

EAST TIMOR

A seminar for East Timorese human rights organizations on the application of forensic anthropology to human rights investigations.

At the invitation of Amnesty International-London Secretariat, one EAAF member traveled to East Timor to lead a seminar on the application of forensic sciences to human rights investigations, between November 5th and 17th, 1999. The seminar was directed to East Timorese human rights organizations, though additional participants included members of the United Nations mission in East Timor who are involved with forensic work and possible judicial and investigative alternatives regarding past abuses in East Timor.

THE CRISIS IN EAST TIMOR

HISTORICAL BACKGROUND

On September 3, 1999 the United Nations announced that East Timorese people had voted overwhelmingly in favor of independence in a UN-organized referendum. East Timor thereby rejected the possibility of a new autonomous status within Indonesia. This possibility had been proposed by President B.J. Habibie, who took office after former President Suharto was forced to resign in May 1998 yet was subsequently succeeded by Abdurrahman Wahid in the October 1999 national election. This historic vote for East Timorese independence signaled a step towards the long-awaited realization of national independence following nearly a quarter century of Indonesian rule, and was achieved despite a widely reported intensification of violence and intimidation.

According to the UN, while a period of violence preceded the referendum, the vote itself and the announcement of its results set off



Pro-independence refugees who had fled to Dare, in the hills overlooking the capital of East Timor, offered a warm greeting to truckloads of Australian troops and U.N. relief personnel who arrived on September 21, 1999.

photo by David Guttenfelder

intensified waves of intimidation and killing by Indonesian troops and pro-Jakarta militias in East Timor¹. This was accompanied by the widespread destruction of homes, public works and buildings, and communications systems in the capital of Dili and elsewhere, which was so extensive that by December 15 the World Bank estimated that \$300 million would be required to rebuild East Timor. Indonesian assurances of their responsibility to maintain law and order before, during, and after the referendum, then, did not necessarily

¹ Report of the High Commissioner for Human Rights, United Nations Economic and Social Council, Commission on Human Rights. Fourth Special Session September 23-24 1999.

materialize on the ground. The period between the announcement of the results and their formal acceptance by the Indonesian parliament in late October proved to be a period of limbo, during which East Timor technically remained part of Indonesia, which was the authority responsible for maintaining law and order during this time. While the extent of human rights violations related to the referendum is still being determined, mass graves and other evidence had surfaced by October in several parts of East Timor, for instance in the town of Liquica, Suai, Maliana, and others.



An armed Indonesian soldier rode on the back of a motorcycle past East Timorese sitting among belongings out on the pavement in Dili.

photo by Emmanuel Dunand

This crisis was backgrounded by a lengthy history of rights violations and socio-economic dislocation in East Timor. Indonesia invaded this former Portuguese colony in 1975 under Suharto's leadership, and subsequently fought against pro-independence insurgencies as Indonesia and its Javanese majority sought to "Indonesianize" the territory and gain control of its resources such as coffee, sandalwood, marble, and oil. Some 200,000 East Timorese lives, approximately a third of the initial population, were lost in the early years of Indonesian occupation alone².

As Indonesia's twenty-seventh province, East Timor was a closed colony of the military from

1975 until 1989. During that time, visitors, including foreign reporters and Indonesian civilians, were repeatedly denied access. After 1989, military tactics of violence and intimidation continued, even before the eyes of an increasingly critical international community. The well-known 1991 "Dili Massacre" at Santa Cruz, for instance, entailed the military firing with automatic weapons into an unarmed pro-independence march and detaining participants. In 1996, the Nobel Peace prize was awarded to East Timorese Bishop Carlos Filipe Ximenes Belo and José Ramos-Horta. This award was widely regarded as an acknowledgement of the fight against oppression in East Timor, as well as a gesture that further tarnished the image of the Indonesian government before the international community and the Indonesian people.

UNITED NATIONS PEACEKEEPING OPERATIONS

The United Nations Security Council established the UN Mission to East Timor (UNAMET) in June 1999 to organize and oversee the August 30 consultation, and to oversee a transition period pending implementation of the voting results. According to the UN, the level of violence and the "scorched earth" policy carried out by pro-integration forces -anti-independence militias with the support of the Indonesian Army-after the announcement of the results were unanticipated by the UN and others in the international community³. However, many had anticipated this development. An as yet undetermined number of East Timorese were killed, and as many as 500,000 may have been displaced, with a large number fleeing or being forcibly relocated to Indonesian-controlled West Timor. Thus, the question of how large numbers of refugees would safely return to their homes - which may in any case have been destroyed - presented additional challenges.

On September 15, 1999 the Security

² *East Timor and U.S. Policy*, East Timor Action Network/US, October 1998.

³ The United Nations and East Timor. The United Nations, October 26, 1999.

<http://www.un.org/peace/etimor/gnaoct.htm>

Council authorized a multinational force under a unified command structure headed by Australia (INTERFET) to restore peace and security in East Timor, to protect and support UNAMET, and within force capabilities to facilitate humanitarian assistance operations. INTERFET, whose troops came from nineteen different nations, began to arrive on September 20. By October 6, UN Secretary General Kofi Annan announced that the

Timor on February 4, 2000 and handed over security responsibilities to a United Nations force that was expected to grow to as much as 9,000. By late February, INTERFET security forces had been officially replaced by the UN. At present, a UN civilian administration government is in charge of East Timor during this transitional period. On March 1, 2000 current President Abdurrahman Wahid apologized for Indonesia's past atrocities in



A television image showed supporters of independence being marched through the streets of Dili on September of 1999 by military-backed militias that had been killing some people and driving others out of the territory.

photo by Associated Press

UN would have to take control of East Timor during its transition to independence. In late October, it established UNTAET, a peacekeeping operation fully responsible for the administration of East Timor during this transitional period. The last Indonesian troops had withdrawn by October 29, so that for the first time since the announcement of the voting results on September 3, East Timor could celebrate its independence without anti-independence forces looking on.

East Timor during the first visit of an Indonesian leader in an independent East Timor. Wahid also revoked two critical laws that had given the Indonesian military sweeping powers for decades, thereby raising hopes that a period of substantive Indonesian reforms is underway.

INTERFET began to withdraw from East

INVESTIGATIONS INTO HUMAN RIGHTS
VIOLATIONS

The UN Report of the High Commissioner for Human Rights presented during the September 23-24, 1999 conference on Human Rights outlined the situation of human rights abuses in East Timor. After sending an envoy to the territory in May and then visiting it herself from September 10-13, the UN High Commissioner, Mary Robinson, conveyed numerous reports of the breakdown of law and order, wanton killings, forcible expulsions, sexual assaults against women, forced disappearances, and destruction of property, to conclude that "overwhelming evidence" suggested that East Timor had seen a deliberate, vicious, and systematic campaign of gross violations of human rights⁴. She reiterated Indonesia's responsibility to maintain law, order, and access for aid agencies providing relief, and urged Indonesian authorities to cooperate in the establishment of an International Commission of Inquiry into the violations so that the responsible parties would be brought to justice.

On September 27, the UN Commission on Human Rights adopted a resolution condemning the widespread, systematic and gross violations of human rights which had occurred, and called upon the UN Secretary-General to establish an International Commission to gather information relevant to future recommendations for action. On October 15, the High Commissioner for Human Rights announced the composition of the Commission, whose chairperson was Ms. Sonia Picado of Costa Rica. Its mandate included gathering information on possible rights violations, providing the Secretary-General with conclusions that would enable him to make recommendations on future actions, and cooperating with the Indonesian national commission on human rights as well as thematic Rapporteurs. By early November, UN Special Rapporteurs visited East Timor to investigate more closely the allegations on executions, torture, violence against women, involuntary

disappearances, and other rights violations.

On November 15 the UN Economic and Social Council (ECOSOC) endorsed the resolution establishing the Commission of Inquiry, which immediately began its work and convened in Geneva, Switzerland from November 18-20, and in Darwin, Australia from November 23-24. It also required an adequate representation of Asian experts, in cooperation with the Indonesian National Commission on Human Rights, as well as that of the Rapporteurs. The role of Indonesian and Asian experts on this commission provoked international speculation about whether their findings would be unbiased.

The UN Commission of Inquiry visited East Timor from the end of November until December 3, in order to verify material destruction, to hear witnesses and to collect testimonies and documents. They traveled around East Timor and surrounding areas, including Los Palos, Maliana, Suai, and Liquica, where severe rights violations had been reported. The five-member international commission interviewed witnesses and, according to their subsequent report, the testimonies of many East Timorese people - who managed to participate in interviews despite living amidst destruction and a lack of basic needs such as food - suggested situations of rights violations that were more severe and widespread than the Commission had anticipated.

One incident among many others described in their report was conveyed as follows:

On 8 September 1999, over 100 militia entered the police station in Maliana, where about 600 people had sought shelter against the attacks of the military and militia. The police station was entirely surrounded...The people inside the police station were first attacked with machetes. When they fell down, they were hacked into pieces. This was done in front of the people, who were forced to watch. The witnesses identified by name members of the militia and Indonesian Army (TNI) who

⁴ *United Nations Report of the High Commissioner for Human Rights on the human rights situation in East Timor*, Commission on Human Rights Fourth Special Session, September 23-24, Section III, IV.

were responsible for this massacre...⁵

Their report also concluded that after the announcement of the results of the vote, a forced evacuation planned by the Indonesian Army and local militias started. This forced deportation and displacement of East Timorese people to Indonesian West Timor was undertaken by sea and road. Approximately 200,000 people were relocated in this way, and as of January 2000 more than half remain in West Timor.

On January 31, 2000, Kofi Annan announced that the International Commission had completed its task, and conveyed the findings of their inquiry. Their conclusions were that there

were patterns of gross violations of human rights and breaches of humanitarian law which varied over time and took the form of systematic and widespread intimidation, humiliation and terror, destruction of property, violence against women and displacement of people. Patterns were also found relating to the destruction of evidence and the involvement of the Indonesian Army and the militias in the violations.

Their recommendation included the establishment of an international human rights tribunal to bring to justice those who were responsible for the violations committed since January 1999. The tribunal was to consist of judges appointed by the UN, preferably with participation



On September of 1999, anti-independence militias fired bullets at Bishop Carlos Filipe Ximenes Belo's compound and latter burned it down. Belo, a co-winner of the 1996 Nobel Peace Prize, fled his homeland a week latter to Portugal.

photo by Mercedes Doretti, EAAF

⁵ Report of the International Commission of Inquiry on East Timor To The Secretary General, January 2000, Section III: 6:88.

by members from East Timor and Indonesia. They also recommended that the UN continue an international investigation and establish a prosecution body, and emphasized the importance of facilitating a rapid return of displaced persons and the disarming of Indonesian militias. They urged that the UN has a special responsibility in its trusteeship of East Timor to bring those responsible to justice. Kofi Annan reiterated that these violations were directed against a decision of the Security Council and were contrary to the agreements reached by Indonesia with the UN to carry out the decision of the Security Council, and that this fact reinforced the need to hold the perpetrators accountable for their actions. At present, the announcement of the inquiry's findings and recommendations may be the most significant step towards this aim.

FORENSIC ANTHROPOLOGY SEMINAR

At the request of Amnesty International, one EAAF member traveled to East Timor to hold a seminar for local non governmental organizations on the application of forensic anthropology to the investigation of human rights violations. The seminar took place between November 12 and 13, 1999 at the International Compound of NGOs in Dili, East Timor's capital. The workshop was directed to local human rights organizations, and fourteen members of the organizations Yayasan, Hak, Justice and Peace Commission, and the Commissao dos Direitos Humanos participated. Members of the human rights and police units of UNTAET, INTERFET, the office of the UN High Commissioner for Human Rights and forensic experts working with the UN also participated, bringing the number of participants to 28 people.

Three members of Amnesty International organized the seminar under the request of East Timorese groups that had expressed the need to understand and assess current needs and capacities in the area of forensic investigations in East Timor in the aftermath of the violence following the vote for independence. As discussed above, hundreds were killed and thousands

expelled from their homes in early September by anti-independence militia acting in concert with the Indonesia security forces. The need for proper forensic investigation of human remains, according to Amnesty International, had become crucial as dozens of grave sites were located, as relatives searched for their loved ones, and as human rights workers and criminal investigators attempted to piece together the evidence of gross human rights violations.



Between November 12 and 13, 1999, a workshop was held in Dili directed to local human rights organizations, police units of UNTAET, INTERFET, the office of the UN High Commissioner for Human Rights and forensic experts working for the UN.

photo by EAAF

The seminar was also aimed to find ways of collaboration and direct communication among NGOs, UNTAET and INTERFET, who were doing emergency forensic work in East Timor. Mercedes Doretti, an EAAF member invited by Amnesty International to share relevant knowledge acquired by EAAF during the course of its work in other countries, led the seminar.

OTHER ACTIVITIES

Amnesty International members and EAAF conducted separate interviews with local NGOs to analyze cases in which they had requested specific technical advice. The delegation also conducted multiple interviews with INTERFET and UNTAET members, as well as with political affairs UN officers, in order to better

understand the methodology that was being used in forensic work in East Timor, the problems and challenges found on the field, and possible ways to enlarge the collaboration of NGOs with UN forensic personnel.

The central and most apparent need at that point was a result of a lack of forensic pathologists and anthropologists, as well as insufficient material resources. At the time Dr. Mark Skinner, a Canadian forensic anthropologist, was conducting an assessment of needs for the United Nations in order to improve this situation.

On two occasions, EAAF was able to accompany Amnesty International members while they were interviewing refugees returning to East Timor. They took place in a shelter in Dili, where refugees were taken by UNHCR and other international agencies upon their arrival to Dili before they were returned to their respective towns. This provided EAAF with direct testimonies about the tragic events that occurred, and information that was important for understanding the complex background of those events.