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ORGANIZATIONS

Australia-East Timor Association
Australians for a Free East Timor
Brisbane East Timor Office (Australia)
Campaign for an Independent East Timor (South Australia)
East Timor International Support Centre (Australia)
East Timor Relief Assn. (Australia)
Friends of East Timor, West. Australia
Hobart East Timor Comm. (Australia)
Canadian Action for Indonesia and East Timor
East Timor Alert Network (Canada)
National Council of Timorese Resistance (CNRT, East Timor)
Pacific Concerns Resource Centre (Fiji)
East Timor Group of Committee of 100 (Finland)
Agir Pour Timor (France)
Association Solidarité Timor-Oriental (France)
Gesellschaft für Bedrohte Völker (Germany)
Watch Indonesia! (Germany)
East Timor Roundtable (Hong Kong)
Indian Society for Human Rights
Forum Solidaritas Untuk Rakyat Timor Lorosae (Indonesia)
E. Timor Ireland Solidarity Campaign
Latin American and Mediterranean Coalition for East Timor (Italy)
Free East Timor - Japan Coalition
East Timor Information Network (Malaysia)
International Platform of Jurists for East Timor (Netherlands)
Norwegian Cooperation Council for East Timor and Indonesia
Asia-Pacific Coalition on East Timor (Philippines)
A Paz é Possível em Timor Leste (Portugal)
Comissão para os Direitos do Povo Maubere (Portugal)
Movimento Cristão para a Paz (Port.)
Paz é Justiça para Timor Leste (Port.)
East Timor Scotland Support Group
Instituto de Estudios Políticos para América Latina y África (Spain)
Östtimor Kommitten (Sweden)
TAPOL (U.K.)
British Coalition for East Timor
East Timor *Action* Network (USA)
International Secretariat, Parliamentarians for East Timor

Statement to the Alternative Public Hearing against the Truth and Friendship Commission

By Charles Scheiner, International Federation for East Timor

Dili, Timor-Leste

29 September 2007

Thank you. I appreciate your invitation to participate in this important event, which is helping people in Indonesia, Timor-Leste and around the world better understand what was perpetrated in Timor-Leste in 1999. It is an essential step in the ongoing campaign to seek justice and accountability for crimes committed against the people of Timor-Leste and all humanity.

Although I have spent much time in Timor-Leste in recent years working with La'õ Hamutuk, I was here in August and September 1999 as a coordinator of the International Federation for East Timor Observer Project. IFET is an international solidarity coalition which includes ETAN from the USA, TAPOL from England, and other groups from Australia, Portugal, Japan, the Philippines and around the world who continue to support Timor-Leste's struggle for justice and genuine self-determination.

In July 2006, IFET joined with the Timor-Leste National Alliance for an International Tribunal and the Australian Coalition for Transitional Justice in East Timor in urging the United Nations and the international community to "show the political, financial and legal commitment to resolve" issues of justice and accountability for crimes during the Indonesian occupation. Given Timor-Leste's position vis-à-vis the more powerful Indonesia, an international effort is required if there is to be justice.

We noted that "Numerous reports from independent bodies, including the UN's own Commission of Experts, have concluded that ... justice for war crimes and crimes against humanity committed between 1975 and 1999 has been poorly served" by the Serious Crimes process and Indonesia's Ad Hoc Human Rights Court.

In May this year, IFET joined more than 30 groups from Timor-Leste and all over the world in urging the presidents of Indonesia and Timor-Leste to close the TFC. That letter recommends

reconstituting the Special Panels for Serious Crimes in Dili with authority to arrest and try perpetrators of serious crimes committed during the Indonesian occupation, regardless of where they currently reside. "If that is not possible, we will continue to call for the establishment of an international criminal tribunal."

The letter explains that failing to prosecute the perpetrators restricts “the growth of democracy and respect for the rule of law in both Indonesia and Timor-Leste” and also undermines the rule of law and respect for human rights internationally.

Unfortunately, the so-called “Truth and Friendship Commission” is unable to find the truth or to increase friendship between the peoples of Timor-Leste and Indonesia. Rather, it has propagated lies and exacerbated tensions between people and officials in both countries.

IFET hopes that the members of the Truth and Friendship Commission will have the integrity to acknowledge that their effort has failed. If their report names the high-level people who have been charged or credibly alleged to have perpetrated serious crimes and who have refused to testify voluntarily, openly and honestly before the TFC, it might emerge from ridicule. Although the TFC’s Terms of Reference do not allow it to recommend prosecutions, it could conclude, as the CAVR, the UN and others have, that existing efforts, including the TFC, have been unable to satisfy the need of people of Timor-Leste and Indonesia to transcend the horrible events of 1999 and the preceding 24 years, and that new mechanisms are necessary to more effectively identify what happened and who is responsible.

The struggle against impunity can take years, but in time it often succeeds. Just this month, top-level perpetrators have been arrested in Peru and Cambodia. Ex-President Alberto Fujimori and Khmer Rouge Brother Number Two Nuon Chea are now in prison awaiting trial after avoiding accountability for decades.

In the spirit of continuing humanity’s common struggle to end impunity for crimes against humanity, I would like to share with you testimony IFET presented to the United Nations Human Rights Commission and General Assembly in September and October 1999. It was already well-known that Indonesian political and military leaders were the architects of most of the crimes against humanity committed in Timor-Leste over the previous ten months and 24 years. IFET, like most people in Timor-Leste and many in Indonesia, continues to campaign to hold these perpetrators accountable through an international tribunal, and we offer this information to advance truth, justice and peace

**Testimony of the International Federation for East Timor to
The UN Human Rights Commission, Geneva, September 24, 1999
the Fourth Committee of the UN General Assembly, New York, October 6, 1999**

[excerpts]

I am speaking on behalf of the International Federation for East Timor. IFET was formed in 1991, and includes more than 30 NGOs supporting self-determination and human rights for Timor-Leste, based in more than twenty countries.

IFET organized the largest international observer mission for the Timor-Leste consultation. Our UNAMET-accredited nonpartisan Observer Project brought volunteers from 20 countries to Timor-Leste, where we observed the process from before voter registration through the announcement of the results and beyond. On voting day, we had 125 people in every district of Timor-Leste, observing balloting at 135 of the 200 polling centers.

We planned to stay in Timor-Leste during the transition period, but rapidly escalating violence forced the last 60 of our volunteers to be evacuated by the Royal Australian Air Force on September 6 and 7.

We left Timor-Leste for safety, but with tremendous sadness. The Timorese people have no Australia to run to, no place to hide from militia and military terror. As we escaped Timor-Leste, both IFET-OP and the people we left behind kept thinking of 1975, when the international community abandoned Timor-Leste, allowing the Indonesian military to invade and kill 200,000 people with impunity while the nations of the world closed their eyes.

We are grateful for the attention paid to Timor-Leste by the United Nations in 1999, especially over the past few weeks. It has been a long time coming.

Nevertheless, IFET continues to be troubled by a number of developments, most of which stem from three fundamental errors by the United Nations:

1. Failing to listen to the Timor-Leste people, whose knowledge and observations, if heeded would have averted the recent disaster.
2. Willingness to give the Indonesian government veto power on every step of the process, and to defer to Indonesian “sovereignty” over people they have murdered for 24 years.
3. Acceptance of the Indonesian military and police as legitimate in Timor-Leste, often swallowing the lie that they are a neutral force for peace and security.

Crying in the wilderness

We are compelled to point out that the massive bloodshed and displacement inflicted since the vote was expected and avoidable.

IFET has followed U.N. processes relating to Timor-Leste since 1991, and we frequently communicate our views. On March 30, 1999, we wrote the Secretary-General:

“We have been concerned by recent statements by your office and by the Indonesian government that disarmament of the paramilitaries and withdrawal of Indonesian soldiers from East Timor are not seen as prerequisites to the ballot consultation” ... A UN-conducted East Timorese vote in the current atmosphere of terror would be a mockery of everything the United Nations stands for.”

On May 3, we reiterated our concern:

“As soon as the 5 May accord is signed, the United Nations must assume responsibility for creating and preserving law and order in East Timor, and for protecting public safety. The Indonesian military has been there illegally for 23 years, and their occupation has taken more than 200,000 East Timorese lives. ... It will be impossible for the United Nations to conduct a meaningful assessment of East Timorese public opinion if those forces – one party to the conflict -- are controlling the situation on the ground.”

Our Observers began arriving in Timor-Leste in June. From the very beginning, we underlined the pervasive fear of a military and militia-instigated bloodbath if the vote went for independence. On July 23, as the registration period proceeded, we pointed out that “an atmosphere of intimidation and violence ... calls into question the commitment of the Indonesian authorities to provide the security needed to ensure a free and fair process...”

As no action was taken to address this concern, it was a recurring theme in our reports. On August 17, as the campaign period began, we described

“continuing activities of TNI-supported paramilitary groups in the form of violence and intimidation directed against independence supporters in many areas of East Timor. In addition, warnings by government officials and pro-autonomy spokespersons of large-scale violence if the East Timorese people reject the autonomy option in the August 30 vote, along with widespread reports of arms shipments entering the territory, are cause for worry.”

On August 24, we wrote to the Secretary General from Dili, describing

“pervasive fears within the East Timorese population that the Indonesian military-backed militias will launch a wave of terror around, or shortly after, the time of the ballot. We feel that fears of a bloodbath are based on a variety of credible factors. We believe that the international community, as represented by the United Nations, has a duty to ensure that these fears do not come to fruition.”

We called for

“a much larger international security presence, preferably armed, to maintain security following the vote... Many East Timorese fear that the Indonesian military and its paramilitary groups will engage in widespread terror at the time of announcement of the ballot result, especially if the vote rejects the autonomy option.”

Like some awful Greek tragedy, the situation in Timor-Leste moved seemingly inevitably toward catastrophe, despite the cries of many Timor-Leste people and IFET-OP. Although the August 30 vote stands as a monument to the dedication of UNAMET personnel and the incredible courage of the Timor-Leste people, the disaster was both predictable and preventable.

On September 2, IFET-OP assessed the Consultation Process, finding that the voting day itself was administered in a free and fair manner. However, we were concerned that the inadequate international response to escalating militia activities

“has taken great risks with the lives of the East Timorese people. That massive bloodshed has not yet occurred does not mean that security measures are adequate. It is clear that the East Timorese people live in a state in which they fear for their lives.”

Two days later, the result was announced, and the violence exploded. Within three days after that, virtually all internationals, including our observers, fled the territory. The Timor-Leste people were left to be massacred, driven into the mountains, or kidnapped and held hostage in Indonesia.

Evidence

Throughout our time in East Timor, IFET-OP observers accumulated evidence of crimes by the pro-integration militia, by the police, and by the Indonesian military. It was clear that these were three uniforms for the same force, and that the terror they inflicted on the civilian population was the intentional result of a coordinated, well-planned campaign. Perhaps the most vivid evidence comes from conversations between the Kopassus special forces and the Ablai militia who were active in Same, East Timor. Our team there had access to tapes of unencoded radio transmissions in August and September, in which the Kopassus directed the militia as subordinate troops within a unified command structure. IFET-OP observers listened on September 1 as Kopassus ordered Ablai to stop and kill them: “Those white people ...should be put in the river.” The Ablai commander agreed “If

they want to leave, pull them out, kill them and put them in the river.” The military and the militia discussed where the militia should block the roads, and whom they should stop, with Kopassus concluding “Nobody will leave Same.”

On August 27, we heard conversations where Kopassus directed the militia when and where to pick up rifles, suggesting that it be done on August 30 because UNAMET would be busy then. The military officer coordinated between the militia groups Ablai and Mahidi. Other overhead conversations revealed military involvement in campaigning, and the directive for militias to keep their radios on all night, waiting for a military order to initiate mayhem.

The current situation

Just two weeks ago, the U.N. Security Council “underline(d) the Government of Indonesia’s continuing responsibility ... to maintain peace and security in East Timor.” The High Commissioner for Human Rights accepts the pretense that only “elements of the security forces were involved” in violence “targeted against those who supported independence.” But those elements include the entire command structure of TNI, and those who support independence include at least 78.5% of the population.

The international community waits for investigators and rapporteurs, resisted by Indonesia, before acknowledging what common sense and every Timor-Leste person knows – that the Indonesian military carried out a pre-planned, well-coordinated scorched-earth policy to destroy Timor-Leste, murder its leadership, and dislocate the majority of its population. Although they were unable to conquer the Timor-Leste spirit in a quarter-century, TNI kidnapped a quarter-million people and moved them to another country in one week.

If truth be told, the UN Human Rights Commission would determine that what is happening in East Timor is a reprise of what happened in the 1970’s – a systematic, planned and massive campaign by the Indonesian government and military from the highest levels to exterminate and terrorize the East Timorese population.

Recommendations

The International Federation for East Timor made six recommendations to the UN, two of which are repeated here:

5. The full force of United Nations investigatory and prosecutory powers should be mustered against all responsible for crimes against the people of Timor-Leste. Those at the top of the chain of command, as well as others who abetted their crimes, must not escape with impunity. United Nations investigators should be granted the resources, expertise and access needed to hold all responsible fully accountable, and to investigate crimes as far up the chain of command as necessary.
6. Members of the international community, especially governments on the Security Council, should be held responsible for ignoring warnings that the Indonesian military planned massive atrocities after a pro-independence vote. In addition to developing accountability for complicity by inaction, such crimes must never happen again anywhere in the world. One outcome could be reparations paid to the people of Timor-Leste not only by the government of Indonesia, but by all nations who stood by as the wheels of destruction continued to turn.

Thank you for your attention.