

COLLECTION:
ACFOA Human Rights Office – East Timor files

SERIES / FOLDER GROUP
Actions / Campaigns

SUB-SERIES
Santa Cruz Massacre

FOLDER TITLE
United Nations

DATE RANGE
1992-1992

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AIDE-MÉMOIRE

CNRM

East Timor Diplomatic & Intelligence Digest

conselho nacional da resistencia maubere
national council of maubere resistance
conseil national de la résistance maubere

Comissão Directiva da FRETILIN • Comando das FALINTIL • Resistência Nacional Estudantil de Timor Leste • RENETIL

MEMO

To: ALL **From:** JRH
Date: 24.02.92 **Pages:** 2
Nature: GENERAL DISTRIBUTION

Subject: Update on East Timor at UNCHR

Here is another summary and analysis to keep you abreast of the unfolding events and activities in the Commission on Human Rights regarding East Timor:

1. The press statement issued exposing Australia's lobby on East Timor has had its intended effect. The Australian delegation here has been very embarrassed and upset to the point of panic as it sees its collaboration with Indonesia publicly exposed.
2. However, while denying the charges I made against them, the Australian delegation has in fact escalated its efforts to undermine the European Community draft resolution on East Timor.
3. Australian diplomats have in fact accused Portugal of discourtesy and of not having consulted with Australia in advance regarding the text of the resolution.
4. In fact, the Australian delegation is angry, not because it has not been consulted (obviously Portugal could not have consulted with Australia since they are in opposing camps) but because Portugal has anticipated Australia's schemes and outmanouvered the Australian delegation.

Address:

5. At this moment, Australia is completely alone among the Western countries in not supporting the current European draft.
6. Australia is still lobbying actively, leading many NGO's and government to wonder why Australia takes such an active and strong stand against a resolution which does not refer to Australia - as if the current EC draft was a condemnation of Australia and not Indonesia.
7. The EC draft is now co-sponsored by the Nordic countries, Hungary, Czechoslovakia, Chile, Angola, Cape Verde, Mozambique and Sao Tome. We expect several more European and South American countries to co-sponsor it.
8. There are indications that Canada will vote in favour of the draft with the possibility of co-sponsorship, while the US Mission in Geneva has recommended to the State Department in Washington that the US join the list of co-sponsors of the draft. However, I remain extremely sceptical regarding the State Department's possible change of heart on East Timor - it would require heavenly intervention. On a more pragmatic note, American friends in Washington might be able to impress upon the State Department that, to be credible, the US has to be consistent in its approach to human rights issues.
9. Under Item 12, a wide range of NGO's and governments have made references to East Timor, the most comprehensive being the statement by Portugal on behalf of the EC and by Angola on behalf of the portuguese-speaking African countries.
10. Japan is also actively lobbying some South American countries, pushing for a weak consensus decision by the President, which is opposed by us.
11. Australia must be denounced in most blunt form (see new press release on Australia - attached).
12. Friends in Japan must also expose Japanese delegation activities in Geneva (see press release on Japan for more details).
13. Finally, Madame Danielle Miterrand spoke yesterday in the CHR in her capacity as President of "Fondation France Liberté" and devoted one third of her statement to East Timor. It was a politically strong speech and quite moving. Enormous impact.

east timor news agency

agência de notícias de timor leste

ETNARobert Davis
editor**JAPAN UNDER INCREASING CRITICISM IN U.N.**

Geneva, 24 February (ETNA) - Over lunches and dinners with Latin American diplomats and in the corridors of the Palais des Nations, the usually low-key and discrete Japanese diplomats try to impress everyone who cares to listen that the way "to help the East Timorese" is not by having a resolution adopted in the Commission of Human Rights.

Japan, the largest aid donor and investor in Indonesia, is certainly a key Indonesian ally in the battle this month in the Palais des Nations over a resolution condemning the massacre of unarmed civilians on November 12, 1991 in Dili, East Timor.

Being an Asian country, Japan sits in the Asian regional group. But being an industrialised country, it also sits in the WEAO (Western European and Others) group. A western diplomat commented to ETNA, on condition of anonymity: "Japan finds itself in a difficult balancing act, trying on one hand to show that it cares about human rights, but on the other it has to show also solidarity with its Asian partners such as Burma, China, Indonesia, Sri Lanka, the worst violators of human rights in the world."

Hoping to get along well with both worlds, Japan tries desperately and sometimes not so discretely to block resolutions which would force it to take a clear stand. Hence the powerful, diminutive Japanese Ambassador, Mr Katsumi Sezaki, prefers to have "consensus decisions on most situations such as East Timor which would provide Japan with the perfect win-win situation", a human rights expert commented to ETNA.

However, in the view of many, there is an increasing frustration within the WEAO group over Japan's double membership, with one diplomat accusing the Japanese of spying in the Western group and informing the Asians about the tactics of the Europeans. "The Japanese will have to take a stand. We cannot go along with their selfish approach", the same expert said.

Some NGO's and government delegations are beginning to look seriously into Japan's own human rights record, both over its "horrendous treatment of migrant workers as well as its own national minorities".

end.

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ETNARobert Davis
editor**ALLEGED COLLABORATOR OF INDONESIAN SECURITY ATTENDS
HUMAN RIGHTS COMMISSION**

Geneva, 24 (ETNA) - José Ramos-Horta, Special Diplomatic Representative of the National Council of Maubere Resistance (CNRM), who is attending the 48th session of the United Nations Commission on Human Rights, has lodged a complaint with United Nations officials in Geneva and the Swiss police authorities over the presence in the Indonesian delegation of an alleged collaborator of Indonesian Security Forces in East Timor.

Mr Ramos-Horta expressed his anguish that Mr Guilherme Dos Santos, an East Timorese collaborator of the Indonesian Security Forces, is also attending the United Nations Commission on Human Rights as part of the Indonesian delegation.

Mr Guilherme Dos Santos' active collaboration with the Indonesian Security apparatus was highlighted in a statement he made to the Jakarta Post (31.01.92) in which he said: "the government should detain and interrogate the 220 East Timorese students who had asked U.S. President George Bush to send forces to the province."

The call by Mr Dos Santos for the arrest of the students has caused revulsion in East Timor. A priest in Dili, contacted by ETNA, said: "For him to call on the authorities to arrest students for having written an innocent letter to the american president is just criminal."

Mr Ramos-Horta, speaking to a group of students in Geneva during the week-end, considered Indonesia's decision to include Mr Dos Santos in its delegation as a "demonstration of their true colours. They make a mockery of the Commission. We might next have Pol Pot leading a Cambodian delegation to the Human Rights Commission."

end

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CNRM

conselho nacional da resistencia maubere
national council of maubere resistance
conseil national de la resistance maubere

Comissao Directiva da FRETILIN • Comando das FALINTIL • Resistência Nacional Estudantil de Timor Leste - RENETH

PRESS RELEASE

For immediate release

Geneva, 20 February 1992

AUSTRALIAN DIPLOMATS WORK WITH INDONESIANS TO DEFEAT TIMOR MOTION

Geneva, 20 Feb: "Australia's servility towards Indonesia knows no bounds", Governor-General of Australia, Bill Hayden, once said. Here, in Geneva, in the corridors of the Palais des Nations, where the 48th session of the U.N. Commission on Human Rights is in full swing, Australian diplomats seem just too eager to prove how helpful Australia can be to the generals in Indonesia when it comes to fighting off any meaningful action by the U.N. on East Timor.

A number of official delegations have told of being approached by Australians to have the current EC-sponsored draft on East Timor "watered down".

Australian diplomats argue, for instance, against preambular paragraph five which sets the November 12 massacre at Santa Cruz cemetery in the context of a general pattern of human rights violations in East Timor. In the view of Australian diplomats, the November 12 massacre was an "isolated incident", an "aberration".

Australia is also trying to have a substantive operative paragraph removed. This would seek to encourage the Secretary-General to pursue his efforts in bringing about a resolution to the East Timor conflict.

Jose Ramos-Horta, the Special Representative of the National Council of Maubere Resistance (CNRM), made a scathing attack on Australia during a gathering today of Geneva-based human rights organizations: "Australian diplomats are doing everything to actually reward the military in Indonesia in complete disregard for the rights of the East Timorese. They have blood in their hands for 16 years of a persistent policy of supporting the Indonesian military".

Address:

east timor news agency

agência de notícias de timor leste

ETNARobert Davis
editor**AUSTRALIAN DIPLOMATS LOSE THEIR COOL**

Geneva, 24 February (ETNA) - Australian diplomats seem to be losing their cool. Ambassador Walker and his deputy, the ever charismatic and energetic Bill Barker, seem to be outmanouvered by the Portuguese every step of the way.

While Walker and Barker were hoping to have a mild alternative resolution on East Timor tabled before the European Community's draft resolution could be tabled, the Portuguese delegation anticipated their move and outmanouvered the Australians. The Australians seemed incensed and accused the Portuguese of being "discourteous". Some terse exchanges of words were overheard between the Australian and Portuguese delegations.

José Luis Guterres, Fretilin Representative to the United Nations in New York, who with José Ramos-Horta is lobbying at the Commission, said with a mixture of anger and bewilderment at the Australian behaviour: "of course I would understand that Australia would be very active if it were to be the target of a resolution, let's say, dealing with aboriginal deaths in custody. However, this draft has nothing to do with Australia, so it really confirms that the Australians are once again too eager to court favours with Indonesia. Why else would Bill Barker go around lobbying against this draft?"

There is a growing and widespread unhappiness among human rights activists over this behaviour which is seen by many as inconsistent with Australia's claim to stand for human rights irrespective of the regime involved. As one African human rights activist put it: "I thought Australia would be like Sweden, but having learned of its behaviour towards East Timor, Indonesia and Bougainville, not to mention its abhorrent treatment of Australian aborigines, we are beginning to perceive that Australia is one of the more cynical delegations in this Commission."

end.

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item 12

18.2.92

Situation in East Timor

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

Recalling Resolution 1990/15 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Declaration issued by its Chairman on 23 August (E/CN.4/Sub.2/1991/SR.26),

Considering the report submitted by the Special Rapporteur on Torture on his visit to Indonesia and East Timor and taking note of its evaluation, conclusions and recommendations (E/CN.4/1992/17/Add.1),

Gravely concerned with the unprovoked violence employed by the Indonesian security forces on November 12 at Santa Cruz Cemetery in Dili, which resulted in the killing and wounding of a large number of civilians, and with the fate of those unaccounted for,

Further concerned at the fact that this incident has occurred in the context of a deteriorating human rights situation in East Timor including extra-judicial executions, arbitrary arrests, ill-treatment, disappearances and political imprisonment,

Taking note of the early action of the Indonesian Government in setting up a national commission of enquiry to investigate into that violence and of its summary report already made public,

Welcoming the prompt response of the Indonesian Government to that report and the announcement of measures in this regard, especially their criticism of the actions of the armed forces, the decision to dismiss the two senior commanders responsible for East Timor and to proceed with further investigation into the actions of the armed forces on 12 November and into the fate of those unaccounted for, in order to clarify the remaining discrepancies, namely on the number of the people killed and on the course of the events, and to bring to account those responsible for the shootings,

Bearing in mind in this context the Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions, endorsed by Resolution 44/162 of the General Assembly,

Recalling relevant United Nations resolutions concerning East Timor,

UN-CHR / E.T. draft resolution
- 2 -

1. Condemns the unjustifiable action by the armed forces of Indonesia that cost the life of many innocent and defenceless citizens in East Timor;
2. Expresses its deep concern at the reports of continuing human rights violations;
3. Urges the Indonesian Government to pursue a thorough investigation into the actions of members of its Armed Forces at all levels and to give a clear commitment that those found responsible will be brought to trial;
4. Calls upon the Indonesian authorities to ensure that all the East Timorese arrested on the occasion of the Dili shooting are treated humanely, that those not involved in violent activities are released without delay and that those brought to trial are assured of proper legal representation and fair trials;
5. Welcomes the appointment by the Secretary General of Mr. Amos Wako as his Personal Envoy in order to obtain clarifications on the tragic events which occurred in Dili, East Timor, on 12 November 1991, and the willingness of the Indonesian authorities to cooperate fully with him;
6. Requests the Secretary General to continue to follow closely developments in the human rights situation in East Timor and to keep the Commission informed thereon;
7. Commends the report of the Special Rapporteur on Torture on his visit to Indonesia and East Timor and urges the Indonesian Government to implement its recommendations and to keep the Commission informed on the progress made towards their implementation;
8. Encourages the Secretary General to continue his good offices as mandated by the General Assembly resolution 37/30 of 23 November 1982, with a view to exploring avenues for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor, with full respect for the legitimate interests and aspirations of the East Timorese, in line with the purposes and principles of the United Nations Charter;
9. Calls upon the Indonesian Government to allow access to the territory of East Timor by all international human rights organizations;
10. Decides to consider the situation in East Timor at its 49th Session.

to : Mr Ramos Horta
: Faculty of Law
: Sydney, Australia fax: 09 61 2 3137209

from : Saskia Kouwenberg
: Russell Anderson
: Amsterdam fax: .. 31 20 6168967

date : 21/1/92

pages : two including this one

ref : East Timor

Dear Mr. Ramos Horta,

First of all we wish you all the best for 1992.
As you remember we met in Straszbourg last November.

Since then we continued to share our experiences in East Timor with NGO's, like the Secretariat of INGI, went to a Human Rights Hearing of British parliamentarians in London, attended several public meetings among which one in Berlin where 160 people, mostly Indonesians students, attended. Russell also spoke during a public meeting in Aachen, Germany, where the Indonesian Ambassadors to Germany and the European Community were the main guests.

We met with a FNV (biggest Dutch union) representative and published several articles and have sent our statements to about 100 Indonesian organisations.

Day after tomorrow (23th Jan) we will meet with Prof. Kooijmans. This week we will also meet with the International Commission of Jurists who are gathering testimonies to present to the UN Human Rights Commission, Geneva.

It looks like we will receive funding from CAFOD, Great Britain, to cover our direct costs. To make this possible we will work 'under the umbrella' of Justitia et Pax, Netherlands.

So it is possible for us to travel to Geneva.
However we urgently need to receive information about the way in which we could be most helpfull to the East Timorese cause.

We don't have information about

- who is coordinating the work in Geneva concerning East Timor
- *general strategy and objectives (resolution?)
- *who will speak
- *who will lobby who

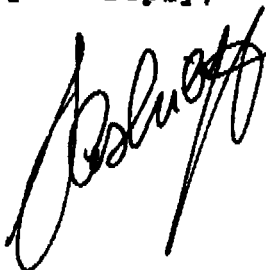
- when we should be there
- how long we should stay

We for example also would like to know if it is appreciated if we independently try to get speaking time from an accredited NGO. I personally have contacts with the Women's International League for Peace and Freedom (WILPF) from my former work in the peace movement. A WILPF representative from the Netherlands gives me a good chance if I would request speaking time, but of course I don't want to interfere with initiatives taken by East Timorese people. Or maybe you have suggestions for other NGO's we should approach.

We look forward to your reply,

In solidarity,

Saskia Kouwenberg
Russell Anderson



item 12

18.2.92

Situation in East Timor

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

Recalling Resolution 1990/15 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Declaration issued by its Chairman on 23 August (E/CN.4/Sub.2/1991/SR.25),

Considering the report submitted by the Special Rapporteur on Torture on his visit to Indonesia and East Timor and taking note of its evaluation, conclusions and recommendations (E/CN.4/1992/17/Add.1),

Gravely concerned with the unprovoked violence employed by the Indonesian security forces on November 12 at Santa Cruz Cemetery in Dili, which resulted in the killing and wounding of a large number of civilians, and with the fate of those unaccounted for,

Further concerned at the fact that this incident has occurred in the context of a deteriorating human rights situation in East Timor including extra-judicial executions, arbitrary arrests, ill-treatment, disappearances and political imprisonment,

Taking note of the early action of the Indonesian Government in setting up a national commission of enquiry to investigate into that violence and of its summary report already made public,

Welcoming the prompt response of the Indonesian Government to that report and the announcement of measures in this regard, especially their criticism of the actions of the armed forces, the decision to dismiss the two senior commanders responsible for East Timor and to proceed with further investigation into the actions of the armed forces on 12 November and into the fate of those unaccounted for, in order to clarify the remaining discrepancies, namely on the number of the people killed and on the course of the events, and to bring to account those responsible for the shootings,

Bearing in mind in this context the Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions, endorsed by Resolution 44/162 of the General Assembly,

Retalling relevant United Nations resolutions concerning East Timor,

- 2 -

1. Condemns the unjustifiable action by the armed forces of Indonesia that cost the life of many innocent and defenceless citizens in East Timor;

2. Expresses its deep concern at the reports of continuing human rights violations;

3. Urges the Indonesian Government to pursue a thorough investigation into the actions of members of its Armed Forces at all levels and to give a clear commitment that those found responsible will be brought to trial;

4. Calls upon the Indonesian authorities to ensure that all the East Timorese arrested on the occasion of the Dili shooting are treated humanely, that those not involved in violent activities are released without delay and that those brought to trial are assured of proper legal representation and fair trials;

5. Welcomes the appointment by the Secretary General of Mr. Amos Wako as his Personal Envoy in order to obtain clarifications on the tragic events which occurred in Dili, East Timor, on 12 November 1991, and the willingness of the Indonesian authorities to cooperate fully with him;

6. Requests the Secretary General to continue to follow closely developments in the human rights situation in East Timor and to keep the Commission informed thereon;

7. Commends the report of the Special Rapporteur on Torture on his visit to Indonesia and East Timor and urges the Indonesian Government to implement its recommendations and to keep the Commission informed on the progress made towards their implementation;

8. Encourages the Secretary General to continue his good offices as mandated by the General Assembly resolution 37/30 of 23 November 1982, with a view to exploring avenues for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor, with full respect for the legitimate interests and aspirations of the East Timorese, in line with the purposes and principles of the United Nations Charter;

9. Calls upon the Indonesian Government to allow access to the territory of East Timor by all international human rights organizations;

10. Decides to consider the situation in East Timor at its 49th Session.

1982 UNITED NATIONS RESOLUTION ON EAST TIMOR

The General Assembly,

Recognising the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 DEcember 1960, and other relevant United Nations resolutions,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to East Timor, and other relevant documents,

Taking note of the report of the Secretary-General on the question of East Timor,

Taking note of resolution 1982/20 adopted by the Sub-commission on Prevention of Discrimination and Protection of Minorities on 8 September 1982,

Having heard the statement of the representative of Portugal as the administering power,

Having heard the statement of the representative of Indonesia,

Having heard the statements of the representative of the Frente Revolucionaria de Timor Leste Independente and of various petitioners, as well as of the representatives of non-governmental organisations,

Bearing in mind that Portugal, the administering power, has stated its full and solemn commitment to uphold the right of the people of East Timor to self-determination and independence,

Bearing in mind also its resolutions 3485 (XXX) of 12 December 1975, 31/53 of 1 December 1976, 32/34 of 28 November 1977, 33/39 of 13 December 1978, 34/40 of 21 November 1979, 35/27 of 11 November 1980 and 36/50 of 24 November 1981,

Concerned at the humanitarian situation prevailing in the Territory and believing that all efforts should be made by the international community to improve the living conditions of the people of East Timor and to guarantee to those people the effective enjoyment of their fundamental human rights,

1. Requests 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 thereon to the General Assembly at its thirty-eighth session;
 2. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples 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;
 3. Calls upon all specialized agencies and other organisations of the United Nations system in particular the World Food Programme, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees, immediately to assist, within their respective fields of competence, the people of East Timor, in close consultation with Portugal, as the administering power;
 4. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "Question of East Timor".
-

Vote on East Timor

The draft on East Timor (document A/37/623) was adopted by a recorded vote of 50 in favour to 46 against, with 50 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Barbados, Belize, Benin, Brazil, Burundi, Byelorussia, Cape Verde, China, Congo, Cuba, Cyprus, Democratic Yemen, Ethiopia, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Iceland, Ireland, Kenya, Lao People's Democratic Republic, Lesotho, Madegascar, Malawi, Mali, Mauritius, Mexico, Mozambique, Nicaragua, Portugal, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, Swaziland, Togo, Trinidad and Tobago, Uganda, Ukraine, USSR, United Republic of Tanzania, Vanuatu, Vietnam, Zambia, Zimbabwe.

Against: Antigua and Barouda, Argentina, Australia, Bahrain, Bangladesh, Canada, Chad, Chile, Democratic Kampuchea, Egypt, El Salvador, Fiji, Gambia, Guatamala, Honduras, India, Indonesia, Iraq, Japan, Jordan, Kuwait, Liberia, Malaysia, Maldives, Morocco, New Zealand, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Qatar, Saint Lucia, Saudi Arabia, Singapore, Solomon Islands, Sudan, Surinam, Syria, Thailand, Tunisia, Turkey, United Arab Emirates, United States, Uruguay, Yemen.

Abstaining: Austria, Bahamas, Belgium, Bhutan, Bolivia, Botswana, Burma, Central African Republic, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominica, Dominican Republic, Ecuador, Finland, France, Gabon, Federal Republic of Germany, Guinea, Haiti, Hungary, Israel, Italy, Ivory Coast, Jamaica, Lebanon, Luxembourg, Mauritania, Nepal, Netherlands, Niger, Nigeria, Norway, Panama, Peru, Poland, Romania, Samoa, Senegal, Somalia, Spain, Sri Lanka, Sweden, United Kingdom, United Republic of Cameroon, Upper Volta, Venezuela, Yugoslavia, Zaire.

Absent: Bulgaria, Comoros, Djibouti, Equatorial Guinea, German Democratic Republic, Iran, Libya, Malta, Mongolia, Saint Vincent.

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TALKING POINT ON COMMENTS BY JOSE RAMOS-HORTA

I reject absolutely allegations by Mr Ramos-Horta that I lied to him in saying that I would work with the United States and the Secretary-General of the United Nations towards a resolution of the Timor problem. In fact Australia is very much continuing to work with the Secretary-General and others to achieve both a satisfactory resolution of immediately outstanding issues and the longer term reconciliation of the East Timorese people.

Australia has certainly not ruled out the possibility of an appropriate resolution being passed at the United Nations Commission of Human Rights, but we do have a number of reservations about the present EC draft. These reservations are shared by countries like the United States, Japan and Canada, quite apart from the Asian group, and we are working to find common ground.

It is appropriate that international pressure be maintained on Indonesia to resolve outstanding issues relating to the 12 November killings (including the punishment of those immediately responsible, and the treatment of detainees). But it is crucial, here as elsewhere, that any pressure applied be constructive and not counter-productive. Our concern is not only that some aspects of the present EC text are not wholly accurate, but that they are unhelpful in achieving a satisfactory outcome for the East Timorese people.

G 2/2

EAST TIMOR

After the Massacre

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EAST TIMOR

After the Massacre

Introduction

About 100 people were killed and scores were wounded when Indonesian security forces opened fire for several minutes on a group of mourners at Santa Cruz cemetery in Dili, East Timor on 12 November 1991. Dozens of others were badly beaten during the incident. The victims, many of them school students and other young people, were among an estimated 3,000 people who had gone to the grave of Sebastiao (Gomes) Rangel, a young man killed on 28 October when Indonesian troops entered the parish church of Motael, Dili, where he and about 20 other political activists had been hiding.

At least 42 people, and possibly as many as 300, have subsequently been detained, and some have reportedly been tortured and killed in police and military custody. According to one report, between 60 and 80 detainees, including witnesses of the Santa Cruz massacre, were taken from various prisons in Dili on 15 November, driven to a spot several miles outside the town, shot and buried in unmarked graves. Dozens of East Timorese were reportedly detained for questioning in Jakarta, on 20 November, following a demonstration in which they called for a thorough investigation into the killings and a referendum on East Timor's political status.

Indonesian government and military authorities have expressed regret at the deaths and the government has established a National Investigation Commission to inquire into the incident. However, the authorities have attempted to justify the massacre by claiming that security forces used force only when attacked and provoked by "a brutal mob". Several eyewitnesses, including a delegate of the International Committee of the Red Cross (ICRC) and a number of foreign journalists, have stated categorically that the procession and graveside ceremony were peaceful and that the soldiers opened fire without warning and without provocation. Amnesty International has viewed film footage and photographs of the incident which corroborate their testimony.

Amnesty International is calling for a thorough, impartial investigation into the circumstances of the massacre at Santa Cruz, and of the alleged extrajudicial executions of 15 November. It is also seeking guarantees that those responsible for extrajudicial executions or for the

ill-treatment of prisoners will be brought promptly to justice. It believes that investigations must be carried out by an independent body which has no link with the security forces allegedly responsible for the massacre. It also believes that any investigating body must include a team of trained forensic experts. The organization urges the Indonesian authorities to permit investigations to be carried out under the auspices of a recognized international body, such as the United Nations (UN) Special Rapporteur on Summary or Arbitrary Executions.

Amnesty International is also seriously concerned for the safety of those arrested during and after the Santa Cruz incident, as well as scores of suspected political activists arrested during the past year. It is urging that those detained solely for their non-violent political activities or beliefs be immediately released and that, following their release, their safety be guaranteed.

Update on the Santa Cruz Massacre

The testimony of several foreign eyewitnesses confirms earlier reports that the killing at Santa Cruz appeared to be organized and pre-meditated, and that the procession was peaceful. There does not appear to be any substantial evidence to support the government's claim that the killing was provoked by a violent attack by demonstrators, or the existence of a riotous mob. In important respects, the accounts of military and government authorities are entirely at odds with the weight of eyewitness and circumstantial evidence.

Several eyewitnesses have explicitly refuted claims by the Indonesian military authorities that the soldiers opened fire in response to some threat or physical provocation, such as a gunshot. One said that "...there was absolutely no physical provocation visible throughout the whole procession". Another said: "It was a case of a planned and systematic massacre... This was a very disciplined operation. This was not a situation where you have some hothead who ran amok." Film footage of the incident, viewed by Amnesty International, shows soldiers armed with automatic weapons moving confidently, almost casually, around the cemetery and its perimeter during the course of the shooting. It is evident from their demeanour that they are neither encountering nor expecting physical opposition of any sort. The film also confirms that the security forces opened fire several minutes after the procession reached the cemetery and not during a scuffle in front of the Governor's office as military authorities have alleged.

Describing how the shooting began, one eye-witness said:...as soldiers leapt off the trucks they formed a line and jogged towards the people and without warning opened fire directly into the crowd indiscriminately killing all in their view...many were shot in the back. Another said: "As the soldiers turned the corner they raised their M-16s and began all at once firing into the crowd."

The firing of automatic weapons reportedly continued for between two and three minutes without interruption, but then continued sporadically for some time. An eyewitness said that minutes after the shooting began he saw about 100 bodies lying on the ground, but he could not say how many were dead. Witnesses who had taken cover inside the cemetery said they saw soldiers beating those they found, including the wounded, with truncheons and the butts of their automatic weapons. One foreigner, discovered by soldiers while hiding in the cemetery, said:

I left the crypt with at least 10 people bleeding profusely and several dead. All the way to the entrance to the cemetery I was confronted by soldiers brandishing knives and bayonets and thrusting them towards my face. I was kicked and beaten and had guns put to my head while they screamed at me.

Unofficial estimates of the number of people who died at Santa Cruz cemetery range from 50 to more than 200. Amnesty International has so far learned the names of more than 60 people feared to have died in the incident, or shortly thereafter (See Appendix I). The government claims that 19 people were killed and 91 injured in the incident.

Arrests

An estimated 300 people are reported to have been arrested following the Santa Cruz incident, although the government has only acknowledged holding 42 people. One person detained for questioning but later released said he counted 12 vehicles arrive at the police station in Dili, each carrying dozens of people, stripped to the waist and tied. There have been reports of the torture and killing of some detainees and there is serious concern for their safety. There is also concern for the safety of dozens of suspected political activists arrested during the past year, including at least 20 detained in the aftermath of the 28 October 1991 incident at the parish church of Motael, Dili, in which Sebastiao (Gomes) Rangel and one other man died.

Reports from Dili say that security forces and government backed vigilantes have detained dozens of people in house to house searches since the Santa Cruz incident. The whereabouts of many of those detained remain unclear, and relatives fear that they may have been killed. According to one report, three men from a single family and several other men from Bidau, Dili, were taken from their homes by security forces on or about 18 November, and have not been seen since. Arrests have also been reported from several places outside of Dili, including Baucau, Ainaro, Liquica and Lospalos, but the names of those detained are not yet known.

Military authorities have prevented relatives from visiting the wounded in hospital and those detained by the military and police. They have also prevented representatives of the ICRC from conducting independent and confidential visits to prisons and hospitals.

An ICRC official said on 20 November that the conditions laid down by the military were unacceptable. "We need to see the injured in the hospital, talk to them without witnesses... I cannot accept half steps. We have made many compromises but not any more."

The Reported Killings of 15 November 1991

Amnesty International has received unconfirmed reports that between 60 and 80 more people were extrajudicially executed on 15 November, and their bodies buried in large unmarked graves outside of Dili. The reported killings occurred just two days after the Armed Forces Commander, General Try Sutrisno, called for the "trouble-makers" in East Timor to be shot. Those killed are said to have included witnesses to the 12 November incident as well as suspected or known political activists, arrested at the time of the incident and in house to house searches in the following days. According to reports, they were taken in military trucks from various prisons in Dili to a place on the outskirts of town. Before being loaded onto the trucks, the prisoners were reportedly made to strip naked; they were blindfolded and their hands were tied behind their backs. They were reportedly taken to the edge of newly-dug ditches and shot with automatic weapons. The troops responsible were said to have been members of the 700th and 744 Battalions of the Hasanuddin Division, based in South Sulawesi.

An eyewitness said that he would provide further details before a UN fact-finding delegation only if his safety could be guaranteed. A foreigner in Dili on 15 November said that, at about 11:45 am on that morning, he heard "... a volley of automatic rifle fire that resounded right through the valley which lasted approximately 45 seconds....", followed by sporadic fire for about 30 seconds. A number of people in Dili reported independently that they had seen between two and four trucks, each carrying dozens of people, leaving town earlier that morning. One claimed to have seen a large pit, about 6 feet deep and measuring about 25 feet by 30 feet, in which it was said the dead were buried.

Unlike the massacre at Santa Cruz, the alleged killings of 15 November were not directly witnessed by foreigners and there are no photographs or films of the event. The sole eyewitness to the event is unwilling to testify for fear of reprisals from the security forces. This has led to some confusion about whether the killings took place; an Indonesian military spokesman has called the report "a big lie". In Amnesty International's view, the lack of certainty in this case serves to highlight the importance of conducting prompt, independent and impartial investigations.

Protesters Arrested in Jakarta

Dozens of East Timorese demonstrating peacefully in Jakarta on 19 November, one week after the Santa Cruz killings, were detained by security forces. Military authorities initially denied that any had been detained, but unofficial sources said that at least 35 people had been held at the Central Jakarta Police Station. The local media reported that five East Timorese remained in custody on 21 November, but their names were not known. Amnesty International has learned the names of 13 said to have been held for questioning. In the absence of any information about the whereabouts of those detained, it remains concerned for their safety. The organization is also concerned that some may be charged for their peaceful political activities and beliefs.

The demonstrators went first to the office of the United Nations Information Office on Jalan Thamrin. Unable to enter the premises to present a statement addressed to the UN Secretary General, they instead read it aloud outside the gate. With banners and signs calling for a referendum on East Timor's political future and for inquiries into the massacre at Santa Cruz, they proceeded to the Embassies of Japan and Australia nearby. As they regrouped near the Hotel Indonesia, members of the riot police (SABHARA) moved in to disperse them and journalists were ordered to leave the vicinity. The demonstrators began to flee, but were chased by police who beat them with truncheons and loaded them onto three waiting vehicles. Two foreign journalists at the scene were taken aside by security forces and questioned about their links to the demonstrators before being released.

The next day, 20 November 1991, three Jakarta-based human rights activists were detained briefly by the security forces, apparently for their alleged involvement in the demonstration. Haji Poncke Princen, Director of the Institute for the Defence of Human Rights (LPHAM), Indro Tjahjono of the human rights organization "Infight" and one other were reportedly held for questioning at the office of the military intelligence body (BAKORSTANAS) for several hours. Haji Princen was one of a group of human rights activists and lawyers who had planned to travel to Dili on the same day in order to conduct independent investigations into the Santa Cruz massacre.

The Government and Military Response: An Update

The government has announced the formation of a seven-member National Investigation Commission to inquire into the killings. In a press statement on 19 November, the government said that the Commission was to be headed by a Supreme Court Judge and would have representatives from: the Departments of Home Affairs, Foreign Affairs, and Justice, and also from the Armed Forces Headquarters, the President's Supreme Advisory Council and the Parliament (People's Representative Assembly, DPR). The government said that the Commission would be "...free to carry out their tasks so that it could really find out what was actually going on during the incident...". However, no details of the Commission's terms of reference were made public. Military authorities indicated that an internal investigation would be headed by the Deputy Chief of Strategic Intelligence, Major General Arie Sudewo, but no further details were made available.

Amnesty International is concerned that the government's National Investigation Commission and the military's investigation team may lack the necessary independence, credibility and forensic expertise to conduct a proper inquiry.

Restrictions which military authorities have placed on access to the wounded and those imprisoned, and their refusal to release the names of those killed, wounded and imprisoned, reinforce doubts that the Commission's investigations will be thorough and impartial and that it will result in the perpetrators being brought to justice. Military authorities have continued to claim that "only 19" people died at Santa Cruz and have hindered efforts to establish an accurate account of the number and the identity of those killed. They have admitted that the bodies of many who died at Santa Cruz were immediately buried at an abandoned graveyard outside of Dili. The hasty disposal of the bodies has precluded the performance of proper post-mortem examinations or forensic tests. It has also prevented families from identifying the deceased and burying them according to their traditions or religious beliefs.

Military authorities have also indicated their intention to restrict the access of outside observers and investigators. Brigadier General Warouw said on 20 November that observers would be allowed to visit the wounded at the military hospital but that they "...will not be able to talk to them until our interrogations are over because the sight of foreigners could make them start talking about wild rumours." On 21 November, he told a journalist that the time was "not yet right" for the ICRC and other observers to visit the wounded.

The statements of military and government authorities since the Santa Cruz massacre have also raised very serious questions about the government's sincerity in conducting prompt, thorough and impartial investigations and about the likelihood that the perpetrators will be brought to justice. While they have formally expressed regret at the loss of life at Santa Cruz, military and government authorities have attempted to evade responsibility for the killings. They have accused political activists associated with the nationalist movement Fretilin of provoking the incident, and have claimed that soldiers fired as a result of a misunderstood order.

In a press release, dated 14 November, the government said: "The police, who had made great efforts to pacify the crowd, were then attacked, and this resulted in some of the police being seriously injured...In order to disperse the demonstrators, the police inevitably had to use force which caused a number of deaths." In a separate statement released to the press at about the same time, the Commander of Regional Military Command IX/Udayana, which covers East Timor, referred to the mourners as "the mob involved in the riot". He said that the security forces had "...failed in their persuasive efforts in dispersing the furious masses..." and had been "...compelled to defend themselves and to control the situation by firm actions." He specified that the actions of the soldiers were "in accordance with the standing procedure".

One day after the Santa Cruz killings, the Commander of the Armed Forces reportedly called explicitly for political opponents of Indonesian rule in East Timor to be "shot". Speaking at a seminar of the Association of Graduates the National Defence Institute (LEMHANAS) on 13 November, General Try Sutrisno said that people in the procession had "spread chaos" by unfurling posters with slogans discrediting the government, and by shouting "many unacceptable things". In response, he said, the soldiers had fired shots into the air, "but they persisted with their misdeeds... In the end, they had to be shot. These ill-bred people have to be shot... and we will shoot them."

The military Commander for East Timor, Brigadier General Warouw, acknowledged on 20 November that his troops had fired their weapons into the crowd of mourners for between 5 and 10 minutes, but he denied that this was excessive.

Military authorities have reacted angrily to international expressions of concern over the human rights situation in East Timor. General Try Sutrisno said: "This is an internal affair and their should be no meddling. If anyone wants to talk about human rights, Indonesia has had them since time immemorial. That's why you should study Pancasila [the state ideology]." On 21 November, according to the official news agency, he said: "We will not accept any foreign interference".

Members of the government have also resisted allegations of official wrong-doing. The Foreign Minister, Ali Alatas, and other Ministers have condemned the foreign media for "biased" reports of the incident. Minister Alatas has expressed "deep regret" at the deaths of the mourners, but has emphasized that soldiers had to respond with firm action when an unruly procession developed into a rioting mob. He said: "It would have been senseless for the security forces to shoot people at will."

A handful of Indonesian parliamentarians have called for full inquiries into the incident, but the DPR has no authority to bring the government or the military to account. House Speaker Kharis Suhud said he would ask for an explanation from General Try Sutrisno: "I don't want to blame anybody but I want to know exactly what happened there." The Commander of the Armed Forces was scheduled to testify before the House on 21 November, but his appearance was postponed until 29 November.

Background

Indonesian forces invaded East Timor in 1975 in the aftermath of Portugal's withdrawal from its former colony. Since that time Amnesty International has continued to document serious human rights violations by Indonesian security forces in the territory. A pattern of short-term detention, ill-treatment and torture of political detainees in East Timor has worsened in the last year. More than 400 people have been detained since late 1988 for their alleged involvement in pro-independence political activities; at least 200 of them since early 1990. Many may be or may have been prisoners of conscience and many have reportedly been ill-treated or tortured in custody. At least 30 people, and possibly many more, were killed by Indonesian security forces in 1990 and early 1991 in apparent extrajudicial executions, and there are hundreds of unresolved cases of "disappearance".

Serious limitations remain on the reporting of human rights violations in East Timor in spite of the "opening" of the territory to tourism and commerce in January 1989. Those suspected of disseminating human rights information in East Timor and in Indonesia are closely watched by the authorities and have a well-founded fear that they may themselves become victims. Notwithstanding government assurances that access to the territory is unrestricted, and in spite of repeated requests, Amnesty International has not yet been permitted to visit East Timor or Indonesia.

APPENDIX 1 - List of people reportedly killed, missing or wounded in connection with the incident at Santa Cruz Cemetery, Dili, East Timor, 12 November 1991

NAME	PERSONAL DETAILS	INCIDENT & COMMENTARY
Agapito de Deus	19 yrs; student	Missing after incident, feared dead
Agio (Pelajo) dos Santos	16 (197) yrs	Wounded
Agostinho Tilman Fernandes	18 yrs; high school student	Killed
Aliço dos Santos		Wounded
Afonso	18 yrs; high school student	Killed
Amelia	17 yrs; high school student	Killed
Aca Rosana Freitas	25 yrs; unemployed	Killed
André Soares	21 yrs; high school student	Killed
Aneta	15 yrs; junior high school student	Killed
António Clara Filipe Alves	21 yrs	Killed
Aristides dos Santos	19 yrs; high school student	Killed
Armando de Assis		Missing after incident, feared dead
Aviano António Faria	18 yrs; high school student	Killed
Basilio Moniz	50+ yrs	Missing after arrest
Beonizio Aires		Missing after incident, feared dead
Bernardino Mendes	22 yrs	Wounded
Clementino Faria (Matos)		Missing after incident, feared dead
Creascencio Henriques Cabral	28 yrs; worker in the Department of Information	Wounded
Custódia Benevides	15 yrs; high school student	Killed
Dionísio dos Santos		Killed
Dionísio Alves (Mini)		Missing after incident, feared dead
Domingos dos Santos	21 yrs; high school student	Killed

NAME	PERSONAL DETAILS	INCIDENT & COMMENTARY
Domingos	18 yrs; high school student	Killed
Domingos	10 yrs	Killed
Domingos Figurado	27 yrs, teacher	Killed
Dos Reis		Killed
Duarte Acólito		Killed
Duarte (or Eduardo) da Silva	22 yrs; Loromas University student and footballer	Killed
Eldido Amaral	25 (207) yrs; student	Killed
Emilio Araujo	21 yrs	Wounded
Emilio Roberto	High school student	Killed
Eulália Araujo	17 yrs; high school student	Killed
Fabião da Silva		Missing after incident, feared dead
Felipe	24 yrs; university student	Killed
Francis da Silva	18 yrs; resident of Dili	Killed
Francisco Lega	21 yrs	Killed
Francisco da Silva	20 yrs; high school student	Killed
Francisco Carlos (Abonno)	22 yrs; polytechnic student	Killed
Fredy da Costa	17 yrs; high school student	Killed
Germano da Silva	35 (167) yrs	Missing after arrest
Gregório	25 yrs; jobless	Missing after incident, feared dead
Hacccio	17 yrs; student	Killed
Isabel	Student	Wounded
Isaías José dos Reis	17 yrs; high school student	Missing after incident, feared dead
Joana Maria Dias		Wounded
Joanico dos Santos Sarmento	16 yrs	Missing after arrest

UPDATE TO LIST OF NAMES OF EAST TIMORESE PEOPLE
KILLED, WOUNDED OR MISSING IN CONNECTION WITH THE
INCIDENT AT SANTA CRUZ CEMETERY, DILI,
ON 12 NOVEMBER 1991

AS OF 12 NOON TUESDAY 26 NOVEMBER, THE FOLLOWING NAMES WHICH APPEAR ON THIS LIST ARE THOSE OF PEOPLE WHO WERE RELEASED LAST FRIDAY; HAVING BEEN LISTED AS "MISSING":

- * MANUEL GUTERRES
- * JOSE QUINTO SARMENTO
- * GERMANO DA SILVA
- * JOANICO DOS SANTOS SARMENTO
- * BASILIO MONIZ DA SILVA

EMBARGOED FOR 6 FEBRUARY 1992

amnesty international

**INDONESIA
EAST TIMOR**

**Santa Cruz:
The Government Response**



February 1992
AI Index: ASA 21/03/92
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SUMMARY

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This report evaluates the Indonesian Government's response to the 12 November Santa Cruz massacre in East Timor. It concludes that the mandate and methods of work of the government-appointed National Commission of Inquiry were fatally flawed and that its findings are unacceptable. It finds other aspects of the government and military response to the massacre to have been inadequate and inappropriate; rather than preventing future human rights violations and ensuring that those responsible are brought to justice, the response has been accompanied by further violations against East Timorese. The report concludes with a set of recommendations to the Indonesian Government and to member states of the United Nations, for addressing the current human rights crisis in East Timor.

Amnesty International continues to urge the international community to ensure that a thorough and impartial investigation under UN auspices be conducted into the Santa Cruz massacre and its aftermath.

The National Commission of Inquiry

- The findings of the Commission of Inquiry give undue credence to military accounts of the incident while ignoring or misconstruing independent evidence, including eye-witness testimony, which contradicts the official version. Such evidence suggests that the actions of the security forces were not a spontaneous reaction to a riotous mob, but a planned military operation, conducted according to normal operating procedures.

- The report accuses East Timorese participants in the funeral procession of "provoking" the incident, while keeping criticism of police and military to the barest minimum. It suggests that the expression of political dissent may be a justification for security forces to use lethal force or other unlawful measures against civilians.

- The Commission did not obtain an accurate picture of the number or the identity of victims, nor did it seek to establish the cause of death in any instance. The seemingly arbitrary way in which the Commission arrived at the figure of "about 50" killed suggests that it may have been driven more by political expediency than investigative rigour or available evidence.

- The Commission did not meet the criteria of independence, impartiality, and credibility required by the United Nations' own Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. One result was that East Timorese were afraid to testify before the Commission.

- Members of the Commission did not possess the necessary technical expertise to conduct an investigation which required a thorough search for mass burial sites, full exhumations and the performance of autopsies.

Other Aspects of the Government's Response

- Far from putting an end to human rights violations, the official reaction to the incident has been accompanied by the commission of further serious violations, including arrest for political reasons, torture, ill-treatment and extrajudicial executions.

- Not a single member of the security forces has been charged or brought before the courts for the Santa Cruz killings and subsequent human rights violations. Yet, more than 60 East Timorese have been imprisoned in connection with the incident; some or all of them may be prisoners of conscience.

- Since 12 November, government and military authorities have taken measures to ensure that witnesses, human rights activists and independent observers are not in a position to dispute the official version of events, and restrictions on access to East Timor have been tightened.

- The government and the Commission have wrongly portrayed the Santa Cruz massacre as an isolated incident, an aberration in an otherwise acceptable pattern of behaviour by the security forces. Neither the Commission nor the government has addressed the long-standing and continuing pattern of human rights violations in East Timor and Indonesia.

KEYWORDS:

This report summarizes a 19-page document (6850 words), *Indonesia/East Timor - Santa Cruz: The Government Response* (AI Index: ASA 21/03/92), issued by Amnesty International in February 1992. Anyone wanting further details or to take action on this issue should consult the full document.

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INDONESIA / EAST TIMOR

Santa Cruz: The Government Response

1. INTRODUCTION

This report evaluates the Indonesian Government's response to the 12 November Santa Cruz massacre in East Timor.¹ It concludes that the mandate and methods of work of the government-appointed National Commission of Inquiry were fatally flawed and that its findings are unacceptable. It finds other aspects of the government and military response to the massacre to have been inadequate and inappropriate. Rather than preventing future human rights violations and ensuring that those responsible are brought to justice, the response has contributed to further violations. The report concludes with a set of recommendations to the Indonesian Government and to member states of the United Nations, for addressing the current human rights crisis in East Timor.

The findings of the National Commission of Inquiry have done little to allay Amnesty International's original concern that the investigation lacked the credibility, impartiality and technical competence necessary to meet standards established in the United Nations Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.² While the Commission has concluded that the number of victims was "about 50", or more than twice the figure claimed by military authorities, it has in most important respects accepted the military version of events, even where the weight of available forensic and eyewitness evidence clearly contradicts it. In Amnesty International's view, the Commission's acceptance of a higher casualty figure cannot be taken as proof of its credibility and independence, and should not divert attention from more fundamental questions about the behaviour of the security forces, and the government's responsibility for continuing human rights violations in East Timor and Indonesia.

¹ Previous Amnesty International documents have described the massacre and its aftermath in some detail. See Appendix I for a list of these documents.

² See Appendix II for the Conclusions of the National Commission of Inquiry's "Advance Report". Amnesty International's concern about the Commission was expressed in a number of public documents, including East Timor: After The Massacre (ASA 21/24/91, 21 November 1991), and in a letter to the United Nations Secretary General, Javier Pérez de Cuéllar, dated 27 November 1991.

Most shocking is the Commission's conclusion that it was the unarmed participants in the procession - through their alleged "*provocative belligerence and aggressive attitude*" - who were ultimately responsible for the Santa Cruz incident. Criticism of the military and police is kept to the barest minimum, effectively exonerating all but a few unnamed soldiers whose actions were said to have "*exceeded acceptable norms*". Moreover, the Commission insists that soldiers acted without orders, in spite of substantial evidence to the contrary. Eyewitness testimony and other evidence suggest strongly that the actions of the security forces were not a spontaneous reaction to a riotous mob, but a planned military operation, conducted according to normal operating procedures.

Follow-up measures ordered by President Suharto since the Commission's report was published have created the impression that the government is committed to seeing that such an incident is never repeated and ensuring the perpetrators are brought to justice. A number of senior military officers with responsibility for East Timor have been transferred and some military units moved out of the territory; a military council has been established to look into the incident; the President and other authorities have formally expressed their regret at the "*tragedy*". Yet, to date, no military or police official has been brought before the courts or otherwise held responsible for human rights violations committed in connection with the massacre. At the same time, the authorities have devoted considerable resources to the investigation and prosecution of the victims of the Santa Cruz incident and others who have protested against human rights violations in East Timor.

The human rights violations in East Timor have not stopped since the Santa Cruz massacre. Indeed, quite the contrary, the government's response to the massacre has been accompanied by an escalation of repression in East Timor. Since 12 November, hundreds of people suspected of participating in the procession to the Santa Cruz Cemetery have been subjected to serious human rights violations. More than 60 people are currently facing trial on political charges in connection with the incident, of whom 18 are expected to be tried for subversion, which carries a maximum penalty of death. Those standing trial include East Timorese students in Jakarta and elsewhere in Indonesia imprisoned after peaceful protests against human rights violations in East Timor, or for attempting to disseminate information about the Santa Cruz massacre. There have also been reports of extrajudicial executions and "disappearances" subsequent to the killings of 12 November.

The Indonesian Government, the Commission, and some United Nations member states have wrongly portrayed the Santa Cruz massacre as an isolated incident, an aberration in an otherwise acceptable pattern of behaviour by the security forces. Amnesty International's information has consistently demonstrated a record of systematic and widespread violations of human rights by Indonesian security forces, including

torture and ill-treatment, hundreds of "disappearances" and thousands of extrajudicial executions in East Timor and various parts of Indonesia. Neither the National Commission of Inquiry nor the government has addressed the problem of the long-standing and continuing pattern of human rights violations. There is nothing in the government's response to date that will ensure the future protection of human rights in East Timor.

To Amnesty International's knowledge, the Indonesian Government has never conducted an adequate inquiry into reported human rights violations in East Timor since it invaded the territory in 1975. In fact, as Amnesty International has repeatedly noted in its statements before the UN Special Committee on Decolonization, the government has preferred to dismiss or flatly deny all allegations of human rights violations, however well-documented, and to question the political motivation of those who report them. The Santa Cruz massacre has demonstrated that no matter how stridently or confidently they are advanced, the claims, denials, and explanations of Indonesian military and government authorities believed responsible for human rights violations simply cannot be accepted at face value; and it has highlighted the importance of establishing regular mechanisms for the thorough and impartial investigations into all allegations of human rights violations.

2. THE NATIONAL COMMISSION OF INQUIRY: A CRITIQUE

The nine-page preliminary report of the National Commission of Inquiry was published on 26 December 1991. In Amnesty International's view the Commission's findings, as well as its mandate and methods of work are fatally flawed. The Commission's findings give undue credence to military accounts of the incident while dismissing or misinterpreting independent evidence, including eyewitness testimony. While accepting that the number killed was greater than the official military figure of 19, in most important respects the Commission exonerates the security forces of responsibility for the killings and other violations. The Commission's conclusions instead incriminate the East Timorese "*instigators*" of the demonstration. The preliminary report suggests that the expression of political dissent may be a justification for Indonesian security forces to take unlawful measures against East Timorese citizens. None of these flaws is likely to be remedied with the publication of a final version of the report because, according to Foreign Minister Ali Alatas and a member of the Commission, the conclusions of the report will not be changed.

2.1 The Commission's Findings

The Commission's report says that "*about 50*" victims were killed in the Santa Cruz incident, more than twice the figure claimed by military authorities. The Commission says it accepted the figure of "*about 50*" killed because that was the number mentioned by most people. The report admits that estimates of the number killed "*varied from 50, 60 to over 100*", but offers no explanation for dismissing any of the higher estimates. It notes in passing that at least 90 people had been reported missing since the massacre, yet it does not seriously consider that some or all of that number may have been killed, and it draws no conclusion about the responsibility of the government in identifying them and establishing their whereabouts. The report, moreover, provides no information whatsoever on the identity of the 50 people it believes were killed, a shortcoming it blames on "*the careless handling of those who died*" by the military authorities.

The seemingly arbitrary way in which the figure of 50 was arrived at, suggests that the Commission may have been driven more by political expediency than investigative rigour or available evidence. The Commission was clearly under considerable pressure to produce a report to satisfy domestic and international critics, some of whom had threatened to suspend foreign aid if the government's inquiry was self-evidently lacking in credibility. A figure in excess of the official military figure of "*only 19*" killed was understood to be essential in meeting such criticism. In view of the overwhelming evidence that the number killed was far more than 19, for the Commission to conclude otherwise would have been virtually unthinkable. It should hardly be considered evidence of the Commission's impartiality or independence that it did so.

With respect to its description of the shooting at the Santa Cruz cemetery, the report describes two versions of events. One version, supported by independent eyewitness accounts, states that troops fired shots directly at the crowd without warning or provocation. The other, the military version, maintains that shots were fired "*after fighting erupted and an attempt was made to seize arms, accompanied by the tossing of a hand-grenade at the security forces by the crowd*". The Commission appears to have made little effort to assess the relative validity of these conflicting claims. The report's conclusion that the killings resulted from a "*spontaneous reaction by soldiers...to protect themselves*" suggests that the Commission accepted the military version of events. Amnesty International reiterates that it has found no independent evidence to support this account of the massacre.

On the contrary, numerous and detailed eyewitness accounts by both East Timorese and foreign observers present during the shooting clearly and consistently state that the demonstration was peaceful and that troops acted in an organized manner and

fired without warning directly into the crowd. Eyewitnesses have described how soldiers lined up near the entrance to the cemetery 10 or 12 abreast, then shot for several minutes into the crowd. Film footage supports eyewitness testimony that the security forces moved systematically and deliberately through the cemetery and vicinity beating or stabbing those discovered there.

The Commission's report effectively ignores substantive evidence which supports eyewitness testimony regarding the systematic nature of security force actions during and after the incident. For example, the Commission's report reveals that of the 91 wounded admitted to the military hospital, some 14 had suffered stab wounds and another 35 wounds caused by blunt instruments. This evidence corroborates testimony that police and soldiers systematically beat and stabbed unarmed civilians and that they continued to commit violations well after the first firing incident. However, the Commission fails to draw any conclusion from this evidence about the behaviour of the security forces. The report refers only in passing to other testimony of torture, ill-treatment, disappearances and killings after 12 November.

The Commission also maintains, against the evidence, that the soldiers acted "*outside any control or command*" and concludes that the incident was "*clearly not an act ordered by or reflecting the policy of the Government or of the Armed Forces*". Yet, available evidence, including the testimony of eyewitnesses, indicates that officers of the powerful military intelligence apparatus were in the vicinity of the cemetery and were actively involved in the operation. East Timor's Governor, Mario V. Carrascalao, has alleged that right-wing paramilitary forces, known to operate with the support of military intelligence, were deployed at the cemetery and that they were responsible for some of the shooting and other human rights violations.

Significantly, the Commission's report makes no reference to the historical pattern of human rights violations in the territory or in Indonesia. If it had done so it would have had to acknowledge that the use of lethal force by security forces has become a standard operating procedure in dealing with expressions of political dissent. Only by treating the Santa Cruz massacre as an isolated incident, and ignoring all evidence of past patterns of violations, is it able to sustain the conclusion that the killings did not reflect government or military policy.

The Commission keeps its criticism of the security forces to a minimum, but devotes considerable space and energy to proving that "*anti-integrationist*" elements, through their "*premeditated provocation*", were ultimately responsible for the incident. This was precisely the interpretation offered by Armed Forces Commander, General Try Sutrisno, several weeks before the Commission produced its report. While the Commission may be correct in saying that opposition to Indonesian rule lay at the heart of the 12 November procession, it is patently untrue that members of the procession

were responsible for the incident - that is, the killings and other human rights violations.

By arguing that the demonstrators were responsible for the incident, the Commission implies that the security forces were justified in using lethal force against a crowd of civilians because they were "*provoked*". Yet, with the exception of the alleged stabbing of two soldiers in disputed circumstances, the "*premeditated provocation*" which is described in the report was in fact the open and non-violent expression of political opinion in favour of East Timor's independence; a legitimate activity protected in international human rights law. For example, the report says the demonstrators "...consciously exhibited *Fretilin* and *Falintil* flags, pictures of *Fretilin*/SDP leader *Xanana*, and banners, and chanted anti-integrationist yells and insults at the members of the security apparatus". Thus, the Commission appears to accept the view of government and military authorities that, because the expression of political opposition is itself deemed unlawful, it justifies the use of lethal force by members of the security forces.

The report's concluding statement that "*action must be taken against all those involved in the 12 November 1991 incident in Dili and suspected of having violated the law*" left it unclear whether it believed members of the security forces should be brought to justice. However, the Commission's conclusion about the responsibility of the demonstrators for provoking the incident, implies that legal action should be taken against them rather than members of the security forces. This would appear to be a view shared by government and military authorities and has been borne out by their subsequent actions.

2.2 The Commission's Mandate and Methods of Work

During its three-week visit to East Timor, the Commission held an apparently impressive range of meetings. It met key government and military officials, including Governor Mario V. Carrascalao, and the then KOLAKOPS (Operational Command for East Timor) Commander Brigadier General R.S. Warouw. It also met briefly with the Roman Catholic Archbishop of Dili, Monsignor Belo, and interviewed 132 eyewitnesses.

Yet there were conspicuous shortcomings in the evidence gathered and the manner of gathering it. Most obviously, the Commission did not interview any of the five foreign-based eyewitnesses to the massacre, whose testimony contradicted official military claims. In fact, most of the 132 eyewitnesses interviewed appear to have been the wounded held at the military hospital, the political detainees held at the police station (POLWIL), and a number of police and military personnel. Few, if any, of these interviews could have been conducted in the conditions of confidentiality as required by the UN's Principles for the Effective Prevention and Investigation of Extra-Legal,

Arbitrary and Summary Executions. The Commission was accompanied at virtually all times by military and police personnel. Interviews in the military hospital and in police or military detention centres could hardly have been conducted in conditions of secrecy and confidentiality. In any case, as the Commission Chairman told the press in early December, his meetings with the detainees had lasted only a few minutes.

Members of the Commission did not possess the necessary technical expertise to conduct an investigation which, if genuinely thorough, required a systematic search for mass burial sites, full exhumations of graves and the performance of autopsies. Partly for this reason, and partly due to obstruction by military authorities, the Commission did not obtain an accurate picture of the number or the identity of victims, nor did it seek to establish the cause of death in any instance. The Commission made only a perfunctory attempt to locate mass graves where scores of people were alleged to have been buried. In fact, the Commission discovered only 19 graves - those already acknowledged by military authorities - and exhumed only one, during its last day in Dili. The body was briefly observed by members of the Commission, then immediately reburied. Oddly, the Commission reports that the victim was "*completely dressed in accordance with Catholic tradition*", as if the sole objective of the investigation were to ensure that religious sensitivities had been respected by the security forces. The Commission did not explain why it had not exhumed any of the other graves.

Perhaps the most intractable weakness of the Commission was that it was not perceived within East Timor as an impartial body, but as a representative of the Indonesian Government and the military. It did not include any delegate of genuinely independent or impartial stature. The members were representatives from: the Ministries of Home Affairs, Foreign Affairs, and Justice, and also from Armed Forces Headquarters, the President's Supreme Advisory Council and the People's Representative Assembly, a body which has no authority to bring the government or the military to account. The Commission was headed by Supreme Court Judge and former military officer, Muhammad Djaelani SH. Like other courts in Indonesia, the Supreme Court has rarely if ever challenged the position of the government or the military, particularly in matters relating to politics or national security.

Many East Timorese were inevitably hesitant to testify before the Commission; it was almost inconceivable that the testimony and information it gathered could be complete and accurate. Serious doubts about the Commission's ability to conduct a full and thorough investigation were confirmed by its own admission that it had "*faced obstacles*" because witnesses were unwilling to testify for fear of being "*incriminated*" in the 12 November incident. On the eve of his departure from Dili, the Commission's Chairman, Djaelani, told the press: "*Our main problem was that [the East Timorese] were all too afraid to talk*". This statement corroborated reports that military surveillance and intimidation intensified in the wake of the Santa Cruz massacre.

Finally, the Commission's mandate evidently did not include the investigation of police or military responsibility for the killings and other human rights violations. Nor did it make any specific recommendations about who should face charges. These crucial tasks were left to two military investigation teams, whose precise terms of reference and findings have not been, and are not likely to be, made public.³ Thus, while the Commission report recommended that legal action should be taken against those "involved" in the incident, the power to establish who was responsible was delegated to military authorities.

3. OTHER ASPECTS OF THE GOVERNMENT RESPONSE

The National Commission of Inquiry was only one element of the government's response to the Santa Cruz massacre. Shortly after the Commission submitted its preliminary report, President Suharto ordered a number of follow-up measures. Several military officers with responsibility for East Timor were transferred, including the Region IX Commander, Major General Sintong Panjaitan and the head of the Operational Command for East Timor (KOLAKOPS), Brigadier General Rudolf Warouw. Army Chief of Staff, General Edi Sudradjat, was ordered to set up an Honorary Military Council (Dewan Kehormatan Militer), which, according to a government press release, was to "discuss the necessary measures to be taken in regard to the incident". Armed Forces Commander, General Try Sutrisno, was asked to clarify the fate of those reported missing. The President directed the Attorney General to take all necessary steps against those who planned and took part in the "riot" at Santa Cruz and directed the Minister of Home Affairs to assess the functioning of the civilian government in East Timor in light of the 12 November incident.

Like the establishment of the Commission of Inquiry these initiatives appeared to reflect genuine concern about the massacre and its aftermath. However, there were clear indications that the government's actions were aimed principally at putting an end to political opposition in East Timor and satisfying domestic and international critics that something was being done. The attitude of military authorities was captured by General Try Sutrisno, who said in December: "*Once the investigation mission is accomplished, we will wipe out the separatist elements who have tainted the government's dignity.*"

³ An internal military investigation, headed by the Deputy Chief of Strategic Intelligence, Major General Arie Sudewo, began in November, before the National Commission of Inquiry arrived in Dili. A second military investigation team, the Honorary Military Council (Dewan Kehormatan Militer) established after the Commission submitted its preliminary report to the President, began its work in January 1992.

Through their actions and statements, government and military officials have obstructed the course of investigations into the massacre, and have deliberately prevented human rights monitoring and reporting. Far from seeking to put an end to violations, the official reaction to the incident has been accompanied by the commission of further serious violations against East Timorese. There are also serious questions about the sincerity and commitment of government and military authorities in ensuring that those responsible for human rights violations will be brought to justice. Few if any of the follow-up measures ordered by the President have this objective. While more than 60 East Timorese now face trial on political charges in connection with the incident, not a single member of the security forces has been charged or brought before the courts for the killings and other human rights violations on 12 November and thereafter. Finally, Government and military authorities have wrongly portrayed the Santa Cruz massacre as an isolated incident and have made no effort to address a long-standing pattern of violations in East Timor and Indonesia in a systematic way.

3.1 Obstructing Investigations and Restricting Human Rights Monitoring

For nearly two weeks after the massacre, representatives of the International Committee of the Red Cross (ICRC) were prevented from speaking privately to political prisoners and the scores of the wounded held under guard at the military hospital in Dili. The authorities said that access would be granted only after interrogations had been completed, a condition the ICRC described as "*unacceptable*". Military authorities also prevented Professor Peter Kooijmans, the United Nations Special Rapporteur on Torture who was in Dili at the time of the incident, from visiting the wounded on 13 November. Visits by relatives of detainees and wounded were also prevented, thereby giving rise to further anxiety and fear about their fate.

The authorities also hindered efforts to establish an accurate count of the number and the identities of the victims. They admitted that the bodies of many who died at Santa Cruz were immediately buried at an abandoned graveyard outside Dili. Military authorities apparently made no effort to identify any of those buried, while the hasty disposal of the bodies virtually precluded the performance of proper post-mortem examinations or forensic tests. Even before the Commission began its investigations, government and military authorities had insisted that only 19 people died, flatly denying all eyewitness and circumstantial evidence to the contrary.

Government and military authorities have taken measures to ensure that witnesses, human rights activists and independent observers are not in a position to dispute the official version of events. Some witnesses are said to have been killed and scores have been detained. Among those arrested in recent weeks are political activists, some of

them witnesses to the Santa Cruz incident, and people who had been involved in monitoring the human rights situation in East Timor.

Non-governmental organizations, particularly those involved in human rights monitoring, have been threatened with legal action by government Ministers. In December, the Coordinating Minister for Political and Security Affairs, Sudomo, accused some organizations of "...using foreign funding for anti-government activities" and asked rhetorically: "Doesn't this amount to helping foreigners to create chaos in our national stability?" In mid-December, the military commander for East Timor announced that demonstrations had been banned, explaining that past demonstrations had been "aimed at undermining the authority of the government". Three journalists of the weekly *Jakarta Jakarta* were dismissed in January after the paper's publisher received an official warning from the authorities for publishing the testimonies of 12 East Timorese who witnessed the massacre. Other Indonesian papers have been formally warned not to print "tendentious" or "speculative" stories.

Restrictions on access to and reporting about East Timor by foreigners have been tightened since the Santa Cruz massacre because of the government's allegation that visits by outsiders have been responsible for encouraging "anti-Indonesia" activities. Two key eyewitnesses, US journalists Amy Goodman and Alan Nairn, whose testimony contradicts the military version of events in almost every important respect, have been placed on the government's official black-list, which includes some 17,000 names. Like dozens of foreign journalists barred from entering East Timor and Indonesia, they were blacklisted because, in the words of one government official, "...they are considered to be dangerous to the safety and security of the nation." A number of foreigners judged by military intelligence agents to be engaging in "suspicious" or "political" behaviour, have been deported.

In Amnesty International's view, these and other restrictions highlight the need for an immediate and impartial investigation under UN auspices as well as the urgent need to establish means for ensuring the continued monitoring and protection of human rights in the territory.

3.2 Human Rights Violations After the Massacre

Recent information obtained by Amnesty International indicates that the security forces have used the investigation into the Santa Cruz massacre as an opportunity for intimidating and imprisoning suspected opponents of Indonesian rule in East Timor. Scores of political activists, including many young people and Catholic priests, continue to be subjected to political imprisonment, death threats and beatings. Dozens are

reported to have been killed in extrajudicial executions since the 12 November massacre and, by the government's own estimate, about 90 have "disappeared".

More than 60 of those detained in East Timor and Indonesia in connection with the incident are currently facing charges, 18 of them for subversion which carries a maximum penalty of death.⁴ Amnesty International believes that some or all may be prisoners of conscience. Past practice has shown that political trials in Indonesia and East Timor fall far short of international standards of fairness.

At least 40 people, most of them accused of participating in the 12 November procession, remain in detention in Dili and others may be held in detention centres in other parts of the territory. The authorities have said that 14 of them will be charged with subversion and that other political detainees will face lesser political or criminal charges. They include three East Timorese civil servants charged with leaking military secrets to a foreign power, whose trials began in late January. They were charged under Article 112 of the Indonesian Criminal Code, which carries a maximum penalty of seven years in jail. Amnesty International has serious doubts about the fairness of those trials.

In Jakarta, 22 East Timorese students remain in detention following arrests during a peaceful protest about the Santa Cruz massacre, or for disseminating information about the human rights situation in East Timor. Most have been held incommunicado for varying lengths of time and some are believed to have been tortured or ill-treated. Four of the 22 have reportedly been charged with subversion. The remaining 18 are believed to have been charged under Articles 154 and 155 of the Indonesian Criminal Code, which define "*expressing feelings of hostility, hatred or contempt*" toward the Indonesian Government as a criminal offence. Three East Timorese university students detained in Denpasar since late November for their non-violent political and human rights activities, may also be tried.

3.3 A Long-term Pattern of Violations

The Santa Cruz massacre cannot sensibly be viewed as an isolated incident or as an aberration in an otherwise acceptable human rights situation. Since its invasion of the territory in 1975, Indonesian government forces have been responsible for gross and systematic violations of human rights. Amnesty International has repeatedly expressed concern at the widespread occurrence of arbitrary imprisonment, torture, extrajudicial execution and "disappearance" in the territory. For several years, Amnesty International has presented an annual statement of its concerns before the UN Special Committee on

⁴ See Appendix III for a list of the names of those known to be held in detention in Dili, Jakarta and elsewhere in Indonesia.

Decolonization. The organization's August 1991 statement noted a worsening pattern of political imprisonment and torture. It also reported the killing of at least 30 people during the previous year and hundreds of unresolved cases of "disappearance".

Amnesty International also has serious human rights concerns in Indonesia itself. Hundreds of people were alleged to have been extrajudicially executed by government forces in Aceh in 1991, bringing the total killed in the province since 1989 to over 2,000. More than 150 prisoners of conscience - including university students, alleged communists, Muslim activists and suspected sympathizers of secessionist movements in Aceh and Irian Jaya - are serving lengthy sentences for alleged subversion. Like more than 200 other political prisoners convicted in previous years, they were sentenced after trials which did not meet internationally recognized standards of fairness. Hundreds of people were detained for political reasons in Aceh and North Sumatra; many were held incommunicado for periods up to several months before being released without charge. There were persistent reports of torture and ill-treatment of political detainees and criminal suspects, some of whom reportedly died as a result. Four people were sentenced to death and one political prisoner was executed while seven other political prisoners remained in imminent danger of execution. In spite of repeated requests, Amnesty International has never been permitted to visit East Timor; it has been nearly 15 years since the organization was permitted to visit Indonesia.

4. AMNESTY INTERNATIONAL AND THE UNITED NATIONS

Reports of continuing human rights violations more than 16 years after Indonesia invaded East Timor are cause for serious concern. In Amnesty International's view, they require an immediate and firm response from the international community and in particular from the United Nations. Amnesty International believes that the international community has a special responsibility to address the human rights crisis in East Timor. Accordingly, it has written to UN bodies and various UN member states outlining its human rights concerns and urging that a prompt and impartial international investigation be conducted into the Santa Cruz massacre and its aftermath.

On 27 November 1991 Amnesty International wrote to the then UN Secretary-General, Javier Pérez de Cuéllar, expressing grave concern about the Santa Cruz massacre and raising doubts about the adequacy of any Indonesian Government investigation. In that letter, as in various public documents, Amnesty International recommended the establishment of an independent international inquiry under UN auspices. On the same day Amnesty International wrote to the Indonesian Government to urge its cooperation with such an investigation.

The UN Secretary-General announced on 30 November 1991 that he intended to nominate Amos Wako, the UN Special Rapporteur on Summary or Arbitrary Executions, as his special envoy to go to Indonesia in connection with the killings. On 5 December Amnesty International wrote to the UN Under-Secretary-General for Human Rights, Jan Martenson, urging that any UN-sponsored inquiry be carried out in accordance with the UN's own Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. On 17 January 1992 Amnesty International wrote to the new UN Secretary General, Dr Boutros Boutros-Ghali, reiterating its concern about the Indonesian Government investigation and urging him to take all possible steps to ensure that an international investigation would be carried out expeditiously. On 23 January Amnesty International representatives met Mr Amos Wako to discuss the subject of an inquiry under UN auspices.

In January 1992 Indonesian Foreign Minister Ali Alatas said that the government would be willing to receive a UN envoy to discuss the Santa Cruz incident, but that it would "reject" a "special human rights team to probe the Dili incident". *"There is a special procedure for that, through the UN Human Rights Commission or the UN body itself, and even if it is decided one should be sent, the host nation has the right to say yes or no."*

Amnesty International believes that any visit undertaken to Indonesia by a special UN envoy in this regard would be appropriate and useful only insofar as it served to establish the terms of reference and logistics for a full and independent international inquiry. The organization continues to urge the international community to ensure that a thorough and impartial investigation under UN auspices and in conformity with the UN's Principles..., be conducted into the Santa Cruz massacre and its aftermath.

4.1 Amnesty International's Recommendations

In view of the shortcomings of the Commission's findings, the inadequacy of the government's response, and reports of continuing human rights violations in East Timor, Amnesty International believes that the need for an international and impartial investigation into the Santa Cruz massacre and its aftermath is an urgent one. Amnesty International also believes that additional steps must be taken to address the human rights crisis in East Timor. Amnesty International therefore offers the following recommendations which, if implemented, it believes would contribute toward the future protection of human rights in East Timor and Indonesia.

Amnesty International urges the Indonesian Government to:

- Cooperate fully with all UN human rights initiatives, including an international investigation of the Santa Cruz massacre and its aftermath.
- Bring promptly to justice all members of the security forces responsible for human rights violations, in particular those committed during and after the Santa Cruz massacre;
- Permit the free and regular monitoring of human rights in East Timor and Indonesia by domestic and international human rights organizations;
- Welcome international trial observers at political trials, in particular those of East Timorese arrested in connection with the Santa Cruz massacre;
- Release immediately all those imprisoned solely for their non-violent political activities or beliefs;

Amnesty International urges the UN Commission on Human Rights to:

- Seek a full report to the UN Commission on Human Rights by the UN Secretary-General in the event that he sends an emissary Indonesia and East Timor to look into the Santa Cruz massacre and its aftermath;
- Seek a systematic follow up through the UN Commission on Human Rights to the January 1992 report of the Special Rapporteur on Torture on his visit to Indonesia and East Timor;
- Establish effective means whereby the regular monitoring of the human rights situation in Indonesia and East Timor under UN auspices can be assured.

APPENDIX I

AMNESTY INTERNATIONAL DOCUMENTS ON THE SANTA CRUZ MASSACRE AND ITS AFTERMATH

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)

East Timor: Violations Continue and Doubts Remain over Official Inquiry, Press statement, 26 December 1991

Following the massacre **Urgent Action** appeals were issued on behalf of dozens of East Timorese students and others arrested in Dili, Jakarta, Bali and elsewhere in Indonesia. Some of the arrests occurred during peaceful protests against human rights violations in East Timor. Others were arrested after disseminating information about the massacre.

The Urgent Actions expressed concern that those detained were prisoners of conscience, that many were held incommunicado and that some were reportedly tortured. Appeals were issued on the following dates:

12 November 1991 (ASA 21/18/91)

22 November 1991 (ASA 21/26/91)

29 November 1991 (ASA 21/28/91)

10 December 1991 (ASA 21/29/91)

3 January 1992 (ASA 21/01/92)

9 January 1992 (ASA 21/02/92)

For further information on human rights violations in East Timor, see *East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization, August 1991* (ASA 21/14/91)

APPENDIX II**ADVANCE REPORT OF THE NATIONAL COMMISSION OF INQUIRY INTO 12 NOVEMBER 1991 INCIDENT IN DILI - EAST TIMOR****Conclusions**

The Commission has strong reasons and grounds to arrive at the following conclusions:

1. The 12 November 1991 incident in Dili is the culmination of a series of earlier demonstrations/incidents perpetrated by the anti-integration group/Fretilin SDP.

The Fretilin SDP, which are being increasingly isolated, have shifted their mode of operations from rural guerrilla to urban guerrilla, thereby abusively capitalising on the development policy in East Timor based upon affection and prosperity and taking advantage of the situation, condition as well as the restive mood among the young people to instigate them to oppose integration as well as to attract world attention to their existence.

2. The 12 November 1991 Incident in Dili which caused a number of deaths and other casualties was clearly not an act ordered by or reflecting the policy of the Government of the Armed Forces, be it in the Capital or in the Province of East Timor. The 12 November 1991 Incident was essentially a tragedy which should be deeply regretted.
3. The 12 November 1991 demonstration in Dili showed elements of pre-meditated provocation by a group of anti-integration/Fretilin SDP and was not an orderly and peaceful procession dedicated to commemorate the death of Sebastiao Gomes.
4. The demonstrators, who largely consisted of young people have acted belligerently, emotionally and destructively, partly as a result of agitations by the anti integration group/Fretilin SDP by whom they have been influenced for quite some time. Furthermore, they consciously exhibited Fretilin and Falintil flags, pictures of Fretilin SDP leader Xanana and banners and chanted anti-integration yells and insults at the members of the security apparatus.
5. A number of foreigners took an active part in that demonstration.
6. As the tense atmosphere reached a boiling point, started by the stabbing of an Armed Forces officer and the wounding of a private, and aggravated by the provocative belligerence and aggressive attitude assumed by the crowd which was perceived by the security personnel as posing a threat to their arms and to their safety, a spontaneous reaction took place among the security personnel to defend themselves, without command, resulting in the excessive shooting at the demonstrators, causing deaths and wounded. At the same time, another group of unorganised security personnel, acting

outside any control or command, also fired shots and committed beating, causing more casualties.

7. In the handling of the riotous condition during 12 November 1991 incident, despite the presence of riot-control units, the Commission did not observe the optimal implementation of proper riot-control procedures. The actions of a number of security personnel exceeded acceptable norms and led to the casualties, be it in terms of deaths, gunshots wounds, stabbing wounds, or wounds by blunt instrument. Although the casualty toll until now was set at 19 dead and 91 wounded, the Commission feels that there are sufficiently strong grounds to conclude that the death casualties totalled about 50 while the wounded exceeded 91.
8. There was careless handling of those who died, because although the visum et repertums were performed the deceased were not properly identified. Little opportunity was given to the families/friends of the victims to identify the bodies.
9. The Commission is of the view that in order to uphold justice, action must be taken against all who were involved in the 12 November 1991 Incident in Dili and suspected of having violated the law, and they must be brought to trial in accordance with the Rule of Law, Pancasila and the 1945 Constitution upon which the Republic of Indonesia is based.

Epilogue

In undertaking its task, the NCI received full support from all sides, be it from the Government, the Armed Forces, Church Officials and community leaders. It has to acknowledge, however, that the NCI faced obstacles because a number of prospective witnesses were not willing to give their account of the event because of doubt and concern that they would be directly incriminated in the 12 November 1991 Incident in Dili, or out of fear they would be regarded as belonging to the anti integration group.

Jakarta, 26 December 1991.

National Commission of Inquiry

M Djaelani	Head/Member	(signed)
Ben Mang Reng Say	Member	(signed)
Clementino Dos Reis Amaral	Member	(signed)
Harisoegiman	Member	(signed)
Hadi A. Wayarabi Alhadar	Member	(signed)
Anto Sujata	Member	(signed)
Sumitro	Member	(signed)

APPENDIX III**INDONESIA/EAST TIMOR
POLITICAL PRISONERS HELD IN CONNECTION WITH THE SANTA CRUZ
MASSACRE****DILI, EAST TIMOR**

Afonso Rangel*
Aleixo da Silva Gama
Aleixo Lay
Amarao de Araujo*
António Baptista Sequeira
António Belo
Augusto Felipe Gama Xavier
Basílio Francisco Bento
Boby Xavier
Bonifácio Magno
Bonifácio Barreto
Carlos dos Santos Lemos
Domingos Joaquim Pereira
Eusébio Pinto Pedroso
Felismina dos Santos Conseqüência*
Fernando Tilman
Filomeno da Silva Ferreira
Filomeno Gomez
Francisco Miranda Branco
Francisco Guterres
Gregório da Cunha Saldanha**
Jacinto das Neves Raimundo Alves
Jacob da Silva
Janio Ferdinando
Januário Gomez
Joanico dos Santos
Joao dos Santos
João Pereira
José Francisco da Costa
José Barreto Marques
José Felipe
Juvêncio de Jesus Martins
Lourenço Rodrigues Pereira
Manuel Eduardo dos Santos
Marcia da Graça
Mário Abel
Matias Gouveia Duarte
Renilde Guterres Corte Real

Saturnino da Costa Belo
Simplicio de Deus

JAKARTA

Agapito Cardoso
Antonio Lopez**
Antonio Soares
Avelino Maria Coelho da Silva
Benevides Cabral
Domingos Barreto
Egas Quintao Monteiro
Fausto Bernardino
Felipe da Silva
Fernando de Araujo**
Franciso Vasco Ramos
Gregorio de Araujo**
Ilidio da Costa
Joao Sarmiento
Joao "Travolta"
Joao Freitas da Camara**
Jose Luis de Oliveira
Jose Maria Belo
Mario Canelas
Metodio Moniz
Sergio Dias Quintao
Virgilio

DENPASAR, BALI

Antonio Matos
Clemente Soares
Jose Pompeia Saldanha Ribeiro

* Trial began in Dili in January 1992; charged with passing confidential military documents abroad.

** Reportedly charged with subversion.

NB Several other students are believed to be detained in Malang, Salatiga and Yogyakarta but their names have not been made public by the Indonesian authorities.

United Nations Commission on Human Rights

CHAIRMAN'S STATEMENT

4/3/92

Item 12

EAST TIMOR

I have been asked to make the following statement announcing what has been agreed by consensus by the Commission on the situation of human rights in East Timor:

1. The Commission on Human Rights notes with serious concern the human rights situation in East Timor, and strongly deplores the violent incident in Dili, on 12 November 1991 which resulted in the loss of lives and injuries of a large number of civilians and in many unaccounted for.
2. The Commission welcomes the early action of the Indonesian Government in setting up a national commission of inquiry and the prompt response which its advance report elicited from the highest Indonesian authorities; expresses its hope that, as announced by the Indonesian Government further investigation into the action of the security personnel on November 12, 1991, and into the fate of those unaccounted for will clarify the remaining discrepancies, namely on the number of people killed and those missing.
3. The Commission is encouraged by the recent announcement by the Indonesian authorities of disciplinary measures and military court proceedings regarding some members of its Armed Forces and urges the Indonesian Government to bring to trial and punish all those found responsible. Furthermore, the Commission calls upon the Indonesian authorities to ensure that all civilians arrested on the occasion are treated humanely, that those brought to trial are assured of proper legal representation and fair trial and that those not involved in violent activities are released without delay.
4. The Commission welcomes the appointment of Mr Amos Wako, as Personal Envoy of the Secretary General of the United Nations, to obtain clarification on the tragic events of November 12, 1991 and the willingness of the Indonesian authorities to cooperate fully with him. The Commission encourages the Secretary General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor.
5. The Commission urges the Government of Indonesian to improve the human rights situation in East Timor commends the report entitled "Visit by the Special Rapporteur to Indonesian and East Timor" of its Special Rapporteur on Torture following his visit at the invitation of the Indonesian Government; urges the Indonesian authorities to take the necessary steps to implement its recommendations and looks forward to a report thereon; calls on the Indonesian government to facilitate access to East Timor for additional humanitarian organisations and for human rights organisations; and requests the Secretary General to continue to follow closely the human rights situation in East Timor and to keep the commission informed at its 49th session.
6. This statement will be included verbatim in the report of the 48th session of the Commission."

→ C. Barston
from K-011

UNITED
NATIONS

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**Economic and Social
Council**Distr.
LIMITEDE/CN.4/Sub.2/1992/L.42
24 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH
PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT
COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION
UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Draft resolution submitted by Mr. Bossuyt, Mr. Eide,
Mr. Joinet and Mr. Saboia

1992/.. Situation in East Timor

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities.

Bearing in mind the provisions of the Charter of the United Nations, the
Universal Declaration of Human Rights, the International Covenant on Civil and
Political Rights and the International Covenant on Economic, Social and
Cultural Rights,

E/CN.4/Sub.2/1992/L.42
page 2

Recalling resolution 37/30 of 23 November 1982 of the General Assembly, in which it requested the Secretary-General to initiate consultations with all parties directly concerned to resolve the conflict in East Timor,

Recalling its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984, 1987/13 of 2 September 1987, 1989/7 of 31 August 1989 and 1990/15 of 30 August 1990 concerning the situation in East Timor,

Bearing in mind the consensus statements by the Chairman of its forty-third session (E/CN.4/Sub.2/1991/SR.26) and the Chairman of the Commission on Human Rights, adopted on 4 March 1992, at its forty-eighth session (E/CN.4/1992/SR.54/Add.1),

Having examined the report of the visit to East Timor by the Special Rapporteur on the question of torture, Mr. Peter Kooijmans (E/CN.4/1992/17/Add.1),

Appalled at the loss of life and injuries among civilians resulting from the violent incidents in Dili on 12 November 1991, and concerned at the fate of those who are missing,

Welcoming the decision of the Secretary-General to send Mr. Amos Wako as his Personal Envoy to inquire into the violent incidents of 12 November 1991,

Regretting that the conclusions of the National Commission of Inquiry set up by the Indonesian Government failed, in its conclusions to identify clearly those responsible for the killings,

Considering that the Government of Indonesia had undertaken to adopt the measures necessary towards the implementation of the recommendations of the Special Rapporteur on the question of torture,

Disturbed by the heavy sentences passed on the East Timorese involved in peaceful political activities on the basis of the "Anti-Subversion Law" whose abrogation had been recommended by the Special Rapporteur on the question of torture of the Commission on Human Rights,

Disturbed also by reports of continuing human rights violations in East Timor,

Disappointed by the persistent denial of access to the territory to human rights organizations,

- Deplores the tragic events*
1. Condemns ~~the massacre of~~ East Timorese civilians, including women and children, on 12 November 1991, in Dili, *in which*
 2. Expresses its utmost concern at reports of continuing widespread human rights violations in East Timor;

(Deplores the tragic events in Dili, on 12 November 1991, in which East Timorese civilians, including women and children, were killed.)

3. Invites the Secretary-General to transmit the full report of his Personal Envoy, Mr. Amos Wako, to the Commission on Human Rights at its forty-ninth session;
4. Requests the Secretary-General in the preparation of his report on the situation in East Timor for consideration by the Commission on Human Rights under item 12 to include an analytical compilation of all information received from, inter alia, Governments, intergovernmental and non-governmental organizations;
5. Commends the decision of the Government of Indonesia to set up a National Commission of Inquiry, but regrets that investigation of the actions of the armed forces on 12 November 1991 has not been followed through and invites the Indonesian authorities to cooperate in the preparation of the above-mentioned report of the Secretary-General by providing information on the complementary measures to bring the members of the armed forces responsible to justice;
6. Urges the Government of Indonesia to provide the Working Group on Enforced or Involuntary Disappearances information regarding the missing persons;
7. Also urges the Indonesian authorities on humanitarian grounds to cooperate with the families of the victims by providing information about the dead and the whereabouts of their remains for proper burial;
8. Calls upon the Indonesian authorities to honour their commitment to facilitate access to East Timor by humanitarian and human rights organizations;
9. Decides to review the situation in East Timor at its forty-fifth session and to this end asks the Secretariat to transmit to it all available information concerning the human rights situation in the territory.

ADOPTED: 13 in favour, 6 against, 4 abstentions.

Liz Gardiner, from Sydney, who is attending the U.N. body's current session, said: "I'm ashamed of being an Australian and seeing Australian diplomats going around lobbying for Indonesia. What passport do they carry, Australian or Indonesian?"

Judith Gunson, from Melbourne, also attending the meeting, commented about "these Aussies who behave as if they were in fact representing Indonesia and not my country".

Mr. Ramos-Horta told the meeting that he feels he has been "lied to by Foreign Minister Gareth Evans". Mr. Ramos-Horta claimed to have had a phone conversation with the Australian Foreign Minister in late January, prior to his departure from Sydney to attend the Commission on Human Rights, and had been assured by Mr. Evans that Australia would in fact work with the Americans and the U.N. Secretary-General towards a comprehensive resolution of the Timor problem. "This is the aim of the EC draft and Australia is now lobbying against it. I can only conclude that Mr. Evans lied to me", Mr. Horta said.

For further information contact:

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