La'o Hamutuk

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Press release
35 years since the Santa Cruz Massacre:
The truth must be established, justice must be secured, and impunity must end
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On 12 November 1991, 35 years ago, Indonesian security forces opened fire on a peaceful procession of civilians at Santa Cruz Cemetery in Dili, Timor-Leste. The massacre took place following a memorial Mass for the late Sebastião Gomes, who had been killed on 28 October 1991 during an attack by Indonesian security forces on Motael Church, where Sebastião and other Timorese activists had sought refuge.

The Santa Cruz Massacre was one of many grave crimes committed throughout Indonesia's occupation of Timor-Leste. It exposed the systematic violence, repression and impunity that characterised the occupation. Thirty-five years later, the truth remains incomplete. Many families still do not know the fate and whereabouts of their brothers, sisters, children and other family members, while those responsible have yet to answer for their violations.

On this anniversary, La'o Hamutuk pays tribute to the survivors and victims and expresses its solidarity with their families and the people of Timor-Leste as a whole. We reaffirm that commemorations and acts of remembrance must be accompanied by an enduring commitment to demanding truth, justice, accountability and reparation.

A peaceful procession met with brutal violence by Indonesian security forces

Following an investigation into the massacre, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions estimated that between 3,000 and 4,000 people took part in the procession, most of them students and young people. The report described the procession as a peaceful political demonstration involving civilians.

Indonesian authorities claimed that their security forces had acted in self-defence. The Special Rapporteur concluded that the available evidence provided no basis for this justification. The report also raised grave concerns that the massacre was not a spontaneous response to a disturbance, but may have formed part of a planned military operation against a political demonstration.

The footage recorded by British journalist Max Stahl became crucial visual evidence of the massacre and helped bring these events to international attention.

Investigations and documentation by the United Nations, Timor-Leste's Commission for Reception, Truth and Reconciliation (CAVR), the International Commission of Jurists and human rights organisations have further strengthened the record of the gravity of these violations.

The truth about the victims and those who disappeared remains unresolved

There is still no definitive figure for the number of people killed during the massacre. Different investigations and sources have reported different estimates:

- Indonesian authorities reported that 19 people had been killed.
- Indonesia's National Investigation Commission found strong grounds for believing that more than 50 people had been killed.
- Estimates based on testimonies collected by the United Nations Special Rapporteur put the death toll at between 150 and 270.
- Other sources have reported that as many as 400 people were killed.

The fate and whereabouts of those who disappeared also remain unclear. The Indonesian Government acknowledged 66 cases of missing persons, while the United Nations Working Group on Enforced or Involuntary Disappearances transmitted 224 alleged cases to the Indonesian Government.

Behind every unresolved case is a family still waiting for answers and entitled to know what happened to their missing loved one. To this day, the lack of accurate and reliable information, the absence of systematic efforts to search for and identify victims' remains, and the failure to establish accountability for these cases continue to deepen the suffering of families and survivors.

Thirty-five years later, fundamental questions remain unanswered: How many people were killed? Who gave the orders, planned and carried out the operation? Where were the victims' remains taken and left? What happened to those who disappeared? Who bears responsibility within the chain of command? Why have the victims and their families still not received the full truth and justice they deserve?

These questions concern not only the history of the past, but also rights and obligations that remain in force today.

Judicial proceedings that failed to deliver justice

In 1992, Indonesian authorities held proceedings against ten members of the security forces—nine soldiers and one police officer—in Bali, between 26 May and 6 June. Although these proceedings were open to diplomatic observers and the media, their scope and outcomes were insufficient to establish accountability for the massacre.

None of the ten personnel was charged with murder in connection with the Santa Cruz Massacre. Only one was charged with assault, and prison sentences ranged from eight to eighteen months. These proceedings failed to adequately establish how the shooting began, the full circumstances surrounding the killings, or what happened to the victims' remains.

Separately, six senior officers were reviewed by the Indonesian Military Disciplinary Council. This process dealt only with disciplinary misconduct, not criminal responsibility. It was not a public criminal trial, and victims' families and independent observers did not participate meaningfully.

These proceedings did not establish a credible account of the truth, investigate responsibility throughout the chain of command in a credible manner, or deliver effective justice to the victims and all those seeking justice. They therefore cannot be considered an adequate response to the gravity of the crimes committed by Indonesian forces.

The treatment of Timorese civilians also exposed a stark disparity in the administration of justice. Thirteen Timorese civilians involved in peaceful protests received severe sentences. Among them, Gregório da Cunha Saldanha was sentenced to life imprisonment in 1992 on subversion charges linked to his role in organising the procession to Santa Cruz.

The contradiction is clear: Timorese civilians received severe punishment, while those responsible for the killings did not face proceedings capable of establishing full criminal accountability.

Reparation is a right, not a favour

The rights to truth, justice and reparation are grounded in international human rights law. United Nations General Assembly Resolution 60/147, entitled Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, affirms that States have an obligation to provide reparation for harm arising from acts or omissions attributable to them that violate international law.

Reparation is not limited to financial compensation. Under the principles of State responsibility, reparation may include restitution to restore the situation that existed before the violation, compensation, rehabilitation, satisfaction and guarantees of non-repetition. It must also involve measures to establish the truth, search for and identify victims' remains, acknowledge the suffering endured by victims and their families, and restore their dignity.

Accordingly, Indonesia bears primary responsibility for providing reparation for the harm arising from violations committed by its security forces in Timor-Leste. Individuals whose responsibility for crimes is established by evidence must also be held accountable under the law, through independent and fair legal proceedings that comply with international standards.

The Government of Timor-Leste, for its part, has an important responsibility to ensure that survivors and affected families can access healthcare, psychosocial support, legal assistance, protection and other necessary public services. However, such support and services must not replace Indonesia's primary responsibility to provide reparation for violations committed by its security forces.

Public resources in Timor-Leste must not become the primary source of funding to pay for or compensate for the harm caused by violations committed by the Indonesian State. The State responsible for committing the violations must assume responsibility for providing reparation to survivors and victims, with full respect for their rights.

The international community must also support efforts to seek and establish the truth, search for and identify victims, preserve and analyse evidence, and ensure that justice and reparation are pursued effectively and credibly. Such support must reflect the respective roles and responsibilities of each party. Reparation is not a favour requested by survivors, victims and all those seeking justice; it is a right.

La'o Hamutuk calls for concrete action

On the 35th anniversary of the Santa Cruz Massacre, La'o Hamutuk calls for the following actions:

1. **The Government of Indonesia** must formally acknowledge its responsibility for violations committed by its security forces, open relevant military and government archives,

cooperate with independent investigations, and take effective measures to establish the fate and whereabouts of those who disappeared.

2. **Competent Indonesian authorities** must conduct a genuine and credible independent investigation into the massacre, including its planning, the orders given and the chain of command. They must ensure that everyone found responsible is subject to fair and appropriate legal proceedings.
3. **Indonesia and all individuals found legally responsible** must provide effective reparation to survivors, victims and their families through a transparent and accessible mechanism that places survivors and victims at its centre. Reparation must include the establishment of the truth, identification of victims' remains, compensation, rehabilitation, satisfaction and guarantees that such violations will not happen again.
4. **The Government of Timor-Leste** must continue to advocate for truth, justice and reparation in its bilateral relations with Indonesia and through international mechanisms. It must also ensure that survivors and their families receive appropriate public services and support, without assuming Indonesia's primary responsibility to provide reparation.
5. **The international community** must support genuine and credible efforts to establish the truth and ensure justice. This should include preserving and examining historical records, providing forensic assistance, identifying victims and cooperating with victims' families.
6. **Educational institutions, civil society and the media** must preserve and share the historical record of the Santa Cruz Massacre to ensure that future generations understand its significance and that the victims are not forgotten.

Reconciliation cannot be built on impunity

Timor-Leste and Indonesia have developed relations as neighbouring and friendly countries. La'o Hamutuk recognises the importance of peaceful cooperation and good relations between the two States.

However, good relations must not be used to conceal the truth, diminish the suffering of victims or evade responsibility for ensuring genuine and credible justice.

Genuine reconciliation cannot be built on forgetting, silence or impunity. It must be grounded in truth, acknowledgement, justice, accountability and reparation. The passage of time does not extinguish the rights of survivors, victims and their families to know the truth and seek justice.

Thirty-five years after the Santa Cruz Massacre, the families of those killed and those who disappeared still deserve answers. Survivors deserve recognition and reparation. Future generations deserve a historical record based on evidence, not denial or political expediency.

La'o Hamutuk calls on the Governments of Indonesia and Timor-Leste, as well as the international community, to turn commemoration and historical remembrance into concrete action.

The truth must be established. Justice must be delivered. The rights of survivors and victims must be upheld. Impunity must end.