same prison where we being held, the military prison of Balide. In the prison, from their cries of pain and distress, we became aware of the severity of the treatment to which they were being subjected. We later learned that the detainees were being held in a block where the cells are in much worse conditions than those elsewhere in the prison; i.e. they were being held without water and without light, in fact in pitch darkness, even during daylight, and the cells were filthy. According to the information we obtained in that prison, the following happened to these prisoners:

They were thrown out of their cells late at night and forced to wash in a tank of water. Then, in their wet clothes, they were returned to the respective cells and left to sleep on the damp ground, without mats or covers.

They were only allowed to eat twice a day, and the rations were minimal. They remained in their cells for weeks on end, deprived of the opportunity to wash or take fresh air.

Their families, shocked and distressed, were consistently refused reliable information as to their whereabouts.

After weeks of detention in that prison they were removed at dead of night by military personnel, and up till now their whereabouts are unknown.

Their details are as follows:

1. Marcos (Madini), 36 years old
2. Gaspar Julião, 30 years old from Culuhun, arrested in Cupao
3. Arnaldo, 41 years old, from Hilok Laram
4. Arnaldo, 29 years, from Vilaverde
5. Goveia, 25 years old, from Matadouro

Despite their families' insistent pleas, the military authorities have never given them any reliable information.

We herewith end this brief report on the prison conditions under which we have been living. Bem haja! Long live Freedom, Peace and Justice in East Timor! This information comes from: (Names Confidential).

**APPENDIX V: LIST OF AMNESTY INTERNATIONAL REPORTS ON EAST TIMOR SINCE 1990.**

**1990**

- East Timor: Short-term Detention and Ill-treatment, January 1990 (ASA 21/02/90)  
 East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization, August 1990 (ASA 21/09/90)

**1991**

- East Timor: Update on Human Rights Concerns Since August 1990, January 1991 (ASA 21/01/91)  
 East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization, August 1991 (ASA 21/14/91)  
 East Timor: The Santa Cruz Massacre, 14 November 1991 (ASA 21/23/91)  
 Indonesia/East Timor: AI Appalled at Massacre, Calls for Impartial Inquiry, press statement, 14 November 1991 (ASA 21/21/91)  
 East Timor: After the Massacre, 21 November 1991 (ASA 21/24/91)  
 Indonesia/East Timor: AI Urges Rigorous Standards for International Inquiry into Massacre, press statement, 3 December 1991 (ASA 21/WU 03/91)

**1992**

- East Timor: Violations Continue and Doubts Remain Over Official Inquiry, press statement, 9 January 1992 (ASA 21/WU 01/92)  
 Indonesia/East Timor - Santa Cruz: The Government Response, February 1992 (ASA 21/03/92)  
 Indonesia/East Timor: Human Rights Protesters Charged with Subversion, press statement, 27 March 1992 (ASA 21/WU 02/92)  
 Indonesia/East Timor: Human Rights Activists Convicted of Subversion, press statement, 27 May 1992 (ASA 21/WU 03/92)  
 Indonesia/East Timor: Fernando de Araujo - Prisoner of Conscience, May 1992 (ASA 21/07/92)  
 Indonesia/East Timor - The Suppression of Dissent, July 1992 (ASA 21/09/92) East Timor: "In Accordance with the Law" Statement before the United Nations Special Committee on Decolonization, July 1992 (ASA 21/11/92)  
 Amnesty International refused access to East Timor for anniversary of Santa Cruz Massacre, press statement, 6 November 1992 (ASA 21/WU 04/92)

Indonesia/East Timor: Amnesty International fears further deterioration of human rights situation, press statement, 9 November 1992 (ASA 21/WU 05/92)

**1993**

- East Timor: Xanana Trial a Travesty of Justice press statement, 21 May 1993 (ASA 21/ WU 02/93)  
 Indonesia/East Timor: Seven East Timorese Seek Asylum, 23 June 1993 (ASA 21/13/93)  
 East Timor: Unfair Political Trial of Xanana Gusmão, July 1993 (ASA 21/05/93)  
 Indonesia/East Timor: Seven East Timorese still in danger, 5 July 1993 (ASA 21/14/93)  
 East Timor: State of Fear, Statement before the United Nations Special Committee on Decolonization, 13 July 1993 (ASA 21/15/93)

**1994**

- Indonesia & East Timor: Fact and Fiction - Implementing the Recommendations of the UN Commission on Human Rights, 16 February 1994 (ASA 21/05/94)  
 East Timor: Who Is To Blame? Statement Before the UN Special Committee on Decolonization, 13 July 1994 (ASA 21/31/94)  
 For further information on human rights violations in East Timor see: East Timor: Violations of Human Rights - Extrajudicial Executions, "Disappearances, Torture and Political Imprisonment 1985 (ASA 21/16/85)

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**EAST TIMOR ALERT NETWORK/CANADA**

Honourable Chairperson, Honourary Members,

My name is Sharon Scharfe and I represent the East Timor Alert Network/ Canada (ETAN). ETAN is a grassroots organization, with branches in fifteen Canadian cities. ETAN is present at this Committee Hearings to add the concerns of Canadians relating to the ongoing tragedy in East Timor.

One of the activities ETAN pursues is lobbying the Canadian government and Members of Parliament to bring a greater emphasis concerning to human rights in Canada's foreign policy relating to Indonesia. There have been some successes which I will briefly outline.

**POSITIVE MOVES BY CANADIAN GOVERNMENT WITH REGARDS TO EAST TIMOR**

The Canadian government has stated that human rights concerns are an integral part of

its foreign policy. To this end, Prime Minister Chretien expressed his concerns about human rights violations in East Timor when he met with President Suharto in Seattle in November 1993.

However, the clearest indication of Canada's expressed concerns has been reflected in its aid policies. After the 1991 Dili Massacre, the Canadian government suspended three planned aid projects totalling \$30 million. Last November, Canada informed the Indonesian government of its decision to cancel these three projects from its development programme. In May of this year, the Indonesian government cancelled a Canadian aid project in Sulawesi totalling \$38 million due to the strong human rights criticisms that were being raised by Canadian citizens concerning the Indonesian government's genocidal actions in East Timor. These two cases are the best expressions of the fact that the Canadian government is listening to the concerns of Canadian citizens.

I recently had the privilege of attending the Asia-Pacific Conference on East Timor in the Philippines. While there, I spoke on the issue of human rights violations in East Timor in the context of those experienced by women. While I am not a Timorese woman, and I do not purport to speak on their behalf, I would like to take a moment or two to bring to your attention some of my findings.

**(A) HUMAN RIGHTS VIOLATIONS AGAINST THE WOMEN OF EAST TIMOR**

There are two categories where Indonesia's illegal occupation and genocidal actions have specifically affected women in East Timor, namely those women who are actively resisting (i.e., involved with FALINTIL); and those who are passively resisting.(1) I will focus on the second category, namely passive resistance which can be broken down into two sub-categories, the first being women who are directly affected and the second being women who are indirectly affected.

**EAST TIMORESE WOMEN DIRECTLY AFFECTED BY INDONESIA'S ILLEGAL OCCUPATION OF EAST TIMOR**

East Timorese women have been directly affected by Indonesia's invasion. Untold tens of thousands of women have been murdered, raped, sexually assaulted, tortured, kidnapped and forcibly sterilized. While it is impossible to speak of all the horrors that the women of East Timor have experienced, I will give a brief overview of some of the crimes experienced specifically by women.

### i) Rape and Sexual Assault

There are many documented cases of women who have been forced to become local "wives" for the Indonesian military posted in East Timor. This has led to children being conceived through these imposed husbands.

Other women have been raped by Indonesian soldiers in front of their families.<sup>(2)</sup> "For Timorese people, worse than physical suffering was the moral suffering of these things, the humiliation, taking away the dignity of people. I said to Indonesian officers, "Don't you have mothers, sisters, do you know what it means to be human?" Monsignor Martinho da Costa Lopes, a former parish priest and assistant to the Bishop in Dili, recounts,

*"People came knocking at my door in the day and the night, for years, whispering of terrible things. From 1975 the Bishop's residence was full of girls seeking refuge. In the Comarca prison were women who had all been raped and abused. They told me when I spoke with them. We heard constantly of young girls being abused by soldiers. The Indonesians often use Timorese not as people but as toys, young girls especially. They see a beautiful girl they want, then after they have used her they ignore what happens to her, like a child with a toy."*<sup>(3)</sup>

Many East Timorese women were raped and sexually assaulted while in custody, whether it was in the custody of the police or while being held in jail. Often such rapes result in pregnancy.

### ii) Forced Sterilization, Birth Control and Depo Provera

In 1985, a family planning center funded by the World Bank was built in Dili. Already by that time, 183 of 442 villages in East Timor had family planning centers, and the program most vigorously pursued in East Timor was the family planning program of the Indonesian government.

Contraceptive methods promoted in East Timor and elsewhere include condoms, the Pill, injection of hormones, IUD and implants, but in East Timor the use of injections (Depo Provera) is proportionately greater than Indonesia.<sup>(4)</sup> It is not difficult to understand the relationship between population control as a target-based programme and the *type* of contraceptive promoted. Condoms and the pill are falling out of favour with the family planning agency (BKKBN) because the effect depends on the decision of the individual, whereas IUDs and implants which can only be inserted and removed by trained medical staff are considered effective. "Effective" is synonymous with "low user control." The long-acting

hormonal contraceptive implant Norplant, lasting five years, is termed an "MKE" (*metode Kontrasepsi efektif*) along with IUDs and sterilization.

The "informed consent," which is essential in any birth control program if it is not to be regarded as a human rights violation, is often not present, according to East Timorese nurses who have observed East Timorese women being injected (and since emigrated to Portugal). These nurses say that in many cases the women are never even told that the injection they are being given a contraceptive. In one specific case, high school girls were injected with Depo Provera without their knowledge.<sup>(5)</sup>

It is very difficult to refuse to take part in these programmes because village leaders are urged to cooperate, and in some cases it is imposed as the norm where local clinics for birth control are under the supervision of military post. It is nearly impossible for the women of East Timor to protest the forced birth control. The villages of East Timor are under the de facto control of the Indonesian military, and to protest against forced injections, etc., is to lay oneself open to execution or disappearance.

The World Bank official who was responsible for the birth control program in East Timor stated that "Although at the beginning of the program there may have been excesses or cases of force, now the Indonesian health officials are carrying out proper guidance." The non-governmental Indonesian Family Planning Association has said that they do not have a project in East Timor because "the conditions are not present for carrying out family planning in East Timor."

Given that over 200,000 East Timorese have been killed since Indonesia invaded in 1975, it is impossible for the Indonesian government to state that there is a problem with over-population. In fact, the genocidal policies of Indonesia have been so effective that in 1989 the United Nations presented the UN Population Award to President Suharto.

Another effective method for keeping the birth rate in East Timor to a minimum results when hospital staff kill new born babies because the child's parents are suspected of belonging to Fretilin.

As a result of these and other abuses by hospital staff, it should be noted that many East Timorese, male and female alike, prefer the clinics run by the Sisters over the horrors of the hospital. In East Timor, people say "We go to the hospital to die." They cannot trust and depend on a hospital.

### (B) EAST TIMORESE WOMEN INDIRECTLY AFFECTED BY INDONESIA'S ILLEGAL OCCUPATION

The second category I have identified relates to women who have been indirectly affected by Indonesia's illegal occupation. These include women whose husbands, children, parents, friends, other relatives who have been killed, tortured or have disappeared. This was reiterated in a recent letter written to Hilary Clinton from a group of mothers in East Timor. I will be brief on this topic due to time constraints. One example of these indirect abuses relates to the Indonesian military who kidnaps male East Timorese children and takes them back to Indonesia to act as servants.

### CONCLUSION

What is happening to the women of East Timor is in direct contravention of many international conventions. These include the Convention for the Prevention and Punishment of the Crime of Genocide<sup>(6)</sup>; the Convention on the Elimination of All Forms of Discrimination Against Women (which Indonesia has ratified); the UN Charter; the Universal Declaration of Human Rights; the International Conventions on Civil and Political Rights and on Economic, Social and Cultural Rights; and, most relevant to the Special Committee, directly contravenes the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Given that the people of East Timor have been subjected to alien subjugation, domination and exploitation for almost 19 years by the illegal presence and genocidal actions of the Indonesian military, which constitutes a denial of fundamental human rights; and given the human rights violations that have been occurring systemically towards women in East Timor during this time and continue unto today, the East Timor Alert Network/Canada calls upon the Special Committee on Decolonization to send a special mission to East Timor to obtain first-hand information on these abuses. Such a mission should be done in conjunction with the Government of Portugal, who is the UN recognized administering power of East Timor.

East Timor is the largest territory on the Special Committee's agenda of non-self-governing territories. Only when the Indonesian military has pulled out of East Timor, and the state is given the right to a free and fair vote will the women of East Timor begin the long overdue healing process.

I thank you for the opportunity to express our concerns today.



**NOTES**

1) The following excerpt is from Michele Turner’s book, *TELLING: East Timor: Personal Testimonies 1942-1992*, who reports a conversation with a man named Justino who states at page 183 the following:

Timorese talk about the Resistance as of two kinds, active and passive. Those in the town or the camp resist passively. It’s hard to explain. you must do whatever the Indonesians say, but what you think, that’s only for you, you keep it inside yourself. We’ve been resisting so long now we’ve reached a point where even the simple kids are quite aware of what we all want. They can go the schools run by the Indonesians but that doesn’t change them. They don’t need to learn that they aren’t free. They hear and see the wrongs all around. The motivation for Timorese to study in Indonesia is that to fight the enemy you have to know him.

2) Testimony of Xavier as told in *TELLING*:

Friends of mine living in Manatutu, the husband went to Dili for business. There were a lot of Javanese soldiers there. They knew the husband was away – in a small place everyone knows things – and they went to the house and raped the wife. There were three little kids in the house, very frightened. Nobody could help, this is the army, they shoot you. They take turns to rape the wife while others steal things from the house. When the husband returned he complained to their commander, but none were punished. His wife survived but she was always very sad.

3) From Turner’s *TELLING* at 165.

4) 1987, percentages

	The Pill	IUD	Depo Provera	Con-dom
Indonesia	48.5	24.1	19.0	4.4
E. Timor	23.0	12.6	59.7	1.4

SOURCE: Indonesian Central Information Board, 1988

5) Between 1987 and 1988, in almost all schools in East Timor, female students 13 years of age and older were given injections of “some medicine.” One of the staff at a health center happened to find out that it was a contraceptive and as a result the injection was stopped. At the end of 1988, the governor of East Timor learned of what was happening, because his own daughter was a student at a school where only girl students were being injected. One is left to wonder had the Governor’s daughter was affected, how

long would this abhorrent practice continued.

6) The Convention defines genocide as meaning any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, by:

- *Killing members of the group;*
- *Causing serious bodily or mental harm to members of the group;*
- *Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- *Imposing measures intended to prevent births within the group;*
- *Forcibly transferring children of the group to another group.*

**FREE EAST TIMOR JAPAN COALITION**

*From Hideshi Kajioka, Secretary. Presented by Kan Akatani*

It is an honor to address this distinguished committee, a committee overseeing one of the most important tasks for which the United Nations was founded, the decolonization of territories under colonial rule. As the 50th anniversary of the establishment of the United Nations approaches, it is the deep-felt hope of my organization that all the territories which fall within the committee’s mandate be able to exercise their right of self-determination as expeditiously as possible. Certainly in the case of East Timor, failure to achieve this goal would be a betrayal of the principles upon which the United Nations rests and a cruel denial of justice to the people of East Timor.

It is the belief of my organization that public opinion can play a positive role in support of the work of the United Nations to find a solution to the East Timor issue. Therefore, this May, the Japan Coalition invited British journalist Max Stahl to publicly report on his findings from a three-month visit to East Timor in the latter part of 1993. His findings regarding a “second massacre” in Dili after the shooting of mourners at the Santa Cruz cemetery were presented by an eye-witness at the Human Rights Commission meeting in March of this year and in *Death of a Nation*, a TV documentary shown in a number of countries. will, therefore, present some conclusions from these disclosures which I believe are particularly relevant to us here today.

In contrast to the gunning down of mourners at Santa Cruz cemetery by uniformed soldiers of the Indonesian armed forces, many victims of the “second massacre” are believed to have died at the military

hospital in Dili after being given powerful disinfectant, paraformaldehyde, in pill form, with the knowledge of Indonesian doctors. Two survivors described some of the symptoms that resulted from taking the pill and those symptoms were later confirmed by a specialist in London who analyzed a tablet of the exact type administered in the Dili hospital: burning sensation in the chest, dizziness, lethargy, ataxia, and coma. When death occurs, it is attributed to circulatory collapse. A Timorese lab technician who witnessed soldiers administering the pills to the wounded who lay in ‘the hospital morgue, asserts that the pills could not have been released without orders from the Indonesian medical personnel. Since there is no benign medicinal use for this drug, “It is clear,” said Mr. Stahl, “that the soldiers and assistants who administered them and the authorities who released them from the medical stores did not do so to help the wounded, almost certain that they believed they would kill or assist them in the process of finishing off the wounded who had been sent to the morgue.” Throughout the orgy of killing and abuse of the wounded, hospital director Dr. Nyoman Winyata and a junior doctor on six months national service were in attendance in the hospital, within sight and supervising proceedings, according to the witness.

If it is possible to say, as some do, that the shooting of mourners at the cemetery was an “aberration” or an overreaction to provocation, it is certainly not possible to say the same for the action of the medical staff of the military hospital who helped to “finish off” the survivors. Mr. Stahl drew a comparison with the Nazi doctors who administered disinfectants to Jewish victims whom the doctors regarded as “vermin.” One is also reminded of the Japanese doctors of the infamous “Unit 731” who felt no compunction about performing unspeakably cruel experiments on live Chinese, Russian or Korean “logs” as they called their victims.

This is not the first report of Indonesian medical personnel in East Timor collaborating in the murder of East Timorese, but time does not allow me to go into detail here. What I wish to point out is that, as with the Nazi and Japanese doctors, it is evidently a perception that the victims are essentially different from the doctors themselves that psychologically allows the doctors to collaborate in their murder. Yet when Indonesia seeks to justify its presence in East Timor, it asserts in a manner similar to the argument Imperial Japan used to justify its colonial rule in Korea and Manchuria, that the East Timorese are brothers. Hard reality gives the lie to this assertion.

Another point which should be kept in mind is that for fully two and a half years after these events, no international body has gone to the hospital to conduct an investigation. One has never heard even a suggestion that the medical personnel involved will be brought to justice. When some reporters tried in February of this year to interview Bishop Belo about the second massacre, they were prevented from meeting him. Instead a Fr. Marcus Wanandi, an Indonesian priest whose brother has been one of the key strategists in Indonesia's invasion and occupation of East Timor, met the journalists and told them that the events described were not true.

After an excruciatingly long process, the Commission on Human Rights succeeded in sending its Special Rapporteur on Summary and Arbitrary Executions to East Timor, who I believe is there at this very moment. All concerned are to be commended for achieving this visit, but the fact that it has taken so long for even this modest step indicates the extent to which the occupying power in East Timor considers itself free to do whatever it likes to the long-suffering Timorese without fear of serious international censure. And it should be noted that the authorities have been preparing for the rapporteur's visit by, among other things, moving political prisoners from Dili to the island of Java to make sure that the Special Rapporteur does not have contact with them.

Indonesia takes pains to persuade the world that it is improving the situation of the people in East Timor, but the above examples show that as long as the East Timorese are forced to live under foreign occupation, there can be little hope for a fundamental improvement in their lot.

Distinguished Chairperson and Members of the Committee, Colonialism is an affront to the human dignity of the colonized, but as the past 19 years all too graphically show, it also brings out the worst characteristics in the colonizers. Many Indonesian people are beginning to learn about the indignities and atrocities that the East Timorese have suffered under the Indonesian occupation and are ashamed and angered. Some are speaking out against the occupation at risk to their own safety. I believe that for the majority of Indonesians the liberation of East Timor will bring to an end a very sad chapter in their country's history and be greeted with tremendous relief. In the case of South Africa, the untiring struggle over decades, led by the United Nations against the apartheid system, resulted in a victory which has ushered in an era of hope for both blacks and whites. There is no reason why the United Nations

cannot achieve a similar success in East Timor if it has the will to do so.

## JAPANESE CATHOLIC COUNCIL FOR JUSTICE AND PEACE

*c/o Catholic Bishops' Conference of Japan, 2-10-10 Shiomi, Koto-ku, Tokyo 135. From Aloisius Soma, former Bishop of Nagoya and former President, Japanese Catholic Council. Presented by Kan Akatani.*

Some 19 years have already passed since Indonesia, in violation of International Law, invaded East Timor. Although the East Timor issue has drawn international attention since the deplorable Santa Cruz Massacre of three years ago, when it is asked whether Indonesia is trying to change its policies towards East Timor, the answer has to be a clear "no." Although on the surface and temporarily, it may be taking a "more open" policy towards East Timor, the information reaching our Council from East Timor is that the pressure of the military on citizens at large and on the Catholic Church is only increasing, and the "Indonesianization" is moving with greater acceleration through such measures as emigration, so that a solution in line with international law is called for at the earliest possible time.

I attended the Asia-Pacific Conference on East Timor held at the University of the Philippines in Manila between 31 May and 4 June of this year. I believe that many of you are aware of the what happened at this Conference. The Philippine Government under pressure from the Indonesian Government issued "Refusal of Entry" to many foreign participants to this Conference. I, too, was refused the right to board the Pakistan International Airway plane at the scheduled time of departure. Fortunately for me, Jaime Cardinal Sin of the Philippine Catholic Church interceded on my behalf with the Philippine Government and made my attendance possible. I wish to use this occasion to express my sincere appreciation and admiration for my Catholic colleagues in the Philippines for taking the course of justice under incredibly intense political pressure.

The Conference on its last day passed 18 resolutions the most important of which are the following:

- Calls for the release of Xanana Gusmão and all political prisoners and for Xanana's participation in negotiations to resolve the East Timor situation.
- Advocates an immediate cease-fire, the complete demilitarization of East Timor, a fair and honest referendum under supervision of the United Nations.

- Supports CNRM's peace proposal and other East Timorese groups' initiatives for genuine self-determination.
- Requests UNHRC Special Rapporteur on Torture to consult women in East Timor regarding atrocities against women, sexual violence/rape by Indonesian military.
- Condemns Indonesia's forced birth control and aggressive family planning program in East Timor.
- Extends our solidarity to the women of East Timor.
- Urges the Indonesian Government to uphold its own promise to allow expanded access to East Timor for Human Rights and Humanitarian organizations, the media, and UN special rapporteurs.
- Expresses support to the pro-democracy movement in Indonesia.
- Recognizes East Timor as a sovereign people and nation.
- Affirm our commitment to help in the struggle of the Maubere people for genuine liberation in any way we can.

At the Conference I made a joint appeal for East Timor on behalf of the participants from the Asia-Pacific Region. I appealed to Indonesia to resolve the East Timor issue peaceably, as soon as possible, in line with the ideals expressed at the time of Indonesia's founding and the principles of the United Nations. I added that "When the people of East Timor achieve their independence, they do not want to be opposed to Indonesia as an enemy, but wish to create friendly and peaceful relations with Indonesia." And addressing the United Nations, I asked them to carry out their work in decolonization, which is one of their ideals, with even greater vigor than heretofore, and to convince Indonesia, that the liberation of "East Timor," although a small country of Asia, was important to the world and to Asia.

In conclusion, I crave your forgiveness in touching on a personal matter. At the present time I am a retired bishop, and have been relieved of all ecclesial duties. However, I wish to say that I intend to exert all my efforts from now on, so that my sisters and brothers from East Timor attain true happiness. I gather that Jaime Cardinal Sin, the Primate of the Philippines, deplored the undemocratic and inhumane action taken by the Philippine Government in connection with the above Asia-Pacific Conference on East Timor and conveyed them to Bishop Belo in East Timor. In the resolution of the East Timor question, the time has come to do away with all manner of political and religious manoeuvring. The time has come for the United Nations to recognize anew that it is its true function to push for the resolution of this question.

I wish to close my statement by asking the United Nations to exert their best efforts towards that end.

I thank you for your kind attention.

## PARLIAMENTARIANS FOR EAST TIMOR

*International Secretariat: Sharon Scharfe, P.O. Box 1031, Station B, Ottawa, ON K1P 5R1 CANADA. fax: (613) 834-2021, e-mail: etanott@web.apc.org*

*Presented by Ingela Martensson, MP, Parliament of Sweden*

Chairperson and Honourable Members, Thank-you for giving Parliamentarians for East Timor the opportunity to express its concern with the ongoing illegal occupation of East Timor. My name is Ingela Martensson, and I am a Member of the Swedish Parliament. It is an honour to be able to address the Special Committee on Decolonization, which has taken upon itself the noble task of eradicating colonialism by the end of this decade.

Parliamentarians for East Timor is an international organisation comprised of more than 250 Members of Parliament from over 20 countries. I am glad to be here today on behalf of this organisation.

### VISIT BY THE SWEDISH PARLIAMENTARY DELEGATION TO EAST TIMOR, SEPT. 4-17, 1993

Since the last meeting of the Special Committee, I have had the privilege, along with two other Swedish MPs, to visit East Timor. This visit was the first visit by parliamentarians since the Santa Cruz Massacre, when Indonesian government troops opened fire against a peaceful demonstration and approximately 275 East Timorese were killed. Based on my first-hand experience from visiting East Timor, I wish to draw your attention to the following concerns of both myself and Parliamentarians for East Timor.

### Ratify and Respect the United Nations' Human Rights Convention!

It should be noted that there was no criticism by the Indonesian government of our visit while we were in the country; however, the Foreign Office's political supervisor was very irritated. His irritation was not only about our visit, but in general he felt we were putting our noses into Indonesia's internal affairs, i.e. human rights. His objections were not about specific details but that we in general behaved as inspectors and that our visit appeared official. We assured that we were visiting as observers and individual members of the Swedish parliament, and we were not officially sent by the Swedish government or parliament. The Indonesian

government does agree that the respect of human rights is a universal matter, but in practice they do not accept international criticism about violations of human rights. Therefore, it is not surprising that Indonesia still refuses to approve and ratify the Convention relating to human rights. That is why it is necessary to increase observation and criticism of the Indonesian regime.

### The Oppression Apparatus

There are approximately 10,000 Indonesian soldiers in East Timor. Vice Military Commandant Brigade General Sulatin explained that there are at present ten battalions, whereof nine are so-called territory battalions and one is an attack battalion. This information is extraordinary, considering that earlier last summer, Military Commandant General Syaifei told United Nations observer Amos Wako that there were eight battalions compared with 12 in 1991, and of these six were fighting battalions, and that these fighting battalions would be replaced by territorial troops. He assumed that by September 1993 the total number of battalions would be reduced to six, all territorial battalions. Therefore, there is reason to question the validity of the Indonesian military information. Other sources say that there are 14 battalions and that the number of soldiers is as high as 14,000 to 15,000. The Vice Military Commandant claimed that the troops mainly occupied themselves with the building of roads, villages and houses for the population. The aim of this was to move the Timorese to the agricultural areas.

It was officially confirmed that there is no external military threat, and no great threat within the country. Therefore, I asked for an explanation for the vast military presence in East Timor, which is further strengthened by a police force of nearly 3,000. The police force works in close co-operation with the military forces. My suggestion that it would be more economical and rational to allow professional civilians to build roads and housing was, of course, difficult for them to answer. And the answers were complicated and constructed, and even less convincing when one considers the fact that the soldiers salaries are twice as high as other professional labourers. The true explanation is that military and police forces are all a part of the enormous oppression apparatus against the country's Timorese inhabitants. The new roads have fulfilled an important military function in the fight against the guerrillas. The military forces have, they say themselves, built approximately 5,000 houses. Some 40 new villages have been established in various parts of the country. On the first day of our visit to East Timor, we visited one of these

villages, a little more than one hour from Dili by car. It reminded me of the so-called strategic villages that I have seen in Iraq. There is no doubt that the majority or maybe all of the inhabitants would like to return to their own villages.

During the first period after the Indonesian invasion, many of the inhabitants were killed, and an estimated 80% were forced to leave their villages. The population were grouped together in so called strategic villages. The aim of this was to separate the people from the guerrilla.

It is estimated that more than 250,000 East Timorese have died since Indonesia invaded in 1975.

### Torture

The head of the Catholic Church in Dili is Bishop Belo where he has been the Bishop for the last ten years. He told us that the harsh treatment of those who do not recognise Indonesia's authority over East Timor has intensified. He also told us that he has received letters and information from prisoners and ex-prisoners about different kinds of torture.

### Indonesian Troops Out of East Timor

Bishop Belo stated that the situation with regards to human rights has simply not changed. He said that a total withdrawal of the Indonesian troops is absolutely necessary.

The Bishop feels that the meetings with the United Nations Secretary General Boutros Boutros-Ghali are important, but the East Timorese own views will be forced into the background if they are not present at the Talks between the Foreign Ministers of Indonesia and Portugal.

Bishop Belo had suggestions about East Timorese persons who could take part in the negotiations. He was also willing to participate himself if the church agreed. Bishop Belo feels that it is imperative that a solution is reached that secures East Timor's independence and that a referendum is held regarding the future of the country.

### Imprisonment of Xanana Gusmão

Xanana Gusmão is a symbol for East Timorese resistance. He rejects Indonesia's claim that they have integrated East Timor into Indonesia. He denies that he has been or is an Indonesian citizen. Gusmão is now serving a 20-year prison sentence. Along with my colleague, I applied for permission to visit with Gusmão. Unfortunately, it was not possible. We also had a conversation with two judges at the court in Dili where Gusmão was tried. After interviews with these judges and other authorities, and after studying certain written documents, our conclusions were as follows:

The verdict seems to have been preceded by conclusions and judgments which have been made by other authorities in Jakarta and Dili. The method of trial used was not in accordance with the rights of the accused, and did not comply with the international standards for a just and correct trial. Neither did the trial comply with the Indonesian laws for criminal trials. The violations against Gusmão started immediately after the arrest. No lawyer was present during the police and military interrogation. The claims from the Indonesian authorities that Gusmão did not wish for any lawyer to be present does not seem to be the expression of his free will. And these claims do not seem convincing when one considers the outcome of the case. A defence lawyer was later assigned to the case, but it is well known that he has close contacts with leading Indonesian military figures, and his actions did not seem to be in Gusmão's best interests. The two judges I talked to could not give me a clear answer on whether or not Gusmão had been given a lawyer of his own free choice.

The trial was public but international observers were not given the opportunity to look at any documents on the matter. I myself asked to be allowed to look at the court files (unconfidential sections) but this was refused. This was explained by the fact that the entire file had been sent to President Suharto. There were no copies of the file left at the court.

The courts refusal to allow Gusmão to present his own defence is not only against Indonesian law but also in conflict with international standards and conventions. Many of the witnesses who appeared in the trial were themselves prisoners, either after their sentencing or prior to their own trials. There seems to be doubt about how voluntary the witnesses' accounts were. It was a large handicap for the witnesses, knowing that what they said at the trial might be used against them at their own trial later on. However, the fact that the so-called anti-subversive law was not used against Gusmão was positive. But on the other hand, strong objections could be made – and were made – against the implementation of Indonesian laws and trial procedures. This is not in compliance with international standards as Indonesia's authority over East Timor has not been internationally recognised by the United Nations.

Due to all of these faults, Parliamentarians for East Timor feel that the judgment against Gusmão cannot be accepted. He should therefore be set free immediately and guaranteed a sanctuary of his own free choice.

### **PET Meeting with UN Secretary General, Boutros Boutros-Ghali, February 3, 1994**

Earlier this year I had the privilege to participate in a meeting of Parliamentarians for East Timor with His Excellency, Dr. Boutros Boutros-Ghali. At this time, I would like to reiterate some of the issues that PET raised that are applicable to the considerations of the Special Committee.

At a prior meeting with Sr. Xavier Perez de Cuellar, on March 25, 1991, he confirmed that all the Resolutions of the Security Council and General Assembly which had been passed in the years following the Anschluss of 1975 remained in force, including Security Council Resolutions 384 of December 22, 1975, which called on the Government of Indonesia to withdraw its forces from East Timor without delay, and Security Council Resolution 389 of April 22, 1976, which urged member states to cooperate with the United Nations in facilitating the decolonization of the territory.

#### **The Core Issue of Self-Determination**

Since the breakdown of the arrangements for a visit to the territory by Portuguese Parliamentarians in November 1991, and the Santa Cruz massacre of November 12, 1991, there have been four meetings of the Foreign Ministers of Portugal and Indonesia under your auspices. No progress has been made in addressing the issues of principle dealt with in the Resolutions of the Security Council and the General Assembly.

The Indonesian Government has stuck to their position that the annexation of the territory was validated by the vote of the "Regional Popular Assembly" of May 31, 1976, and that the process complied with the requirements of General Assembly Resolution 1541 of 1960. They claim that the members of this Assembly were chosen on the principle of one man one vote in the capital, Dili, and elsewhere they were appointed "in accordance with the tradition and identity of the people of East Timor." There is no evidence that any elections were held even in Dili. According to many Timorese who were there at the time, all the 37 members of the "People's Assembly" were hand-picked by the occupying forces.

The conditions for a free and fair election in Dili did not exist since many of those who would have been eligible to vote had fled into the countryside, and the town was under military occupation.

#### **Implementation of the Secretary-General's mandate under 37/30**

PET notes with satisfaction that in January 1994, that the Secretary-General instructed a team of Secretariat officials led by Director of Political Affairs, Mr. Francesc

Vendrell to visit Lisbon, Jakarta, East Timor and Australia to work out an initiative that will pave the way towards solving the core issue of self-determination. We welcome the fact that in Lisbon, Jakarta, East Timor and Australia, the mission held meetings with East Timorese groups to hear their views. In particular, we were delighted to know that the mission held a private consultation with jailed East Timorese resistance leader, Xanana Gusmão, in Cipinang Prison, Jakarta. This mission signals for the first time a move by the UN to consult East Timorese opinion, as required by Resolution 37/30.

#### **UN initiatives in East Timor**

The East Timorese people have suffered from war and foreign occupation for nearly two decades. It is high time for the UN to take concrete initiatives to bring an end to their suffering in the short-term in a way that will lay the basis for resolving the core issue of self-determination. PET feels that the time has come for specific moves to pave the way for a formal act to assess the views of the people regarding their future; to this end, PET recommends the following:

1. The Secretary-General should formally propose, to all the parties concerned, the withdrawal of the Indonesian armed forces from the territory, and the holding of a referendum under strict international supervision, in accordance with the Resolutions of the General Assembly and the Security Council. He should also propose the establishment of a temporary administration in the territory, to ensure that the registration of electors is conducted properly and that freedom of expression and of assembly is observed during the period leading up to the referendum.

2. Pending moves to deal with the core issue of self-determination, it is proposed that the UN establish a permanent presence in East Timor under the direct supervision of the Secretary-General's office, for the following purposes:

- (a) to oversee the demilitarisation of the territory and the removal of all heavy weapons and military equipment;

- (b) to enable the UN specialised agencies to take care of the humanitarian needs of the people;

- (c) to monitor the human rights situation in co-operation with the East Timorese church and independent Indonesian human rights NGOs such as the Legal Aid Foundation;

- (d) to restore to the people of East Timor freedom of assembly, freedom of association and freedom of expression.

It is recognised that the Indonesian Government would not take to these ideas immediately, but over the 18 years since the invasion, the absence of any sign of deter-

mination to uphold the principles of the United Nations Charter and of the Declaration on the Granting of Independence to Colonial Countries and Peoples has been a serious hindrance to progress.

In summary,

**It is recommended that the Special Committee in Conjunction with the UN Secretary General:**

(i) Make it clear to the Indonesian authorities that their compliance with the terms of the 1994 Chairman's Consensus Statement of the UN Human Rights Commission represents an important confidence-building measure needed, as an expression of their goodwill and recognition of the wishes of the international community.

(ii) impress upon the Indonesian authorities the need to allow free and unfettered access to the territory for parliamentarians, for journalists as well as for human rights organisations, in particular Amnesty International and Asia Watch.

(iii) urge the Indonesian authorities to release unconditionally all East Timorese political prisoners, whether tried or not.

(iv) press for the annulment of the manifestly unfair trial of resistance leader, Xanana Gusmão, and to secure his release so that he can play his rightful part in consultations to reach a solution to the question of East Timor.

However, respect for human rights is not enough. The people must be allowed to choose their own future.

Mr. Chairman, East Timor is the largest territory left on the agenda of this committee. The only reason it is still there is the intransigence of the Indonesian dictatorship. Ultimately, the solution will come from the people of Indonesia, many of whom have no wish to cling to East Timor. If Indonesians were allowed a real democracy, with all people free to speak their minds, I expect that East Timor would soon be free.

Mr. Chairman, I ask that this committee also listen to the Timorese voices that are pleading for their rights. The Special Committee on Decolonization has an opportunity today to take a step towards freedom for another colonised territory. I hope that you will take that step and help end the suffering of the East Timorese people.

Thank you.

## PAX CHRISTI INTERNATIONAL

*Presented by Tom Mahedy*

Pax Christi International would like to thank the Chairman and the Special Committee of 24 for this opportunity to present an intervention on the question of East Timor. Pax Christi International, the international Catholic peace movement, appreciates your efforts in working with the interested parties to implement the committee mandates.

The Universal Declaration of Human Rights and the United Nations General Assembly Resolution 1514 (XV) of 14 December, 1960 (on decolonization), and UN Security Council Resolutions 384 and 389 provide a basis for working for specific human rights, including the right to self-determination.

The United Nations Human Rights Commission continues to provide recommendations to investigate and prevent abuses against the Timorese people, including recommending use of the UN Special Rapporteur on Torture.

Pax Christi International supports all these UN efforts, including the use of the Secretary General's good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor.

Human rights organizations and all involved parties have a role to play in this process. Amnesty International's Feb. 16, 1994 report, *Fact and Fiction: Implementing the Recommendations of the UN Commission on Human Rights*, provides valuable documentation. It includes a Jan. 14, 1994 letter from Bishop Carlos Felipe Ximenes Belo of Dili, to a friend. He wrote: "With this letter I would like to let you know that torture continues in East Timor. On Jan. 4, 1994 in Dili, the military were waiting for a young man named Salvador Sarmiento, who is a student at the Pastoral Institute. When he left the classroom they took him, stuck him in a military vehicle and took him to a place where he was kicked, beaten, tortured until he was almost dead. Then they forced his parents, who are illiterate, to declare that they had seen their son participate in subversive meetings. With these kind of injustices, they want to force a declaration that Father Sancho Amaral is a priest who is against Indonesia."

A Pax Christi International intervention to the 50th Meeting of the UN Commission on Human Rights, Feb. 18, 1994, reported that witnesses interviewed by Mr. Max Stahl testified that survivors of the Nov. 12, 1991 Dili massacre were killed after being

taken to Wira Husada military hospital. The massacre has yet to be fully investigated.

Pax Christi calls for the release of all Timorese political prisoners, including Xanana Gusmão.

While a long term solution in East Timor is debated, initiatives can provide a foundation for mechanisms to deal with self-determination issues. Initiatives could include the honoring of commitments agreed to by the UN Human Rights Commission, access by UN Special Rapporteurs, Working Groups and Specialized Agencies, freer access to East Timor by International and Human Rights Groups, dialogue with Governments, nongovernmental and intergovernmental organizations, reductions in military personnel, and implementation of all international human rights instruments. UN sponsored dialogue should continue, but any serious proposal must include the Timorese people in the negotiations.

Let us work together in open and courageous dialogue to establish mechanisms to respect the religious and cultural traditions of the East Timorese people, and to protect their social, economic, and political rights, including the right to self-determination.

## EAST TIMOR ACTION NETWORK / UNITED STATES

*P.O. Box 1182, White Plains, New York 10602 USA. Tel. 914-428-7299 fax 914-428-7383. Presented by Charles Scheiner*

Mr. Chairman, distinguished members of the committee and guests, my name is Charles Scheiner, and I am coordinator of the East Timor Action Network. I am also the U.N. representative for the International Federation for East Timor, an NGO affiliated with the Department of Public Information.

Today, I am addressing you on behalf of the U.S.-based East Timor Action Network. We appreciate your taking the time to listen to us, and to other NGO's and individuals speaking here today. Over the past year, several organs of the United Nations have shown an increased interest in non-governmental views on the situation in East Timor, especially from the East Timorese people themselves. This is a positive development, and we hope that the perspectives and information gained from such meetings will help the United Nations move the process of decolonization to a successful and rapid conclusion.

The East Timor Action Network was formed a little over two years ago, following the mass murder outside the Santa Cruz cemetery in Dili. But the Indonesian military's killing and its occupation of East Timor have been going on for nearly two

decades. We fervently urge you to help push the Indonesian government into serious negotiations – beyond talks for appearance sake only. The three-stage peace plan advanced by the National Council of Maubere Resistance is an excellent framework to move the discussion process along. It is imperative that East Timorese representatives, as suggested by Bishop Belo and others, be included in the negotiations.

We realize that it will not be easy to move Jakarta. The recent banning of three major newsweeklies in Indonesia, combined with a wave of repression against labor activists and heightened arrests and terror against the East Timorese, demonstrate that the Jakarta government is feeling both international and domestic pressure. Unfortunately, they are responding by killing the messenger, by trying to suppress discussion and hide unpleasant realities. But cosmetics are no cure for cancer.

Last month, I had the privilege of attending the Asia-Pacific Conference on East Timor in Manila. Although Indonesia coerced the Philippine government into excluding several East Timorese leaders and world-renowned advocates for peace and human rights, more than 50 foreigners met with over 200 Filipinos for five days, discussing how to achieve self-determination and other human rights for the people of East Timor.

We had a very productive conference despite the clumsy efforts of the ex-Generals in Jakarta and Manila to prevent it. And what would have been just another calm discussion of East Timor, such as we are having in this room today, became a world-class news event because the blatant actions of the two governments so violated the norms of accepted civic behaviour. The casual observer could not but ask “What are they trying to hide?”

Mr. Chairman, this Special Committee knows what they are trying to hide. You, as well as other United Nations bodies, have heard 19 years of testimony and petitions from East Timorese people and others attesting to the gross inhumanity of the genocide and occupation. Special rapporteurs and envoys of the Secretary-General have gone to East Timor and reported on their findings; one was just there this week. Although today’s hearing will add some more information to your inventory, we hope that it will do more than that.

Action is the middle name of the East Timor Action Network, and we urge the United Nations to take some. For only the U.N. has universally recognized standards to measure political and human rights, standards which the Indonesian government has legally agreed to uphold. It is time to enforce those standards: East Timor should not have

to start a third decade under Indonesian military rule.

During the past year, the East Timor Action Network has grown to more than 1,500 members, with about 15 local groups around the United States. Using a variety of means and media, we have tried to inform as many North Americans as possible, both about East Timor and about the disgraceful role played by the United States in arming and supporting the Indonesian occupation since 1975.

As Americans learn about the horrible situation in East Timor, they become enraged and energized, and we help them channel their outrage into constructive work to change United States government policy.

It would be overly optimistic to say that U.S. policy has turned around; rather, it is in flux. Some in the Administration and in Congress defend the status quo and are reluctant to say anything that Indonesia might find uncomfortable. They are afraid of affecting American companies’ profits from trade, mining and weapons sales in Indonesia.

But an increasing number feel differently – they know that the violations of human rights and continued denial of self-determination for the people of East Timor are so blatant that it is inhuman to continue with “business as usual.” I would like to cite several events since the Committee’s 1993 session which illustrate that point.

- Since 1992, the Congress has prohibited all U.S. military aid to Indonesia, which involved Indonesia soldiers coming to the United States for training. Although the State Department has tried to circumvent the ban by continuing the training with Indonesia paying for it, the House of Representatives passed legislation last May which closes this loophole. The matter is still before the Senate.
- Last July, the State Department refused to allow the resale of four U.S.-made F-5E fighter planes from Jordan to Indonesia. They were responding to public and congressional pressure about East Timor. When President Clinton met with President Suharto in July in Tokyo, the two discussed East Timor and human rights in Indonesia itself.
- Over 150 members of the House of Representatives and the Senate have signed letters to President Clinton urging him to take action to support human rights and self-determination in East Timor.
- Last fall, the Senate Foreign Relations Committee unanimously approved Senator Feingold’s amendment which would link arms sales to Indonesia to human rights concerns in East Timor. Although the bill which included this amendment

never reached the full Senate, it marks the first time that Congress has tied arms sales to human rights violations in a specific country.

- After an extensive interagency review of U.S. policy toward Indonesia, the Clinton Administration now denies licenses for exports of light arms to Indonesia. Washington feels that these are the weapons which have been used recently to kill people in East Timor.
- Two weeks ago, the Senate Appropriations Committee approved legislation to prohibit the use in East Timor of all lethal weapons purchased by the Indonesian government from the U.S. government in the future. Although the measure was defeated on the Senate floor, it represents a marked increase in the willingness of Congress to openly confront Indonesia, and will be followed up by further activity this week or next.
- Other legislation approved by Committees and still in the Congressional process would challenge U.S. support for multi-lateral loans and non-humanitarian aid for countries with excessive military involvement in their economies or which falsely report their military spending. Indonesia has been the principal illustration of these problems.

The Indonesian government places a high priority on getting the U.S. government to overlook its repressive practices. Last April, the Asia Society hosted a conference on the U.S.-Indonesia relationship, underwritten by major mining and banking interests, and featuring Foreign Minister Ali Alatas, 30 other visitors from Indonesia and the entire U.S.-based Indonesian diplomatic corps. This event began an ongoing campaign to revamp the American people’s perceptions of Indonesia.

Nearly all conference participants believe that the problems are image, not substance. Few of the assembled corporate and political leaders seem able to comprehend that it is wrong to kill people and deprive them of their basic political and human rights, even if it doesn’t hurt the bottom line.

I’d like to close by quoting a political leader with long involvement in the East Timor issue. Daniel Patrick Moynihan, now a Senator from New York, was the United States Ambassador to the United Nations in 1975 and 1976. In his book, “A Dangerous Place,” he boasted that after Indonesia invaded East Timor:

*“The United States wished things to turn out as they did, and worked to bring this about. The Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook. This task was*

*given to me, and I carried it forward with no inconsiderable success."*

Senator Moynihan has since had a change of heart. Last March, he wrote constituents:

*"I share your concern for this longstanding violation of the Charter of the United Nations and for the human rights abuses which Indonesian troops continue to commit. Even Indonesia concedes that the people of East Timor have the right to "self-determination" and yet it refuses to permit them to exercise that right. And the killings continue, as when Indonesian troops slaughtered participants in a peaceful march at the Santa Cruz cemetery near Dili in 1991.*

*"I have repeatedly urged the Department of State to take a stronger stand on human rights in Indonesia and East Timor and I support the termination of all non-humanitarian aid to Indonesia. ...The time has long since come for the United States to take a tougher approach with the Indonesian government."*

I hope that my government listens the words of former Ambassador Moynihan, and that others who have been involved since 1975, especially in Indonesia, can follow his example.

The "Situation in East Timor," as we so glibly call two decades of invasion, occupation, genocide, murder, rape, torture and terror, will only be resolved when politicians and diplomats step back from their hardened positions and consider inalienable human rights and international law as something more than an problem to be explained away.

Ambassador Moynihan has done that. We hope that Minister Alatas and President Suharto can do so as well. This Committee and the entire United Nations bears major responsibility to advance the process of changing Jakarta's position, so that the East Timorese people can finally decide their own destiny in peace.

Thank you.

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## AGIR POUR TIMOR

*Translation from French. Presented by José Maria Albuquerque.*

Mr. Chairperson, Members of the Committee,

Founded in 1990, Agir pour Timor is a French organisation which aims to defend the right of the East Timorese people to self-determination. It submitted petitions to this Committee in 1991 and 1993.

The knowledge of the East Timor issue in France has been traditionally weak. Our initial priority was therefore to make public

opinion, the media, NGOs and personalities of our country sensitive, and to keep them regularly informed of developments.

At the beginning, our action received an echo mainly from the Portuguese community in France – the most important expatriated Portuguese community. We saw however other organisations become increasingly attentive to the issue and we can, this year, inform the Committee of an initiative grouping 12 French NGOs, the Campaign "4 months for East Timor."

Launched in March 1994, this campaign aimed to "turn on the spotlight" on East Timor, prior to the meeting of the Consultative Group on Indonesia (CGI) which was held in Paris last week. Excluding our association, the participating organisations are:

- Peuples Solidaires, an organisation of solidarity with the peoples of the South;
- France Libertés/Fondation Danielle Mitterrand;
- the International Federation of Human Rights Leagues;
- CIMADE, an international solidarity organisation;
- Justice and Peace;
- the Third World Information Network (RITIMO);
- CRID, a collective grouping 35 development and solidarity NGOs;
- the Co-ordination of Portuguese Collectivities in France (CCPF);
- the National Union of Secondary Teaching (SNES);
- the Unitary Syndical Federation (FSU);
- the General Confederation of Work (CGT).

Here are some details on the conception of this campaign. Hints for action were given, but the mode of functioning was left to each participating organisation, according to its own sensitivity and possibilities. Each one at least published an article on East Timor in its bulletin; some called on the activism of their members for sensitization actions or fundraising for East Timorese students in Indonesia; others wrote the Indonesian embassy or held a press conference.

But the Campaign in itself also had an information action, by making documentation available and publishing a "campaign bulletin" sent to active components of the public opinion (NGOs, unions), militants, a number of journalists, and to the members of the France-Indonesia (National Assembly) and France-South East Asia (Senate) Friendship groups. Two text and photo exhibitions on East Timor are currently circulating in France. Finally, the Campaign addressed participants of the INFID (development NGOs on Indonesia) conference, the Indonesian embassy, the French Ministry of Foreign Affairs...

If echoes of the Campaign in the main press were modest, it received a wide support from other organisations and on the ground. We can mention Reporters Without Borders, the Federation of National Education, 8 groups of help/support to the Tibetan people, the Corsican anti-racist collective Ava Basta, Tribal Act, ICRA International... Several groups and activist media mentioned the campaign, which yielded many queries from individuals wishing to act locally. Information actions thence took place in more than 20 cities in France, including Aix-en-Provence, Angoulême, Argenteuil, Aubervilliers, Bourges, Caen, Cannes, Clermont-Ferrand, Dijon, Dunkerque, Grenoble, Le Mans, Lille, Lyon, Nanterre, Paris, Plouzare, Versailles, Verson...

Besides its action towards the "civilian society," one of the most important successes of the Campaign is the beginning of an awareness of French parliamentarians. For the first time since 1986, a senator (from the government's majority) asked the Foreign Minister a written question on "the violent repression committed by Indonesia in the occupied territory of East Timor," asking "what steps France is undertaking to guarantee the protection of persons and respect of international law in this territory." Other parliamentarians wrote the Campaign to inform it of their attention. This stir in a national parliament little concerned until now bodes well for the future.

This panorama, finally, would not be complete if we did not point to other groups which, without participating the Campaign, have a parallel action for East Timor. We can notably mention Amnesty International and the Action of Christians for the Abolition of Torture.

This qualitative and quantitative leap of solidarity with the East Timorese people in France does not take place in an isolated manner. For three years, the renewal of consciousness and commitment worldwide is undeniable, most of the time from activist circles, sometimes in the media, still very rarely at the level of governments. Such an evolution gives us the hope, still an utopia a few years ago, that the East Timorese people will at last be able to exert its right to self-determination in a near future. But this feeling of progress should not mask international obstructions, the lack of good will from the Occupying Power and the fact that the human rights situation does not become better in the territory.

We shall not develop the last two points, knowing that the Committee will certainly be informed on them by other petitioners. Concerning the first, we have to lament before this instance the immobility and bad faith of the French government. True,

France does not recognise the annexation of East Timor by Indonesia, as successive governments have stated several times. True too, the French diplomacy does not any more feign to ignore the massive human rights violations and recognises the seriousness of the situation. True, finally, the Deputy Foreign Minister of a former government and the President of the Republic expressed their "concern" to Indonesian authorities, and France voted – not wholeheartedly – the 1993 resolution of the Human Rights Commission concerning East Timor.

But no pressure is made by our country on Indonesia to have it put an end to its human rights violations, not to mention conforming to international law. Much worse, the Foreign Ministry explicitly considers that it is not "opportune" to link economic aid to the respect of human rights, even though this link was requested by the Council of Foreign Affairs Ministers of EC countries in a statements already dating back to November 1991.

This refusal of any concrete action is of course due to the economic interests of our country. According to a French diplomatic source, 98% of development aid in 1992 was a disguised subvention to national investment in the country: Alcatel, Alstom, Dumez. But France is also one of the main providers of arms and military equipment to Indonesia: Puma helicopters, notably, are fabricated there under licence. Quite recently, twenty light cannons of type 105 LG were sold by GIAT for US\$ 17 millions. France is very present in Indonesia in the domain of telecommunications, part of which has been provided to the Army.

Indonesia has no known enemies, real or potential. Arms sold to this country can therefore be used only for repressive, counter-insurrectional or offensive aims, e.g. in East Timor. It is known, thanks to precise inquiries of the British journalist John Pilger, that development aid given by the United Kingdom goes together with arms sales (Hawks planes). Knowing this example, who can guarantee it is not the same with France?

To conclude this petition, we cannot do less than repeat suggestions made last year to this Committee:

- That this Committee provide, as far as possible, information to the public on its action in favour of the right of the people of East Timor to self-determination.
- That this Committee exclude Indonesia, as a member, from any decision process concerning East Timor, by the principle of law that one cannot be judge and party at the same time.

- That this Committee recommend the Secretary General to do whatever is in his power to obtain the release of Xanana Gusmão, as a symbol of the East Timorese resistance movement, without neglecting to act for the release of the other East Timorese political prisoners.
  - That this Committee recommend the Secretary General to make public the two reports of Mr. Amos Wako.
- We thank you for your attention.

## BRITISH COALITION FOR EAST TIMOR

*Presented by Richard Koch*

Mr. Chairman and Honourable Members,  
Since the Santa Cruz massacre in 1991, the issue of East Timor has reestablished itself firmly on the international agenda. This fact has been reflected in new diplomatic initiatives. In January this year Francesc Vendrell, the Secretary-General's Director of Political Affairs, and Tamrat Samuel visited Lisbon, Jakarta and East Timor: In Jakarta they visited Xanana Gusmão in prison; In East Timor they had discussions with Bishop Belo and other East Timorese. For the first time the Secretary-General's mandate from the 1982 General Assembly resolution 37/30 to 'consult with all parties directly concerned' was being put into practice. After their May talks the Foreign Ministers of Portugal and Indonesia informed the Secretary-General of their readiness to meet leading East Timorese supporters and opponents of integration respectively, a potentially ground-breaking initiative.

It is then, sad to note that in Paris last Friday (July 8), the donor nations that make up the Consultative Group on Indonesia (CGI) yet again decided to increase aid to Indonesia for the next year to a record \$5.2 billion. This is surely the most explicit evidence of western nations' double standards – expressing hope that Indonesia's record on human rights will improve while doing nothing that might actually pressurise Jakarta to change its ways.

The record of the British government is particularly shameful. Following the showing of John Pilger's documentary *Death of a Nation: The Timor Conspiracy* there has been a massive upsurge both in press coverage and in popular concern for East Timor. The British Foreign & Commonwealth Office (FCO) however, remains unmoved by public opinion and continues to give identical stock answers to the questions of MPs and general public alike. Instead it prefers to propagate Indonesian falsehoods such as the 'refutation' of evidence of a second massacre on 12 November 1992 at the Wira

Husada Military Hospital by 'one of East Timor's most prominent priests.' This priest was Marcus Wanandi, an Indonesian assigned to 'assist' Bishop Belo. One of Wanandi's brothers is the business partner of President Suharto's daughter in 'tourist development' in East Timor; the other, Jusuf Wanandi, was a BAKIN agent whose role in *Operasi Komodo*, the plan to integrate East Timor, was to drum up diplomatic support in the United States and Western Europe. Bishop Belo has since affirmed that the second massacre did take place.

Although the FCO is always 'grateful for their interest,' members of the British public apparently make 'a mistake to confuse past history with today's realities'; and are 'wrong to suggest that widespread abuses of human rights persist in East Timor.' The FCO is 'encouraging Indonesia to live up to its human rights obligations.' There is much evidence to the contrary. Last June, FCO officials fostered the impression that the government was pushing for International Red Cross access to political prisoners. A 'restricted access' telex from the British Embassy in Jakarta stated the opposite, that external pressure would contribute little. An internal memo described letters in response to questions on the subject as 'for stonewalling.'

The FCO's main energy has been devoted to defending 'its own clear policy on arms sales to Indonesia' especially concerning the sale of Hawk jet fighters worth £500 million, finally confirmed last June after months of denials. This policy is based on the right to self-defence under article 51 of the United Nations Charter. 'This is a right we claim for ourselves and it would be inconsistent and discriminatory to deny it to others.' Actually the British government denies that right to Bosnia. There is no conceivable threat to Indonesia from any of her neighbours. The expansionist power in the region is Indonesia. In the early sixties Jakarta's policy of *konfrontasi* posed a very real threat to Malaysia's sovereignty; in 1963 Indonesia occupied West Papua, and in 1975 of course, invaded East Timor. Supplying Indonesia with arms stokes a regional arms race, irrespective of the moral and legal considerations. The FCO's 'own clear policy' also undermines initiatives such as that last August by the United States government to block the sale of F-5E jet fighters from Jordan. Indonesian generals simply said that they would buy from Britain or France instead, having already ruled out buying from Russia.

The FCO has moreover a whole arsenal of secondary justifications for the sales. It says it has an assurance that the Hawks will not be used against civilians – in 1984 it said



that it did *'not normally seek assurances which can offer no reliable guarantee about the uses to which the equipment might later be put.'* The shadow Foreign Affairs spokesperson wrote to Foreign Secretary Douglas Hurd on 28 October 1993 to spell out just what those assurances were. He has still not received a reply.

The FCO says that *'the government would not licence for any export any defence equipment likely to be used for internal repression.'* Other ministries admit though that the siting of equipment is a matter for the purchasing country and that it is not practical to monitor their use once it has reached its destination. The FCO says that the Hawks that Indonesia has and is purchasing are trainers. This contradicts Airforce Chief of Staff Marshall Sukardi's announcement in January 1985 that Hawks delivered in the early eighties were serving in the new airforce *'for purposes of advanced training and tactical combat.'* Similarly Indonesia's Minister of Research and Technology, Dr. Habibie, said on 17 April 1994 that the new Hawks *'will be used not only to train pilots but also for ground attack.'* The FCO's assertions of the impossibility of converting the trainer version of the Hawk to the full ground attack version are blatantly contradicted by British Aerospace's promotional literature.

These are just so much more 'stonewalling.' The British Coalition for East Timor's concern is not about the particular use of any individual item, but rather the 'seal of approval' that our government gives to the Indonesian armed forces (ABRI). Despite its role in the genocide of the East Timorese people, the British government effectively says that ABRI are responsible and trustworthy. Eye-witness testimony of East Timorese about the use of Hawks in the bombing campaigns in the east of the island during the mid-eighties is dismissed out of hand as *'not cast-iron'*; Indonesian propaganda is accepted at face-value. *'I think those making such allegations would have to do a bit better. We've said that we are ready to consider hard evidence that Hawks are being used for repressive purposes in East Timor, but no-one has come up with any.'* says Junior FCO Minister Alistair Goodlad. The FCO will not though give a categorical assurance that Hawks have not been used in East Timor.

Mr. Goodlad also claims that Indonesia is reducing its troop levels to the average strength for a small province (a claim that Indonesia seems to make every year). However this is not borne out by the report of the British military attaché who visited East Timor last November whose 'hard evidence' reveals a very different side of East Timor than that passed on to members of the pub-

lic (The report was headed *'Confidential... not, repeat not, intended for use in the press'*). He asked the local commander in Dili, Colonel Lumintang, about Indonesian military strength in East Timor. The commander eventually admitted the presence of ten battalions which are rotated every nine months. He gave no timetable for withdrawal but hoped to *'have it all under control in 1995'* with only *'indigenous battalions'* left. Of his meeting with East Timor's deputy governor the military attaché remarked: *'The lasting impression was of petty provincial bureaucracy devoting more effort to the production of statistics than the administration of the province.'*

Along with officials from other embassies, the British military attaché insisted on visiting the Santa Cruz cemetery. *'[We] were keen to judge whether the shootings there two years previously might have taken place because the area was restricted with no exits along which the demonstrators could have been dispersed. [We] observed that there were at least four exits and that the cemetery walls were not high... This physical layout should have allowed well-trained troops to disperse a demonstration with little bloodshed.'* [source: John Pilger, *New Statesman*, 3 June 1994]

Britain's diplomatic tolerance of Indonesia over East Timor dates back to the events surrounding the invasion. In July 1975 the British Ambassador in Jakarta suggested that London lie low and *'avoid siding against the government'* as it was *'in Britain's interest that Indonesia should absorb the territory as soon and as unobtrusively as possible.'* By 1985 Indonesia had become the biggest recipient of British aid outside the Commonwealth. Since 1991 diplomatic activity has stepped up dramatically with numerous ministerial visits and trade missions – aid, mainly in the form of Aid and Trade Provision projects, has been lavished on Jakarta. On 7 April 1994 Alistair Goodlad announced a 'soft loan' of £80 million, a large part of which will cover spending on telecommunications. It is no coincidence that the companies providing this 'aid' are the same companies supplying the Indonesian military with communications, radar and electronic equipment. This follows last year's £65 million 'soft loan' agreed by Douglas Hurd for a power-generating plant in Kalimantan, where British mining companies have substantial interests. Not only are such agreements tied to British trade, they are typically channelled towards top-down infrastructural development projects which benefit large scale British investment projects, rather than encouraging development by local people.

This 'conditionality' is a long way from the conditionality that Douglas Hurd was espousing in 1990 and 1991:

*'Countries tending towards pluralism, public accountability, respect for the rule of law, human rights and market principles should be encouraged. Those who persist with repressive policies or corrupt management... should not expect us to support their folly with scarce aid resources which could be better used elsewhere.'* [Speech at Overseas Development Institute, 6 June 1991]

By August 1991, this view had crystallised into three principles of good governance that Douglas Hurd suggested should be applied to the EC budget:

1. Respect for human rights and the rule of law
2. Pursuit of sound economic and social policies
3. Competence and accountability of government institutions

Even at that time aid agencies suggested that small and unimportant countries would be made an example of, while the transgressions of larger states such as Indonesia would continue to be overlooked. Their predictions proved correct. Conditionality of aid has since been ditched, luckily for Indonesia, since it would not pass any of the above principles. The Santa Cruz massacre and the resulting trials of both soldiers and demonstrators clearly demonstrated the Indonesian regime's total lack of respect for human rights and the rule of law, as if there did not already exist ample evidence of that throughout the Indonesian archipelago. The recent banning of the only free trade union is yet another nail in the coffin of Indonesia's 'sound economic and social policies.'

The centrepiece of Indonesian government's policy of openness, *keperbukaan*, is supposedly the 'free' media. The revoking of the licences last month of three magazines and threats to numerous others because they published unpalatable truths merely confirms the pattern of contradiction between the government's stated policies and its actions. *'Is the government so weak that a few articles can shake government stability?'* asked Aristides Katappo who himself had been previously banned. Interviewed last month in one of the last editions of *Editor*, the courageous academic George Aditjondro articulated another unpalatable truth: *'The issue of East Timor has been maintained since 1975 at the UN, meaning that it is very durable. Just as durable as the question of Palestine. This is really a problem.'* More and more Indonesians are beginning to grasp this – in Jakarta leading human rights activists Haji Princen, Adnan Buyung Nasution and Hendardi, all told Vendrell's

mission that East Timor's self-determination is integral to the human rights situation there.

Mr. Chairman,

The Indonesian government has said that it wants dialogue, but it has imprisoned Xanana Gusmão, lied about his supposed appeal for clemency, is attempting to split the Timorese resistance abroad, persecutes those Indonesians who dare to speak the truth about East Timor, and commits yet more human rights abuses as it continues its genocidal occupation in breach of eight General Assembly resolutions and two Security Council resolutions.

Finally the British Coalition suggests that the members of the Indonesian delegation ask themselves what Indonesia has to fear of an independent East Timor? The words of a statement to the Indonesian Bishops' Council on 10 November 1974, of which George Aditjondro was one of its authors, still have an uncanny resonance today:

*'If people think that the independence of Portuguese Timor would represent a threat to the existence of the Republic of Indonesia, then it is obvious that something is not right in our Republic.'*

Thank you.

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## INTERNATIONAL PLATFORM OF JURISTS FOR EAST TIMOR

*Secretariat: Gruttohoek 13, 2317WK Leiden, The Netherlands. Phone and Fax: (31)-71-221065 Email: ipjet@antenna.nl*

### Statement by Pedro Pinto Leite, Secretary-General of IPJET

Mr. Chairman, distinguished Delegates:

The International Platform of Jurists for East Timor wishes to convey to this Committee its concern on the very critical situation taking place in East Timor. For more than 18 years the government of Indonesia has denied the East Timorese their right to self-determination. Now it is clear that Jakarta is losing its infamous war. Similarly to many colonialist regimes the generals of Jakarta are aware of their defeat and intensify the repression in the occupied territory. We urge the United Nations to intervene actively to stop that repression.

I had stated that the Government of Indonesia is losing the war in spite of the abyssal difference of military forces. After many promises Indonesia has not withdrawn its forces from the territory and keeps an occupation army of more than 10,000 men. On the other hand the Timorese armed resistance does not surpass one thousand fighters. The fact is that the

Indonesian military in these 18 years has been unable to crush the Timorese resistance. That in itself is already a defeat.

But the Indonesian regime is losing the war in many other fronts. Jakarta planned to win the hearts and minds of the new generation of Timorese, those who did not witness the invasion and the subsequent massacres until the end of the 70s. This proved to be wrong. The massacre of Santa Cruz shows that the Timorese youth is willing to fight for freedom. They refuse to be Indonesian, including the few that are being educated in Jakarta. The Javanese colonialists did not learn the lessons of Ho Chi Minh, Amilcar Cabral or Agostinho Neto. But the young Timorese did, and that is why they will lead their country to independence.

The Indonesian administration realizes its failure, and thus increased the repression against the youth and students. During the last months killings, detentions and trials have occurred in East Timor and in Indonesia. Two months ago in the locality of Uelau the military murdered by machine gun fire an unarmed young boy named Marcelo. After playing with his dead body they threw it into a river. In early May eleven persons were arrested for previously demonstrating in Dili before foreign journalists. At least three of them were sentenced to prison for 20 months for allegedly having "planned actions of hostility and hatred against the Indonesian government." In June two young Timorese were sentenced to prison for three years for raising the flag of Fretilin. In May two other Timorese, Antonio Soares Araujo and José António Neves, were arrested in Malang in East Java. José António is one of the leaders of RENETIL, the Maubere students' resistance movement. He has phoned or faxed IPJET's Secretariat several times to denounce the detention and torture of Timorese. I still remember his calm and courageous voice denouncing the crimes of the Indonesian authorities. Like others, he is now facing prison and torture. IPJET urges this Committee to intervene and seek his release since this case involves the violation of the right to self-determination. We also hope that the UN Special Rapporteur on Summary and Arbitrary Executions, who is visiting East Timor, has been able to investigate the massacre of Santa Cruz and those which followed, including the aforementioned barbarous killing of Marcelo.

Mr. Chairman,

Another area where the Indonesian regime is losing the war concerns religious beliefs. There is no religious war in East Timor. However, the generals have created an artificial religious problem. They forced the East Timorese who were animists to

choose one of the five officially accepted religions and are building mosques everywhere in the territory with the expectation that the East Timorese would choose the Islamic religion. Jakarta hoped that with a majority of Muslims, integration would be facilitated. However, the East Timorese chose Catholicism which became another form of protest against the occupation. Most of the Catholic priests in East Timor are allies in the political and cultural resistance to the invader. Bishop Carlos Ximenes Belo is one of the best examples. During interviews in the last months with foreign journalists and parliamentarians who visited him, he has reaffirmed his support to a UN-supervised referendum in East Timor. As you certainly recall, he appealed for a referendum to Mr. Perez de Cuellar in a letter dated February, 1989.

In reply, the Indonesian military have augmented the repression on the clergy in East Timor. Many priests have been threatened and persecuted. Bishop Belo is also being a victim of such persecution. Recently, he told a visitor how the Indonesian military had tried twice to assassinate him. Just a few days ago, Agence France Press reported that soldiers committed sacrilege in a Catholic church by stamping on sacred communion wafers. Such gratuitous act reveals the desperation of the military before this particularly sensitive defeat.

The Indonesian regime is also losing the war on East Timor at home. For years, due to the curtain of silence around East Timor and the censorship of the media, the Indonesian Government managed to keep its own citizens ignorant about what was going on in the occupied territory. The tables turned after the massacre of Santa Cruz and the trial of Xanana Gusmão. More and more Indonesian personalities and organizations are publicly questioning the occupation of East Timor. One of the leading figures in this anti-colonialist movement is Dr. George Aditjondro, of the Satya Wacana Christian University, in Salatiga. Taking into account these developments some Indonesian newspapers increased their reports on East Timor.

Again, a new wave of repression was the government's reaction. As you know, many people have been arrested these last weeks in Indonesia for expressing opposition to the military dictatorship. Others, like Dr. Aditjondro, were repeatedly threatened. On June 21, the government shut down three influential magazines (Tempo, DeTik and Editor). Six days later the detention of dozens of civic leaders was ordered during a non-violent protest against this censorship.

According to the New York Times, "Diplomats and human rights advocates said the closing of the magazines was the most

serious blow to freedom of the press in Indonesia in decades ... " (NYT, 6/23/94). IPJET welcomes the quick reaction of the American press and the very recent and strong protest of many organizations, like Friends of the Earth, National Wildlife Federation, Robert F. Kennedy Memorial Center for Human Rights, Greenpeace, Lawyers Committee for Human Rights and Human Rights Watch/Asia.

Finally, the Indonesian dictatorship is also losing the war in the diplomatic front particularly in ASEAN and in other countries of their own region. In Bangkok, more than a hundred Asian human rights organizations have made a strong appeal for the self-determination of East Timor. In Manila, the Asia-Pacific Conference on East Timor, of which IPJET was a co-convenor, has reached the front pages of many Philippine newspapers for three weeks despite of desperate attempts by Jakarta to stop it. Other petitioners will certainly elaborate on the significance of the Manila conference and its conclusions. Just two weeks ago, in Kuala Lumpur, a special forum on East Timor organized by a group of 30 NGOs, criticized the governments of the ASEAN countries for tolerating human rights violations like those in East Timor. We heartily welcome the recent words of Hussein Ali, president of the opposition Malaysian Popular Party: "Every thing is done in the name of the solidarity between ASEAN members, but ASEAN should not be used to conceal human rights violations and genocide." The also recent and also laudable stance of the Parliament of New Zealand, demanding the right of self-determination for East Timor, signifies another defeat for the Indonesian diplomacy.

Mr. chairman,

In IPJET's petition of 1991 I welcomed the success achieved by the Namibian and the Saharwi peoples in their struggle for self-determination. Last year, I witnessed the Eritrean independence. Those cases confirm a future solution for the question of East Timor pursuant to the rule of Law. I am very glad to be able to add the name of South Africa to that list now. The apartheid regime implied also a clear violation of the right of the people of South Africa to self-determination. During many decades, as with Namibia, the Western Sahara and Eritrea, colonialist forces were repeating that the situation in South Africa was irreversible. ANC and the anti-apartheid solidarity movement knew better. Until very recently, Nelson Mandela was a political prisoner; he is now the president of a new South Africa.

IPJET initiated an appeal addressed to the UN Secretary-General urging him to intervene and exercise his influence in order to obtain the immediate and unconditional

release of Xanana Gusmão and of all other detained East Timorese. We have collected 1,873 signatures from mainly legal professionals, government officials and public figures of around 40 countries from all the continents. Among them are 50 parliamentarians, two former foreign ministers, diplomats, judges of Supreme Courts, bishops, heads of universities and law schools and leaders of more than 30 NGOs. I hereby deliver to you, Mr. Chairman, the product of this appeal. As Nelson Mandela, Xanana Gusmão has to have the main role in the solution of the East Timorese problem.

As the Economic and Social Council stated in paragraph 2 of its resolution 1978 (LIX) of 31 July 1975 (a few months before the Indonesian invasion of East Timor), "the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the struggle of colonial peoples to achieve freedom and independence entails, as a corollary, the extension by the United Nations system of organizations of all the necessary moral and material assistance to the peoples of the colonial territories and their national liberation movements." Now that the problem of East Timor is reaching a decisive moment, I am confident that this Committee will promote a stronger assistance of the United Nations Organization to the martyred people of East Timor.

Thank you so much.

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### ASIA-PACIFIC COALITION FOR EAST TIMOR (APCET)

*Honorary Chair: Bishop Aloisius Nobuo Soma; Coordinator: Augusto N. Miclat, Jr.*

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*Presented by Lita Killup.*

Mr. Chairperson and honorable members, We thank you for allowing the Asia-Pacific Coalition for East Timor (APCET), as represented by its secretariat based at the Initiatives for International Dialogue (IID), to convey the collective voice of representatives of the peoples in the Asia-Pacific who wish to see the dawn of freedom in East Timor.

APCET is a fresh initiative among civil libertarians, non-governmental organizations (NGOs) and people's organizations (POs) in the Asia-Pacific. It is a formation that seeks to articulate the burgeoning fellowship

among peoples in the Asia-Pacific with the embattled people of East Timor.

The coalition is temporarily based at the offices of the Initiatives for International Dialogue, an independent Filipino international NGO working for South-South solidarity. IID was instrumental in organizing the recent Asia-Pacific Conference on East Timor.

Giving impetus to the birth of APCET is the indifferent, nay, amoral attitude of our governments with regard to East Timor. Political leaders in the Asia-Pacific region have chosen to remain silent to the patently illegal annexation of East Timor by the Soeharto military regime albeit relevant UN resolutions asserting the contrary. This duplicity has emboldened Indonesia to flay its power in the region and bully its neighbors.

This was starkly displayed when Soeharto recently arm-twisted the Philippine government on the Asia-Pacific Conference on East Timor. Indonesia threatened to withdraw billions of so-called potential investments in the Philippines. Seeking to appease Jakarta, Philippine president General Fidel V. Ramos moved to ban all foreign delegates to APCET. They even deported Nobel Peace awardee Mairead Maguire and included in the banned list the French First Lady Danielle Mitterand. Ramos' government capitulated to the extent of carelessly using subterfuge to bring about a court order banning the conference anywhere in the Philippines.

But the Filipino people and the peoples of the region were not to be denied their rights. We defied and asserted as the Supreme Court allowed the conference to proceed.

Indonesia's bullying of the Philippines and the latter's submission unleashed a diplomatic furor never before experienced among ASEAN states. The row was extensively covered by the international media. Instead of putting a lid over Indonesia's illegal occupation of East Timor, Indonesian pressure on the Philippines served to unravel the lie it sought to perpetuate particularly among the peoples in the Asia-Pacific.

Even in South-East Asian countries, East Timor was relatively obscure and isolated. During the Manila conference on East Timor, the barbarity and callousness of the Indonesian military regime's invasion and subsequent occupation of the territory was laid bare before its Asian neighbors.

These facts presented before APCET were stark and indisputable. No doubt, they have not escaped your attention. No doubt, they have been presented before you many times over by the seemingly countless discussions on the East Timor question. Thus we do not wish to numb you with the

number of East Timorese who were murdered due to what Indonesia terms as their "common brotherhood." Nor do we need to remind the committee of the thousands of East Timorese who continue to bear the yoke of Soeharto's military oppression and exploitation.

But the peoples of the Asia-Pacific were horrified by what the conference revealed. To the representatives of peoples organizations and NGOs in South-East Asia, it was hard to comprehend how Soeharto and his military could murder 200,000 East Timorese and still hide this dastardly act from his neighbors. Disgusting too is that governments in the region chose to swallow the lie peddled by the Indonesian government. But what was most appalling was the apparent ineptitude of the United Nations to discipline a so-called leader of the Non-Aligned Movement, Indonesia.

The United Nations was swift in its action against Saddam Hussein and was effective in its peace-keeping role in Angola, Namibia, and Cambodia, not to mention its peace-making efforts in Nicaragua and El Salvador. APCET is therefore baffled by the UN's apparent idling on its task to resolve the conflict in East Timor. Compounding this perplexity is the fact that the General Assembly has already entrusted the Secretary-General with specific tasks as regards the status of East Timor as a non self-governing territory.

Even then, while we question the United Nation's apparent dilly-dallying and inutility on the East Timor question, we also recognize its ability to enforce the consensus of the General Assembly on other fronts especially on the issue of non self-governing territories. (This is actually what behooves us!) We take cognizance of a number of such territories that have won the right to determine their own future in recent years with significant assistance from the UN.

The UN knows its obligation to enforce the sovereign right of the East Timorese people to design their own destiny. For certain, the United Nations will have to enforce the two Security Council resolutions and the eight others that were passed by the General Assembly in favor of East Timor in the soonest possible time.

Governed by this circumstance, we appeal to this honorable body to not only cast its attention to the proceeding themes but to sink their teeth to them as well. These are the requirements recognized by the Coalition as essential to the preservation of the East Timorese nation. We pray that the Committee take cognizance of the urgency of resolving the East Timor question and take the following recommendations as part of the steps that the UN shall undertake:

#### **CEASEFIRE AND REFERENDUM**

An immediate ceasefire between FALINTIL and the Indonesian occupying forces including complete demilitarization of East Timor must be implemented and a genuine peace process should be set in motion. While this is underway, a fair and honest referendum must also be held to determine the will of the East Timorese. All these must be done under the direct supervision of the United Nations.

While the UN is indispensable in executing such measures, the sentiments of the representative organizations of the East Timorese people must be given primary consideration. In this regard, the coalition expresses its support to the Peace Plan which was drafted by the National Council of Maubere Resistance (CNRM) and initiatives towards self-determination advanced by other genuine East Timorese groups.

#### **RELEASE OF POLITICAL PRISONERS**

Steps must be taken immediately for the release of all East Timorese political prisoners. This call should be taken as part of a package of confidence-building measures. Among those who should be immediately freed is Kay Rala Xanana Gusmão, Chairperson of CNRM and Commander-in-Chief of FALINTIL.

Freeing Mr. Gusmão is essential to the resolution of the conflict. He must be given a direct role in any negotiations regarding East Timor. Xanana Gusmão must assume a leading role in the East Timorese panel that will negotiate with the Indonesian government.

#### **ON THE SITUATION OF WOMEN**

APCET enjoins the UNHRC Special Rapporteur on Torture to seek and heed the voices of women in East Timor regarding atrocities against them, including sexual violence such as rape, being perpetrated by the Indonesian military in East Timor.

Likewise, Indonesia's forced birth control program and its aggressive family planning program should be investigated. The coalition views these measures with alarm in the light of reports that these are being used to terminate population growth among the East Timorese. The UN should also inquire into allegations that these measures are part of the "transmigration" program of Indonesia. Under this scheme, the rich culture and heritage of the East Timorese people will be obliterated.

To achieve the above recommendations, the United Nations should do everything within its mandate to expand access inside East Timor. Indonesia has already promised this to human rights and humanitarian organizations, media, and the UN special rapporteurs.

APCET enjoins the committee to take an expedient examination of the preceding propositions. It is further suggested that such measures be taken as part of the specific components of the Secretary-General's report to the General Assembly. APCET fervently hopes that by doing this, the conflict in East Timor will be squarely addressed in the General Assembly's action plan to free all colonized people's by the 21st century. This will be a fitting accomplishment in this Decade for the Eradication of Colonialism.

Enacting them is certainly complex and difficult. The interests of the leaders of the world's biggest Muslim country obstructs the way. But isn't this the kind of dilemma that gave impetus for the establishment of the United Nations? To give all countries, big and small, powerful and powerless, strong and weak, equal opportunities before the bar of world opinion? Isn't it the UN's mandate to impose the full weight of international law upon recalcitrant states with the same dispatch and concern it did during the Gulf War?

The effectiveness of the United Nations rests upon common grounds that its member states are able to achieve. It was understandable then that finding such commonality was frustrated by the superpower rivalry which dictated the contours of international as well as regional politics during the Cold War era. The world has since regained that opportunity. However, the "end" of East-West tensions have instead only served to highlight regional conflicts caused by regional bullies like Indonesia.

The UN General Assembly and the Security Council have already spoken. It is time to apply the UN Decolonization Declaration in East Timor. Resolutions from both bodies attest so. What remains to be mustered is the political will to apply these resolutions and exercise the mandate bestowed by the UN Charter upon the member states to help colonized peoples gain their inalienable right to self-determination.

Yet despite the world's condemnation of its illegal occupation of East Timor, Indonesia adamantly clings to its claim over the territory. It has chosen to ignore the United Nations. It has chosen to ignore worldwide public opinion. It has chosen to run roughshod and blackmail its neighbors and force them to kowtow, nay, kneel to its demands.

We cannot, should not, allow this to happen.

Surely, it is the apex of hypocrisy for the United Nations and regional bodies such as ASEAN to tolerate the continuing persecution of the East Timorese while at the same time heaving a mouthful for peace and disarmament.

How much longer will this tragedy continue?

The answer is lurking somewhere within the halls of the United Nations.

The answer, partly, if not totally, actually rests upon this body's will.

Thank you very much.

## PHILIPPINE SOLIDARITY FOR EAST TIMOR AND INDONESIA

*c/o PCISP, 3-B Potsdam St, Cubao, Quezon City, Philippines; Telephones: 912-0346/912-8093; Fax 922-8069 / 921-6774*

We, the Philippine Solidarity for East Timor and Indonesia (PSETI),

Denouncing the amoral maneuvers of our very own government to stop the holding of the Asia-Pacific Conference on East Timor (APCET) for fear of damaging official Philippine-Indonesian relations,

Decrying the hypocrisy and insincerity of the Ramos government with regard to freedom of speech and assembly and respect for human rights,

Subscribing to the just cause of the East Timorese peoples for self-determination and recognizing East Timor as a sovereign nation and neighbor in the same South East Asian region,

Strongly condemning the orchestrated genocide and obliteration of the Maubere people and culture by the Suharto government and its continued illegal occupation of East Timor in utmost defiance of UN resolutions,

Strongly concerned over the unabated plunder of East Timorese human and natural resources by Indonesia, Australia and other non-East Timorese interest groups,

Strongly denouncing Indonesia's forced mass sterilization of East Timorese women and other acts of atrocities against them,

Alarmed by Indonesian policy to deny representatives of human rights and other international humanitarian and aid formations, media practitioners, church representatives and other relief and mercy missions and delegations access to East Timor,

Declare our solidarity with the East Timorese peoples and reiterate our firm belief in the justness of their cause for self-determination

Strongly reject and protest the ploy to treat the East Timor question as an issue internal only to the Suharto government on grounds of its amoral claims to it as its 27th province.

Renew our commitment to the universality of human rights, particularly in the Philippines, East Timor and Indonesia,

Affirm our support to the peace proposal of the National Council for Maubere Resistance (CNRM),

Strongly support the demand of the CNRM for the full involvement and participation of the East Timorese peoples themselves in any negotiations towards the just resolution of the East Timor question,

Demand the release of Fretilin leader, Xanana Gusmão and all other political prisoners languishing in Indonesian jails,

Demand a halt to Indonesia's transmigration and "Javanization" policy and other genocidal practices in East Timor,

Strongly advocate, through the United Nations, the imposition of legal, moral, cultural, economic and political sanctions against Indonesia for the illegal occupation of East Timor and the resulting irreparable human and material losses,

Appeal to the international community particularly to the United Nations, the Catholic Church and other humanitarian organizations to take a persistent, more active and constructive engagement in East Timor's decolonization process.

Signed on the 8th day of July 1994  
Renato Constantino, Jr.

### Initial Members

#### A. Metro Manila

- AKSYUN (Coalition for Peace)
- Alliance for Mindanao Concerns (AMIC)
- Ateneo University Human Rights Center
- Bukluran Para sa Ikaunlad ng Sosyalistang Isip at Gawa (BISIG)
- Caucus of Development NGOs (CODE-NGO)
- Consortium for Peoples Democracy
- Council for National Freedom and Democratic Rights (Confreedom)
- Ecumenical Bishops Forum (EBF)
- Initiatives for International Dialogue (IID)
- Lean L. Alejandro Foundation
- Moro Human Rights Center
- Movement for Popular Democracy
- Partido Demokratiko-Sosyalista ng Pilipinas
- People's Council for International Solidarity and Peace (PCISP)
- Salinlahi
- Sandigan ng Lakas et Democrasya ng Sambayanan (SANLAKAS)
- SARILAYA Women's Organization
- Siglo ng Paglaya (SIGLAYA)
- Women's Legal Bureau (WLB)

#### B. Regional Members.

- Action for Community Empowerment and Services, Inc. (ACES), Northern Samar
- Concerted Actions for the Upliftment of Student Endeavors (CAUSE); Dumaguete City
- Notre Dame University Peace Center, Cotabato City

- Provincial Integrated Development Coordinating Council, Pagadian City

## U.S. REPRESENTATIVE NITA M. LOWEY (D-NY)

*Statement presented by staffer Jonathan Birenbaum*

Mr. Chairman, members of the Committee of 24, thank you for this opportunity to address the Special Committee on Decolonization.

The fundamental right of a people to choose its own government has always had strong resonance for Americans. The principle of self-determination is rooted in the idealism of Woodrow Wilson, and codified in the Charter of the United Nations. Coupled with decolonization, it has been a major force of democratization around the world.

It is clear that the people of East Timor have never known this right; they have never had the opportunity to elect their own officials or to determine their own futures. They were freed in 1975 from Portugal's colonial yoke only to be burdened with that of Indonesia less than a year later. Numerous human rights abuses now add greatly to the outrage we must feel at their situation.

As a United Nations member and a world leader, the United States must help to enforce the U.N. Charter. As a democracy, we take particular interest in its self-determination provisions. In both of these roles, we must take a strong and coherent stand against the Indonesian presence in East Timor.

In the past, the United States has opted for a balancing act; we have weighed economic and military goals against humanitarian ones, believing that cooperation with the Indonesian government would induce it to expand human rights.

Administrations since 1975 have taken this approach, and it has failed. According to reports from international human rights groups including Amnesty International and Asia Watch, the Indonesian government has not seriously investigated human rights claims or moved toward compliance with 1993 recommendations of the United Nations Commission on Human Rights.

Mr. Chairman, the United Nations must now take a stronger stand. Rather than allowing ourselves to be put off by the possible consequences of antagonizing Indonesia, we should recall the successful stands we took against repression in South Africa. Our stubborn insistence on human rights guarantees let us watch as government changed and its people reclaimed their rights.

As the Commission on Human Rights has done in the past, we must continue to urge Indonesia to open East Timor to inves-

tigators and journalists. Their reports are invaluable in pointing out to the rest of the world the Indonesian government's weaknesses and lack of support at home.

Indonesia is clearly concerned with its public image; a judge sentenced Fernando Araujo in 1992 to nine years imprisonment for "disgracing the nation in the eyes of the international community." We must make clear to Indonesia that the way to eliminate embarrassing criticism is not to suppress the critics but to reform treatment of the accused and prisoners.

Reports alone are not enough, though they help to rally international support. We must also be willing to press hard to ensure that Indonesia's leaders act on the Commission's recommendations, that they are not only aware of their failings but also working to correct them. They must recognize the rights of the Timorese people, and we must oblige them to do so. As the United States House Appropriations Committee has urged, we must put force behind our words, for example, by completely cutting off arms sales until they comply.

As the imprisoned leader of the East Timorese independence movement, Xanana Gusmão said, "The so-called Indonesian provisional government was formed over the corpses of the Timorese massacred," in December 1975. Despite the Indonesian government's claims to the contrary, there has been no valid act of Timorese self-determination. Nor can "cultural differences" obscure the government's abuses. Detention of prisoners without legitimate trials and government complicity in massacres is criminal wherever in the world they occur.

We must solidify our position. Indonesia must be made to recognize that the human rights of the Timorese, and of its own citizens, are non-negotiable. Only a referendum among the East Timorese themselves can legitimately determine their status.

Until the people's votes are counted and their voices heard, the international community and its principle of self-determination cannot be satisfied.

Mr. Chairman, I appeal to this Committee, to the United States, and to the rest of the world to recognize the clear danger to universal human rights that Indonesia's flagrant violations present. In standing up for the rights of the East Timorese, we will be standing for the rights of all free peoples.

Thank you.

## INTERNATIONAL LEAGUE FOR HUMAN RIGHTS

*By Charles Norchi, Executive Director, International League for Human Rights*

On behalf of the International League for Human Rights, a nongovernmental organization in consultative status with the Economic and Social Council, I want to thank you and your colleagues for the opportunity to speak before this committee today on East Timor. The matters of decolonization and self-determination that this committee regularly addresses have long concerned the League. Since our founding in 1941, we have rendered assistance to advocates of independence from over thirty countries which have since become members of the United Nations. In fact, one of the League's proudest achievements in this regard is the assistance that we provided to Dr. Mohammed Hata, one of the "Founding Fathers" of Indonesia, a man who worked tirelessly for his country's independence from its Dutch colonial rulers. It is therefore with irony and sorrow that we find it necessary to appear before this Committee once again to protest Indonesia's denial to East Timor of the rights of self-determination and equality that it sought so properly for itself almost fifty years ago.

The International League for Human Rights has been active regarding the situation in East Timor since Indonesia's invasion and purported annexation in 1975. We first spoke on this matter at the Fourth Committee of the General Assembly in 1978 and we have appeared many times since – before the General Assembly until 1982, and subsequently before this Committee. On each of these occasions we have emphasized the illegality of Indonesia's actions – the ways in which these actions constitute flagrant breaches of the United Nations Charter and of the relevant resolutions of the Assembly interpreting the Charter on both the use of force and the principle of self-determination.

In particular, the League has often argued that Indonesia's claims regarding the "incorporation" of East Timor do not meet the requirements of Principle IX of Resolution 1541 (XV) of the General Assembly(1), which deals with the method by which a non-self governing territory can become voluntarily integrated with another state. The ways in which the Indonesian "incorporation" fails to satisfy Principle IX are numerous: the Regional Popular Assembly of East Timor that Indonesia created to rubber-stamp the annexation was not formed on the basis of one-person-one vote, nor was there serious debate on integration, nor were other choices offered to the As-

sembly. But more important than the unrepresentative makeup of the Assembly or its faulty processes is the fact that no true choice was possible in the context of what was an ongoing military invasion. Under such conditions it is hard to make the claim that a territory that has known independence for only two weeks prior to a massive invasion has attained the "advanced state of self-government" that Principle IX requires. The United Nations understood that the Regional Popular Assembly was not an acceptable vehicle for a choice on integration and hence rightfully declined to observe (and hence lend legitimacy to) its proceedings.

But today there is no need to dwell on these and other legal arguments. Not only have we made the arguments many times before, but these arguments have been accepted by the relevant United Nations organs. As this Committee well knows, both the General Assembly(2) and the Security Council(3) have deplored Indonesia's use of force and have called for self-determination for the people of East Timor. The General Assembly has rejected the claim that East Timor has been incorporated into Indonesia, inasmuch as the people of the territory have not been able to exercise fully their right to self-determination and independence.(4) Indonesia's arguments as to how it has actually allowed for self-determination in East Timor have wisely and in no uncertain terms been rejected.

Mr. Chairman, we repeat these facts before this body today not to advance new arguments as to why Indonesia has acted in flagrant violation of international law, but only remind you of what has already been determined. As we discuss the human rights situation in East Timor we ask this Committee not to forget the backdrop: an occupation that has been deemed illegal by the United Nations of a nation that has never known self-determination.

According to foreign journalists, NGOs and reports to the United Nations, fundamental human rights continue to be widely abused in East Timor. The central problems are an atmosphere of fear created by the large military presence and the treatment of individuals who are suspected of having pro-independence sentiments, even if these sentiments are expressed peacefully. To give the Committee a recent example, three East Timorese – Issac Soares, Miguel de Deus and Pantaleao Amaral – were just last month sentenced to 20 months in prison for shouting pro-independence slogans to foreign journalists in April. These detained Timorese were reportedly tried as many independence activists are tried in East Timor – without legal counsel during either interrogation or trial.(5)

The very serious human rights problem on the island continues to be noted by the United Nations itself. In early 1994, the Special Rapporteur on the Question of Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances all filed reports with sections on East Timor.

The Special Rapporteur on the Question of Torture included in his 1994 report(6) several well-documented accounts of torture of political prisoners in East Timor, which he forwarded to the Indonesian government in 1993.

The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions wrote in his report(7) that "East Timor continued to be particularly affected by violations of the right to life perpetrated by the Indonesian security forces" and stated his concern that "the perpetrators of human rights violations continue to enjoy impunity."

The Working Group on Arbitrary Detention(8) assessed the case of Fernando de Araujo, an East Timorese arrested in Balie who was sentenced to nine years imprisonment for protesting against the massacre of peaceful demonstrators by Indonesian troops on 12 November 1991 at the Santa Cruz cemetery in Dili. The Working Group decided that his arrest and continued detention was arbitrary, that his trial did not meet international standards for fairness, and that there was evidence that he may have been tortured while under detention.

During 1993, under its urgent action procedure, The Working Group on Enforced or Involuntary Disappearances(9) transmitted to the Government of Indonesia 17 newly reported cases of disappearances of persons who had been reportedly arrested in Dili without a warrant and held incommunicado. In its response, the Indonesian government called the cases fabrications but was unable or unwilling to provide information on the whereabouts of any of the particular individuals mentioned.

Indonesia may claim that the Rapporteurs and Working Groups have received false reports, yet if the government of Indonesia did want to further access to information, it could invite the Working Groups and Rapporteurs to East Timor to assess the situation for themselves, an action which Human Rights Commission resolution 1993/97(10) strongly urged the government of Indonesia to undertake.

Mr. Chairman, as much as we look to these branches of the problem we cannot forget its fundamental root: decolonization has never reached East Timor. The nation has travelled directly from domination by the Portuguese to domination by the Indo-

nesians, never having the chance to assert its own destiny.

In this way, the abuses of human rights in East Timor are not isolated outbreaks of cruelty, but symptoms of something more systemic. Put simply, there would not be human rights violations by the security forces in East Timor if there were not more than 5,000 Indonesian troops and military intelligence officers occupying the territory. There would not be troops occupying East Timor if they weren't needed to suppress the population's desire for independence. And the population wouldn't be crying out for independence if it was allowed to exercise that most fundamental of rights, the right to self-determination.

Self-determination. East Timor proves once again the broad importance of that political principle. When it is denied, ignored, or forgotten the price is paid in human suffering. Such is the case in East Timor, a nation where all human rights are in jeopardy because a fundamental right – the right of a non-self governing territory to freely choose its political status – has not yet been realized.

Mr. Speaker, there is some urgency to this matter. Last July, the League brought to the attention of this body a practice which if continued could prevent the East Timorese from ever being able to freely choose their status. I am referring to "transmigration," the Indonesian resettlement policy whereby population is transferred from densely populated to sparsely populated parts of the archipelago. This policy, whatever its merits for Indonesia proper, takes on more foreboding overtones when applied to East Timor. An Observer article of May 1993 estimates that half of the population of Dili was born outside of East Timor and about a third of the total population is now made up of immigrants.(11) Edward Theberton, a journalist for the Australian daily *The Age* who travelled to East Timor in February, received reports that two ships arrive in Dili per week carrying Javanese settlers who are provided with backdated identity cards so that they would be able to vote if a plebiscite on East Timor's future were to take place.(12)

Resettlement of Indonesians into East Timor, as we pointed out last year, runs counter to at least two significant international instruments – Article 49 of the Fourth Geneva Convention of 1949 (to which Indonesia is party) and GA Resolution 25/118 "Plan of Action for the Full Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples"(13). Both of these instruments contain rather blunt obligations, the Geneva Convention against the occupying power transferring "parts of its own civilian population

into the territory it occupies" and Resolution 25/118 against the same actions particularly when they "may constitute a major obstacle to the genuine exercise of the right of self-determination and independence by the people of those territories."

Mr. Speaker, we come before you today with the realization that no resolution that your Committee passes on this matter will by itself bring decolonization and self-determination to East Timor. The United Nations is often unable to apply its decisions, no matter how fair those decisions may be. But the point, Mr. Speaker, is that the United Nations and its various bodies can still make those decisions, can still affirm and promote what is lawful and what is just. What is important is that the East Timorese continue to strive for self-determination and that this Committee can play an important role in helping them realize their legitimate claims under international law.

#### NOTES

- 1) G.A. Res. 1541 (XV), 15 U.N. GAOR, Supp. (No. 16) 29, U.N. Doc. A/4684 (1960)
- 2) G. A. Res. 3485 (XXX), 30 U. N. GAOR, Supp. No. 34, at 118 (1975)
- 3) S.C. Res. 384,30 U.N. SCOR, Resolutions and Decisions, at 10, U.N. Doc. S/INF/31 (1975); S.C. Res. 389, 31 U.N. SCOR, Resolutions and Decisions, at 18, U.N. Doc. S/INF/32 (1976)
- 4) G.A. Res. 31/53, 31 U.N. GAOR, Supp. No. 39, at 125, U.N. Doc. A/31/39 (1976)
- 5) Amnesty International, Urgent Action Appeal UA 198/94 (23 May 1994) and follow-ups (2 June, 20 June, 27 June)
- 6) U.N. Doc. E/CN.4/1994/31, par. 325-343
- 7) U.N. Doc. E/CN.4/1994/7, par. 343-56
- 8) Full Report in U. N. Doc E/CN.4/1994/27, par. 1 - 11
- 9) Full Report in U.N. Doc. E/CN.4/1994/26, par. 260-9
- 10) C.H.R. Res. 1993/97, U.N. Doc E/CN.4/1993/L.11 Add.9 (1993)
- 11) East Timor: "Web of Terror Traps Timorese," *The Observer*, May 30, 1993, p.11
- 12) "In Dili, even your waiter can be a spy," *The Age*, 25 February 1994
- 13) 35 U.N. GAOR, Supp. No. 48, at 21, U.N. Doc. A/35/48 (1980)

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### NATIONAL COUNCIL OF MAUBERE RESISTANCE

*Presented by Constâncio Pinto*

I am Constâncio Pinto, the Representative of the National Council of Maubere Resistance to the United Nations.

Allow me, Mr. Chairman, to explain the Organization that I belong to. The National Council of Maubere Resistance, CNRM, is the main organization of East Timorese nationalists struggling for self-determination and independence. The CNRM was created in 1988 by Resistance Leader Xanana Gusmão as a unifying non-partisan body bringing together the Timorese political forces, "Forças Armadas de Libertação de Timor-Leste" (FALINTIL), and all the underground East Timorese political resistance groups operating in East Timor and Indonesia.

The CNRM has thus emerged as the organization embodying all currents of East Timorese nationalism, and the chief vehicle through which it is expressed, both inside Indonesia and occupied areas, and the Diplomatic Front operating overseas.

The CNRM's leadership inside East Timor is grouped into the Executive Council of the Armed Resistance (made up of four people) and the Executive Council of the Clandestine Front (made up of five people). The Armed Resistance is led by Falintil, whose main leader is Nino Konis Santana, who is also the chief of Fretilin. The Clandestine Front is led by Sabalae.

Aware of the country's location, the CNRM believes in close and harmonious relations with all neighboring states in Asia and the South Pacific. The independent Republic of East Timor will seek membership in both ASEAN and the South Pacific Forum. Close ties with Portugal will also be maintained given the high moral standing it has shown through its abiding commitment to East Timorese self-determination.

East Timor is at the crossroads of three major cultures and religions: Melanesian, binding its people to the South Pacific; Malay-Polynesian, as many East Timorese trace their roots to Southeast Asia; and, European, a result of the four centuries of Portuguese Catholic presence. This influence give the East Timorese nation-state a distinct character. It could be a valuable partner for ASEAN and South Pacific Forum member states in their relations with the European Union, Africa and Latin America. The majority of East Timorese exiles are resident in Australia and Portugal. They could contribute to the bridging role of East Timor between their adopted countries and South Pacific states.

The CNRM envisages an independent Republic of East Timor without a standing army. External security will rely on a Treaty of Neutrality, guaranteed by the Permanent Members of the UN Security Council. Working with its neighbors and the United Nations, East Timor will endeavor to declare the country's surrounding seas a Zone of Peace, and to work towards demilitarization

of the Southeast Asian and South Pacific regions. The CNRM aspires to a strong democratic state based on the rule of law, emanating from the will of the people expressed through free democratic elections. Development of a free information media, as independent as the judiciary, will be encouraged. Firmly believing in the universality of human rights, transcending state boundaries and prevailing over state sovereignty, an independent East Timor will contribute to the strengthening of human rights. The creation of an International Human Rights Court and a penal court to try crimes against humanity will be actively supported. All human rights treaties will be submitted to the East Timorese Parliament for ratification.

Free education and health care is essential for the welfare of the population, and thus significant investments in these areas will be required. The money saved from not supporting a standing army will be well used in these areas. A healthy, sane and happy society cannot be based on hatred and revenge, therefore a general amnesty and national reconciliation will be proclaimed, aimed at forgiving current enemies. Because of its credibility and good standing over the past twenty years, the East Timor Church will be expected to play a major role in the healing process. The issues of resettlement for the many thousands up-rooted throughout the last two decades, as well as compensations for properties lost will need to be addressed. Also, over 100,000 Indonesians have settled in East Timor, many of them looking for a better life. Those who are willing to abide by East Timorese laws and live in harmony as members of the society will be welcome to stay and join in building a better future for everyone. The wealth of their culture could be an enriching contribution to the future of East Timor.

East Timor is potentially self-sufficient in most agricultural goods, meat and fish. It has large oil reserves and other minerals. After independence, economic resources will be channeled into food production for the population. Government policies will be a result of close consultation with the people in each region, town and village. The cooperation of UN Specialized Agencies will be sought to implement a reforestation program to save the badly damaged environment. International partnership in the explorations of underground natural resources such as oil will be sought. However, the environment must not be sacrificed for short term gains. The "Timor Gap Treaty" will be looked at, clarification sought, and renegotiated. The sea boundary dispute will have to be settled through an international tribunal.

Consistent with the enhanced peacemaking role of the United Nations, the CNRM has advanced a plan to assist the

UN Secretary General's mandate to find a solution to the East Timor conflict. The plan is congruous with statements by East Timor Catholic Church leader Bishop Belo, and consistent with current UN and Portuguese approaches. The plan has also received support in the US Congress, Europe, Canada and Japan. Indonesia's friends have been able to perceive its value as a potential means of assisting Jakarta to conveniently extricate itself from its East Timor quagmire.

#### **Allow me, Mr. Chairman, to elaborate on the CNRM Peace Plan.**

Phase One (one to two years): Indonesia-Portugal talks under the auspices of the UN Secretary General, with East Timorese participation, to achieve an end to armed activities in East Timor; release of political prisoners; reduction of Indonesian military personnel; removal of armaments; expansion of the activities of the International Committee of the Red Cross; reduction of Indonesian civil servants; population census; access by UN specialized Agencies for restoration and protection of the environment, resettlement, district development, women and child care and public health and immunization; restoration of all human rights, removal of restrictions on Portuguese and Tetum languages; setting up of an independent Human Rights Commission; establishment of a United Nations headquarters in East Timor.

Phase Two – autonomy (five years): This is a transition stage of autonomy in which East Timorese would govern themselves democratically through their own local institutions. This would require democratic elections of a local Assembly with a five - year mandate under the supervision and assistance of the United Nations. Only East Timorese may vote and be elected; election of an East Timorese Governor for a five year term by the Assembly; Assembly powers to include legislation concerning international trade relations, investment, property, immigration and other matters; withdrawal of all Indonesian troops and further reduction in the number of Indonesian civil servants; territorial police force organized by the United Nations placed under the command of the governor, the territory is to have no army. Phase two may be extended by mutual consent between Indonesia and the East Timorese population expressing their views through a referendum.

Phase Three – self-determination: Covers preparation for a self-determination referendum, to be held within one year of the commencement of this phase, whereby the population may choose between free association or integration into Indonesia, or independence.

Now, I would like to provide information about the current situation in East Timor.



Based on a report by the Head of the Executive Council/Armed Front, Nino Konis Santana, dated June 16, 1994 members of the Indonesian security forces continue to engage in gross and systematic abuse of human rights.

Nino Konis Santa reports referred to an incident that took place on May 6, 1994 in the locality of Uelau, approximately 3 kilometers West of the village of Mau Kate. "A young boy named Marcelo, son of Mau Buti and Si Mau, was assassinated by an Indonesian military patrol.

Marcelo and his 3 brothers went on a food hunting expedition ("Sari hidup") with a permission granted by the local military authorities. The brothers' dog spotted a deer, chased it, and after hunting the deer down killed it. The boys made a fire to cook the deer and when the smoke rose from the fire, it attracted the attention of one platoon from either battalion 745 or 717 operating in that zone. The soldiers went in the direction of the smoke and surrounded the four boys who were unarmed civilians. In spite of knowing that, the commander of the platoon ordered his men to open fire emptying a full magazine from M16 automatic rifles, as if they were firing on armed guerrilla fighters in open combat. Marcelo was shot in the stomach, and could not move, while the other three were able to escape. Marcelo called out identifying himself but the soldiers continued to fire. The commander then ordered that a hand grenade be thrown to kill Marcelo. As if this was not enough, the commander put Marcelo's dead body against a tree and invited his soldiers to see what a good shot he was and how they should shoot the "GPK" (security disturbers) and their supporters, and proceeded to empty another magazine into the boy's corpse. Marcelo's heart was expelled from his body out through his back. After this inhuman crime, they threw his dead body into the river and cracked open his skull with rocks."

Marcelo's case is not isolated. On June 10, six prisoners were removed from Dili to Semarang prison in Java without informing their families. The six prisoners are Francisco Miranda Branco, Jacinto Alves, Filomeno Pereira, Juvencio Martins, Gregorio Saldanha and Saturnino da Costa Belo.

Other cases are José Manuel da Silva Fernandes, a young boy, arrested in January 1992, who is now being held by the army in Vikeke and is not allowed any visits by the International Red Cross nor by his relatives. Horacio da Costa, arrested in Same in August 1992, is now being held by the army in Betano.

The situation prevailing in East Timor is characterized by an escalation of military aggression and intensification of political

repression. Solemn commitments undertaken by the Foreign Minister of Indonesia Mr. Ali Alatas to the Commission on Human Rights and to the Secretary General in New York on September 17, 1993 and at the Geneva talks on May 6, 1994 have been systematically violated. The practice of torture is routine.

We hope that the Indonesian authorities allow Mr. Bacre Waly Ndiaye, the United Nations special rapporteur, who is now in East Timor to investigate all these atrocities and especially to investigate the massacres of November 12, 1991, and at the Military Hospital in Dili, both shown in the film "Death of a Nation."

Mr. Chairman, allow me to explain the reconciliation talks. We know that Mr. Abilio de Araújo, who was recently expelled from the Fretilin party and who masterminded the reconciliation talks, visited the United Nations. His visit had as main purpose to convince the United Nations to send observers to the second reconciliation talk in Rome. This talk is being cosponsored by the Indonesian Secret Service. Therefore the National Council of Maubere Resistance publicly denounces the persistence of Mr. Abilio de Araújo to continue a political adventure that only causes upheaval among the Timorese, and delays the United Nations' efforts to obtain a peaceful outcome for East Timor based on the UN resolutions. These reconciliation talks have not been accepted by the different forces that are struggling for East Timor's independence, particularly by the Catholic church in East Timor and the Resistance movement in and outside of the island. There is no doubt that the reconciliation talks are orchestrated by the Indonesian government with the purpose of demobilizing the Timorese Resistance, and of halting any diplomatic attempts by the international community.

The CNRM position is inalterable: We are ready to participate in any dialogue that seeks an effective solution to the conflict in East Timor under the United Nations' aegis. Moreover, we are ready to participate at the meeting that was convened in Geneva on May 6, to be held in the near future, between Timorese pro independence and Timorese pro integration with Indonesia, with representatives from Indonesia and Portugal respectively. This meeting, which is being organized by the United Nations, is the only one format that the CNRM considers credible and valid.

Mr. Chairman, to conclude I wish to express our gratitude to the Secretary General of the United Nations for his steadfastness in addressing the problem of East Timor and to find a just and lasting solution based on our inalienable right to self-determination. We hope that by the time we arrive at the

meeting with the foreign ministers of Portugal and Indonesia, there will be real progress in the human rights situation in East Timor and the discussions of the political aspect of this problem.

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## MAUREEN TOLFREE

Esteemed members of the UN Special Committee,

May I first of all thank you for allowing me to present a petition to this Session.

My name is Maureen Tolfree and I am from Bristol in England. I am the sister of Brian Peters, one of the five journalists murdered in Balibo, East Timor on 16 October 1975. Brian, who was four years younger than me, was the oldest of my three brothers. He went to Balibo on assignment as a cameraman for Channel 9 television, Sydney, Australia.

I have a personal interest in all this. I was not only his sister but almost his mother. Our mother left home when I was fifteen so it was left to me, with my father, to bring my brothers up.

My brother died a terrible death when he was trying to help the people of East Timor. I have come here to speak to you because I know that he would have wanted to call on this Committee to do everything for the East Timorese to be allowed to decide on their own future.

You will understand from what I have to say, why I never came to speak to you before.

When he was about 18, Brian emigrated to Australia. In September 1975 he wrote and told us he had had an incredible week in a place called East Timor. Though there had been some fighting between Fretilin and UDT, he and Gerald Stone, his news director from Channel 9, discovered that Fretilin was in control of most of Dili. When he left, he helped a group of 140 UDT refugees to go to Darwin. He also brought out an urgent appeal from the then president of Fretilin, Francisco Xavier do Amaral addressed to "the brotherly people of Australia" asking for help. He spoke of his people's "inalienable right" to "total and complete independence" and asked the Australian people to "give the Timorese people help in order to avoid any foreign intervention."

I have this photo of Brian's arrival back in Darwin.

Because he had done so well on his first assignment, he was asked by Channel 9 to go on a second assignment to East Timor. This was when he went to Balibo.

The first I heard of what had happened was when Brian's ex-girlfriend phoned me on 18 October to say he had gone out with four other journalists and that four bodies had been found. She told me the fifth man had

not been found, so we hoped that it might be him and he had gone into hiding.

But the next Monday, Gerald Stone phoned to say he feared all five journalists had been killed. He said we'd get a telegram, which we did. There seemed to be a lot of confusion, but we got no more news. I felt I had to do something so I went to Australia on 20 November 1975 to sort out Brian's effects. It was all very distressing.

Soon after I arrived in Australia, I had a phone call from Foreign Minister Andrew Peacock or perhaps it was an official from his department, saying how sorry he was about the death of my brother but "there was nothing I could do or say in the matter that would help in any way."

On my way back from Australia, because Qantas workers were on strike, I had to take a charter flight to Jakarta and pick up a Pan Am flight to England. Someone told me the remains of my brother would be taken to Jakarta so I thought I should try to stop by in Jakarta. I asked the air hostess to arrange this. She did and four men came to fetch me from the plane. I'm sure they were soldiers as they were in khaki and had guns in their holsters. They took me to a room and one of them stood guard at the door. About 15 minutes later, a phone rang and he indicated that I should pick it up. It was someone from the British or Australian embassy - I couldn't tell which - advising me that they couldn't guarantee my safety and urging me to get on my booked Pan Am flight. So that's what I did.

Back in Bristol, I got two letters from my MP, Tony Benn. The second one was all about the personal effects of the five missing journalists, and four boxes, containing the remains of four of the journalists. The letter said "the Australian embassy doctor confirmed that positive identification of the bodies was not possible." It also said "the authorities handed over documents and a camera said to have been found beside the body of a fifth European whose remains had been burned."

Later I read a Newsweek report of 10 November 1975 which said that one of the journalists "Malcolm Rennie, reported shortly before the battle that he had film of Indonesian warships and helicopters taking part in the fighting on Timor.... 'It's no secret that Indonesian troops are crossing the border,' said one Australian diplomat in Canberra last week. 'And the last thing they want is to have a foreign TV crew catch them red-handed.'"

The Newsweek report was illustrated by three photos. One was of the building used by the TV crews with "AUSTRALIA" in huge letters on the wall. Two smaller photos of Brian and Malcolm Rennie were captioned: "Strong suspicions of foul play."

Apart from a statement by an Australia official and an account of an investigation said to have been conducted into the five deaths suggesting that they had died in mortar fire, I heard nothing more.

I got some clippings but every time I looked at them, I got upset and so did my father. I couldn't risk upsetting him. He suffered three heart attacks between Brian's death and his own death in 1990 so I let things lie, meaning to do something, eventually.

Then some months ago, I heard about a radio programme when John Pilger spoke about East Timor. Then I heard of a demonstration about East Timor in Bristol in March this year. For the first time, I realised that many people in the UK were working for East Timor. Since then I have discovered many amazing things. I have heard that journalists tried to contact me and my father after Balibo but were told by the Foreign Office not to do so. I've also found out that the Foreign Office was informed about the deaths of the five journalists within 24 hours. They knew the details, knew that the Indonesians had killed those men, knew it officially from Australia's Defence Minister but hid the fact.

So, why am I here? What do I want? Many things. I want you to call for the people of East Timor to have an internationally-supervised referendum on their future. I also want governments, including my own, to stop lying about East Timor. I want to know why my brother and his colleagues are buried in Jakarta. I want their bodies to be re-buried in East Timor or Australia, as their surviving relatives want.

I want a properly conducted investigation into the deaths of the five journalists. But most of all, I want everything possible to be done for the people of East Timor. I'm a hundred per cent sure that that is what Brian would have wanted if he had not been murdered.

I'd like to close by showing this plaque which my brother was awarded posthumously by Thorn-EMI, for his coverage of East Timor.

Thank you very much.

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## UNREPRESENTED NATIONS AND PEOPLES ORGANIZATION

*Delivered by Dr. M. C. van Walt van Praag,  
General Secretary*

Mr. Chairman, Distinguished Members of the Special Committee on Decolonization,

We are pleased to address this Committee today as it once again reviews the situation in East Timor. East Timor, represented

by the National Council of Maubere Resistance (CNRM), is a Member of the Unrepresented Nations and Peoples Organization (UNPO). The Member nations and peoples of UNPO, now numbering over 40, work together to realize their legitimate aspirations through non-violent means (See Annex I to this Statement). For some UNPO Members, such as East Timor, those aspirations include decolonization of their nation and the full exercise of their right to self-determination.

The right to self-determination of the people of East Timor is recognized by the United Nations and is legally beyond question. The invasion of East Timor by Indonesia in 1975 was condemned several times by the UN Security Council. Res. 384 (22 December 1975), for example, not only condemns the invasion but also calls on Indonesia to withdraw its armed forces without delay and reaffirms East Timor's right to self-determination. Yet, for 19 years the government of Indonesia has persisted in violating its international obligations. That, in no way diminishes the peoples right to the full realization of their inalienable right to self-determination. If anything, the brutal treatment of the people, which resulted in the death of one third of the entire population of that nation, strengthens not only the claim to self-determination, but the obligation of the international community and, in particular, of the United Nations, to take measures to ensure its full and free realization. UNPO's General Assembly Resolution (GA3/1993/11) adopted on 01-24-1993 strongly condemned the "continuous gross violations of human and indigenous rights of the people of East Timor" .

We are pleased at the continuing efforts of the Secretary General, Boutros Boutros-Ghali, to seek a just, comprehensive, and internationally acceptable settlement to the question of East Timor in successive rounds of talks with Indonesia and Portugal. We have followed the fourth round of meetings with the Foreign Ministers of Indonesia and Portugal in Geneva in May 1994 with interest. UNPO believes, however, that it is imperative, in seeking a just and lasting resolution of the question of East Timor, to include the representatives of East Timor in the Secretary General's talks. At the last round of talks, Indonesia and Portugal declared their readiness to meet with "leading East Timorese supporters and opponents of integration." The Secretary General of the United Nations should do no less. We urge that he meets with the Chairman of CNRM, Mr. Xanana Gusmão and the CNRM's Special Representative, Mr. Ramos Horta before or as part of the next round of talks to be held in January 1995. We propose that this Committee recommend this course of

action to the Secretary General. The government of Portugal must be complimented on its continuing efforts on behalf of the people of Timor. Nevertheless, the problem cannot be solved without the participation of the leaders of the East Timorese resistance, regarded by their own people as the legitimate representatives of East Timor.

Mr. Chairman, UNPO believes that the East Timor Peace Plan first articulated by the Resistance leader Xanana Gusmão and then officially presented by CNRM's Special Representative, José Ramos Horta to the Political Committee of the European Parliament in 1992, provides the best basis for a process that can lead to a just and lasting peace. The 3-phase plan is consistent with statements by Bishop Belo, the East Timor Catholic Church leader, and has been endorsed by Portugal, who presented it to the UN Secretary General. We recommend that the plan be used as a basis for discussion both by this Special Committee, and by the UN Secretary General in discussions with Indonesia, Portugal and East Timor.

In a recent interview Bishop Belo denounced the "routine nightmare" suffered under Indonesian occupation (The Times, London, 8 July 1994). He reiterated the need for a referendum to decide the future status of East Timor and called for a "special status" of autonomy for the interim (Catholic Institute for International Relations, 8 September 1993). The requirement of a referendum and the need for a special autonomous status in the interim are both also contained in the 3-phase Peace Plan.

Bishop Belo also rejected the attempts by some to hold "reconciliation talks" which would not include all Timorese leaders, particularly those of the CNRM, FRETILIN and UDT. In line with the UN Secretary General's views, expressed in point 8 of the Statement on the Question of East Timor released by the UN on 6 May 1994, we believe that all intra-Timorese dialogue must take place under the auspices of the UN Secretary General.

Bishop Belo should be praised for his consistent efforts to promote the interests of the people of East Timor through peaceful means. He has succeeded in preventing worse outbursts of violence on the island through moderation, and continues to speak out on the human rights abuses inflicted upon his people by Indonesian authorities, despite the great risks of doing so. In fact, there have been two attempts to kill the Bishop. The first was shortly after he sent a secret letter to the then UN Secretary General Javier Perez de Cuellar in 1989. The second attempt was in 1991. In the letter to Mr. Perez de Cuellar, Bishop Belo called for a genuine and democratic process of decolonisation to be initiated in East Timor and for

a referendum. "Indonesia says that the people of East Timor have already chosen integration, but the people of Timor themselves have never said this. And we continue to die as a people and a nation," wrote Bishop Belo.

At the last round of talks in Geneva, the need for access to East Timor for the United Nations, human rights organizations and humanitarian organizations was once again stressed. This was in keeping with the Commission on Human Rights' "consensus declaration" adopted in Geneva on March 9 of this year. The Special Committee on Decolonization should be informed, however, that in practice access is still very limited. UNPO had twice asked for permission to visit East Timor with human rights experts, but received no response. A third request was sent to the Foreign Minister of Indonesia this week (See Annex II). After the renewed commitment made by H.E. Mr. Ali Alatas to the UN Secretary General, we hope a favorable reply will be obtained in the near future.

In closing, Mr. Chairman, let me quote from the text of Xanana Gusmão's defense plea, which he tried but was prevented from reading at the close of his trial in Dili on May 17, 1993, four days before being sentenced to life imprisonment. Xanana Gusmão has become the Nelson Mandela of East Timor, which the conscience of the world cannot ignore. He must be released if peace and justice is to be restored to East Timor. In his words,

"The question of East Timor is the responsibility of the international community, a question of international law. It is a case in which universal principles are at stake, a case where the decolonisation norms of the UN have been manipulated, a case where Indonesia has disregarded the resolutions of the UN, a case therefore of the flagrant violation of the principles of the Non-Aligned Movement, and of the universal pattern of law, peace and justice."

Thank you Mr. Chairman

#### **ANNEX II: LETTER TO MINISTER**

##### **ALATAS**

H. E. Ali Alatas  
Minister of Foreign Affairs of the Republic of Indonesia  
Jl. Taman Pejambon 6  
Jakarta, Indonesia

The Hague, May 24, 1994

Your Excellency,

The Unrepresented Nations and Peoples Organization presents its compliments to the Government and the People of Indonesia.

In reference to my earlier letter to your Ambassador of July 12, 1992, and in line with your Government's commitment to the

UN Commission on Human Rights and the UN Secretary General to increase access to East Timor for the United Nations and for human rights organizations. I would like to request permission for UNPO to send a mission to Indonesia and regions under its administration, including East Timor, before the end of this year.

The objectives of the mission are to gather information on the human rights situation in East Timor and elsewhere, and to promote a reduction of tensions and to help find peaceful and just solutions to existing problems.

We will be glad to provide details of the proposed composition of the mission and the places we wish to visit at your request. It is my sincere hope that the Indonesian Government will honor its commitments and respond favorably to our proposed mission.

If there is any further information you require, please do not hesitate to contact us. Thanking, Your Excellency, for your kind attention and cooperation I remain,

Yours sincerely,

Dr. M.C. van Walt van Praag  
General Secretary

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### **CATHOLIC INSTITUTE FOR INTERNATIONAL RELATIONS**

*Presented by Sally K. Levison*

*'A persevering dialogue, which I have called for in the past, is needed so that all parties which play a role in the life of East Timor will lay the foundations for a political and a social life in harmony with the aspirations of the people.'*

— Pope John Paul II, 1992

Chairperson and honorary members of the Committee,

The Catholic Institute for International relations has continued to monitor the situation inside East Timor since we presented our petition to your committee last year. It is a year during which we have continued, loudly and clearly, to hear the cry of the people of East Timor, especially its mothers, for freedom, for justice and for the return of their children missing and still unaccounted for since the Santa Cruz massacre of November 1991, in which at least 273 people died.

In their heart-rending appeal to the first lady of the United States of America last autumn, these mothers spoke of the 'silence of this immense sorrow, [not] knowing where our beloved, martyred children are buried.' Yet they still knew where they stood: 'We are a little people, frail in all aspects of life, but we wish to keep alive the

flame of our resistance, which identified us as a free and honourable people.'

Nothing can be more distressing than the disappearance of one's child: the constant hope that each day brings of the longed-for return, the dashing of the same hopes as the sun sets without news, and the inability to mourn and come to terms with death – which might at least resolve the pain of the relentless incertitude of days, months, years of waiting.

Yet how many children have disappeared never to return in this ravaged land? How many more are yet to do so, whisked away by soldiers in the dead of night, beaten, tortured, disfigured, buried in unmarked graves?

How can we hope that the Indonesian military will change the habits of years of abuses, and take pity? In a letter last autumn to a friend, Bishop Belo spoke said 'We are living in an environment of terror and pressure. The Indonesians are saying that they have already withdrawn battalions from East Timor, but it is not true. On the contrary they are increasing the presence of military units in all places.' ... 'as long as there is not a reduction in military forces or reduction in military personnel, this is purely and simply a military occupation and dictatorship....'

CIIR is concerned for the safety, not only of all East Timorese people who choose openly to manifest their rejection of Indonesian rule, but especially of its representatives among the Roman Catholic Clergy. We are concerned for Bishop Carlos Ximenes Belo, apostolic administrator of the diocese of Dili. It has come to our attention that the Catholic Church has been placed under increasing pressure since Bishop Belo came to the assistance of those who took part in the Santa Cruz demonstration.

According to accounts both from the Bishop and clergy and religious inside East Timor, the Indonesian military regularly intervenes in church affairs, harasses churchgoers with threats and accusations, and sows vindictive disinformation in a blatant attempt to discredit its personnel. There have been attempts on the life of the Bishop, as well as his clergy, and it is our view that they conduct their duties in a situation of daily danger. We know that neither the Bishop nor the East Timorese clergy fear death, and that they look to the martyred Bishop of El Salvador, Archbishop Oscar Romero for inspiration. Archbishop Romero was assassinated by death squads whilst saying Mass in March 1980. Throughout his life he spoke out fearlessly against injustice and oppression.

As Bishop Belo says, the current situation will never bring about UN approval of

the integration of East Timor into Indonesia whilst (quote) 'People still live in fear. They don't dare go out at night. Many people, including the young are called for interrogations... If people talk about their rights, they are accused of being members of Fretilin, or the clandestine....'

The Bishop calls for autonomy to be granted to East Timor in which its religious traditions be respected. The referendum for which he called in 1989 is both 'necessary and urgent.' As he says, 'if the situation has improved, and people already live in calm and quiet ...why should we be afraid of a referendum?'

The issue of East Timor is political and can only be settled by careful and protracted negotiation. In recalling the UN Charter, which states that it is the sovereign people alone who should determine their future, we would underline that the UN mandate will be diminished if the East Timorese people are denied this fundamental right. We appeal to the Indonesian government to abide by the statement to which it gave its consent at this year's United Nations Commission on Human Rights, to 'continue its investigations on those still missing [from Dili on 12 November 1991] and the circumstances surrounding the matter.'

Finally, we ask that Indonesia continues to dialogue with Portugal and the legitimate representatives of the East Timorese people including its imprisoned leader, Xanana Gusmão, under the auspices of the United Nations, with resolve and goodwill, to settle this tragic and unnecessary conflict. Let disappearances and abuses in East Timor end. Let the mothers grieve no longer.

Ladies and gentlemen, CIIR thanks you for your attention.

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### **ELISA DAMIÃO, PORTUGUESE DEPUTY FROM SOCIALIST PARTY**

Mr. Chairman and Distinguished Members of the Committee, Ladies and Gentlemen

Since 1977, Portugal in its capacity as administering power of East Timor, as per articles 73° and 74° of the Charter of United Nations has repeatedly informed the Secretary-General that the occupation by Indonesian Armed Forces, a former victim of colonialism converted into a violent colonizer, is going on.

Again and again Portugal claims, having been prevented "de facto" from performing its duties towards a non-self-governing territory under its administering power. Particularly unable to secure the right of East Timorese to exercise by "referendum" a free choice of their future.

Once more, assuming our responsibilities, allow us to remember yours.

Since 1975 that United Nations General Assembly condemned Indonesia to withdraw its Armed Forces from East Timor under Resolution 384 of Security Council. Until now without substantive results.

On General Assembly thirty-seventh Session by Resolution 37/30 of 23rd November 1982, the Secretary-General was entrusted of consultations with concerned parties, to explore possibilities and ways to arrive to an acceptable solution being reported next Session. From 1983 to 1994, eleven years passed, and, in spite of the Secretary-General efforts, General Assembly as been apprised of unsatisfactory answers to his good offices.

Under the Secretary-General auspices informal talks had been conducted at Foreign Ministers level, in New York December 1992, in Rome April 1993, in Geneva May 1994. Unfortunately nothing really changed in the Maubere people's lives, owing to the fact that Indonesia is only interested in ornating their International image, recently unmasked by, several sources denounce, of Human Rights more sophisticated violations.

Just to improve Indonesia's image and International opinion, a group of journalists was allowed to visit the territory last April, but, always under escort.

Reporting in the Guardian on 16th March, a journalist said: "the ruthless control apparatus built up by Indonesia since 1975 was still operating, and that there was a climate of terror, threats and war.

A brief demonstration of a few students in front of the journalists' hotel and another nearby the church, supporting Xanana Gusmão's struggle for East Timor freedom was scattered by police. Seven days later Indonesia announced six detentions, for questioning. East Timorese sources informed that 12 persons have been detained without specific charges.

Amnesty International says: "These arrests are consistent with a long-standing pattern of short-term detentions and ill-treatment of real or alleged political opponents to Indonesia rule."

Only one of these 12 detainees had been released. On June 24th it was reported that three students were sentenced to twenty months in jail for staging a demonstration, for expressing their anti-Indonesia feelings in front of visiting foreign journalists.

In spite of Secretary General efforts, United Nations - Committee for Human Rights and this Special Committee, have been unable to stop violence and repression. More than one third of the East Timorese people have been killed. The remaining two-third's future is our deepest concern.

For how long they will resist to military and police abuses trying to destroy, by fear their identity, culture and hope in the International Solidarity, if it never comes.

Since the Santa Cruz massacre, at least 400 Timorese were detained without charges. Too many of them have been denied access to their relatives, lawyers and the I. C. R. C.

Under International Law on violently occupied territories the right to resist is recognized, although, twenty Timorese are sentenced to life imprisonment for subversion and other political crimes, three of them are in detention since 1984.

Due to International pressure and to Indonesian Human Rights Organizations' actions, it was possible to protect more human lives and improve access to East Timor. Nevertheless last year, military authorities imposed closely monitored visits to I.C.R.C. and foreign delegations.

Last January, Xanana Gusmão was punished with temporary suspension of visits after it was known that he had written letters to Portuguese authorities and International Commission of Jurists.

On behalf of the Portuguese people, as one of their representatives may I ask you, with gravest concern to act, and act fast!

The unbearable postponing of on acceptable and dignifying solution costs each year, each day, more and more suffering to the East Timorese people.

It is unforeseeable the capacity of Timorese to resist invading violent rule. But, we know, this Committee knows, that the pursuit of Indonesia's intent in East Timor is the evidence of United Nations increasing weakness to secure peace.

Taking these facts into consideration, we reaffirm the urgent need to create conditions, within the framework of United Nations, for carrying out incumbent upon Portugal as the administering power leading to self-determination of East Timor people.

**Three other Portuguese M.P.'s -- Luis Manuel Geraldés, Narana Sinai Coissoro and Miguel Urbano Rodrigues, also spoke, but we were unable to obtain their statements.**

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### FRANSISCO XAVIER AMARAL

Mr. Chairman,

My name is Fransisco Xavier Amaral. I am the former chairman and founder of FRETILIN, the East Timorese Liberation Party, and later became the first President of the Democratic Republic of East Timor. I would like to thank the committee for this opportunity to speak on East Timor. I would also very much like to take this op-

portunity to express my sincere appreciation to the United Nations, to the various Governments and NGOs, and to all people who have given their time and have worked on behalf of the East Timorese people. Your efforts and consideration are not unrecognized by the East Timorese.

Mr. Chairman,

I have not come to this Committee to condemn or speak against any individual or people. For I must believe that the actions that have been taken by those involved were done so with sincerity and in the belief that at the time it was correct and just. Nevertheless, since the debate on the status of East Timor emerged on the international scene I have noticed the tendency to view East Timorese history as having begun in 1975. Before that time, East Timor seems not to have existed and remains a mystery to the world. But we did exist. We were a colony of Portugal for 450 years. Sadly, having been forgotten by the world for so long, we have now emerged as an issue to be used by some to pursue their own agendas, again at the expense of the real interests of my people. This makes me both sad and angry, and this is why I have asked to speak here today.

The presentation of facts regarding East Timor have for the most part been one-sided, presented by people who like to indulge themselves with the sound of their voice and notions of what occurred. But if we are to be privileged to hear the facts of what has happened to East Timor, then let's have the full story. We must acknowledge the cruel colonial experience of the East Timorese, when the Portuguese came from the other side of the world to oppress, exploit, divide and kill my people. It was Portugal who in 1975 instigated the fighting and killing among the Timorese, turning brother against brother, and son against father. It was Portugal who deliberately left us in a state of civil war, washing their hands of our fate. This I know because I was one of the main participants in that civil war, struggling for the independence of East Timor.

If I may, I would like to relate some of my own experience, which has become linked with the history of East Timor. In 1946, following World War II, when I was 11 years old, there was a large deportation of more than 1,000 Timorese to the island of Atauro. These people were considered dangerous because they could read and write. Only 200 survived, including 2 of my cousins, one of whom is still alive. For the head of my brother, who escaped this prison, the Portuguese Governor, Captain Antonio Maria Da Serpa Rosa, offered a good reward.

In 1956, in the aftermath of an uprising, a good number of women, children and old

people were gunned down by Portuguese soldiers on the beaches of Watulari and Watukarbau. Others were deported to Angola, Mozambique and Portugal.

History will also show that it was Portugal that did not want United Nations involvement in East Timor after proclaiming it to be an overseas province. In fact, they even wrote in their constitution that Portugal remains attached to its responsibilities towards the decolonization and independence of East Timor. Yet, it was only after events took an unexpected direction that Portugal turned to the United Nations.

Today, certain Portuguese politicians persist in pursuing their own agenda, and in the process try to sell our dry bones to get what they want. Do they really believe that the East Timorese can survive another civil war. God forgive me but I do not believe so. I am convinced that if Indonesia, like Portugal, abandons East Timor that it will only plunge us once again into civil war, with perhaps even more dreadful consequences than the first.

Let us clearly and realistically look at what is happening in East Timor today. There are people who by holding out false hopes and unfounded dreams are turning the Timorese youth against each other, just as they did to my generation. 450 years of bitter life for us is apparently not enough for them to learn the lesson. And why, we must ask? To me the reason is clear. The East Timor issue has become a "political commodity" to be exploited to suit vested interests.

Let us look, Mr. Chairman, at some of the claims that are made. It is said that East Timor is a closed territory. Not true. East Timor is in fact open to serious, fair minded visitors and professional human rights organizations. It has been visited by foreign journalists, members of parliaments, diplomats, the ICRC and many other organizations. And in fact, while some of the reports of journalists have not been complimentary, the very fact that those reports were possible is testimony of the openness of East Timor. But I must admit, in one aspect East Timor is closed. It is closed to foreign activists and politicians whose main goal is not to obtain a firsthand view of the situation, but to manipulate the facts to their own interests. Had I, in fact, been a member of the Government I too would have restricted their access which can only be seen as a form of blackmail, pure and simple.

Much attention has been directed by the international community to the tragic Santa Cruz incident, which took place on 12 November 1991. How did this happen? The communiqué of the Fretilin secretariat issued on 24 February 1994 has itself stated that the incident took place "during a cli-

mate of extreme political and social turbulence," while confirming the presence of "provoking elements" within the crowd. My own inquiry, in which I contacted Timorese who were either directly involved as demonstrators or bystanders who witnessed the incident, also confirmed that the demonstration was wild, unruly and provocative.

I have not the slightest intention to justify the shooting. I deeply regret the incident. It was the blood of my Timorese brothers that spilled in Santa Cruz. But this profound regret was also shared by the people of Indonesia as well as President Soeharto, who has taken measures to prevent the recurrence of such an incident. Yet, there remain people who continue to use this incident for whatever purpose they may have against Indonesia. The nauseating thing as they go about this is that none of them have condemned the people who were behind the scene manipulating these youths, who are still at the dawn of their lives, into a situation of potential harm.

These people still continue to hold out false hope to the youth of East Timor. They willingly sacrifice their young lives, as they scheme and maneuver, and seek leverage with Jakarta. I had an occasion to speak with one of the young survivors of Santa Cruz and to ask him why he involved himself in political demonstrations. He said proudly, "as a young Timorese, I have to fight for independence." "You are too young to know what independence is all about and all its consequences" I said to him. To which he replied "Never Mind." I continued to ask him if he was sure independence will come soon. "Yes" he replied, "because according to the news I heard the Portuguese MPs will come to East Timor with the members of the UN." "How?" I asked "Do you really think the Portuguese will put political will and resources to put an end to a new civil war? I don't believe so because they had abandoned us before in order to get rid of us who they considered a burden those years. Look at Angola and Mozambique now. Are those Portuguese and those activists really helping to stop the suffering there?" There was no reply. I am sure if the same question were put to the international community, the reply would be the same.

The reason I relate this story is to illustrate to the Committee that the false hopes and dreams that are offered to the young people in East Timor have dire consequences. Here, in this committee, we may indulge ourselves in debate on questions of right or wrong, and whose interpretation of history is correct. After which time we fold our papers away, enjoy a good meal and turn to other preoccupations. For the young people of East Timor, however, such illu-

sions call for the action of youth and prompt them to commit acts and risk their lives in a hopeless and questionable venture and for some at Santa Cruz to have made the ultimate sacrifice.

I myself had been fighting for the independence of East Timor and in fact I was among the few who began and led the fighting. But now I am proud to say that having analyzed all the pros and cons of the best way for East Timor to continue I consciously accepted Indonesian citizenship and for East Timor to be united to the other provinces of Indonesia. After all, Indonesia is a country of 360 ethnic groups. We East Timorese belong to the same ethnic group as those living in West Timor, a part of the Indonesian family since independence in 1945. Our ancestors were divided not because they wanted to be, but as a result of colonial design.

Should we continue to spill our blood and in sacrificing the lives of our young people and lose all hope for the future. Should we sacrifice lives because we have been prompted by foreign politicians and activists who remain safe and secure, and when all is said and done will write a fine eulogy for East Timor, express their regrets and move on to the next crusade where failure offers limited risk to themselves. Or should we realize that Indonesia's concern with East Timor has brought development, a hope for stability and an end to 450 years of occupation.

In conclusion, to my Timorese friends I would appeal that we Timorese stop listening to the promises and empty dreams given by politicians and their international friends. To be sure, many who work on behalf of East Timor do so out of sincerity, and I do really appreciate the efforts they extend. Indeed, we are all ultimately working towards a better world. But for the East Timorese, I believe we must recognize that the greater interests of global politics and of the big powers dictate our future. And if we are to secure for our children a better life, then our course must be through integration with Indonesia and as Indonesians work for our common prosperity. Integration means not only that East Timor belongs to Indonesia, but that the whole of Indonesia belongs to East Timor. And although Indonesia is a developing country, at least they are willing to share whatever limited resources they have to build East Timor. Our Timorese youth should be pushed hard to construct – not destruct – their future, and to build our native land, East Timor in particular and Indonesia in general. This is the dream that we should work on and realize. This is the surest way we can survive and prosper in this less than perfect world.

Thank you.

## PAULINO GAMA

*President of The Timorese International Secretariat for Human Rights and The Timorese Prisoners Fraternity*

Mr. Chairman,

I wish to thank you very much for this opportunity to address myself to this distinguished Committee.

I am the former operational commander of FALINTIL, the Fretilin's Armed Resistance and I was in mountains of East Timor during 10 years 1975-1985 to oppose the presence of Indonesian administration in my homeland.

In 1990, I managed to escape from Jakarta to Thailand to found two East Timorese Human Rights organizations: The Timorese International Secretariat for Human Rights and The Timorese Prisoners Fraternity. I decided, therefore, to seek new ways how to protect the physical integrity of my own people against some abuses committed by some Indonesian authorities.

After the Santa Cruz incident of Nov. 12, 1991, TISHR and TPF have strongly denounced the behaviour of Indonesian military but has acknowledged the immediate initiative of Indonesian Central Authorities to carry out the investigation and to find the responsible ones for the sad happening.

Finally, after having crossed checked Indonesian reports and our own made on the spot, we recognized that the incident was only an isolate action of same individuals as the result of circumstances of place, time and motivation created by Portuguese interference at distance.

The people of East Timor today is more confident on a growing respect for its Human Rights as the Indonesian Authorities are implementing the observation of the recommendations made by the United Nations Human Rights commission, not only in East Timor but also in all Indonesia.

Recently, TISHR and TPF were promised to be permitted to act openly in East Timor and therefore we hope that very soon we will open a small office led by the notorious Timorese Human Rights activists.

Therefore, in slow path we have to continue to release ourselves from a long drama, we have to give a change of understanding on the dialogue between Portugal and Indonesia to allow the existence of a global solution for East Timor with the participation of exclusive Timorese representations of all kinds and historically recognized as long as 1975.

TISHR and TPF support therefore and unconditionally the initiative of His Excellency the Secretary-General of the UNO to achieve confident building measures between Portugal and Indonesia in order to reach the

best possible solution for our Peoples stability, harmony and progress.

I trust that this respected Committee give also its contribution to help the United Nations to perform its role of preserving peace in a very impart area of the globe.

Thank you, Mr. Chairman.

## HUMAN RIGHTS WATCH/ASIA

Thank you, Mr. Chairman, for the opportunity to address this committee. As you know, Human Rights Watch/Asia, formerly Asia Watch, takes no position on the political status of East Timor, but it believes that full information on the human rights situation there must inform the committee's deliberations and discussions on the issue of decolonization.

East Timor is neither a Rwanda nor a Bosnia. It is not a place where massive carnage is taking place nor does it have concentration camps with emaciated prisoners. It is a place, however, where arbitrary detention and torture are routine, and where basic freedoms of expression, association and assembly are non-existent. Disappearances and politically-motivated killings have become relatively rare, but when cases are reported, controls on information and access to the territory are such that it is virtually impossible, even for Indonesian non-governmental organizations, to conduct investigations that would meet international standards for impartiality and thoroughness. The Indonesian Human Rights Commission, which for all its many flaws, has at least been a useful sounding board for complaints from the Indonesian public, had not, as of June 1994, visited East Timor or looked into any of the many reported cases of human rights violations there.

The Indonesian government has taken some steps for which it deserves credit. We welcome, for example, the visit to East Timor just concluded of Mr. Bacre Waly N'Daiye, a distinguished Senegalese lawyer who is currently Special Rapporteur on Summary and Arbitrary Executions for the United Nations Commission on Human Rights. At the same time, however, we note that East Timorese sources tell us repeatedly of the extensive security preparations taken by the Indonesian military in advance of high-profile visits of foreigners to East Timor. These preparations often involve the rounding up of potential "trouble-makers" – as we understand happened before Mr. N'Daiye's visit; warnings to residents in areas the group is likely to visit; and booking by officials of most of the rooms in either of the two hotels in Dili where the visitor is likely to stay.

On June 30, the Indonesian government, through the intercession of the International

Committee of the Red Cross (ICRC) also allowed the family of resistance leader Xanana Gusmão to visit him in Cipinang Prison, Jakarta. It was the first time in almost twenty years that Gusmão was able to see his wife, Emilia, and their two children, all residents of Melbourne, Australia. The humanitarian gesture was welcome – but it came after Gusmão had been in prolonged solitary confinement in Cipinang, without access to visitors or newspapers, allegedly for smuggling out letters to supporters. The United Nations Standard Minimum Rules for the Treatment of Prisoners, in Article 37, state that prisoners should be allowed "under necessary supervision" to communicate with family and friends and to be kept informed regularly of news.

In this connection, we regret the decision of the Indonesian government to move six East Timorese sentenced in connection with events in October and November 1991 from Dili to Semarang, Central Java, where they will have no access whatsoever to friends and family. The transfer of prisoners, including Gregorio da Cunha Saldanha, Francisco Miranda Branco and Jacinto dos Neves Raimundo Alves, all sentenced in connection with the peaceful demonstration on November 12, 1991 on which Indonesian troops opened fire, took place on June 9, 1994.

Finally, we welcome the decision of the Indonesian government to allow seven East Timorese students who had sought asylum at embassies in Jakarta to leave for Lisbon last December under ICRC auspices.

These positive steps notwithstanding, the human rights situation in East Timor continues to be grim.

### Disappearances

As we noted above, new cases of disappearances are rare. But there are hundreds of outstanding, unresolved cases. No progress has been made on accounting for those who remain missing in the aftermath of the November 1991 Dili massacre, for example, or, indeed, for more recent incidents.

In May 1994, relatives of Gaspar Luis Xavier Carlos in Dili revealed to a visitor that Gaspar remained missing after his arrest by military intelligence (Satuan Gerakan Intelejen or SGI) on September 3, 1992, just prior to the summit meeting in Jakarta of the Non-Aligned Movement (NAM). Aged 30 at the time of his disappearance, Gaspar was an employee in Dili of a national bank, Bank Bumi Daya. His family was told by the military that he was arrested in connections with security measures being taken in connection with the Jakarta summit. Gaspar, other sources said, had been planning to go to Jakarta with a few others to present information to NAM delegates about the

situation in East Timor, but security officers became aware of their plans. In addition to Gaspar, a man named Malacu is reported to have been arrested and severely tortured; his fate is not known. Gaspar was taken to the SGI office in Colmera, Dili and from there a few days later to the Comarca prison in Balide, Dili. Shortly thereafter, he was taken out of the prison at night and has not been seen since. The family has made repeated inquiries to the military in Dili without success, and recently sought help from Indonesia's National Commission on Human Rights. Gaspar's wife and two children remain in Dili. His employers, Bank Bumi Daya, fired him after his arrest, and the family has no regular source of income.

In its report to the United Nations Commission on Human Rights, the UN Working Group on Enforced or Involuntary Disappearances reported that of twenty disappearance cases from Indonesia and East Timor submitted by the Working Group to the Indonesian government for clarification, the government reported that five had returned home. "In the remaining 15 cases, the names of the persons contained in the Government's reply did not correspond to the names of the missing persons contained in the lists of the Working Group."

It should be noted that in its resolution 1993/97 in March 1993, the UN Commission on Human Rights urged the Government of Indonesia to invite the Special Rapporteur on the Question of Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances. The Special Rapporteur on Summary Executions has just left East Timor, but no invitation has been extended to the Working Group on Arbitrary Detention or the Working Group on Disappearances.

### Extrajudicial Executions

Several cases of summary executions have been reported to HRW/Asia since our last presentation to this committee, although because of lack of access, we have not been able to independently confirm the incidents. Even if the facts as stated could be verified, it is possible in the two cases described below that there were circumstances, not known to HRW/Asia, that could affect the characterization of these killings as extrajudicial executions. But it is important to recognize that East Timorese in Lautem reported these incidents as such to Indonesian human rights monitors in Jakarta, suggesting, at the very least, that a full investigation should be undertaken, with prosecution of those responsible should the executions be confirmed.

In the first case, in the hamlet of As-salaino, Lautem district, a farmer and father of four named Tito Teles, aged thirty-three, was reportedly killed by members of army battalion 611 on November 1, 1993 as he was leaving his home to go hunting. He had reportedly obtained a permit from security forces in the region to hunt in an area known as the "free zone," as he had on two other occasions. People in the village heard him calling his dog as he was moving toward the zone, but special forces hidden along the path from the village opened fire. When the dog returned alone to Tito's house, villagers questioned the security forces who claimed they had no knowledge of Tito's whereabouts. Only after Tito's body was discovered on November 2 did they acknowledge the shooting.

In the second case, a fifteen-year-old elementary school student named Ilario Rodrigues, son of Teofilo and Benefito Rodrigues of the hamlet of Foema-a, Souro village, Lautem, was shot and killed on July 30, 1993 by men described by villagers as army commandos as he was going into a nearby garden to cut down coconuts to sell. He was a student of State Elementary School No.6 in Souro. His body was immediately buried by those who shot him; it was exhumed the next day by his neighbors. It is not clear why he was killed.

#### Accountability

The Indonesian commander in East Timor, Colonel Johny Lumintang, has disciplined some Indonesian soldiers responsible for abuses; two soldiers were court-martialled for murder earlier this year, according to a July 5 Reuters dispatch, and two others have been detained after committing sacrilege in a Catholic church in Remexio by spitting out the sacrament during communion. The incident occurred on June 28, 1994. (Eleven villagers, it should be noted, were then detained for then attacking the soldiers.)

It would be a welcome development if soldiers were routinely held accountable for abuses in East Timor, and it will be important for the human rights community, both Indonesian and international, to monitor the prosecutions and punishments in the above cases. But until the climate of fear substantially changes in East Timor and people feel both free to register complaints against members of the armed forces and confident in the legal system in place there, many soldiers will continue to act with impunity.

#### Controls on Freedom of Expression

A single incident demonstrates the extent of restrictions freedom of expression in East Timor. From April 12 to 15, 1994, twenty-six foreign journalists were taken on an official visit to East Timor at the invitation of

the Indonesian government. (Over eighteen years after Indonesia's annexation of East Timor, access to the territory remains restricted, and journalists must apply for special travel permits.) The day before they left, on April 14 at about 7:00 a.m., a small group of East Timorese held a pro-independence demonstration in front of the Mahkota Hotel in Dili where the journalists were staying.

The demonstration became the focus of most of their subsequent articles, to the Indonesian government's great indignation. On April 17, a military spokesman in Dili, Major L. Simbolon, accused the journalists of "defecting" from the official agenda and conducting an "investigation" rather than looking at "existing reality."

But it was the demonstrators who in fact represented East Timor's "existing reality." Following the demonstration, they were briefly arrested for questioning, then released. After the foreign reporters were safely out of East Timor, however, the real arrests took place. On May 1, Nuno Corvelo was picked up. On May 2, it was Rui Fernandes's turn. And on May 3, nine more young people were arrested: Pedro de Fatima; Rosalino dos Santos, twenty-two; Octavianus; Miguel de Deus, aged twenty; Marcus; Pantaleao Amaral; aged eighteen; Lucas dos Tilman; Anibal; and Isaac Soares, twenty-two. All are Dili residents.

A week after their arrest, their families had not been informed of their whereabouts and were too frightened to ask. At least six were, in fact, taken to the regional police command (Polwil) in Dili; the Indonesian government never acknowledged holding more than six.

The trials of three of the eleven began on June 16. At issue was not only the demonstration, but the fact that the young men had taken part in an "illegal meeting" on April 13 at Pedro de Fatima's home in Kuluhun, Dili, to discuss the display of pro-independence banners that the journalists would be able to see. According to international standards on human rights, the meeting was a peaceful exercise of freedom of assembly, just as the demonstration itself was a legitimate exercise of freedom of expression.

But the Dili court saw it differently. On June 24, Pantaleao Amaral, Isaac Soares and Miguel de Deus were sentenced to twenty months in prison after being found guilty of violating Article 154 of the Criminal Code, spreading hatred toward the government of Indonesia. On July 7, Rosalino dos Santos was given the same sentence for creating public disorder and inciting separatist sentiments. According to a UPI dispatch, Rosalino admitted in court that he was a member of Juventude das Estudantes de Timor Leste

(East Timorese Students Organization), an association outlawed by the Indonesian government because of its alleged links to Fretilin. The defendants were not represented by legal counsel, and it is not known whether this acknowledgment was made under duress.

The lengths to which the Indonesian government went to try and prevent the Asia-Pacific Conference on East Timor (APCET) from taking place in Manila from May 31 to June 2 reflect its efforts to control freedom of expression not only inside Indonesia but beyond its own borders.

#### Access to East Timor by Human Rights Organizations

Despite the claims of Indonesian Foreign Minister in early May that he was inviting Amnesty International and Asia Watch (now Human Rights Watch/Asia) to visit East Timor, no human rights organizations have been given access since Asia Watch and the International Commission of Jurists were allowed to attend selected sessions of the Xanana Gusmão trial in March 1993. Human Rights Watch/Asia was explicitly refused permission to visit East Timor in June 1994.

France Libertés, a human rights foundation headed by Mme. Danielle Mitterrand, has also been refused access. One of the people invited to the Manila conference but subsequently denied a visa by the Philippines government (at Indonesia's request), Mme. Mitterrand had asked the Indonesian government through private channels in September 1993 whether she and the Paris-based International League for Human Rights could visit East Timor; she was told that it was "not the right time" and to wait another six months. After six months, Frances Libertés made another request, this time not mentioning Mme. Mitterrand's name. The request was turned down.

It is not only international human rights organizations that have difficulty getting to East Timor; some Indonesian human rights organizations do as well. In early May, a seminar on the topic of sustainable development and the environment was due to take place at the University of East Timor, co-sponsored by a number of Indonesian NGOs including members of a coalition called the Joint Committee for the Defense of the East Timorese (Komite Bersama Pembelaan Masyarakat Timor Timur.) The coalition includes some of Indonesia's most respected NGOs: the Legal Aid Institute (Yayasan Lembaga Bantuan Hukum Indonesia); the Indonesian Council of Churches (Parpem Persekutuan Gereja-Gereja Indonesia or PGI); the Institute for Social Advocacy and Study (Lembaga Studi dan Advokasi Masyarakat or ELSAM); and the



Catholic organization, LPPS Caritas Katolik. A week before the seminar was to take place, the military commander for the region that includes East Timor called the university rector and told him the conference would have to be postponed. When it eventually did take place, the Indonesian NGOs were not permitted to attend, nor was Florantino Sarmento of ETADEP, an East Timorese environmental NGO.

### Conclusion

In short, Mr. Chairman, East Timor remains a troubled place where human rights abuses continue. Greater openness – defined as freedom for East Timorese to gather in private houses without permits and to freely express their own opinions, unhampered access by foreign journalists, less control over foreign visitors, and access by international human rights organizations – would almost certainly help prevent such abuses and ensure some form of redress for the victims. But if the last few months are any indication, the trend is not toward openness but the reverse. The closure on June 21 of three important news weeklies in Jakarta has implications for East Timor, because it suggests a desire to control information that the politically powerful find offensive. Restricting information prevents problems from being aired and solutions from being found on all fronts, not just human rights. For East Timor as well as Indonesia, that may prove very damaging.

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## JOSÉ MARTINS III

*Former President of East Timor K.O.T.A Party, President of TLO - Timorese Liberation Organization*

Mr. Chairman,

As to my best knowledge from the Timorese side, Mr. José Luis Guterres has addressed this Committee on July 13, 1993 with an East Timorese dignity which has jeopardized the role of the outsiders using the name of our People for personal international image. Therefore, Mr. José Luis Guterres in some extent has contributed to correspond to the efforts of His Excellency the Secretary-General of the United Nations teaching to all of us, the Timorese, to first create among ourselves a platform of dialogue which will allow Portugal and Indonesia to find out a fair solution for East Timor internationally accepted.

In fact, my question is: How to solve the case of East Timor, if we, the victims and protagonists of the civil war provoked by the irresponsibility of Portuguese authorities in 1974, are irreversibly opposite among ourselves

How can the United Nations' good will and honest intentions to implement condi-

tions in the field, to harmonize Portugal and Indonesia if all of us the real political leaders of East Timor, we don't sit in a table facing each others without any interference of no matter whom?

I am the oldest political veteran of East Timor politics as far as 1962 the year I was a political prisoner of the Portuguese colonial power and therefore I am the person who can dismiss one by one the assertions and the argumentation of all those, including all Portuguese political parties and international groups, by proving that never occurred a "decolonization process" in East Timor but a simple conspiracy to launch the East Timorese against East Timorese in a bloody inhumane civil war just to please foreign interests opposed between Communism and Democracy.

I am not sure the moment I write this statement if Mr. José Ramos Horta is coming here too because we could perhaps set up together in an informal meeting of brothers of same blood to establish the most important target that the world opinion expects from all of us: the respect, service and sacrifice for our beloved East Timorese people, after all the sole human entity merged during 500 years in continuous Holocaust.

I and Ze Horta we always understood each other's political positions and even we were companions in the Resistance outside front for many years. José Horta, however, is compromised with 20 years old acquaintances which he knows very well that their own target is to use East Timor against Indonesia. Myself, I decided last year not to contribute any further to support a Resistance whose leaders technically, financially and ideologically are not anymore real Asuains Barani of East Timor because Indonesia has improved a lot of respect for our People integrity and welfare and we have guarantees that the sad case of the 12 November Santa Cruz incident will not be repeated by personal initiative on the spot by alteration of public order.

My brothers herein present have the highest East Timorese qualification and background in the Resistance to talk to the world opinion. Mr. Xavier do Amaral was the President of the Democratic Republic of East Timor and to save many lives himself was martyred by radical revolutionary members of Fretilin almost to death. Mr. Paulino Gama was during 10 years the most qualified guerilla Commander who built up the Timorese "partisan marquis."

By the first time in our contemporaneous History, three top leaders of the East Timorese process, who were "ideological enemies in the war field" are waiving up any personal interest only to grant conditions with Portugal and Indonesia to allow our

people to have finally Peace, Order, Harmony and Development and because actual Portuguese Minister of Foreign Affairs His Excellency Duão Barroso has given evidence of a real Statesman by listening different East Timorese tendencies.

All of us three herein present have a goal: to respect Indonesia as the Ancestral Millinery Tree of the Ancestors we come from, which is the same biological and human common stadium where we belong and to honor Portugal for its gentle light of Christianity when our ancestors brothers were exterminated in large scale by colonialist terror and violence.

Today some people want to discuss Indonesian presence in East Timor in the last 18 years. But who cares to understand what was the dramatic submission to Portuguese colonialism under the most horrible circumstances, in the time that there did not exist "mass media" or any international forum? For us, protectors of our People survival and continuity, we want Peace and Harmony with Indonesians, Portuguese and the World, instead of sacrificing the People to minor gods of perturbancy and exploitation.

I dare to think that among this honorable Committee members some may be originally from States which were submitted to Colonialism in the past with the consequence that parts of their own peoples were arbitrarily "transferred" to political borders idealized by foreign powers with no respect for ethnic and language original patterns. This is certainly a drama which many times is in the basis of permanent conflicts.

The case of East Timor is similar. The Dutch and the Portuguese with no permission whatsoever have divided the island of Timor in two parts just to consolidate their own exploiting colonial interests. Since 1914, we the Timorese had to close our eyes when the Switzerland arbitrarily have sanctioned the division of Timor Island between Portugal and the Netherlands as a result of the 1851 illegal private sale of Flores, Aduana, Solor, Alor and West Timor by the Portuguese Commissar Lopes de Lima to the Kupang Dutch Resident.

We are in fact tired of business in our backs and also we have to say that Portugal never respected the conditions agreed with the Liurais of East Timor "to protect the territory with full respect for its own Peoples." East Timor was abandoned by Portugal precisely in the moment we were struggling ourselves in a dirty civil war caused by Portuguese revolutionaries. When I asked in 1975 the last Portuguese military officers who was going now to defend the Portuguese flag hoisted in Batugade, before they moved into Indonesian territory the answer was: "You, the Timorese, must be the ones to take care of yourselves now. Our mission

here is over. There is no way back to restore conditions of peace because you, the Timorese, will never be in peace among yourselves. It is the tradition.”

And this is in part true. We were divided by the Portuguese colonialism to kill our own brothers to sanctify Portugal. And the result was not only dramatic but horrible: we had to choose between a new protecting power like Indonesia, our natural human and biological stadium or the self extermination.

At the request of Portugal at Rome Meeting in November 1, and 2, 1975, Indonesia was forced to establish Peace and Order. Our four parties, as the replacing Fretilin revolutionary government, we choose the Integration knowing that it would take at least two generations to breath prosperity and peace finally after a 500 years period of emotions, suffering, glory and death.

Therefore, the sole important question is this: Shall we continue to provoke conditions to offend Indonesia, our saviour from Chaos and Disorder or should we ask Indonesia to promote our People for a happy future or brotherhood and common identity in all fields of human progress, respect and development?

After 19 years abandonment, Portugal is our respected and honored people with an heroic behavior in the world, notwithstanding a criminal process of general delivery of its overseas peoples to neo-dictators. But Portugal also today could never help us to be independent because we are already independent through our decision to ask Indonesia to preserve us from new forms of colonialism aiming to destroy ourselves through more divisions and civil fights.

Who is really independent today unless the rich north hemisphere states? An independence of East Timor would be impossible because:

- a. We are divided and under continuous ideological and political opposition;
- b. Unless we sell our independence to foreign exploitation and domain we could not feed ourselves because the erosion of our forests and 60% of soil incapability for quick new harvests are a fact;
- c. We would be forced to become a spot of internationalization of conflicts at the gate entrance of Australia and a permanent reference to destabilize large areas of Southern Asia, creating difficulties to a new “entente cordiale” between the states surrounding both coasts of the Pacific.

Point C above in fact is part of an international motivation from some militancy areas aimed to destroy Indonesia and possibly part of the Philippines as sovereign states.

We struggle for the cooperation and benefits of western civilization in Southeast Asia with major emphasis to the United States

alongside with Japan, China, Korea, EEC and even Canada, Australia and New Zealand. From this goal it will be possible to bring direct and quick advantage to many states of the Third World which have the responsibility to let the western / Asian cooperation to develop in peace for mutual profit otherwise we will not stop cases like Angola, Mozambique, Somalia, Biafra, Ethiopia, etc. Time has arrived for an International Order based not an ideological options but in the supremacy of know-how, manpower, technology and solidarity for great targets as to produce food, machinery, medicines and better standard of education and living.

Indonesia is ready to undertake its duties before the humankind needs as the greatest state of Southeast Asia. If East Timor is a problem for some persistent and stubborn groups made by the some people who still want to restore the principle of a rotten socialism which is after all the dictatorship of the party over the workers, for us, East Timor is moving steadily ahead towards happiness as Indonesian central authorities are now totally committed to respect the people of East Timor in all areas. In the past we built and acted in a resistance which was heroic but not aimed against our Indonesian brother. It was set up against abuses and violence of some responsible ones today totally refrained and removed for East Timor by the Indonesian central authorities.

Therefore, all I ask to this wise and honorable Committee is it allow Portugal and Indonesia to act together according to the recommendation of His Excellency Boutros Boutros-Ghali, Secretary General of the United Nations which obviously means that if, we the victims and protagonists of an historical process do not sit to talk without foreign pressures and intervention, the case of East Timor will continue to be a burden for the UN as a world forum which inherited from Portugal the responsibilities caused by a blamefull abandonment of East Timor.

Thank you Mr. Chairman.

## **COORDINAMENTO ITALIANO DEI GRUPPI DI SOLIDARIETÀ CON IL POPOLO TIMORESE**

*Presented by John M. Miller*

Founded in 1991, the COORDINAMENTO ITALIANO DEI GRUPPI DI SOLIDARIETÀ CON IL POPOLO TIMORESE (Italian Coalition of Solidarity Groups with East Timorese People) is a coalition that includes NGO's, local groups and individuals engaged in supporting the East Timor people's struggle for self-determination. The Coordinamento

promotes information and sensitization campaigns and solidarity projects.

If we examine the East Timor issue with regard to the United Nations General Assembly resolutions and compare it with similar situations such as Namibia, Belize or Western Sahara, we can point out the following:

A) All four territories are former colonies that a nearby powerful country (South Africa for Namibia, Morocco for Western Sahara, Guatemala for Belize, Indonesia for East Timor) has tried to subjugate, advancing territorial contiguity as an excuse to justify the annexation.

B) In each of the four cases the General Assembly of the United Nations has passed resolutions that have acknowledged the right to self-determination as a means to reach complete independence.

C) Two of the above mentioned countries, Belize and Namibia, have become independent in full observance of their people's will.

D) In the Western Sahara, on the basis of the agreements reached by Morocco and the Polisario Front, the track through self-determination has already been opened. In fact, the U.N. has agreed to check the observance of the cease-fire and will assure support for a referendum in order to grant the people of Western Sahara the right to self-determination without any military or administrative constraints.

The Coordinamento Italiano dei Gruppi di Solidarietà con il Popolo Timorese,

- bearing in mind the continuous human rights violations in East Timor, of which the massacre at the Santa Cruz cemetery on November 12, 1991, represents only one of the many atrocities committed by the Indonesian forces of occupation,
- gravely concerned at the difficulties for access to East Timor by human rights organizations and other relevant human rights observers
- deeply concerned at the pressures exerted by the Indonesian government on the Philippines government in order not to allow the International Meeting of Solidarity groups in Manila in May 1994, requests, also on the basis of the General Assembly resolution 37/30, that the United Nations promote and guarantee the right of the people of East Timor to self-determination with processes similar to those adopted for Namibia, Western Sahara and Belize.

Thank you very much.

## FRETILIN

*Presented by José Luis Guterres, Chief of Fretilin External Delegation*

Mr. Chairman, Honorable members of the Committee,

FRETILIN, the Front for an Independent East Timor, is grateful for this opportunity to address this Committee on the question of East Timor.

I would also like to thank the various petitioners and MPs who gave information about what is going on in their country in support of East Timor. But I am particular happy to listen to the newest member of the East Timor network, solidarity for East Timor from the Philippines -- a citizen of a neighboring country that at least cares about what is going on in their neighborhood.

It also very interesting to note that for the first time we had the privilege to listen to different Timorese with opposite points of view on the situation. And I hope, Mr. Chairman, that the Indonesian military in East Timor can allow next time Mr. Xanana Gusmão to participate in this debate. And I note also that what happened on 12 November when young students who peacefully demonstrated their different point of view about the situation were killed by Indonesian soldiers. The presence of the East Timorese here is a useful lesson we can apply in Timor. We appeal to the Indonesian authorities to at least listen to people with different viewpoints than theirs. And I believe that if we begin with this simple question we can solve as soon as possible the question of East Timor.

For almost 19 years we have been resisting an aggression and a military occupation of our homeland without any material or logistical support from any country in the world. But we have been able to overcome all these difficulties. In 1979, 90% of our national leadership died in battle or was imprisoned, but we were able to pass the banner of the resistance to the young generation.

In April this year we have completed a process of reorganization of the external wing of FRETILIN. We had a plenary meeting with the participation of elected delegates representing members living outside East Timor, and new members for the leadership were elected. Our aim is to reinforce the unity of the Timorese political and social organizations. We put aside any political differences in order to work together for a referendum in East Timor supervised by the United Nations.

This had been done in Western Sahara. We must recognize the courage of King Hassan of Morocco to accept a referendum for Western Sahara. Why not in East Timor?

Mr. Chairman this committee has been discussing this issue since the sixties. When the right of self-determination was recognized by Portugal in 1974, and according to Portuguese law of 7 July, Portuguese officially established a mechanism for the transitional period towards independence, but the extremist elements in the Indonesian Armed forces, led by General Moerpoto and its associates in the Center for Strategic Studies, were busy conspiring against East Timor, planning political and military interventions.

Since the beginning of the Timorese problem, FRETILIN has appealed many times to the involvement of ASEAN Countries in order to help bring a just solution to this neighboring country problem. For example, when Indonesia accused FRETILIN in September 1975 of violating their territorial integrity, we made appeals to ASEAN members to send troops for a joint control of the border area. But ASEAN preferred to ignore the plight of this tiny island. And when Indonesia invaded East Timor, only the smallest state, Singapore, abstained in General Assembly Resolution 3485.

During this year the Timorese cause has achieved more political support. But the major success was the APCET (Asia and Pacific Conference on East Timor) held in Philippines. The recent founding in Jakarta by NGOs and personalities and intellectuals of the joint Committee on East Timor is also a remarkable turning point in our struggle.

A delegate of the Indonesian organization Yayasan Pijar said in Manila:

*Our primary reason for coming to this conference is to extend our solidarity to the peoples of the world in winning justice and peace. Our first commitment is to justice: That the people of East Timor should have the opportunity to determine their own fate. Only then can there be peace between Indonesia and East Timor and the violence which has cost so many lives can be ended.*

*We are here in this conference because we cannot refuse to see that East Timor is part of the democratic and human rights struggle in Indonesia.*

*Violence, repression and coercion in East Timor must be stopped in the name of our humanity, in the name of the victims who have fallen on both sides. The cries of children who have lost their fathers and mothers, their relatives, is the same everywhere, in East Timor and in Indonesia.*

Senator Wigberto Tañada of The Philippines said in the same conference:

*Why should we care about the plight of a relatively obscure and isolated people when there seems nothing*

*to gain from this as far as our country is concerned? We should care because our sense of worth as human beings obliges us not to deny others their own humanity and human existence. When a country goes against the grain of human decency, it is right to protest and immoral to compute the cost-benefit of protesting. To ignore injustice and oppression is to betray our humanity, to fade in our adherence to human rights, and to subvert our conscience which stands for what is good and just.*

Mr. Chairman, the invasion of East Timor by the Indonesian armed forces has interrupted the natural development of our country and created distortions in our economy.

For example on the environment, East Timor has suffered extensive deforestation. The use of defoliants during the military campaign has damaged much of the vegetation. The Indonesian-backed companies plunder resources like sandalwood. The army uses burning as prevention measures against guerrillas.

On the health situation, East Timor has infant mortality of 160 per 1,000 births. Mali and East Timor have the highest infant mortality in the world. An Indonesian health official admitted in November 1993 that at least 70% of children under five are malnourished. Baucau Hospital, like other health centers built by Indonesia, is poorly equipped and has few medicines.

On the economic situation, we do agree that East Timor is a resource-rich country.

Oil and gas are the largest resources with large reserves in the Timor Sea, between East Timor and Australia. The huge reserve has attracted multinationals from the US, Australia, Japan, and the UK; 12 multinationals are now operating there. The Timor Gap Treaty for joint exploration between Indonesia and Australia has been challenged by Portugal, the administering power of East Timor, in the World Court. The Timorese community living in Australia has also challenged the Australian government in the Australian High Court.

We have stated in many occasions that our policy in independent East Timor is to welcome the multinationals in the exploration of the Timorese natural resources, but at this stage, we do not support any of these multinationals in the Timor Sea.

As a matter of example in 1975 leaders of FRETILIN and UDT were invited to visit offshore platform in the Timor Sea and we were informed by the last Governor that East Timor would be exporting oil by 1977. But what happened to day in East Timor we can seem, as recently concluded by Indonesian academic Professor George Adit-

jondro of Salatiga University that the East Timor economy is mainly controlled by three main generals who commanded the operation Komodo, the invasion of East Timor: General Benny Mordani, Dading Kabualdi and Sahala Rajagukuk: the PT Batara Indra Group that practically monopolizes the entire economy of East Timor. Subsidiaries of this group, like PT Salazar monopolize the coffee business, PT Scent Indonesia monopolize the sandalwood-oil business and PT Marmer Timor Timur monopolizes the marble quarrying. PT Fatu Besi Raya grabs the lion's share of civil engineering projects in East Timor.

Indonesia could be right, when in their statistics published in various propaganda material, they claim that they created thousands of companies, and created jobs. But these thousand companies belong to Indonesian generals, not Timorese. The jobs are primarily given to Indonesians immigrants. As an example, the international press reported differences between the central Indonesian government and their Governor in East Timor: Mr. Abilio Soares threatened to resign, due the insistence of their Master in Jakarta on appointing a non-Timorese for the senior positions.

From our point of view, East Timorese are living in worse situation than before. We had the freedom to cultivate our lands. To live, to travel without any restrictions to any point of our Country, to live in our ancestors' land.

This critical situation has been denounced by Indonesia's own protégés. Mr. Florentino Sarmiento, Director of the Development agency, ETADEP, said to *Washington Post* journalist William Branigin in April this year that: "The whole process of development is just a show for the outside world."

It is also important to remark on some of Prof. Aditjondro's conclusions: that in East Timor the regions where the army activity is highest, the Indonesians concentrate the construction of infrastructure, particular roads, bridges and harbors. But in other places that are relatively more peaceful the condition of roads is deplorable and there are hardly any bridges.

On the internal and human rights situation, I will not elaborate because predecessors speaking here have already denounced the situation. But want to remark on one very important situation that was denounced by Col. John Lumitang, the new commander of the Indonesian army troops in East Timor.

Colonel Lumitang in February accused FRETILIN of having killed a village chief. Mr. Chairman, as in last year, we said that we are not interested here in only pointing our fingers at the Indonesian delegation and the Indonesian government and not take into

account what Indonesian military says on what possibly FRETILIN is doing related to human rights violations.

As in past years, we have suggested that in this kind of situation we are prepared to collaborate with the Indonesian government, with the United Nations and other international human rights organizations in order to clarify that matter. Because we defend human rights as a universal principle and we do not believe that killing our opposition is a good thing. If there are real interests, the Indonesian government and other organizations, if they request, we can give all cooperation on that matter.

On the military situation, Mr. Chairman, the Indonesian military commander in East Timor, Col. Lumitang, said that FRETILIN, the resistance, has only about 200 guerrillas with 100 or so weapons among them. And that encounters between soldiers and guerrillas average one a month, and he also informed that only two soldiers have been killed since September 1993.

Mr. Chairman, whatever the number we have, FALINTIL has been resisting for practically 20 years without any external support, and we will continue to do so until a political solution can be found.

The public declaration by the Regional Commander in Bali to foreign correspondents that Indonesian troops will be reduced to six battalions is challenged by the resistance. And on 6 May we have indicated the locations, and recorded a total of 30,000 troops and security elements in East Timor.

I have in my statement many of the numbers of these Battalions: 112, 114, 305, 311, 327, 405, 408, 431, 501, 504, 512, 516, 611, 612, 618, 642, 726, 746. There are also Combat Detachment 515, Kopassus Group 2, Brimob, Kodim, Police. Indigenous team: Tim Siera in Baucau, Saka Team of Quelicai, Mkikit Team of Viqueque, Alfa Team of Lospalos.

From time to time Indonesia announces the removal of some battalions but immediately they are replaced by other battalions.

Dili has 69 military posts, and they are essentially to watch young people.

Mr. Chairman, we strongly oppose any arms sale to Indonesia. It is with great concern that we see European and American companies selling warships and warplanes to Jakarta. All this modern equipment will reinforce the military power not only in Jakarta but also in East Timor: a small island and a country that have never received any material help, and whose aim is to defend its right, in accordance with various resolutions of the Security Council and General Assembly. We can only count on the solidarity of peace loving organizations of these countries to help stop these sales.

On the political solution of East Timor, Mr. Chairman and to conclude:

Mr. Nino Santana, the leader of FRETILIN has said:

*The people of East Timor are aware that an attitude of inflexibility by the extremist will not favor a solution to the problem. For this reason, our method of struggle is based on moderation and flexibility, based on complete openness for dialogue. However, what we have seen today, the Indonesian regime remains defiant, inflexible and arrogant. We remain ready to enter into a process of dialogue without preconditions with the view to exploring every possible solution beneficial to all parties involved.*

On the Timorese side, a national consensus was established: This consensus was forwarded to the UN Secretary-General in February 1989, by Bishop Belo of Dili Diocese which requested a referendum for East Timor. The 6 of May round talks in Geneva was followed closely by the Coordinating Commission of Diplomatic front a coordination body of UDT, CNRM and FRETILIN. There are some positive elements in the final communiqué. Paragraph 9 stated the readiness of Foreign Ministers of Portugal and Indonesia to meet with the leading East Timorese supporters and opponents of integration.

The Timorese Coordination Committee of Diplomatic Front has already stated our willingness to meet with Minister Alatas. We firmly believe that the Timorese question must be solved by peaceful means and dialogue.

That is why we continue to encourage the UN Secretary General to continue his mandate in order to speed up the resolution of the tragic situation of East Timor.

Thank you, Sir.

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## STATEMENTS BY GOVERNMENTS

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Mr. Domingos Augusto Ferreira spoke on behalf of the Lusophone African countries, but we have not been able to obtain his statement.

The Committee then recessed until the next day, when the following statements were delivered.

### **ABDUL NASIER, INDONESIA**

*Permanent Mission of the Republic of Indonesia to the United Nations, 325 East 38th Street, New York, NY 10016*

Mr. Chairman,

My Delegation has consistently maintained that the people of East Timor have exercised their right to self-determination by opting for independence through integration with the Republic of Indonesia in 1976. We therefore oppose the granting of hearings and the consideration of the so-called question of East Timor.

Furthermore, we firmly believe that the appropriate and only forum to seek an internationally acceptable solution is the ongoing tripartite dialogue held between Portugal and Indonesia under the auspices of the United Nations Secretary-General. To make this undertaking successful, Indonesia's detractors should refrain from two-faced posturing and extend their genuine support to the dialogue as a viable mechanism.

During the last round of talks held between the respective Foreign Ministers of Indonesia and Portugal in May 1994, it was agreed to exercise restraint in order to maintain an atmosphere conducive for further progress leading to a settlement of the question. The next meeting is scheduled to be held during January 1995. Meanwhile talks will be held between the representatives of the two Governments in New York. It is our earnest hope that the next dialogue will lead to positive results.

Indonesia has resolutely demonstrated its good faith in these endeavors by extending full cooperation with the Secretary-General in exploring ways and means for a viable solution. In this regard, it is pertinent to note that a series of confidence-building measures were agreed on 17 September 1993 during a meeting held between the Foreign Ministers of Indonesia and Portugal which inter alia included the need to create a favorable and non-confrontational atmosphere in order to facilitate a settlement; the importance of promoting respect for human rights in all their indivisible aspects and fundamental freedoms in East Timor; and in this context the implementation of the recommendations contained in the consensus statement by the Chairman of the Commission on

Human Rights of 4 March 1992; and the continuation of efforts to promote a balanced exchange of visits by journalists and personalities of their respective countries.

As indisputable proof of its goodwill in implementing the agreed confidence-building measures aimed at fostering an atmosphere propitious to addressing the substance of the question, Indonesia has taken some concrete steps. In this connection, I would like to briefly state some of them.

The Indonesian Government has continued to provide access to East Timor on a regular basis to foreign representatives, parliamentary missions, journalists and others. During the past year, visits were made possible to the province by the Secretary-General's representatives, Mr. Francesc Vendrell and Mr. Tamrat Samuel on 19-23 January 1994, Dr. Manuel Tilman, an East Timorese lawyer, 9 foreign correspondents, a Delegation of 25 foreign journalists representing 16 print and electronic media organizations from various countries, and 26 East Timorese residing in Portugal. I am also pleased to inform that the Special Rapporteur of the Commission on Human Rights on Extrajudicial, Summary or Arbitrary Execution, Mr. Bacre Wali Ndiaye, has concluded his visit to Indonesia including the Province of East Timor.

Likewise, many international agencies in East Timor are operating including the ICRC, CRS, UNICEF and others. These organizations continue to function freely in the province and are working closely and in cooperation with the Provincial Government. For example, the ICRC continues its protection program such as visiting prisoners including Xanana Gusmão and others.

We are heartened by the establishment of the Portugal-Indonesia Friendship Association (PIFA) on 20 September 1993 and its counterpart, the Indonesian-Portuguese Friendship Association (IPFA) on 17 January 1994 whose main objective is to increase and strengthen cultural and historical ties between the peoples of both countries.

Mr. Chairman,

It is most regrettable to note that some quarters continue to perpetrate the myth of a large Indonesian military presence on the island. Let me correct this baseless accusation and inform this Committee that since security and public order has vastly improved in the province, the East Timor Military Operation Command has been dissolved and replaced by a regular District Command as in any other province of Indonesia. Furthermore, the remaining military forces have begun phasing out, from the earlier stationing of 8 battalions to only 2, and 7 out of 8 among them are involved in civic missions.

Since the incident of 12 November 1991, the Indonesian Government has exerted every effort in continuing the search for missing persons but with limited success. It is pertinent to note that our Foreign Minister continues to keep the UN Secretary-General apprised of the investigation. The number of those now unaccounted for has been reduced to 56.

There is complete freedom of cultural expression in East Timor. It is the established policy of Indonesia to develop the cultural heritage of each ethnic group of the nation, including East Timor, to maintain the rich cultural diversity of the Indonesian people. In this regard, the Indonesian Government is committed to preserving Portuguese relics in the province. A number of Catholic churches built by Portugal during its period of colonization have been renovated and restored by the East Timor Administration.

As to the "expanded family reunion" program, 59 East Timorese have been granted permission to leave for Portugal. Also, based on humanitarian considerations, 7 East Timorese youth who tried last year to seek asylum in foreign embassies were allowed to leave for Portugal last December. In addition, Indonesia has approved requests from a number of East Timorese currently residing in Portugal and Angola to return to Indonesia. In a reconciliatory meeting in London, representatives of East Timorese in Indonesia and those living in Portugal met during December 1993 and agreed to hold further contacts. This should go a long way in impacting positively on confidence-building measures.

Mr. Chairman,

Allow me also to set the historical record straight once again in response to some misrepresentation of facts and allegations made concerning the former colony. From the very beginning, Indonesia extended its cooperation to Portugal with the avowed aim of reaching a peaceful and orderly decolonization of East Timor. This was evidenced by a series of meetings held between the two sides in New York, in September 1974; Lisbon in October 1974; London in March 1975; Jakarta in August and September 1975 and Rome in November 1975.

Tragically, before an agreement could be reached, the situation in the territory was aggravated by the colonial authorities' abrupt abandonment of its responsibilities and its handing over ammunition and weapons to the one minority party. Thereafter, civil war erupted when this minority group unleashed a reign of terror against its own people and unilaterally declared independence. In response to the chaos and strife, the three other political parties in line with UN resolution 1541 voted overwhelmingly for

independence through integration with Indonesia.

What Portugal has tried over the years is to portray an image of helping the East Timorese people gain their independence. But, this assistance is 18 years too late. It should have been forthcoming much earlier. Decolonisation has taken place in accordance with Resolutions 1514 (XV), 1541 (XV) and 2625 (XV) when the East Timorese exercised their right to self-determination and independence through integration.

As to the involvement of the United Nations, principle IX (b) of resolution 1541 (XV), which states in regard to integration, "the United Nations could, when it deems necessary, supervise these processes." It is clear therefore that the participation of the United Nations is not mandatory, yet the Provisional Government of East Timor throughout 1976, had spared no effort in trying to involve the Organization in that process but all of these invitations were regrettably accorded a negative response. Moreover, members of the Committee are well aware that many nations have gained their independence without resort to implementation of the provisions prescribed in resolution 1514 (XV). In fact, in some, the colonial powers simply departed, often leaving the country in disarray and self-destructive civil wars continue to this day.

In East Timor, it is true that the process of decolonization was tumultuous due to the hasty departure of the colonial power and the attempt by one minority party to seize power by force of arms rather than through democratic methods. But, nevertheless, there was a clear expression by four political parties representing the overwhelming majority of the population as to their real wishes for the kind of independence they desired which was through integration with Indonesia. This brief chronology of events which my delegation has reiterated on past occasions shows that the Indonesian Government's only role was in responding to the expression of the true will of the people of East Timor.

Mr. Chairman,

It is indisputable that during the past eighteen years since integration with the Republic of Indonesia, the East Timorese people have achieved substantial and tangible progress in all aspects of life than they did throughout the entire previous era. To bring the province of East Timor to the level of other provinces, the Central Government has allocated and continues to allocate a much larger per capita budget for East Timor than to any other province. In this connection, let me inform that the Government is allocating approximately 624 million rupiahs for a development project which

involves 312 underdeveloped villages in the province. Priorities continue to be aimed at agriculture, education, public housing, communications and other infrastructures. The development efforts have as their primary goals, the improvement of the welfare of the people of East Timor, which have yielded most encouraging results. From a perennial short-fall in food production, it is now up by 600,000 tons per year. East Timor has now cut back its dependence on other Indonesian provinces for the supply of, for example, reception in the highlands. Likewise, a private radio station has been established. The steady expansion of the economy is reflected by increased domestic investment which at the end of the year 1993, amounted to Rp. 232.64 billion.

In the educational arena, during the fiscal year 1993, 250 teachers were assigned to East Timor which includes, 125 for elementary schools, 55 for junior high schools and 70 for senior high schools. These teachers will be given special training to meet the educational needs of the province.

Mr. Chairman,

Based on the actual situation prevailing in East Timor today and the fact that the province is an integral part of the Republic of Indonesia for nearly two decades, my Delegation sincerely hopes, that this Committee will finally decide that the inclusion and discussion of the question of East Timor can serve no purpose. Let me also add, to support integration is to respect the aspirations of the people of East Timor; to be against it is to oppose the will of the East Timorese people and to thwart their right to political, economic and social development.

Thank you Mr. Chairman.

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### RUI QUARTIN SANTOS, PORTUGAL

Mr. Chairman,

Allow me to begin by saluting you, Sir, and all the distinguished members of this Special Committee, and by recalling the significant contribution that this body has made over the last three decades to the successful role played by the United Nations in bringing about self-determination and independence for the overwhelming majority of the colonial countries and peoples throughout the world.

Even now, when that task seems near to completion, it is important to underline that the principles and rules which have presided over it are still valid and are applicable to the few remaining non-self-governing territories. The United Nations cannot, in particular, turn a blind eye to those cases in which the blatant disregard for those rules and principles has led to a most regrettable

situation of repression and human rights abuses.

Portugal, in its capacity of administering power of the non-self-governing territory of East Timor, has as much as possible always cooperated with this Special Committee, despite the obvious limitations stemming from the fact that it has been hitherto "de facto" prevented from exercising effectively the responsibilities incumbent upon it.

The task of the Special Committee regarding the question of East Timor is underlined, in particular, by operative paragraph 2 of the General Assembly's resolution 37/30, in which the Committee is requested: "to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General with a view to facilitating the implementation of the present resolution."

Mr. Chairman,

Last year, the Committee's meeting devoted to the question of East Timor took place in the aftermath of the adoption by the UN Commission on Human Rights of its resolution 1993/97 on the situation of human rights in East Timor and of the sentencing of the East Timorese leader Xanana Gusmão to life imprisonment by an Indonesian court in Dili, charged with "rebellion" and "separatism" for his opposition to Indonesia's illegal takeover of his country. On the other hand, and under the auspices of the Secretary-General, the Ministers of Foreign Affairs of Portugal and Indonesia had held in Rome their second meeting. Political talks were thus proceeding against a background of continuing human rights concerns and unabated repression.

Portugal fully shares the Secretary-General's assertion, as contained in the last progress report he submitted to the General Assembly (doc. A/48/418x 20/9/93): "Equally important and intrinsically linked to the peace process is the human rights situation in East Timor. The improvement of the conditions in East Timor is sine qua non to progress in the Talks."

In the light of this remark and precisely one year after our last meeting on this issue, it is time to make an assessment of the political process on motion concerning this issue, on the one hand; and, on the other, to determine how things have evolved in East Timor, specially in the human rights field.

Shortly afterwards, on August 20, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1993/12. The Indonesian authorities were thereby urged to implement fully the 1992 and 1993 decisions of the Commission on Human Rights, while the Sub-Committee expressed its "deepest concern, at reports of continuing violations of human rights in East Timor." The Sub-

Committee remained seized of the issue and will consider it further at its next session, due to take place during the next month of August.

In the following month, the Ministers of Foreign Affairs of Portugal and Indonesia met in New York with the Secretary-General for their third round of talks aimed at achieving a just, comprehensive and internationally acceptable settlement to the question of East Timor. The importance of the promotion of respect for human rights, in all their indivisible aspects, and fundamental freedoms in East Timor was recognized, as well as that of the implementation of the provisions adopted by the Commission on Human Rights by consensus, on March 1992. Special relevance was attached to the furthering of access to East Timor by the United Nations and humanitarian and human rights organizations. The improvement of the atmosphere of dialogue between the parties; the envisaging of contacts to be carried out by the Secretary-General with whom he would deem useful to assist in the solution of the question; and the promotion of a balanced exchange of visits by journalists and personalities from both countries, were also contemplated.

The relevance of the human rights issues in this first "package" of confidence-building measures designed to start paving the way to address the substance of the question appears as quite evident. It is important to note that Indonesia has hereby expressly reiterated the commitments it had undertaken, before the Commission on Human Rights, to take concrete steps to improve the situation prevailing in East Timor.

The Commission on Human Rights met again in late January 1994. It took up the question of East Timor having before it a report of the Secretary-General and reports emanating from its Special Rapporteurs on the questions of torture and of extrajudicial, summary or arbitrary executions, as well as reports by its Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances. Paragraph ... of the Secretariat's working paper (doc. ) describes the main provisions contained in the consensus statement adopted by the Commission on 9 March.

Besides reiterating its concern over the continuing allegations of human rights violations in East Timor, the statement dedicates a good number of its provisions to calling again on Indonesia to carry out those which had been adopted in the 1992 and 1993 CHR decisions regarding the 12 November 1991 shooting in which scores of East Timorese civilians were gunned down by the Indonesian military. This implied that two years later, the Commission considered that most of those provisions were still to be

implemented, in spite of all the pledges made by the Indonesian authorities.

On the positive side it should be underlined that it was possible to reach a consensus this time as in 1992; that the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has been invited to visit the territory (the visit has just taken place and we are looking forward to its report); and that Indonesia committed itself also to address invitations to other relevant thematic Special Rapporteur and for working groups of the CHR to visit East Timor when necessary for the fulfillment of their duties.

The fourth round of talks under the Secretary-General's auspices took place in Geneva, on May 5. As a general comment on its outcome, we should point out, in the first place, that the parties concentrated their efforts on consolidating and expanding the "confidence-building measures," whose need had been previously recognized. Special importance, in this context, was again attached to the human rights problem. The final communiqué contemplated the main points which had been the object of the Commission on Human Rights' decisions. Indonesia has, therefore, reinforced the commitments already undertaken regarding the improvement of the human rights situation prevailing in East Timor.

Special attention was also devoted in the Geneva meeting to the engagement of the East Timorese in this process of dialogue. Their interests, being the colonial people concerned in this question, are considered paramount by the Charter. The Ministers conveyed their appreciation to the Secretary-General in particular, for the dispatch of a mission, in January 1994, that carried out a number of contacts in Lisbon, Jakarta, Dili and Sidney, many of them with East Timorese leaders and personalities. Similar consultations and contacts will take place whenever the Secretary-General deems necessary.

But what may still be more important is the initiative taken by the Secretary-General to explore appropriate efforts to facilitate an all-inclusive East Timorese dialogue, to be encouraged as an important contribution to the on-going talks under his auspices. The Ministers of Portugal and Indonesia also stated their readiness to meet with, respectively, leading East Timorese supporters and opponents of integration.

Potentially significant steps forward were thus made towards involving the East Timorese in the search for a settlement to this question, in accordance with the principles of the Charter and of the relevant UN resolutions. It is now imperative that conditions be met allowing the Secretary-General to act effectively to promote an all-inclusive

dialogue, in a credible and transparent manner, so that a genuine and useful contribution to his endeavours can be provided.

Mr. Chairman,

To make a balanced assessment of how the question of East Timor has evolved during these last twelve months it is now necessary to compare the words with the reality, to see whether the latter was positively influenced by the decisions adopted and the commitments undertaken, or not.

I regret to begin this task by saying that my delegation is quite disappointed-by the lack of substantive and clear progress in redressing the human rights situation in East Timor. The positive developments recorded have been too limited in number and in scope and are therefore undoubtedly insufficient.

The Indonesian authorities have failed so far to provide sufficient information about the fate and identity of those killed and of the overwhelming majority of those still unaccounted for after the Santa Cruz killings. Bishop Belo, the apostolic administrator of Dili, said in an interview (14/9/93), that people involved in the 12 November demonstration were still seeking refuge in villages, fearing retribution from the military authorities, and that many families were still waiting for their children's bodies to bury. Disturbing accusations were recently made about the fate that a number of wounded people taken to the military hospital in Dili after the shooting, would have met. It is therefore the more imperative that all the circumstances surrounding the matter be duly investigated.

The invitation addressed to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to visit East Timor is welcome and it is expected that the recent visit he has paid to the territory will contribute to shed light on this most horrifying episode. The cooperation that the Indonesian Government has extended to the UN Working Group on Enforced or Involuntary Disappearances is a positive sign, but has unfortunately, failed to bear significant fruits.

The military and police personnel responsible for the shameful episode of the Santa Cruz cemetery have not yet been brought to justice, and the absurd discrepancy in the sentencing of soldiers and peaceful civilian demonstrators has not been redressed. Those convicted for nonviolent activities have yet to be released. In addition, five young East Timorese who demonstrated peacefully in April this year, in Dili, on the occasion of a visit made by foreign journalists, were arrested and recently sentenced (2 of them to 3 years in prison and the other 3 to 20 months). Amnesty International made an appeal last May in favour

of 11 East Timorese detained for non-violent political activities.

Whereas the Portuguese Government reacted positively to the authorization granted to leave Indonesia to the seven young East-Timorese who had sought diplomatic asylum, in June 1993, in the Swedish and Finnish Embassies in Jakarta, considering it as a contribution to create a more favourable atmosphere for our dialogue, we must now, however, express our dismay at these repressive actions, whose negative impact on the dialogue must be duly put on record.

The Portuguese delegation had the occasion, last year, to refer it length to the imprisonment and trial of the East Timorese leader Xanana Gusmão. I would like to add that we consider the reduction of his life term sentence to twenty years as not addressing the substantive issues at stake in this whole affair, appearing instead as a measure aimed at appeasing harsh international criticism over Mr. Gusmão's trial. The latter has lately denounced the conditions under which he was treated in prison, forced to choose a lawyer against his will and subjected to a trial which failed to meet internationally accepted standards of fairness. Lawyers from the Indonesian Legal Aid Institute have been prevented from meeting him. Visits by the ICRC although they have been resumed were banned for a period of time. Only a few days ago were his wife and children allowed to visit him.

Mr. Chairman,

My delegation views favourably the increased access to East Timor by the United Nations, CHR subsidiary bodies, journalists and parliamentarians. The Ministers in Geneva agreed that such access and visits should be continued and further expanded.

Nevertheless, and recognizing that some progress was made in this area, we regret that human rights organizations such as Amnesty International and Asia Watch have still not been able to visit the territory, and that the visits, according to most of the accounts, continue to be tightly monitored and controlled by the authorities. The population is strongly dissuaded from speaking to foreign visitors. Spontaneous contact with local people is rendered extremely difficult. In one particular case – that of the visit made last September by members of the Swedish Parliament – students with a reputation of being oppositional were either arrested before the arrival of the delegation or sent out of Dili, to prevent any contact or demonstrations.

Mr. Chairman,

In spite of some encouraging moves and the pledges made by Indonesia concerning the improvement of the human rights situation in East Timor, the latter appears to us as continuing to be extremely worrisome and

worthy of close scrutiny by the international community and by relevant UN bodies, including this Special Committee.

Following the visit made to the territory, last April, by 26 foreign correspondents based in Jakarta, a number of articles and reports were released by some of the leading international media, which, with practically no exception, confirm that assertion.

It is, for example, extremely significant that an integration supporter like Mr. Florentino Sarmiento, a member of the Indonesian Golkar Party and head of the leading non-governmental development agency in the territory, has said, as quoted by "The Sunday Telegraph" (4/17/94) that: "this is not an integration, this is a pure military occupation. East Timor is a conquered territory, living in a climate of threat, fear and war."

Announcements concerning the reduction of Indonesian armed forces stationed in East Timor have been met with skepticism by military attaches in Jakarta, who visited Dili in November 1993. The U.S. Department of State Human Rights Report 1993 says: "(... ) In East Timor, where largely cosmetic changes in the force structure resulted in minimal reductions in troop presence (...)."

Mr. Sarmiento is also quoted by France-Press as having said (2/18/94) that "it is hard to understand the purpose served by the presence of so many battalions when what we need is a political solution internationally acceptable."

Professor George Aditjondro, a well-known Indonesian scholar, in a research paper released in August last year, elaborates on the impact of the official transmigration programme and of the "flood of spontaneous migration from Indonesia" (to East Timor); on the monopolistic control of almost the entire economy of East Timor by an Indonesian Group (PT Batara Indra); and on the economic, social and cultural negative impact of the removal of population from the interior of the country to "guided villages" for mainly military purposes. He speaks also of the fostering of a "culture of violence" and of "intimidation" as a consequence of the war in East Timor.

Monsignor Belo does not give very encouraging signs either. In one Interview granted on September 23, 1993) he said the East Timorese live as if they were in a prison, under "permanent military pressure through vigilance." He added that people live in fear, being "afraid of retaliation of the military authorities, of interrogations, of being tortured and beaten."

More recently, to the French newspaper "La Croix" (5/29/1994), he said: "Sur le plan humain, rien ne sera réglé an que les Timorais ne pourront pas s'exprimer libre-

ment sur leur avenir. Laissons les Timorais s'exprimer et nous verrons après."

Mr. Chairman,

In the final communiqué of the 6 May Geneva meeting, it is said that the Ministers (of Portugal and Indonesia) reacted positively to the Secretary-General's appeal to exercise restraint on the issue of East Timor in the interest of maintaining a favourable atmosphere for further progress towards a comprehensive settlement of the question.

On our part we stand ready to continue to live up to our commitments. But "restraint" cannot be understood as a "one way street," as a unilateral obligation of silencing the persistence of unacceptable situations or abuses. Words must be followed by deeds, lest we be tempted to conclude that we are involved in an exercise aimed chiefly at buying time and at defusing growing international criticism over this issue. We deem it indispensable therefore that the constructive spirit that presided over the adoption of the last CHR consensus statement be followed by effective and unequivocal action on the part of the Indonesian authorities to redress the situation in East Timor.

Mr. Chairman,

In spite of the wide gap existing between the positions of Portugal and Indonesia on the substance of the question - that is, the completion of the decolonization process of East Timor - we firmly believe that there will be no substitute for a peaceful and negotiated settlement, with full respect, first and foremost, for the legitimate rights of its people, in accordance with the principles of the Charter and the International Law.

The passing of time and the unfolding of events in the territory, specially during these last years, have clearly shown that there will be no lasting and durable settlement to these problems based on repression or on the use of force over the East Timorese, but instead it will have to be based on the respect for their right to decide, in a free and valid manner, their own political future.

Portugal remains thus firmly committed to contributing to the on-going efforts under the auspices of the Secretary-General, hoping, that in a gradual but steady manner, the aforesaid gap will be bridged allowing for legality to be finally restored in East Timor, bringing to its people the long awaited peace and justice they are entitled to.