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East Timorese agree to keep talking

East Timorese representing pro-independence and pro-integrationist opinion met for the first time under UN auspices on 3-6 June. Pro-independence groups were unhappy that discussion of East Timor's political status had been ruled out. But all participants agreed that the dialogue was a positive step and called for it to continue.

The intra-East Timorese dialogue, agreed at the January ministerial meeting between Portugal and Indonesia (*Timor Link* 32, page 5) took place in a medieval castle, 140 km south of Vienna, in Schläining, Austria.

The UN secretariat had difficulty drawing up a list of East Timorese participants. The Indonesian government rejected the first list of names put forward, saying it had not been consulted. This led to a postponement of the meeting, originally scheduled for 24-26 April, while candidates more to the taste of the Jakarta regime were added to the list. As a result, the round of talks between Portugal and Indonesia, scheduled for 19 May in New York, was also postponed until 8 July.

The Indonesian government was so anxious to control what happened in the meeting that it bussed several thousand East Timorese into Dili to demonstrate against the inclusion of prominent dissident exiles. Thirteen of the nominees chosen by Jakarta addressed the demonstration, stating that they supported Indonesian rule over the territory. The Portuguese news agency, Lusa, reported on 24 April that the East Timorese legislative assembly had issued a declaration rejecting a referendum on East Timor's status and reaffirming integration with Indonesia. Apparently, members of the Dili legislative assembly who disagreed with the declaration were not allowed to vote on it.

Notwithstanding these tensions, the UN held



Street trader in Dili market, March 1995

Summary

This issue of *Timor Link* reports on the challenges to Indonesia's military occupation of East Timor. We bring news of increasing activity from the urban underground resistance, a more independent stand from East Timor's protestant church, and the growing importance of East Timor to Indonesian movements for change. We give updates on the Timor Gap oil treaty hearings, and official investigations into the Liquica massacre. We also report on the first UN-sponsored meeting between pro-independence and pro-integrationist Timorese. We reprint in full translations of two documents from this meeting: its final declaration and an address by Bishop Belo.

firm on its list of invitees. The Jakarta regime, with two or three extra nominees of its own, eventually decided to participate.

The 30 participants in the June meeting included exiles as well as East Timorese still living in East Timor. They ranged from prominent opponents of integration such as Jose Ramos Horta, leader of the National Council of Maubere Resistance (CNRM), to pro-integration Timorese such as Francisco Lopes da Cruz.

Resistance leader Xanana Gusmao was not permitted to leave his prison cell to join the talks. He would probably have refused in any case. The content of the talks, as defined by the UN communique of 9 January, was confined to cultural, traditional and religious issues, rather than substantive political differences. Xanana criticised this in his address to the parliamentarians' conference held in Lisbon at the end of May: 'If in fact the cause of East Timor's problems resides in the fact of Indonesia having forcibly annexed the territory, then of what importance is reconciliation amongst East Timorese?' However, he did contribute a three-page letter to the dialogue.

Unofficial reports of the meeting, which was conducted in Portuguese, varied; some participants described it as tense, others as friendly. Bishop Carlos Belo played an important role in keeping the two sides talking. He dissuaded Joao Carrascalao (leader of the Timorese Democratic Union) from quitting the meeting despite the exclusion of political questions from the agenda. In his homily at the Sunday mass, he called for reconciliation: 'God has already forgiven the mistakes of 1974 and 1975, and now is the time for the Timorese to forgive each other.'

The overall impression was that whilst the meeting was emotionally charged, and recon-

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ciliation desired, deep differences remained. Ines Almeida, one of the CNRM participants, afterwards expressed appreciation for Bishop Belo's role. Of the East Timorese participants, she said, 'They would not allow the terror of Indonesia to stand between them. They used this opportunity to, instead, enhance an environment of real dialogue regardless of their differences in political views, which, 20 years experience tells them, can be a good ingredient for real democracy in an independent East Timor'.*

The agenda items addressed included demilitarisation, security, human rights, and the scaling down of the military presence, with transfer of power to civilian leaders.

A sixteen-point document tabled by Bishop Belo was approved by consensus and annexed to the final document of the meeting (see page 8).

The final 'Burg Schlaining Declaration' calls for further dialogue through more meetings, to be held immediately before each round of negotiations between Indonesia and Portugal.

The most politically significant section of the declaration is its expression of support for UN General Assembly resolution 37/30. This resolution asks the Secretary General to initiate consultations with all directly concerned parties to come to a settlement, and asks the UN GA 'Committee of 24' (the special committee on Decolonisation) to continue to monitor the situation in East Timor, recognising Portugal as the continuing administering power.

UN representative Tamrat Samuel commented that the UN was 'satisfied and happy with the result, which fulfilled our expectations and laid the ground for further cooperation'.

The CNRM, while unhappy with the limited agenda, nevertheless issued a statement appreciative of the UN's efforts. It said the talks represented 'a further valuable step forward in

Among the participants were:

Living outside Timor: Jose Ramos Horta (CNRM), Constancio Pinto (CNRM), Ines Almeida (CNRM), Joao Carrascalao (UDT), Vicente Guterres (UDT), Zacarias da Costa (UDT), Jose Luis Guterres (Fretilin), Mari Alkatiri (Fretilin), Abilio Araujo (Fretilin Committee in Portugal), Abilio Sereno (Fretilin Committee in Portugal), Jose Martins (KOTA), Manuel Tilman ('reconciliation'), Father Francisco Fernandes ('reconciliation'), Father Constancio ('reconciliation').

From East Timor itself: Bishop Ximenes Belo, Abilio Osorio Soares (Governor), Francisco Lopes da Cruz (ambassador in Suharto's service), Mario Carrascalao (former Governor, currently Indonesia's ambassador to Romania), Francisco Xavier do Amaral (first chairman of Fretilin, currently leader of the Indonesia-Portugal Friendship Association), Domingos Soares (Administrator of the Dili municipality), Joao Mariano Saldanha, Florentino Sarmiento (attended the first 'reconciliation' meeting), Armindo Maia (Vice Rector of the Loro Sae University of Dili), Salvador Ximenes Soares (member of Indonesian Parliament), Clementino dos Reis Amaral (former member of Indonesian Parliament), Antonio Parada (assistant in the Provincial Government), Guilherme Maria Goncalves (former East Timor governor).

the UN Secretary General's efforts to seek a just and genuine solution to the problem'. ■

* *The all-inclusive intra-East Timorese dialogue: a small but critical step forward for East Timor* by Ines Almeida.

More bad news than good

Jakarta has no policy for East Timor except more repression. In the long term change may come from an Indonesian movement for more freedom and human dignity, writes Gerry van Klinken.

The news in East Timor today is mostly about more repression, with little change in sight. There is good news too, but it lies far off in the future. Let's have the bad news first.

Riots in several East Timorese towns in November last year demonstrated that frustration with Indonesian colonial rule is growing rather than weakening. They coincided with silent commemorations of the Santa Cruz massacre on 11 November 1991, but also had a clear economic motif. The rioters took it out on bazaar stalls owned by foreigners, who are perceived as having taken over their economy. Outside observers must recognise the contemporary nature of this resistance, because it precludes quietist hopes that 'time heals all wounds'.

The riots had several results. Many hundreds of mostly Chinese East Timorese with money, fearing more unrest, found their way to Australia and applied for asylum there. Government-sponsored thugs ('ninja') for a time reappeared on the streets of Dili at night, terrorising supposed opponents. An effective ban on foreign journalists visiting the territory remains.

A separate development was that President Suharto quashed a proposal circulating within the government to give East Timor some formal autonomy. The proposal was made confidentially by East Timor Governor Abilio Osorio

Burg Schlaining Declaration

The Timorese, meeting in the All Inclusive Intra-Timorese dialogue on June 3-5 1995 in Schlaining, Austria, in the framework of the initiatives of the United Nations Secretary General:

Expressing their gratitude and greetings to the Secretary General and his staff for this initiative; Taking note with appreciation and thanking the generous hospitality of the Austrian Government in welcoming the participants;

Expressing their gratitude for the voluntary contribution by several countries towards the holding of this meeting;

Recognising the invaluable contribution of the Catholic Church in East Timor in the past and at present in East Timor;

Bearing in mind the contribution of His Excellency Rev. Dom Carlos Filipe Ximenes Belo in the course of this Intra-Timorese dialogue;

Noting that in spite of the frank and open spirit in which this Intra-Timorese dialogue was conducted, the fundamental different political options are unchanged;

Decide to:

1. Salute the presence of H.E. Rev. Dom Carlos

Filipe Ximenes Belo, Apostolic Administrator of the Diocese of Dili, for his invaluable contribution in the course of the debate, such as proposals for concrete measures that were agreed upon with a view to improving the physical and spiritual conditions of the lives of the people of East Timor;

2. Propose to the UN Secretary General the holding of another Intra-Timorese dialogue in the same framework in which this one was undertaken with a view to continuing the debate on the issues annexed, preceding each round of negotiations between the diplomatic heads of Portugal and Indonesia;

3. Reaffirm the need to implement the necessary measures in the field of human rights and in the various areas with a view to promoting peace, stability, justice and social harmony;

4. Reaffirm the necessity for the social and cultural development of East Timor on the basis of the preservation of the cultural identity of the people, including tradition, religion, history and language as well as the teaching of Tetun and Portuguese;

5. Expresses the need to create the basis for the

involvement of all East Timorese without discrimination of any sort in the development of East Timor in every sphere of human life in a climate of mutual understanding, tolerance and harmony;

6. Affirm the importance of the ongoing negotiations between the governments of Portugal and Indonesia under the auspices of the Secretary General of the United Nations with a view to finding a just, comprehensive and internationally acceptable solution to the question of East Timor according to the provisions, letter and spirit of the UN General Assembly resolution 37/30.

7. Register with appreciation the consultations undertaken by the United Nations with the various shades of Timorese opinion, aiming at their gradual involvement, as well as the availability of the Ministers of Foreign Affairs of Portugal and Indonesia for direct dialogue with Timorese personalities;

8. Request the good offices of the UN Secretary General and of the governments of Portugal and Indonesia to facilitate the free movement of the Timorese families to and from East Timor.

*Burg Schlaining,
5 June 1995*

Soares in May 1994. It appeared to enjoy the backing of Colonel Prabowo Subianto, a rapidly rising star in the Indonesian armed forces who is married to the president's daughter. Many governments (including those of Australia and the USA) chimed in, seeing in it a way of reconciling a concern about human rights abuses with an anxiety to retain good relations with Jakarta. However in November President Suharto made it clear autonomy was not on the cards and ought not to be discussed further. Governor Soares was withdrawn to Jakarta for a lengthy indoctrination course.

The impression that Jakarta now has no East Timor policy other than more repression was strengthened by the early replacement of East Timor military commander Colonel Kiki Syahnakri by Colonel Mahidin Simbolon. The latter is an officer in the elite Kopassus unit responsible for the worst abuses throughout Indonesia. Major-General Adang Ruchiatna, Syahnakri's superior, reflected mainstream army feeling when he declared in March he could only solve East Timor's problems with more troops, even if this damaged Indonesia's international image. The clandestine movement was 'everywhere', he complained.

What about the United Nations? Aren't the newspapers reporting UN-sponsored talks in Austria this June? Yes, and they may turn out to be more important than many think. But we should be clear about them. They are not negotiations between competent officials, but discussions between East Timorese from inside and outside Indonesian-controlled territory. Their agenda, agreed during a long-drawn-out series of meetings between the Indonesian and Portuguese foreign ministers hosted by the UN Secretary General, specifically excludes discussion of East Timor's political status. Indonesia likes to trace East Timor's problems to the civil war before the Indonesian invasion in 1975, and wants the format of the talks to strengthen that portrayal.

Indonesian protests about the list of participants (drawn up by UN Secretary General Boutros Ghali) led to a two-month postponement of the talks. When they did start, Indonesian Coordinating Minister for Politics and Security Soesilo Soedarman said they would have no political impact, while President Suharto said Indonesia would never give up East Timor. The UN Secretary General also repeatedly talked down East Timorese hopes that he could force a resolution to the festering problem. Nevertheless, there are hopes the discussions may snowball into negotiations-by-proxy, since they do include most resistance leaders.

The good news, of greater long-term than short-term significance, is that East Timor is increasingly important to Indonesians who want change. A broad and loose coalition of students and other intellectuals, retired military and civil servants, religious and legal-aid figures uses the language of freedom and justice from the 1945 national independence struggle to ask: why after 50 years does the Indonesian state today so resemble its colonial predecessor? The press, though fettered since June 1994, gives such



EAST TIMOR: Time for change

Timor, area 7,400 square miles, is one of the easternmost islands of the Indonesian archipelago and lies 300 miles north of Australia, its nearest neighbour. The western part of the island, formerly a Dutch colony, belongs to Indonesia, whereas East Timor was for more than 400 years a Portuguese colony.

In 1974 Portugal decolonised East Timor, whose newly formed political parties began discussing options for the future – federation with Portugal, independence, or integration with Indonesia. The Timorese Democratic Union (UDT) initially favoured the first option but then joined a coalition with the nationalist liberation movement, Fretilin, to demand independence. A small third party, Apodeti, was used as a vehicle for Indonesian propaganda in favour of integration.

On 11 August 1975 the UDT staged a coup to pre-empt Indonesian threats to intervene if Fretilin came to power. In the ensuing civil war, 1,500 people lost their lives. By September 1975, however, Fretilin was in control of virtually all of Portuguese Timor, following the defection of Timorese colonial troops to the liberation movement's side.

Indonesia, like the United States, was worried by the proximity of an independent state with radical policies and continued to threaten East Timor, despite previous assurances that Jakarta would respect the right of the East Timorese to independence. In September 1975 Indonesia closed West Timor to journalists and on 7 December it launched a full-scale invasion of East Timor with the knowledge of the United States and the encouragement of Australia. East Timor was proclaimed the '27th province' of Indonesia.

The invasion and annexation of East Timor has been brutal: up to 200,000 people, a third of the population, have died as a result of Indonesian rule. But the majority of Timorese have not accepted subjugation: Indonesia has been unable to eliminate the desire of the East Timorese for self-determi-

nation and an armed resistance movement still remains in the hills.

Although the invasion has been condemned by successive UN resolutions, the international community has done little or nothing to implement them, given the major economic and geopolitical interests of the United States, Japan and particularly Australia in the region. Indonesia's crucial strategic location and regional status – it has the world's fifth largest population, and large reserves of oil and other natural resources – have all encouraged the world to downplay East Timor's agony.

In recent years, however, several events have combined to break East Timor's isolation and bring its continued occupation to international attention. In 1989 the Pope visited the territory and in 1991 the planned visit of a parliamentary delegation from Portugal, still considered the administering authority of East Timor by the UN, created huge expectations of change. To great disappointment in East Timor, the delegation was forced in October 1991 to call off its visit.

On 12 November 1991 Indonesian troops shot and killed up to 300 East Timorese civilians during a funeral procession held at the Santa Cruz cemetery in Dili, the East Timorese capital, for a victim of repression. Witnessed by foreign journalists, the Santa Cruz massacre provided indisputable evidence of Indonesian atrocities.

The Santa Cruz massacre has forced governments around the world to criticise Indonesia's brutality, injecting new impetus into diplomatic efforts to bring about a solution to East Timor's suffering. Since 1983 the UN Secretary-General has been entrusted with the achievement of a settlement to the dispute; and with the post-Cold War era providing a new international climate for negotiations, Indonesia faces increased pressure to reach a solution with Portugal and the East Timorese under the auspices of the UN.

questions wide play.

Symbolic centres of the coalition are Megawati, daughter of Indonesia's founding President Sukarno and leader of the small Partai Demokrasi Indonesia (PDI), and Abdurrahman Wahid, leader of the mass Islamic organization NU. Whilst it is too early to say East Timor is a central item on its list of demands, its more idealistic wing sees there precisely the kind of struggle they themselves always dreamed of. Spectacular acts of resistance by the East Timorese clandestine movement excite their admiration. A number of Indonesian human rights organisations are now active in East Timor.

Even the Indonesian National Commission on Human Rights has finally dared to touch East Timor. This government-appointed body sees itself as a pressure vent for popular anger about human rights abuses, hoping thereby to prevent a Philippine-style democratic explosion. But it has issued several strong statements on controversial incidents involving the armed forces in Indonesia. In early March it criticised the killing of six civilians by an army patrol in East Timor two months earlier. It will soon open an office in Dili.

Xanana in a Jakarta jail is a more effective

opinion-maker now than he was in the mountains of East Timor. Former East Timor Governor Mario Carrascalao, now Indonesian Ambassador in Romania, said recently that Xanana was the only genuine representative of the anti-integrationist position. He went on to suggest that for President Suharto to speak with the deposed Fretilin leader Abilio Araujo, as he is intending to do, was rather pointless.

Few expect this diverse democratic opposition to change the regime in the near future. Indeed, most think Suharto will stand unopposed in 1988 for another five-year term. Barring an unexpected breakdown in the currently tense relations between the Presidential Palace and Armed Forces Headquarters, the opposition will not be able to force the pace of change in the short term. When the regime does change, it is likely the President will not be as powerful as he is now. This may offer the window of hope that many in Indonesia and East Timor are praying for. ■

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relatively narrow: did Australia act lawfully in concluding the Timor Gap Treaty with Indonesia? However the potential implications are wide-reaching because the case revolves around the East Timorese people's right to self-determination. Whether the court will pronounce on that issue remains to be seen. As an initial plea, Australia argued that even though both parties had consented to the court's jurisdiction, it was still not competent to decide the merits of the case.

On the court's competence, Australia's complaint is that, in the first place, Portugal is not entitled to represent and protect East Timorese interests internationally. Coupled with this, Australia argues that the Court is not entitled to hear the merits of the Portuguese claim because any decision which it might give would also rule on Indonesia's rights and interests. As Indonesia has not consented to jurisdiction, Australia claims that the court must divest itself of jurisdiction. This argument attempts to develop a line of reasoning in the court's jurisprudence which can be traced back to its judgment in 1954 in the *Monetary gold* case. A third, and essentially subsidiary, argument is that Portugal is suing the wrong state and should have directed its complaint against Indonesia, not Australia.

The dispute as to whether Portugal is entitled to act on behalf of East Timor in the first place might be seen to raise an acutely valid point. Why should Portugal take this responsibility upon itself?

The Portuguese answer to this is quite clear: until the Indonesian invasion in 1975, East Timor was a Portuguese colony. The United Nations had designated East Timor as a non-self-governing territory entitled to self-determination and laid a duty on Portugal to ensure that this occurred. Until this right is freely exercised, Portugal remains the representative of East Timor in international affairs. This is also recognised by the United Nations which has identified Portugal as East Timor's administering power.

Australia claims that, by virtue of the passage of time and Portuguese inaction, it has abandoned this responsibility. This allegation was virulently denied by Portugal throughout the oral proceedings.

Only if the court rejects this Australian objection, and the technical procedural argument based on the *Monetary gold* case, can it proceed to decide the merits of the case. The Portuguese claim is that by concluding the Timor Gap Treaty with Indonesia Australia infringed Portugal's rights to represent East Timor in international affairs.

Moreover – and more importantly – Portugal claimed that the conclusion of the treaty also breached the right of the East Timorese people to self-determination. In particular, it breached this right's economic aspect, encapsulated in the doctrine of permanent sovereignty over natural resources. Simply by establishing a framework for offshore exploration and exploitation, Australia deprived the East Timorese people of control over the use of their natural

appearance in court. Although two exchanges of lengthy written arguments precede the oral hearings, the case only comes into clear focus during the oral arguments. Only then do the precise issues and arguments on which each party rests its case become apparent. Its opponent then knows the spin which has to be given to the counter-argument, and the additional research and writing which remains to be done.

It might appear odd that the parties to the proceedings were Portugal and Australia rather than East Timor and Indonesia. This looks like a wedding with neither bride nor groom.

However, under Article 34 of the court's statute, only states can be parties to cases. East Timor is not a state and thus could not appear on its own behalf to challenge the legality of Indonesia's occupation and complain of its human rights abuses. Further, Article 36 of the statute requires that states must give their consent to being a party to a case – this consent can be given for a particular case or in advance for a defined class of cases. Indonesia has never consented to the court's jurisdiction in matters connected with East Timor. Even if East Timor were an independent state, it could not bring a case before the ICJ which complained of its treatment at the hands of Indonesia.

On the other hand, Australia and Portugal have given their consent to the court's jurisdiction for an open-ended class of disputes. In 1979, Australia concluded a treaty with Indonesia providing for co-operation in exploiting hydrocarbon resources lying offshore between it and East Timor. This gave Portugal the opportunity to raise an action.

The substantive point at stake in the case is

Timor Gap hearings: Hardly April in Paris

Portugal has brought an action against Australia in the International Court of Justice, challenging the legitimacy of the Indonesian-Australian Timor Gap oil treaty. Dr Iain Scobbie outlines the legal arguments.

February in the Hague was cold and damp, although unaffected by the severe floods afflicting other parts of the Netherlands. Even so an unending drizzle fell from the dull metal sky, foreshortening the panorama beyond the plate glass windows of the hotel whose top floor housed the Portuguese team in the *East Timor* case. In the mid-ground of this vista, the gothic finger of the clock tower of the Peace Palace pointed through a ring of trees. The International Court of Justice (ICJ) is the principal tenant of the Peace Palace; for three weeks in February it was the daily destination of participants in the oral proceedings in the *East Timor* case brought by Portugal against Australia.

Portugal, as the applicant state which initiated the case, presented its arguments during the first week. Australia then had a week to plead its defence. After this, each was given the opportunity to present final brief arguments in order to reinforce its own case and to answer points made by the other. This might give the impression of a nightmare of perpetual lawyerly discourse and chatter, mirroring the continual drizzle outside, but during the first two weeks the court sat only in the mornings from 10am to round about 1pm. It would err on the side of the cynical to attribute this to the relatively advanced age of the judges. Both teams of lawyers need time – from lunchtime to, often, early the next morning – to prepare for their

resources. This breach of the doctrine of permanent sovereignty will be aggravated should any resources be extracted from any area of East Timor's continental shelf.

The Australian counter-argument takes an interesting route. It claims that, because there has been no agreement which allocates shelf areas to it and East Timor, Australia was entitled to conclude the treaty with the authorities who have effective control over East Timor. It asserted that, if it could not do so it would be unable to explore or exploit hydrocarbons which might lie in that offshore area. Accordingly, Australia claimed that without this agreement, the exercise of its right to permanent sovereignty over its natural resources was prejudiced.

Although this Australian argument may appear ingenuous, its underpinning is significant as it recognises the relevance of the doctrine of permanent sovereignty. Moreover, Australia did not deny that the East Timorese people had a right to self-determination. Rather, it claimed that this right had been exercised in 1976 when the 'People's Assembly' voted in favour of incorporation into Indonesia.

In sum, a striking feature of this case is that the parties are in substantial agreement regarding the governing law and what that law requires. Their disagreement boils down to a different appreciation of the facts. Analysis of the ICJ's work only shows that it is virtually impossible to predict its decisions. Enlightenment should come soon. The court was expected to deliver judgment at the end of June. ■

Dr Scobbie is senior lecturer in international law at the University of Glasgow. He was counsel to Portugal in the East Timor case. The views expressed in this paper are purely personal and should not be attributed either to the government of the Republic of Portugal or to his colleagues in the case.

Resistance continues: a visitor's report

In the six months since the Asia Pacific Economic Cooperation (APEC) meeting in Jakarta, the situation in East Timor has been extremely volatile. Edward Olsen-Hafstad reports on the mood during his visit in March 1995.

The urban clandestine movement has increased its activity, which largely takes the form of demonstrations or mass response to violence or intimidation by the occupying Indonesian military forces. In the common view, this shows that the underground resistance remains strong and sufficiently adaptable to meet the new demands and strategies of the occupiers.

Two killings have had a strong impact in the past three months: the reported massacre in Baucau, outside the parish Church, in January

and the killing of six civilians in the town of Liquica (see page 6). The number killed in Baucau is unclear and as yet the justice and peace commission of the diocese has made no investigation. A number of sources report that local church officials are wary of reporting the incident for fear of reprisals. In Liquica the opposite was true. Effective reporting from the local parish brought the killings to international attention and ensured that the new Indonesian National Human Rights Commission undertook an immediate investigation.

The commission's report contradicted the military description of the incident as 'a military engagement', calling it a fabrication, and demanded action against those responsible. Although most Timorese express little confidence in Indonesian national institutions the Commission's report met with a positive response. It is likely that the officers responsible for the Liquica killings will receive harsher penalties than those given to the military responsible for the Santa Cruz massacre in 1991, to satisfy international opinion. There are strong rumours that the present military commander in East Timor will be removed but there is some trepidation as to who will replace him. But with the clandestine networks as strong as ever opportunities to demonstrate rejection of 'integration' will continue to be taken and the military will not temper its brutality.

The Indonesian policy of divide and rule and application of a form of low intensity conflict are having a substantial impact. The 'ninja' gangs, groups of Timorese youths paid by the military to carry out night-time terror raids on critics of Indonesian integration, have produced a heightened state of fear. Although during my stay in Dili these attacks were said to be muted, actions by ninja gangs in other towns and villages were reported. Recruits for the ninjas are said to come from the growing numbers involved in a martial arts youth culture. The development of martial arts clubs is heavily encouraged by the military and many of them take on a fanatical nature, similar to the *Alsa Masa* 'militia' groups in the Philippines.

In Suai, to the south of the island, I learned of a plague of ninja gang attacks although I found it difficult to ascertain whether there had been any killings in the area. The town mayor, a Timorese with the confidence of the local population, retired last year and was replaced by a Javanese military officer. Since then, relations between the local government and church had taken a down turn. A priest complained that ninja gangs had trespassed on to the Parish church compound three times but when the police had been summoned to give assistance they had not responded. The church cites this as clear evidence that the police and military are behind the ninja gangs. In Suai, unlike Dili, no members of the ninja gangs have yet been caught and shown to be in the pay of the Indonesian authorities.

Everywhere I visited there were great expectations of the UN sponsored intra-Timorese talks to be held in Austria in April 1995 but postponed to June. I met a number of those from within

Timor who had been invited by the UN Secretary General to participate in these talks. The general feeling was that nearly all those invited, from East Timor, Indonesia and the Timorese diaspora, were known to be opposed in some way to integration. Even the governor, Abilio Osario, has made statements critical of the status quo, calling for some 'new' form of autonomy for East Timor. Formerly supporters of integration increasingly recognise the situation for what it is: military occupation. The current absence of the governor on a so called six-month training course in Jakarta is seen as an attempt to keep him out of East Timor during a time of quite intense political activity. And some doubt that he will ever return to Dili.

I came away from East Timor again heartened by the courage with which the mass of the people continue to resist the Indonesian occupying forces. However, in such a David and Goliath situation I found myself asking: 'how much longer can such a small population survive such brutal repression?' ■

Edward Olsen-Hafstad is a development consultant and a member of the British Coalition for East Timor.

HUMAN RIGHTS

UN commission statement

The 51st session of the United Nations Commission on Human Rights produced a 'consensus statement' on East Timor. Alessandra Aula reports on the proceedings.

The consensus statement congratulates the Indonesian government on its decision to invite the High Commissioner for Human Rights to visit East Timor in 1995. It requires that the UN Secretary General remains informed of the human rights situation in East Timor until the next session, when the High Commissioner is due to submit a report on his visit.

The commission also expressed its deep concern about continuing human rights violations, in particular recent tensions and the murder last January of six East Timorese by Indonesian soldiers in Liquica. It appealed to the Indonesian government to continue its enquiries about the people still missing and the circumstances surrounding the violent 'incident' which took place in Dili on 12 November 1991.

East Timor was a particularly sensitive issue this year, given the defeat of a resolution in the last session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Negotiations are now under way between the Portuguese foreign minister, his Indonesian counterpart, and representatives of the National Council of Maubere Resistance (CNRM). These have assumed a more flexible and conciliatory approach.

Nevertheless, the NGOs, including Pax Christi, and several states (western countries, particu-

larly Portugal and Canada) did not spare the Jakarta government. In particular, they raised the questions of:

- self-determination
- the detention and trial of Xanana Gusmao, leader of the East Timorese resistance
- the fate of people who have disappeared, or been killed, detained or exiled.

The strategy of CNRM, led by Jose Ramos Horta, was to present testimonies of the tragedy lived by many East Timorese, and to negotiate the consensus statement. ■

Alessandra Aula is assistant permanent representative at the UN for Pax Christi International.

Liquica: Indonesia admits civilians killed

The Indonesian authorities have been forced to admit that Indonesian soldiers killed six East Timorese civilians in Liquica earlier this year.

Indonesia's National Commission on Human Rights has accepted that the killings in Liquica on 12 January (*Timor Link* 32, page 3) were 'a grave violation of human rights'. The commission confirmed that military officers had engaged in torture aimed at extracting confessions of resistance sympathies and activity, and that they had carried out 'unlawful killings'.

Five of the victims were lined up in front of a ditch and shot. A sixth was tortured and killed separately, his body left near to the other five.

Indonesian military sources originally described the victims as armed members of the East Timorese resistance. However, this claim was widely disputed, and under pressure from several directions, the Indonesian government asked its human rights commission to investigate. The results were revealing, and served to boost the reputation of a body which had originally been dismissed by many as unlikely to demonstrate independence.

The inquiry soon got to the truth, since individual accounts from different members of the platoon concerned were contradictory, and eye-witnesses refuted much of the military version.

In the phrasing of its statement the commission trod a careful path between telling the truth and alienating the military. On 1 March, former Supreme Court Justice Ali Said declared that the commission 'deeply regrets the incident'.

While the report does not expose the full culpability of the army, it goes some distance to defend itself from accusations of failure properly to investigate human rights abuses in East Timor.

Antara news agency reported on 29 May that two soldiers will appear before a military tribunal in Denpasar on 2 June charged with killing the six East Timorese. The two are named as Jeremias Kasse and Rusdin Maubere. ■

Balibo: Twenty years on

Australian and British governments failed to react to the killing of their own nationals when Indonesia invaded East Timor in 1975. Hugh Dowson reports on continuing efforts to expose western complicity with the Indonesian occupation.

Balibo, as yet, is not even a name to most Britons. But what happened at Balibo 20 years ago was a trigger for rape, mass-murder, and deliberate starvation of up to 200,000 East Timorese by the Indonesian military.

In October 1975 two teams of TV news reporters arrived at Balibo to film Indonesia's week-old covert invasion of East Timor. Had one or other team escaped with their films, full-scale invasion would have been aborted. Indonesia's ends would have been pursued by other means. Instead, both teams were executed.

Indonesia's president had not ordered these executions. He knew that the west was monitoring the invasion. Fearing that his international standing would not survive the outraged publicity, President Suharto ordered his generals to halt their invasion. By remaining silent over the executions at Balibo, the Australian and British Labour governments gave an important signal to Indonesia: the military regime read the silence as a green light to resume the invasion and genocide.

Balibo is a key event in the East Timorese catastrophe, and pressure has mounted for a proper inquiry. Between 14 February and 17 May this year, 115 British MPs signed House of Commons Early Day Motion 607. This calls for a proper inquiry into the executions (see box). Of the signatories, seven are Conservative MPs, two Ulster Unionists, 15 Liberal Democrats, one Plaid Cymru and 90 Labour.

The British Foreign Office responded almost immediately, telephoning Maureen Tolfree (sister of Bristol-born Brian Peters) and inviting her to meet Foreign Office parliamentary under-secretary Tony Baldry MP. There was one condition – that she must go alone. Not until EDM 607 had 60 signatures was this condition dropped (as of 5 June it had 128). Thus when Mr Baldry met Maureen on 20 April, she was accompanied by her MP and EDM co-sponsor, Roger Berry.

At the meeting, Mr Baldry handed over photographs of the burial of the five newsmen in Jakarta, Indonesia, on 5 December 1975. These, he insisted, had been sent to Brian's family at the time. They did not arrive. He also handed over a bundle of papers, some of which were sent to Brian's family in 1976 – notably the dismissive official documents issued by the Australian government.

Among the previously unreleased papers is a letter to the Foreign Office from the official who represented Britain's Labour government at the funeral of Brian and Malcolm (the two Britons, both with Channel 9, Sydney) and the other

EDM 607 – Killings in East Timor 16.10.75

That this house notes that the British television newsmen, Malcolm Rennie and Brian Peters, were killed, with three other Australian-based newsmen, at Balibo, East Timor, on 16th October 1975, to prevent them informing the world that Indonesia had begun its invasion of East Timor; notes that the Australian Foreign Minister Evans confirmed this when he stated, in the Australian Senate on 7th June 1994, that the five newsmen were executed in a major military invasion; and therefore urges Her Majesty's Government to institute an inquiry into the Balibo killings of 16th October 1975.

newsmen (two Australians and a New Zealander, all with Channel 7, Melbourne). No member of Brian's family was invited to the funeral.

The EDM can be signed by MPs until November this year. By then it may have gained publicity from the visit of James Dunn, an authority on East Timor, whose pamphlet and UK speaking tour coincide with the 20th anniversary of the Balibo executions. (Further information: Tel 01225 464234) ■

Hugh Dowson is a member of the British Coalition for East Timor.

INTERNATIONAL ROUND-UP

AUSTRALIA

Boat people from East Timor

A group of 18 East Timorese including a small baby have fled Timor by boat, landing in Darwin under Australian Coast Watch escort on 30 May after five days at sea. According to the *Canberra Times* (30 May 1995) this is the first group to escape by boat for almost 20 years, but may be the first of several.

The Australian authorities have prevented the asylum seekers from making contact with the East Timorese community in Darwin, and instead taken them to a remote detention centre in Derby, Western Australia. Many of the refugees have relatives in Darwin who are willing to take them in.

It is understood that the group members have been constantly harassed by the Indonesian military forces since the Santa Cruz massacre of November 1991, in the belief that they are members of the underground resistance.

Parliamentary conference

An international conference on East Timor for concerned parliamentarians took place in Lisbon from 31 May until 2 June. Hosted by the Portuguese National Assembly's special committee on East Timor, it was attended by some 77 parliamentarians from 32 countries.

The meeting adopted a declaration containing a 25-point programme of action, and decided to create a permanent structure for Parliamentarians for East Timor (PET), founded in 1988. The

participants also signed a statement of support for Indonesian parliamentarian Sri Bintang Pamungkas. He had been invited to attend the Lisbon meeting, but was unable to do so as he is currently being investigated by the police.

Parliamentarians from outside Portugal insisted that a strong plan of action was agreed and an international board of parliamentarians set up to develop communications between national groups. This will work with the secretariat of PET, currently based in Ottawa, Canada, whose work will be strengthened and boosted by this conference.

SENEGAL

Indonesian military condemned

The joint assembly of the Asia-Caribbean-Pacific/European Union parliamentarians has passed a strongly-worded resolution criticising Indonesian military actions in East Timor. The parliamentarians, meeting in Dakar, Senegal between 30 January and 3 February 1995, condemned the violence in Dili and Baucau at the time of the fifth round of negotiations between Portugal and Indonesia in January. The resolution condemned the Indonesian government's defiance in the face of international censure, affirmed the rights of the East Timorese to discuss political questions in the

forthcoming dialogue, expressed solidarity with Bishop Belo, and called for an arms embargo against Indonesia.

NEW ZEALAND

Dili massacre damages

The New Zealand government promised at the end of May to press for a response from Indonesia to an award for damages to the mother of a Santa Cruz massacre victim in a Boston court. General Panjaitan, in command of the army in East Timor at the time of the massacre, was prosecuted under US law last year whilst studying at a Boston business school. Helen Todd, mother of Kamal Bamadhaj, was awarded NZ\$21.5 million, which she has vowed to share with the relatives of other victims, should the award ever reach her.

GERMANY

Stormy reception for Suharto

President Suharto, on a trade-related visit to Germany in early April received a welcome he had not bargained for. Well informed of Indonesian repression of journalists, NGOs and

trade unionists as well as the atrocities in East Timor, hundreds of people poured into the streets of Dresden waving banners and banging drums. A performance at the Dresden opera planned in his honour was cancelled when the orchestra refused to play, and his visit to the Zwinger portrait gallery had to be cut short. As had been the case in Weimar, the president was declared unwelcome in Dresden by leaders from four out of the six groups in the Dresden parliament because of human rights abuses in Indonesia.

Repression of the kind prevalent in Indonesia remains an undimmed memory for the inhabitants of former East Germany, as does the habit of resistance. This sensitivity certainly contributed to the reaction in Dresden.

The Indonesian regime has blamed the demonstrations on a small number of Indonesians and East Timorese living in or visiting Germany at the time. The regime has since pursued them with determination, describing them as 'insane and irrational'. Indonesian security agents were sent to Germany to trace the organisers of the demonstrations, but were refused permission to investigate by the German authorities. In fact the demonstrations were organised by a variety of German organisations, activists and NGOs.

One Indonesian blamed for the trouble is the MP Dr Sri-Bintang Pamungkas, (*see above*) who had undertaken a lecture tour in Germany and the Netherlands shortly before Suharto's visit.

CHURCH

Protestant leader speaks out

The East Timorese protestant church, the Gereja Kristen di Timor Timur, is small in comparison with the majority catholic population, but it is growing. Its moderator, Reverend Arlindo Marcal, is beginning to assert its independence from Indonesian church and state authorities.

Reverend Marcal attended a consultation on East Timor organised by the World Council of Churches and the Christian Conference of Asia in 1994. At the consultation, he was surprisingly outspoken:

'The events of 12 November 1991 were the fruits of... frustration. Similar feelings were related to the more recent events of 12 November 1994. The anger and frustration of the people of East Timor has once again put them under the international spotlight. Global attention in relation to East Timor again raises the question whether integration into Indonesia is the desire of the East Timorese.

'Development programmes or schemes are meant to provide progress and welfare for the East Timorese. However, without political development such measures have no meaning.

In this kind of situation, how do we resolve the issue of East Timor whereby people can fully accept integration and the international community can also be satisfied that no injustice has been done?

'After almost twenty years of attempts at integration the East Timor question remains unresolved, both in the minds and hearts of the East Timorese as well as in the eyes of people outside.

'Integration can only be accepted as a result of the implementation of the right of self-determination of the East Timorese people. The East Timorese should be provided the opportunity to determine for themselves whether they really want to be integrated into Indonesia or not, whether they want to be independent. There is need for openness among all the parties involved, including the people themselves whose lives are affected by this issue.

'We should seek a way which is acceptable to all parties. The government which has developed East Timor for about 20 years should be confident enough to invite an open dialogue which could culminate in an acceptable resolution of the issue'.

During a recent visit to the USA and Canada, Reverend Marcal gave a personal account of developments in East Timor:

'When the Indonesian government occupied East Timor in December 1975, my family fled to the mountains to join the resistance movement. I was 15 years old at the time. We stayed in the mountains for four years, and lived

under very difficult circumstances. Four years later, after realising that integration with Indonesia has become a reality in East Timor, we came down from our mountain hide-out and surrendered. We were immediately arrested and placed in labour camps. My parents were sent to another camp and later disappeared, presumably killed.'

He was baptised and confirmed a protestant during his time in the labour camp. After his release he went to study in Java, and when he returned to East Timor was ordained a pastor.

'As a pastor of the Protestant church of East Timor, I fully participated in the life of our Protestant church in East Timor and in the wider church federation of the Indonesian Council of Churches (Persekutuan Gereja-Gereja di Indonesia).

'And in my own personal life, I also become more fully integrated as an Indonesian citizen. I married an Indonesian who is a lieutenant in the Indonesian armed forces (ABRI). We have one son.

'However, in the course of events, particularly after the incident at Santa Cruz cemetery in November 12, 1991, I began to raise serious questions with myself... "Who is really benefiting from this integration process? Why is East Timor still under military occupation? Why are East Timorese people still left out of the economic life of the region? Why is it that, in large measure, the economic sector is so overwhelmingly monopolised by Indonesians? Why do East Timorese people still feel segregated and why

are we continually being denigrated by Indonesians?"

'Furthermore, as a leader of the Protestant Church in East Timor, I began to feel strongly that our church is often considered to be a tool of the Indonesian government. Even Carlos Ximenes Belo, Roman Catholic bishop of East Timor, was very reluctant to deal with us. In addition, my Indonesian colleagues at the Indonesian Council of Churches often were silent on issues that affected the East Timorese people.'

When Reverend Marcal was elected as moderator of the Protestant Church of East Timor, he proposed to the Indonesian Council of Churches that the East Timorese church should apply for separate membership within the World Council of Churches. At the Hong Kong consultation of the task force on East Timor, sponsored by the World Council of Churches with the Council of Churches in Asia and the Indonesian Council of Churches, he called for the full participation of the East Timorese people in the UN-sponsored dialogue about the future of East Timor. ■

Bishop Belo on the church's role

Bishop Ximenes Belo was unanimously acclaimed as the key figure in the first intra-Timorese meeting (see page 1). His intervention on 3 June was applauded by all the Timorese present and was a decisive first step in the progress of the discussions. His speech (full text of English translation below) was one of two unpublished documents appended to the final declaration. It has been sent to UN Secretary General Boutros Boutros-Ghali.

Practical (or fundamental) questions:

East Timor in the Catholic Church's perspective.

1. The Church must in no way be mistaken for society, nor linked with any political system. It must be seen as the guardian of human transcendence.

2. There are no parties within the Church, and it is open to the pluralism of human choice.

3. With regard to East Timor's political future (integration or independence) the position of the Church of East Timor is to accept any choice made by the Timorese. However, the Church proclaims and demands respect for human rights, in accordance with the UN Charter (1946) as well as promotion of the common good, based on respect for the religious, cultural and historic identity of the Timorese.

4. The Catholic Church's mission in East Timor is to evangelise, sanctify and guide the faithful,

and to contribute towards the development of the human being as a whole.

5. Throughout its history, the Church has always stayed very close to the people. Just like a mother, and especially these days, the Church deeply understands its children's pain, sorrows, and suffering, and is fully aware of the aspirations of the Timorese.

6. The Timorese strive towards being masters in their own homes and their own land. They want to be respected as human beings and as Christians.

7. The Church declares that, as long as the Timorese are treated as a defeated people and are turned into hostages in their own land, this will constitute a very significant obstacle in the way of their real, just and unimpaired development as human beings, as members of a family, and as Timorese.

8. The Church has to state that material development cannot be considered development at all, if it does not go hand in hand with respect for basic rights which enable people to express their own feelings and give vent to their creativity.

9. The Church is aware of the need for strengthening the realm of morality within society.

10. The Church is convinced that, if the people's participation is to unite around the common good, each individual must appeal to his/her own conscience. When authority is based exclusively on threats, fear, intimidation and corruption, the common good suffers. The Timorese feel that they are annexed (conquered) and not integrated with a civilisation which is respectful of and in harmony with international law.

11. The Church appeals for respect for the Timorese family that wants peace, tranquillity, work, and well being. The Timorese family has the right to set up its own villages, to work its own land, to decide on the number of children it has, and to exercise responsible parenthood, in accordance with the norms of Christian morality and in line with its own educated conscience.

12. The Church considers the young people of Timor to be the hope of both the Church and of society. Young Timorese today are being blamed for all evils. They are exploited in all senses. They have no jobs and their future is uncertain. The Church appeals to the powers that be to respect the basic rights of the young, to enter into dialogue with them, and to involve them in the development of their own land.

13. The Church believes that the Timorese have to be able to see that their values, customs and Christian traditions, as well as their ethnic, cultural, historic and religious identities are respected. The Church, therefore, appeals to political leaders to take into account the legitimate and fundamental aspirations of the Timorese.

14. The Church appeals to Timorese politicians and leaders to learn from the lessons of the past, so they may contribute to the common good and superior interests of East Timor, harmonising their own ideologies and interests with the basic and civil rights of the people as a

whole.

15. The Church, to which most Timorese belong, seeks no privileges for itself, except the freedom with which to serve the faithful, promote the moral virtues of justice, peace and reconciliation, and contribute towards the physical, spiritual, cultural and moral well being of the Timorese. In this way the Church has a right to complete freedom of pastoral activity for the benefit of all sectors, including:

a) the right to run religious and priesthood education centres;

b) the right to run schools, hospitals and health centres;

c) the right to recruit foreign missionaries;

d) the right to propose a Christian way of regarding the family and responsible parenthood;

e) the right to maintain its "media". It also urges the powers that be to provide the people with correct, not manipulated, information.

f) the right to acquire property, (movables and immovables) and to receive assistance from abroad, so as to be better able to fulfil its mission.

16. In view of the particular nature of its spiritual, religious, moral, cultural, social and human mission, the Church is willing to cooperate with all individuals of good will, as well as with public authorities, on the basis of moral order, for the sake of the dignity of the Timorese, and in the interests of comprehensive development, harmony, peace and justice. ■

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