

## Part 3: The History of the Conflict

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## Part 3: The History of the Conflict

### 3.1 Introduction

1. This Part provides an historical context to events covered in the violations chapters of the Report. It is based on primary sources of the Commission itself, from statements, interviews and testimonies delivered at public hearings; on documentary evidence available to the Commission; and on an analysis of relevant secondary sources. It is generally limited to a quick overview of the key events, moments and turning points in the period of the Commission's mandate relevant to the political conflicts, the efforts to resolve those conflicts, and the human rights violations which occurred in those conflicts. Within the scope of this Report, it has not been possible to provide definitive accounts of some of the key issues which remain points of historical conjecture about this period and these events. Nor is it the role of the Commission to make such definitive judgements. The Part does attempt at least to identify what some of these issues are, and the Commission encourages further research, writing and analysis of these important aspects of East Timorese history.

2. This analysis and writing of East Timorese history is a critical step in nation building, and how it is done will reflect what kind of society our new nation fosters. The Commission's Report is based largely upon the statements and interviews provided by ordinary East Timorese people from across the country, and seeks to bring their voice into the continuing dialogue for building our new nation. It does not seek to be an exclusive history, recording only the perspectives or achievements of national leaders, or of people from only one side or the other of the political divide. It is based on the idea that the recording and analysis of history must be open to new information and ideas, and to information and perspectives that are not necessarily politically popular. While history is critical for nation building, a simplistic history that seeks to sweep under the carpet unpleasant realities or to make invisible the contributions of people from all walks of life cannot help build a resilient and sustainable nation. History telling that acknowledges complexity, that makes space for the voice of those often silenced, and that opens the way for open-minded reflection can make a contribution to building a nation where the idea of strength is based on respect for others, pluralism and democracy based upon the equality of all citizens.

3. The telling of East Timorese history is critical for the foundations of our relationship with our international neighbours, especially Indonesia. As the Indonesian historian Dr Asvi Warman Adam told the Commission at its hearing on Self-Determination and the International Community:

*The collective memory of both nations will determine the nature and the strength or weakness of the relationship. This will be reflected in the writing of history of both countries.<sup>1</sup>*

4. This Part begins with a brief overview of the colonial history of Timor-Leste under Portuguese control. It deliberately places emphasis upon the period leading up to the internal conflict of August-September 1975 and the subsequent Indonesian invasion. This looks at events and relationships surrounding the decolonisation process in Portuguese Timor, within the territory, in Indonesia and in the regional and wider geopolitical context. They are vital to an understanding of the causes of the political conflicts in Timor-Leste, the lost opportunities to avoid war and seek peaceful solutions to political concerns based on the principles of international law, and involved Timorese, Indonesian and international actors.

5. Later sections deal with the major military campaigns by Indonesia in the 1970s and 1980s, and its political efforts to achieve international recognition for its takeover of Timor-Leste. They also deal with the plight of the people of Timor-Leste in the years of intense war, in the mountains and camps in the years of bombing and the famine that devastated the population. They trace the shift in strategy by Fretilin/Falintil after it was nearly destroyed in the campaigns of 1978, of the growth of a clandestine network in towns and villages across the country and of the Indonesian military territorial expansion and intensive surveillance network. The years of consolidation of both the Indonesian administration and the Resistance, through the 1980s, are described with a focus on efforts at developing a sense of national unity and the rise of the new generation of youth in resistance to the occupation.

6. Events such as the Santa Cruz Massacre, the capture of Xanana Gusmão and the Nobel Peace Prize in the 1990s are described as key turning points in the struggle of the East Timorese people to have their right to self-determination recognised. The later sections deal with the impact of the Asian financial crisis in Indonesia and in Timor-Leste, and the intensification of international efforts under new United Nations Secretary-General Kofi Annan to reach a solution to the question of Timor-Leste. With the fall of President Soeharto, the chapter traces the push inside Timor-Leste and internationally for a solution, and the rise of the militias in Timor-Leste when it became apparent that this could include a choice for the people of Timor-Leste for independence. It describes the rapid developments of 1999 leading to the 5 May Agreements, and the militia-TNI violence against civilian populations in the lead-up to their announcement. The UNAMET period and the conduct of the ballot is described. The Part goes into some detail about the failure of Indonesia to guarantee security during and after the ballot, and the role of the TNI and the militia groups in the escalation of violence across the territory after the announcement of the results rejecting the special autonomy package. East Timorese and international efforts to ensure intervention to halt the violence and ensure the results of the ballot were respected by Indonesia are described. The Part ends with the arrival of Interfet and the gradual return to Timor-Leste of East Timorese people from West Timor and other parts of Indonesia, Portugal, Australia and the many other countries of the world where they had been scattered by the years of conflict.

7. It is the hope of the Commission that this brief history will both assist the reader to understand the contents of other Parts and chapters of this Report, and that it will inspire current and future generations of East Timorese historians to work further on understanding our past as part of our constant efforts to build a future based on respect for each other, human rights and the love of peace.

## 3.2 Portuguese colonialism in Timor-Leste

### Overview

8. Portuguese involvement in Timor began in the 1500s when it sought sandalwood. In the late 16<sup>th</sup> century the first Catholic Church was built in Lifau, Oecusse, which became the base for the first Portuguese administration of Timor. Portugal and the Netherlands had tense relations as the two main colonizing powers of the archipelago, and in the 1700s Dutch military power gave it the balance of power of Portugal. Portugal moved its base to Dili in 1771 and increasingly focused its colonising efforts on the eastern half of the island. In the latter half of the 19<sup>th</sup> century, Portugal forcibly introduced cash crops such as coffee to Timor and sought to consolidate its colonial administration through the imposition of taxes and forced labour, resulting in a series of revolts by Timorese. The colonial tactic of divide and rule was used to divide and weaken traditional leadership of the Timorese.

9. In 1913 the colonial boundaries between Portuguese and Dutch Timor were fixed in a decision at the international court in The Hague, known as a *Sentenca Arbitral*, with Portugal

taking the eastern half of the island and the enclave of Oecusse. The 20<sup>th</sup> century saw Portugal dominated by the authoritarian regime of Prime Minister Salazar. Timor was the most remote of Portuguese colonies, and development, physical or political, was largely neglected.

10. The Second World War brought terrible violence to Timor, as Allied Forces landed at neutral Portuguese Timor followed by Japanese occupation forces. The death-toll of Timorese was between 40,000 to 60,000 people. After the War, the Portuguese colonial administration returned. Timor remained a poor though relatively peaceful island until the Carnation Revolution of 25 April 1974 at last opened the way for decolonisation in Timor-Leste.

11. The Commission identified three important impacts of the Portuguese colonisation of Timor-Leste. First, the colonisers' tactics of playing social groups against each other kept indigenous political alliances weak. This restricted development of the unity that is required for nation building. Second, no self-governing tradition was developed. Most East Timorese existed in subjugation to a feudal system. Third, the Portuguese colonial regime did not develop or institutionalise democratic and human rights values, though traditional cultural values already existed and the Church inculcated religious values. Thus the political activity that emerged in 1974-75 was subject to extensive distortion and manipulation. These factors all contributed to the disorder and internal conflict that emerged during the decolonisation process in 1975. During the civil war in August 1975 Portugal withdrew. The Fretilin political party emerged victorious from the civil war, and began a partially functional interim government. These factors all contributed to Indonesia being able to invade Timor-Leste in 1975 with minimal international protest.

## The arrival of the Portuguese

12. The Portuguese first visited Timor in search of white sandalwood in the early 16th century. Following their conquest of Malacca in 1511, Portuguese missionaries built the first church on the island in 1590.<sup>2</sup> This began a period of settlement in Lifau (Oecusse) on the north coast of the western part of Timor by Franciscan monks, sandalwood traders and *Topasses*, a mixed race group fathered by Portuguese sailors, traders and soldiers whose descendents remain in Timor to this day. Portugal had established colonies on other islands in the region, however these were not secure. The Dutch soon dislodged the Portuguese from Malacca, Makassar in Sulawesi, and in 1652, from their newly built fort in Kupang, western Timor, only five years after its completion.

13. In 1702 the Portuguese government formally established a presence at Lifau, administering Timor from its colony at Goa. The governor's approach of conferring military rank on local kings (*liurai*) established a precedent for the governance of Timor that was to continue into the 20th century. However the Portuguese faced challenges from itinerant *liurai* as well as from the powerful *Topasses*, who by that time dominated the sandalwood trade and, despite their Portuguese heritage, only occasionally cooperated. Unable to establish a firm hold in Lifau, the Portuguese moved to Dili in 1769. This brought them into contact with the Belu people who inhabited the eastern part of the island.

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<sup>2</sup> The battle of Penfui between the Portuguese and Netherlands colonial powers took part in the mid-17th century, and was a turning point for Portugal. Penfui is north of the town of Kupang, near the site of the modern-day airport. Portugal's defeat at the hands of Dutch military power meant that the *Topasses* backed by the Portuguese were effectively evicted from the major port of the island in Kupang, in what was a clear signal of Dutch military superiority. The site of the battle is also near the prison where 69 East Timorese political prisoners were taken in 1983 in the crackdown after the Kraras massacre [see Chapter 7.4: Detention, Torture and Ill-Treatment].

## Colonial consolidation

14. From their new base at Dili, the Portuguese had limited influence and geographic control over Timor-Leste. Local resistance and limited military capacity restricted Portugal to the north coast for some time. In 1851 Governor Lopes da Lima opened a series of complex land negotiations with the Dutch colonial authorities, involving *liurai* and patrimonies in the border areas such as Maucata, further inside Timor-Leste in Maubara, and over the Portuguese-controlled island of Flores. These negotiations established the principle of the exchange of territories between Portugal and the Netherlands with a view to a settled border on the basis of an east-west divide of the island between the rival colonial powers. This relieved Portugal of colonial wars with the Netherlands, allowing it to consolidate its power throughout the eastern part of the island. In 1895 Portugal established military/administrative units throughout Timor-Leste's ten districts. Oecusse was added to become the 11th district.<sup>3</sup> Portugal built military barracks, offices, some schools, hospitals and prisons in the districts before the end of the 19th century. The Catholic Church, which had been banned for 20 years since 1834, was rehabilitated and Bishop Medeiros was welcomed.

15. The territorial negotiations commenced by Governor Lopes da Lima in 1851 culminated in Portugal and the Netherlands agreeing to take the matter to the International Court in The Hague, where the final decision on the colonial boundaries was fixed in a *Sentença Arbitral* in 1913. The final territorial exchange between the Netherlands and Portugal pursuant to this decision took place in 1917.<sup>4</sup> The result was that Timor-Leste remained Portugal's only colonial possession in the archipelago, leaving the Netherlands as the ascendant colonial power.

16. This formal finalisation of international boundaries between the Netherlands and Portugal became a critical reference point for the political future of Timor-Leste. When Indonesia struggled for and won independence after the Second World War, it based its national claim at the United Nations upon the former Dutch colonial boundaries. It was upon this principle that it continued to struggle and ultimately went to war for Irian/West Papua in the 1960s. While there had been some rhetoric expressed on the concept of a "greater Indonesia" during the nationalist struggle, taking in areas of British Malaya and Borneo, this was never seriously put forward to the United Nations. In submissions to the United Nations over its claim to Irian in the late 1950s, Indonesia explicitly denied any claim to Portuguese Timor.<sup>5</sup> Later, in 1974-75, and in the years that followed, the Indonesian government never seriously tried to claim that Indonesia had a territorial claim over the former Portuguese Timor.

17. Of equal importance and flowing from this colonial relationship, the Portuguese government never rescinded its position as the legal administering power of Timor-Leste throughout the mandate period of the Commission. This enabled the question of Timor-Leste to remain alive on the agenda of the United Nations as a non-self governing territory, and a factor that fundamentally distinguished it from other nationalist or separatist struggles within the Indonesian archipelago in the 20th century.

## Portuguese governance and Timorese resistance

18. The Portuguese exerted indirect rule through the *liurai*, whose cooperation they obtained by permitting them to retain autonomy in their home territories. The Portuguese exploited existing rivalries between *liurai*. In so doing they gained access to the resource of their small armies or militia groups which they used to augment their own limited military resources.<sup>6</sup> The colonists first used the militias of loyal *liurai* in 1642 during the campaign

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<sup>3</sup> In Portuguese these were called *moradores* or *arraias*.



against the kingdom of Wehale,<sup>7</sup> and continued to do so until crushing the Viqueque rebellion in 1959. For the Portuguese, the price of this policy of divide and rule was persistent localised resistance to Portuguese authority. For the East Timorese, the price was perpetual weakness and disunity.

19. Portuguese power and prosperity declined over the 17th and 18th centuries. Of its colonies, Portuguese Timor was the most remote and least important. Portugal provided it with limited economic and political investment. The declining value of sandalwood prompted Portugal to introduce new crops in the 19th century in order to develop an export sector. However, Portuguese Timor's subsistence agriculture economy had little surplus labour, which such crops required. Around 1859 Governor Castro introduced forced-cultivation of new cash crops, predominately coffee but also wheat and other non-native species. Portugal still ruled Timor indirectly, which made governing difficult, particularly given resistance to its coercive economic policies. Governor Celestino da Silva extended this system of forced labour in the 1890s and 1900s, a special feature of which was road building. Heavy taxation and coercive labour policies, both of which were a consequence of Portugal's under-investment in the colony, were deeply unpopular.

20. *Liurai* resistance began shortly after the installation of a governor in Lifau. The imposition of an in-kind tribute, the *finta*, around 1710, provoked ongoing rebellion and resentment that contributed to Portugal's relocation to Dili in 1769.<sup>8</sup> Portugal then faced limited resistance until Governor Castro used military force to impose coffee cultivation. The unpopular move provoked a revolt in 1861 that was succeeded by a series of localised *liurai*-led rebellions against colonial excesses. In response, the Portuguese administration imposed direct control of Timor-Leste in 1895 when Governor da Silva established an administrative and military presence throughout Timor-Leste, dividing the territory into eleven districts, including the enclave of Oecusse.<sup>9</sup>

21. Consequently, Portugal separated Timor from Goa, making it a separate administrative district in 1896. However the rebellions continued. The last and largest of these was led by Manufahi *liurai* Dom Boaventura who rebelled against the 1908 head tax. Dom Boaventura's resistance stemmed from his father's rebellion; the *liurai* Dom Duarte led rebellions at the end of the 19th century until Governor da Silva attacked the Same kingdom in 1895 and Dom Duarte was forced to surrender in 1900. After Governor da Silva replaced the *finta* with a head tax in 1908 Dom Duarte's son Dom Boaventura rebelled in 1911. The Portuguese assembled a vast *liurai* army of 12,000, and brought in troops from Mozambique, bloodily defeating the uprising in 1912. This action established stability, but at the cost of extensive loss of life and suffering. It is thought up to 25,000 died during this campaign.<sup>10</sup> Dom Boaventura was captured and exiled to Ataúro Island where he died. Subsequently the Portuguese directly empowered villages (*suco*) as the local government, thereby bypassing the *liurai*, reducing some of their influence and bringing more direct Portuguese control over the interior of the territory.

## Portuguese Timor in the 20th century

22. During much of the 20th century Portugal itself faced domestic instability. In 1910 the kingdom was replaced by a republic, which was in turn replaced by a one-party state in 1928. During this period many Chinese entered the colony of Portuguese Timor, and developed their role as business intermediaries, exporters and traders. Complementing the Chinese economic activity, despite its preoccupations at home, Portugal established the SAPT (*Sociedade Agricola Pátria e Trabalho*), a trading conglomerate that brought new infrastructure to production and export.\* Nonetheless Portuguese Timor remained a distant colonial outpost that functioned with minimal input of Portuguese personnel or investment. In

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\* SAPT was operated by a Brazilian contracting company named Moniz da Maia Serra e Fortunato.

1929 Portuguese nationals numbered only 200, with a further 300 soldiers.<sup>11</sup> Lisbon continued to rule through local intermediaries. In 1930 the Colonial Act created representative but largely powerless local councils, and enabled some limited indigenous eligibility for Portuguese national status.

## World War II

23. After Japan attacked Pearl Harbor in December 1941, Australia anticipated that Japan would occupy Timor and use it as a base to launch attacks against Australia. Australian, British and Dutch troops landed in Dili on 17 December 1941 in what was claimed as a pre-emptive action. Governor de Carvalho protested about the violation of Portuguese neutrality. Japan invaded Timor on 19 February 1942. It remains an issue of historical conjecture whether the Allied violation of Portuguese neutrality was necessary to counter an imminent Japanese attack, or whether the Australian presence in Portuguese Timor drew the Japanese military to an area it would otherwise not have invaded.<sup>12</sup>

24. The impact upon East Timorese society was devastating. Between 40,000 and 60,000 East Timorese are reported to have died.<sup>13</sup> Many were tortured and killed by Japanese troops on suspicion of assisting Australian guerrilla fighters. Sexual slavery of East Timorese women by Japanese troops was widespread. In addition the territory was impoverished by the war, and divisions were sown between those seen to have supported the Japanese and those who supported the small Australian guerrilla force. The Commission heard testimony of the long-lasting effects of this conflict on East Timorese society in its national public hearing on the Internal Political Conflict of 1974-76.<sup>14</sup> No international investigation was conducted for war crimes committed by either occupying country, and no war reparations have been paid to the East Timorese people.<sup>15</sup>

## The international movement for decolonisation and Portugal's position

25. Article 73 of the 1945 UN Charter demanded that colonising countries heed the aspirations of colonised countries and gradually introduce autonomy. This international consensus continued to develop as most colonisers granted independence to their colonies after the Second World War, and was expressed through mechanisms such as the UN General Assembly that in 1960 recognised colonialism as a denial of human rights.<sup>\*</sup> In 1960 Portuguese Timor was listed as a Non-Self-Governing Territory with the United Nations Decolonisation Committee, affirming its people's right to self-determination, a listing which remained relevant up until the 1999 United Nations-organised Popular Consultation.

26. In response to this growing international consensus on the need for decolonisation, Portugal re-designated its colonies as "overseas provinces" in 1951. It was a paternalistic move designed to "civilise" its colonial subjects and placate its critics, but it changed little. This was particularly the case in Portuguese Timor, which remained extremely isolated. No independence movement developed along the lines of those in Portugal's African colonies. On the contrary, life for the East Timorese in the 1950s was far from civilised. Monsignor Martinho da Costa Lopes reflected that during 400 years of Portuguese colonisation not one lawyer, engineer or doctor had been born in Timor-Leste.<sup>16</sup> Few East Timorese enjoyed any significant equality with the colonists, and continued to be routinely maltreated and their rights to property abused by the Portuguese.<sup>17</sup> Bishop Carlos Felipe Ximenes Belo once addressed the issue:

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<sup>\*</sup> UN General Assembly Resolution 1514 (XV), 1960: "The Declaration on the Granting of Independence to Colonial Countries and Peoples".

I often saw some of the Portuguese taking palm wine that was for sale by the indigenous people and not give them any money, although the people had walked for a long time to the market in the hope that they will return with some money. They were oppressed, and could not defend themselves. Every time I saw these things, my heart ached and I cried inside. But I could not do anything.<sup>18</sup>

27. Although the use of whips and of the cane was banned by the Portuguese in 1956, the practice of whipping continued.<sup>19</sup> Xanana Gusmão later recalled:

I saw prisoners whipped in [government] posts. They groaned because they were forced to stand on coral stone, hot from the scorching sun, with their feet shackled. Sometimes during my adventures with school friends—*liurai* children—I also saw officials or locals being sent out in groups or returning with people covered in blood all over, because they had not turned up for their *corvée* work building roads, or for their work as *asu-lear* [sic] [indentured workers] on the properties of colonists, Chinese or assimilated Timorese.<sup>20</sup>

28. In 1959 a group of exiled Indonesians were involved in an uprising in Viqueque against the Portuguese colonial administration. The Portuguese discovered this plot and crushed it violently, resulting in significant bloodshed. The background to these events remains largely unexplained. A Portuguese official report of the time blamed this uprising on Indonesia but it is unclear whether this was the case. After these events, in 1959, the government opened a branch of the secret police, (*Polícia Internacional e de Defesa do Estado*, Pide), in Dili to monitor Indonesian movements and anti-Portuguese sentiment.<sup>21</sup>

### Portuguese development plans and growing anti-colonial sentiments

29. In 1953 the Portuguese central government began a series of development plans<sup>\*</sup> aimed at invigorating its stagnant domestic economy. In Portuguese Timor this included increased coffee production and export, mining exploration, and tourism development. Infrastructural improvements included road construction, repair of the Dili port and Baucau airport, and electricity and a municipal water system in Dili.<sup>22</sup> By 1975, 17 or 18 doctors were working in the Dili hospital and regional clinics.<sup>23</sup>

30. East Timorese access to education however remained limited throughout the Portuguese era. The children of *liurai* gained some access to primary education from about 1860, and in 1904 the Jesuits opened a missionary school in Soibada that became an important place of learning for East Timorese from across the territory.<sup>†</sup> However Western learning remained the almost exclusive preserve of Portuguese nationals. In 1964, only 10 East Timorese held degrees.<sup>24</sup> According to Portuguese statistics, between 1950 and 1970 primary enrolment increased tenfold, from 3,249 to 32,937.<sup>25</sup> The 1970 census indicated around 10% literacy in the colony,<sup>‡</sup> by which time the administration had established a secondary school in Dili, the Liceu Dr Francisco Machado, with 767 students.<sup>26</sup> A reflection of this limited access to state education is the fact that prominent proponents of Timor-Leste's independence movement were mostly seminary-educated.

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<sup>\*</sup> Plano de Fomento.

<sup>†</sup> The school, Colégio Nuno Alveres Pereira (for boys) and Imaculada da Conceição (for girls), held its centenary celebrations in 2004.

<sup>‡</sup> The percentage of illiteracy in Dili was 14% and it was 45% in the District towns.

31. Increasingly aware of inequality, an emerging generation of politicised East Timorese was also frustrated at the absence of political vehicles to channel East Timorese aspirations. East Timorese had little role in governing the affairs of the colony. The province's governor represented the Portuguese government, not the East Timorese people, and wielded broad executive powers. Although an 11-member Legislative Council existed, it had only three elected representatives. It could not possibly represent popular aspirations, and only had limited authority.<sup>27</sup> Despite UN resolutions urging Portugal to grant political freedom to its colonies,<sup>28</sup> the Salazar and later Caetano regime denied democracy to its own citizens, let alone its colonial peoples. This only changed with the accession of the General Spínola after the 25 April 1974 Carnation Revolution.

### 3.3 Changes in Portugal and the decolonisation process

#### Overview

32. The 1960s national liberation movements in Portugal's African colonies turned to armed struggle to achieve their independence. Forced to engage simultaneously in separate wars on several far-flung fronts, the small, relatively poor nation of Portugal came under tremendous political and economic pressure at a time when it was increasingly looking to Europe for its economic future. In 1968, after 40 years in power, the authoritarian Prime Minister Salazar was replaced by Marcelo Caetano, who failed to find a solution to these increasingly costly armed conflicts. Frustrated with these failures, an Armed Forces Movement (*Movimento das Forças Armadas*, MFA) emerged within the military and on 25 April 1974 led a successful but bloodless coup against the Caetano regime, known as the Carnation Revolution. While the MFA opened the way for decolonisation, it also ushered in several years of political turbulence in Portugal. This turmoil, coupled with Portugal's preoccupation with its larger African colonies, were critical factors in Portugal's failure to give adequate attention to the decolonisation of its remotest colony, Timor.

#### The MFA and the Carnation Revolution

33. In the early 1960s independence movements in Portugal's African colonies began to wage armed struggles. The MPLA (*Movimento Popular de Libertação de Angola*) in Angola took up arms in 1961, to be followed by PAIGC (*Partido Africano da Independência da Guiné e Cabo Verde*) in Guinea Bissau in 1963 and Frelimo (*Frente de Libertação de Moçambique*) in Mozambique in 1964. The Portuguese colony of Goa was "liberated" by the Indian armed forces in 1961.<sup>29</sup> Fighting three wars simultaneously placed a heavy financial and military burden on Portugal. At the same time, after joining the European Free Trade Association (EFTA) in 1961, Portugal was becoming increasingly intertwined economically with Europe at the expense of its African colonies. By the early 1970s the protectionist economic policies designed to foster trade with and investment in the colonies no longer matched the interests of the Portuguese conglomerates whose focus was increasingly European.

34. Having lost faith in the ability first of Salazar and then of Caetano to find a political solution to the African wars, the armed forces turned to General António Spínola, who had been a close associate of Caetano's. Spínola had advocated a programme of reforms, which Caetano rejected. To disseminate his ideas Spínola published a book entitled *Portugal and its Future*, proposing a solution to the colonial wars through referenda on a federal relationship with Portugal. When the MFA established itself on 5 March 1974, it elected General Spínola as its leader, and when it launched the Carnation Revolution on 25 April 1974, Spínola became the Movement's choice for president.

#### Rapid decolonisation, turmoil in Portugal

35. While the Carnation Revolution initially went smoothly in Portugal, the months and years that followed saw a period of significant political instability, with successive governments formed, and falling, until the Socialist Party came to power in coalition in 1982. This instability limited Portugal's capacity to deal effectively with events occurring in Timor. Combined with the active destabilisation by Indonesia, they were unable to implement a decolonisation process.

36. In April 1974 the MFA immediately formed the National Rescue Council (*Junta de Salvação Nacional*, JSN), and appointed Spínola as its leader. The JSN manifesto advocated democratisation within Portugal, including dismantling the secret police, Pide, and releasing

political prisoners. On colonial issues it vaguely suggested a political solution through a national debate leading to a peaceful solution,<sup>30</sup> but avoided mention of self-determination and autonomy.<sup>31</sup> President Spínola installed a new provisional government on 15 May 1974, with Adelino de Palma Carlos as prime minister. On the same day it issued Decree No.203/1974, setting out a policy for decolonisation. The decree committed the government to a political solution based on the principle of self-determination.<sup>32</sup>

37. Spínola's federal solution failed to gain significant support. In Portugal public opinion was increasingly in favour of withdrawal from the colonies. Aware of their military superiority against the beleaguered Portuguese, the colonies of Guinea-Bissau and Mozambique were in no mood to compromise on their demand for independence. Some influential members of the cabinet, including the minister of foreign affairs and leader of the Socialist Party, Mário Soares, also preferred independence as a solution.

38. By mid-1974 even within the MFA support for federation was waning, and a quick exit became the preferred military option. These pressures led to the resignation of Palma Carlos as prime minister, and his replacement by Vasco Gonçalves. On 27 July the new government issued Law No. 7/1974 recognising independence as an acceptable outcome of the process of self-determination in the colonies.<sup>33</sup> This policy shift led to the resignation of Spínola in September 1974. Within a year Portugal's five African colonies had all achieved independence.

39. After coming to power in April 1974, the MFA had conducted a purge of what it considered reactionary elements in the Portuguese civil administration. It immediately replaced all the governors in the African colonies, but was slower to take similar action in Portuguese Timor. Even though he had made a speech criticising the MFA for its radicalism, just two days before 25 April, the governor of Portuguese Timor, Alves Aldeia, retained his position for another three months. Portugal's preoccupations at the time and the consequent neglect of Timor were summed up by the last Portuguese governor of Timor, Major-General Mário Lemos Pires, in testimony he presented to the Commission:

*The Portuguese nation that emerged from the revolution was very weak, without cohesion, with a lot of difficulties and with no credibility among its previous [Western] allies. The nation was very worried about its revolution and attempting to gain some political stability, caring for the citizens who were arriving from Africa and firmly deciding to finish the war in the African countries...What did the Portuguese people think about Timor-Leste in 1974, after the revolution? Nothing, not much, little. Nothing. Their thoughts were about the revolution and their relatives in the African territories.<sup>34</sup>*

#### The impact of the Carnation Revolution in Portuguese Timor

40. In Timor news of the Carnation Revolution was welcomed with a mixture of euphoria and concern. The Commission heard testimony from a range of leading East Timorese figures in its hearing on the Internal Political Conflict of 1974-76. They spoke of the excitement events in Lisbon and the other colonies generated among the mostly young people who had an interest in politics. But they also generally agreed that East Timorese society was ill-prepared by its history to engage in political activity.<sup>35</sup>

41. In early May 1974, when Governor Alves Aldeia asked the JSN in Lisbon for an explanation of the new colonial policy, he was instructed to act according to the principles of

the MFA programme and, taking into account local conditions, to seek to avoid any deterioration of relations with Indonesia.

42. On 13 May Governor Alves Aldeia formed the Timor Commission for Self-Determination which, among other things, encouraged the establishment of civil associations.<sup>36</sup> At the end of May, Major Arnão Metello, chief-of-staff of the local military command, was named the MFA's delegate in the colony.<sup>37</sup>

43. In contrast to its attitude to its African colonies, the Portuguese government tended to view Portuguese Timor's independence as unrealistic. On 3 August 1974 Minister of Inter-Territory Co-ordination, António de Almeida Santos, objected to Portuguese Timor's full independence, and stated federation as the most realistic option.<sup>38</sup> This provoked a strong reaction from the newly formed East Timorese political associations, UDT and Fretilin.\* Yet on the same day the Portuguese government submitted a memorandum to the UN Secretary-General recognising the right to self-determination and independence of all territories under its administration, a position that was reaffirmed two months later before the UN General Assembly by the Portuguese foreign minister, Mário Soares.<sup>39</sup> The right to self-determination for all colonies was subsequently enshrined as an obligation of the Portuguese state in the constitution of 1975. This provision proved critical to sustaining official Portuguese commitment to the self-determination of the people of Timor-Leste in the difficult years that followed.

#### The formation of political parties in Portuguese Timor

44. The Commission heard testimony describing how the Carnation Revolution quickly galvanised East Timorese interest in the political future of the territory. Domingos Oliveira, who became the Secretary General of UDT, described the phenomenon:

*Before 25 April in Timor, we used to talk about our girlfriends, football and things like that at the café and restaurant where we would go to drink a beer and meet friends. After 25 April, we only talked about the consequences of 25 April. What should we Timorese do? What is the right thing to do now in this new situation?<sup>40</sup>*

45. In Dili politically-inclined East Timorese started to consider forming political associations, and held meetings to discuss what their principles and platforms should be. Once formed, the associations effectively functioned as political parties, even though political parties were still technically barred from operating.<sup>41</sup>

46. The first association to be formed was the Timorese Democratic Union (*União Democrática Timorense*, UDT), founded on 11 May 1974. Its founders tended to be politically conservative and many had links to the Portuguese colonial administration, reflecting their privileged social status and function as intermediaries between East Timorese and the Portuguese colonists. UDT's first president was Francisco Lopes da Cruz. Its other founders included César Augusto da Costa Mouzinho who was vice-president, the brothers Manuel, Mário and João Carrascalão, and Domingos Oliveira, the association's secretary general. UDT's original manifesto advocated "progressive autonomy" under Portugal, although it also supported the right to self-determination. It announced a modification of its position on 1 August 1974 when it declared that its goal was eventual independence after a period of federation with Portugal. It also specifically rejected integration with other countries.<sup>42</sup> UDT's

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\* Domingos Oliveira, former Secretary General of UDT, testified to the offence taken by East Timorese at this statement, at the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

shift showed it to be malleable, on this occasion in response to changes in the political landscape in Portugal and to evidence that nationalism was a growing force in Timor itself.

47. Nine days after UDT's founding, on 20 May, the Timorese Social Democratic Association (*Associação Social Democrata Timorense*, ASDT) was established. ASDT's founders were mostly young intellectual East Timorese, from a range of backgrounds; some from within the Portuguese administration, others from the clandestine anti-colonial group of the early 1970s. Older and better known than the association's youthful founders, Francisco Xavier do Amaral was appointed President. Other key figures included Mari Alkatiri, José Ramos-Horta, Nicolau Lobato and Justino Mota. ASDT published its manifesto on 22 May, affirming the right to independence and an anti-colonial and nationalist stance. It also stated the association's commitment to a "good neighbour" policy towards the countries of the region without compromising the interests of the East Timorese people.

48. The third association to be established was the Timorese Popular Democratic Association (*Associação Popular Democrática Timorense*, Apodeti), founded on 27 May. The original plan had been to name the association the Association for the Integration of Timor into Indonesia, but although this name would have succinctly described Apodeti's chief goal, it was apparently regarded as too transparent. Its founding President was Arnaldo dos Reis Araújo, but its strategist was José Fernando Osório Soares, who had quit ASDT to become Apodeti's Secretary General. Another key figure was plantation owner Hermenegildo Martins. The *liurai* of Atsabe, Guilherme Maria Gonçalves, joined Apodeti soon after its formation, bringing with him a degree of support from his regional power base. Indonesia's consul in Dili, Elias Tomodok, was an important conduit for advice and financial support to Apodeti during the 1974-75 period.<sup>43</sup> Apodeti's manifesto declared its goal of autonomous integration with Indonesia, in accordance with international law, although this was incompatible with Indonesia's Constitution. In common with the other two major parties it rejected a number of the perceived evils of the Portuguese administration such as corruption and discrimination, as well as pledging respect for human rights and individual freedoms.

49. Three smaller political parties were established some time after the initial three. José Martins defected from Apodeti, of which he had been one of the founders, and established a monarchist (*liurai*) party, the Association of Timorese Warrior Sons (*Klibur Oan Timor Aswain*, KOTA) on 20 November 1974.<sup>44</sup> Martins had a brief career as a propagandist for the Indonesian occupation, and was a key collaborator with Indonesian intelligence (Bakin) in 1975. The Labour Party, (*Trabalhista*) was established in September 1974 and had the goal of independence through a transitional federation with Portugal.<sup>45</sup> A third party, Democratic Association for the Integration of East Timor into Australia (Aditla), proposed joining Australia but disappeared once Australia ruled it out in March 1975.<sup>46</sup>

50. It quickly became clear that UDT and ASDT were the only two parties with popular support across the country.



## 3.4 The international climate and Indonesia's policy on Portuguese Timor

### Overview

51. Portuguese Timor's opportunity for decolonisation came at a crucial moment in the Cold War. The North Vietnamese victory in Vietnam in April 1975 and the almost simultaneous collapse of pro-US governments in the other Indo-Chinese states of Cambodia and Laos fuelled fears among Western policymakers and their Asian allies that other countries in South-East Asia were also vulnerable and that the line must be held at all costs against the spread of communism. In this setting the US and its allies looked to Indonesia as a vital component of its post-Vietnam strategy for preventing further communist advances. At this time the Carnation Revolution created a highly fluid political situation in Portugal, where the possible outcomes seemed to include another victory for the left and a defeat for the West.

52. Aside from the support it enjoyed as a result of its anti-communist credentials Indonesia was also in a position to capitalise on its status as a founding member of the Non-Aligned Movement, its links to other Muslim countries through the Organisation of Islamic Conference and as the largest nation in the Association of South-East Asian Nations (ASEAN). Indonesia's broad-based support, Portugal's reluctance to internationalise the issue and widespread indifference about the fate of what many saw as an obscure remnant of a minor colonial power, all weighed against an active UN role over the question of Timor-Leste. All of these factors worked to Indonesia's advantage in its campaign to win support for its policy on Timor-Leste.

### The United Nations and Portuguese Timor

53. During 1975 the Cold War between East and West reached a critical juncture, largely because of developments in South-East Asia. In April 1975, two years after the withdrawal of US troops from Vietnam, Saigon fell to the communist North. This shift in the balance of power affected both large and small nations, and it had a profound impact on what occurred in Portuguese Timor.<sup>47</sup> The Cold War had a stifling effect on the United Nations during this period. The world's major power blocks often paralysed its key institutions, such as the Security Council. Partly as a result of this, a feature of the growing crisis of Portuguese Timor in 1974-75 was the failure to internationalise the issue within the framework of the United Nations. Portugal conducted a series of bilateral negotiations with Indonesia, and although in these negotiations it did use the threat of "internationalisation" as a bargaining chip, in practice it pursued this option only when it was too late and when it was in effect powerless to affect the situation.<sup>48</sup>

54. The United Nations body charged with overseeing decolonisation, the UN Special Committee on Decolonisation, was preoccupied by the situation in Portugal's African colonies and paid little attention to Timor. In June 1975 the UN Special Committee on Decolonisation considered Portuguese Timor, and urged the attainment of the goals of the UN Charter on the Declaration of Independence to Colonial Countries and Peoples. Despite having been asked to assess the situation on the ground, the Committee did not do so.<sup>49</sup> This lack of attention to Portuguese Timor in 1974-75 meant that when the civil war broke out in August 1975, and when Indonesian covert activities evolved into major military operations in October-November 1975, the United Nations was relatively ignorant of the situation in the territory. This lack of United Nations involvement was a lost opportunity to avert violence and the ultimate military takeover of Portuguese Timor by Indonesia (see Chapter 7.1: The Right to Self-Determination).

## Indonesia and the international community

55. With nearly 165 million people in the mid-1970s Indonesia was the most populous country in South-East Asia. Under President Soeharto Indonesia was committed to the development of its resource-rich economy. After the turmoil of the last years of President Sukarno both the Western powers and its immediate neighbours viewed this transformed Indonesia positively. In addition, Indonesia's status as a founding member of the Non-Aligned Movement meant that it could rely on significant support from this group of nations. At the same time Indonesia was the largest country in the Organisation of the Islamic Conference (OIC), and could count on the support of most Islamic countries. This broad support for Indonesia contributed to the lack of serious effort to curb its aggressive actions in Portuguese Timor, including within United Nations fora.

56. Though formally non-aligned, the Soeharto regime's anti-communism meant that it gravitated to the Western camp, offering rich opportunities for trade and investment.<sup>50</sup> President Soeharto's New Order regime had proved its anti-communist credentials to the US through its eradication of the Communist Party of Indonesia (*Partai Komunis Indonesia*, PKI) during the turbulence of 1965-1966. In those years the Indonesian military led the repression of the PKI, killing up to one million of its members and followers, and imprisoning another million or more people.<sup>51</sup> The New Order banned communism, froze diplomatic relations with the People's Republic of China and placed itself firmly in the Western camp. It sought investment and economic assistance from its Western friends.

57. Aside from aligning itself with the Western Bloc, Indonesia also mended fences with the anti-Communist countries of South-East Asia like Thailand, Malaysia, Singapore and the Philippines. In 1967, it joined these four South-East Asian countries in forming the Association of South-East Asian Nations (ASEAN) with the aim of fighting against the spread of Communism in the region, particularly from North Vietnam and People's Republic of China. Indonesia feared that communism would infiltrate the country and awaken dormant communist elements. For that reason, even in the face of mounting international pressure, Soeharto was not ready to free the hundreds of thousands of prisoners arrested in the wake of the 1965 coup.

58. In the decade since 1965 the New Order had not relented in its anti-communist fervour at home. During 1965-1966 between 250 thousand and one million Indonesian Communist Party (PKI) members and followers were killed, and another million or more were imprisoned. However, anti-communism was an important but not the only touchstone of loyalty to the regime. Under Soeharto's New Order the bounds of acceptable political debate became extremely narrow, being defined not just by the regime's anti-communism but by its distaste for pluralist politics in general. New rules were imposed by the military-dominated authoritarian structures.<sup>52</sup> At a time when Western perceptions of South-East Asia were characterised by the fear that other states in the region were a row of dominoes that were in danger of following the example of Indochina and falling into the Communist camp, the West was willing to overlook the repression on which the New Order relied, provided that Indonesia continued to be a bulwark against the spread of communism.

59. Many Western states and their Asian allies shared Soeharto's view that Portuguese Timor should be absorbed into Indonesia, either because they shared his strategic assumptions and the anti-communist mindset that underlay it, or simply because they did not wish to alienate Jakarta. This frame of mind was summed up in the advice of the British ambassador, Sir John Archibald Ford, to London:

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<sup>50</sup> The Non-Aligned Movement (NAM) is composed of over 100 states that consider themselves not aligned to a major power bloc, which in the cold war context of its inception meant the capitalist and communist blocs. Indonesia hosted its inaugural meeting in 1955.

Even without Soviet or Chinese intervention that territory could become the “problem child” [of the region]...Britain’s interest is that Indonesia integrates that territory...If there is a crisis and a debate in the UN we shall all keep our heads down and avoid taking a position against Indonesia.<sup>53</sup>

60. Indonesia could also rely on the support of non-communist Asia. Although there were differences in the degree of support they were prepared to offer, as the largest nation in South-East Asia Indonesia had the broad support of the members of the Association of South-East Asian Nations, (ASEAN). Within ASEAN there was a spectrum of views on Indonesian policy towards Portuguese Timor, ranging from Singapore which as a small and culturally distinct island nation, saw itself as the Israel of South-east Asia and had reservations about Indonesia’s intentions, to Malaysia, which was Jakarta’s staunchest backer.

61. Cold War alignments were not the only reason why countries in the region supported Indonesia. Japan had a major economic interest in Indonesia, and was becoming increasingly reliant on its oil and natural gas to fuel its booming economy. Australian policy on Portuguese Timor was built on a desire to redefine its foreign policy in general by giving it a more regional slant and to improve its relations with Indonesia in particular. The Australian Prime Minister, Gough Whitlam, shared Indonesia’s view that an independent Timor-Leste would not be viable and was advised that the annexation of Portuguese Timor was “settled” Indonesian policy. Whatever his true intentions, in his two meetings with President Soeharto in 1974-75 Whitlam gave President Soeharto the firm impression that he saw merit in an Indonesian takeover, even while recognising that it was necessary to affirm the principle of self-determination.

#### Indonesian policy on Portuguese Timor

62. During the formative years of the Indonesian state some Indonesian nationalists dreamed of creating a Greater Indonesia based on a supposed golden age when the empires of Sriwijaya and Majapahit held sway over the archipelago. Though not grounded in historical reality, Greater Indonesia would have encompassed parts of Malaysia and the Philippines as well as Portuguese Timor. The Republic of Indonesia never sought to make Greater Indonesia a reality. Instead when seeking international recognition in the late 1940s and later in the 1950s and 1960s, when it was advancing its claim to West Irian (later Irian Jaya, now Papua), it stressed that its boundaries were those of the Dutch East Indies. Its reasons were pragmatic: claiming sovereignty over a Greater Indonesia would have smacked of expansionism in a world in which it was recognised that independent states should inherit the boundaries established by their colonisers.

63. Specifically with regard to Portuguese Timor, before 1975, at no point did Indonesia claim that it had the right to incorporate the territory. In 1961, when Indonesia was pursuing its claim to Irian Jaya the then foreign minister, Dr Subandrio, explicitly stated that Indonesia had no claims to Portuguese Timor because it was a Portuguese territory and therefore it did not belong to Indonesia.<sup>54</sup> In 1974, after meeting the ASDT foreign affairs representative, José Ramos-Horta, the then Indonesian foreign minister, Adam Malik, wrote to Ramos-Horta:

The Government as well as the people of Indonesia have no intention to increase or expand their territory, or to occupy other territories other than what is stipulated in their Constitution. This reiteration is to give you a clear idea, so that there may be no doubt in the minds of the people of Timor in expressing their own wishes...For this reason, whoever will govern in Timor in the future after independence, can be assured that the Government of Indonesia will always strive to maintain good relations, friendship and cooperation for the benefit of both countries.<sup>55</sup>

64. While never part of mainstream thinking, the notion that Portuguese Timor belonged in Indonesia for historical, geographic and ethnic reasons existed as an undercurrent in Indonesian political discourse that could be invoked when occasion demanded. The spectre of Portuguese Timor's integration and unification also haunted relations between Indonesia and Portuguese Timor. Successive post-war governors of Portuguese Timor were suspicious of Indonesian motives, and persistently sought to limit contact between the two halves of the island. Although the extent of official Indonesian involvement in the 1959 rebellion is still disputed (see above), the heavy repression that followed it and the government of Portuguese Timor's analysis of its roots both indicate how seriously the Portuguese believed that Indonesia had designs on the territory. Indonesia was not above playing on those fears. In July 1961, for example, in a speech warning Portugal not to ignore international support for Angolan independence, the then Indonesian foreign minister, Dr Subandrio, reminded his audience ominously of Indonesia's proximity to Portuguese Timor.<sup>56</sup> In 1962 a report (of the UN Decolonisation Committee) noted that a "Republic of Timor Liberation Bureau" had been established in Jakarta. Around May-June 1963 the Bureau announced that it had formed a government with 12 ministers in Batugade.<sup>57</sup> In September 1963, the Indonesian information minister, Roeslan Abdulgani, declared:

although we are not an expansionistic nation, we cannot allow people whose ancestors are the same as ours to be oppressed and imprisoned just because they wish to join the motherland of their ancestors.

65. Nonetheless, the integration of Portuguese Timor never became an objective of official policy under President Sukarno. The occasional statements and infiltrations did not amount to a serious commitment to absorb Portuguese Timor because Indonesia never saw the colony as posing a threat to it. Indonesia maintained stable relations with the Salazar government: it opened a consulate in Dili and Sukarno himself visited Portugal in 1959.

66. Until 1974 Sukarno's successor, Soeharto, did not diverge from this position. However, in the wake of the Carnation Revolution, "irredentist" arguments for taking over Portuguese Timor began to surface. East Timorese political figures recalled to the Commission their alarm at a speech by John Naro, the deputy speaker of the Indonesian parliament, asserting that Indonesia had a historical claim to Portuguese Timor.<sup>58</sup> People whose approach to the question was fundamentally strategic noted the importance of these views. In interviews with the Commission, Yusuf Wanandi and Harry Tjan Silalahi, of the Centre for Strategic and International Studies (CSIS), who were deeply implicated in developing policy towards Portuguese Timor in 1974-75 on behalf of their mentor General Ali

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<sup>55</sup> James Dunn, *East Timor: A Rough Passage to Independence*, Longueville, 2003, p. 87. Also note that CSIS researcher, Harry Tjan Silalahi mentioned that Indonesia conducted clandestine operations in Portuguese Timor during the time of the "confrontation", in a conversation with staff of the Australian Embassy in Jakarta on 2 July 1974. [Department of Foreign Affairs and Trade (DFAT), *Australia and the Indonesian Incorporation of Portuguese Timor 1974-1976*, 2000, p. 62, document 12].

Moertopo, both mentioned the strength of such sentiments.<sup>58</sup> Colonel Aloysius Sugiarto, an operative in General Ali Moertopo's special operations [Opsus] section of the intelligence agency, Bakin, who played a key role in early covert activities in Portuguese Timor in 1974-75, told the Commission that he saw himself as working to reunite people divided by colonialism:

*The basis of Apodeti has always been, we are one people, one island. We were divided, we became two, Timor Dili and Timor Kupang. That's because of the colonisers. It's them, if we look at it, it's true, right? Because of colonialism, we were divided. Over there it became Portuguese territory, and here Dutch. In truth there is only one solution. That logic is right, the people's rationale is right.*<sup>59</sup>

67. After the invasion of Timor-Leste, Indonesian officials revived the historical (and ethnic) argument for integration. In an address to the United Nations General Assembly on 13 December 1975, six days after the invasion of Dili and 10 days after he had denied that Indonesia had any territorial ambitions in Portuguese Timor, the Indonesian representative to the UN, Anwar Sani stated:

Let me first explain why Indonesia is so vitally interested in what happens in Portuguese Timor. Portuguese Timor is part of the island of Timor, the other part is Indonesian territory. Timor is situated at the heart of the Indonesian archipelago, one of the thousands of islands which constitute the archipelago. The population of Portuguese Timor...is of the same ethnic origin as the population in the Indonesian part. The 450 years of division because of colonial domination has not diminished the close ties of blood and culture between the population of the territory and their kin in Indonesian Timor. This geographical nearness and ethnical kinship are important reasons why Indonesia is vitally concerned about peace and stability in Portuguese Timor, not only in its own interest but also in the interest of the entire region of South East Asia.<sup>60</sup>

68. More powerful in Indonesian thinking than the historical case were the strategic arguments for incorporation. According to James Dunn, citing Indonesian sources, "a Bakin/OPSUS (Special Operations) group took a look at the position in late 1972 or 1973 and came out strongly against the idea of supporting independence of East Timor", which could "add a new dimension to Indonesia's security problems".<sup>61</sup> The semi-official book, *Integrasi*, claims that Indonesian interest in Portuguese Timor had long predated the Portuguese commitment to decolonisation. The book also asserts that Indonesia adopted an evolutionary approach, which in its early stages would arouse the East Timorese people's desire to be independent. Underlying Indonesian policy was the need to ensure that "that East Timor not become a potential 'trouble spot' and would therefore not be used as a bargaining chip against Indonesia."<sup>62</sup>

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<sup>58</sup> Yusuf Wanandi noted that "in certain circles" Timor-Leste was viewed as an "irredentist territory". (Irredentism is a movement that strives to reunite territories that had been separated). [CAVR Interview with Yusuf Wanandi, Jakarta, CSIS, Jakarta, 24 July 2003]. Harry Tjan Silalahi observed: "I think the theory that Timor-Leste is an [integral] part of Nusantara has existed, without being explicitly articulated, since the times of Soekarno, following the liberation of Irian." [CAVR Interview with Harry Tjan Silalahi, Jakarta].

69. After the Portuguese Revolution of April 1974, the strategic approach, shaped by the deep anti-communism of the New Order regime, rapidly came to dominate thinking on the question of Portuguese Timor among the Indonesian elite. The approach was grounded in fears that an independent Timor-Leste would become a base for the infiltration of Indonesia by communist countries. The view was expressed as early as 22 May 1974, when a Bakin operative outlined this view to the Australian Embassy staff in Jakarta: "Indonesia has taken care of China at its front door and may now need to take care of a threat at its back door."<sup>63</sup>

70. Soeharto himself adopted this strategic view. At his meeting with the Australian prime minister, Gough Whitlam, in Wonosobo near Yogyakarta in September 1974, he named China and the Soviet Union as countries that might attempt to intervene in Portuguese Timor.<sup>64</sup> In their second meeting in Townsville, Queensland, in April 1975, Soeharto told Whitlam that Indonesian intelligence had received information that communists from China were attempting to enter Portuguese Timor through Australia with the assistance of the Chinese Embassy in Canberra.<sup>\*</sup> Indonesian officials were not unanimous about the nature of the communist threat. The chief of intelligence in the Ministry of Defence and Security and deputy chief of Bakin, Lieutenant-General Benny Moerdani believed that the Soviet fleet was the main danger: He predicted that an independent Timor would give the Soviet Union a naval base that would enable the latter to divide Indonesian waters into two zones.<sup>65</sup> The CSIS executive director, Yusuf Wanandi, told the Commission that others were worried about Vietnamese intentions: they argued that if Cuba could dispatch its troops to Angola which was about 2,000km away from its home base, why should Vietnam not send troops to Portuguese Timor which was only 1,500 km away?<sup>66</sup> Perhaps the variations in these assessments of the communist threat should have caused foreign governments to question their overall validity.

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<sup>\*</sup> See Document 123 Record of Conversation between Whitlam and Soeharto, Townsville, 4 April 1975, in DFAT , Wendy Way (ed.), *Australia and the Indonesian Incorporation of East Timor*, p. 248. Whitlam said that Indonesia had no evidence of it.

## 3.5 The decolonisation process and political parties

### Overview

71. The Carnation Revolution immediately transformed the political landscape of Portuguese Timor, which until that time did not have active political parties and only a low level of organised anti-colonial activity. With new laws for political association, parties were quick to form. Two parties emerged as the dominant groups, ASDT and UDT. The platforms of both parties called for independence as the ultimate outcome of decolonisation. They differed over the pace of decolonisation, ASDT wanting immediate independence, the more conservative UDT a more gradual process. What really divided these two centrist parties, however, were the militant ideologues on their extremes who accused each other, and by extension each other's parties, of being "fascist" or "communist". A third party, Apodeti, had pockets of localised support, but its following was much less than that of the two leading parties, and it owed its significance to its pro-integrationist stance and the Indonesian backing that this attracted.

72. Political campaigning quickly descended into verbal and sometimes physical attacks, and the two main parties did too little to control this. Both parties used radio broadcasts to make propaganda and personal attacks on each other which heightened social tensions. This lack of political experience was manipulated by agents of the Indonesian state, including members of the intelligence services undertaking covert operations inside Portuguese Timor. They sought to divide the East Timorese with the aim of achieving integration with Indonesia. This played into the hands of militants of both major parties, and culminated in a failure of the parties to find a way to work together for the national interest. The result was the breakdown of the four-month-old coalition between UDT and Fretilin at the end of May 1975. From that point on tensions between the parties rose until UDT launched a coordinated armed action throughout the territory, which spiraled into a bloody internal armed conflict. Fretilin responded with force.

### The dawning of political consciousness

73. The Portuguese colonial system denied the East Timorese a voice in their own affairs. However, the gradual spread of education after the Second World War began to foster critical thinking about a colonial system whose defining characteristics were economic underdevelopment, corruption, high unemployment, racial discrimination and brutality. The grievances of the East Timorese began to find expression among the educated.

74. Denied an institutional voice and having learned from the Viqueque uprising of 1959 the likely price of a direct confrontation with the colonial system, in the early 1970s the politically aware adopted an approach to politics that was tentative and secretive. In 1970 members of the young educated generation started an anti-colonial discussion group that included Mari Alkatiri, José Ramos-Horta, Nicolau Lobato, Justino Mota and Francisco Borja da Costa. A small anti-colonial political group founded around 1967 and functioning at the time of the Carnation Revolution was organised in small cells which largely operated in ignorance of each other. The group seems to have had little political impact.<sup>67</sup>

75. In the early 1970s East Timorese also began to be allowed to write on a restricted range of topics and with limited freedom of expression. *Seara*, a magazine published by the Dili diocese, became an important outlet for their views after Father Martinho da Costa Lopes took over the editorship in September 1972. Mari Alkatiri, José Ramos-Horta, Nicolau Lobato, Abilio Araújo and Francisco Xavier do Amaral all wrote articles for *Seara* on social issues under Father da Costa Lopes's editorship.

76. The government did not hesitate to repress any sign of dissent. In 1970 José Ramos-Horta was exiled to Mozambique for two years after the DGS<sup>†</sup> reported that he had suggested to an American tourist that if Portugal was incapable of developing Timor, it would be better for America to take over the colony.<sup>68</sup> The articles of Amaral and Ramos-Horta—in the latter's case an essay entitled "*Maubere Meu Irmão*" ("*Maubere My Brother*") was regarded as particularly inflammatory—attracted the government's attention. Under government pressure, *Seara* announced, with no explanation, in its issue of 24 March 1973 that it was closing.<sup>†</sup>

77. In 1973, in Dili, clashes broke out between young people and the Portuguese military.<sup>69</sup> There was tension, and soon the young generation's frustrations would be able to take a more tangible shape.

### The composition of the political parties

78. Once the Carnation Revolution lifted the lid on political expression, educated East Timorese quickly took the opportunity to get involved in political activity. While the class, ethnic and regional make-up often defied simple generalisations, there were some patterns to the background of who joined which party. East Timorese leaders of the different parties tended to know each other well and were sometimes related. Domingos Oliveira, the UDT secretary general at the time, told the Commission of his close friendship with the Fretilin vice-president, Nicolau Lobato, and of how he talked regularly about politics with his cousin José Osório Soares, the secretary general of Apodeti. Timor-Leste in 1975 was a very small world of political networks and alliances.<sup>70</sup>

79. A privileged background was common to leaders across the parties. To be privileged in late colonial Portuguese Timor could mean a number of things, for example: a *liurai* background, mixed-race (*mestizo*) ancestry, a family with landholdings, secondary education in church or state schools. Often those who had these marks of privilege gravitated to employment in the civil service. These characteristics united many of the leaders across parties. They were often distinguishable only by finer social gradations. Not surprisingly, in view of its federalist political platform, several UDT leaders were well-entrenched in the colonial system, whether through holding relatively senior positions in the civil service, through membership of the Salazarist *Acção Nacional Popular* (ANP), or through their closeness to the Portuguese Church.<sup>71</sup> Though often from similar backgrounds, Fretilin leaders did not have an emotional attachment to the Portuguese colonial regime. Apodeti attracted its leadership from specific areas that had ties with Indonesia that could be geographic (based on proximity to the Indonesian border) or political (linked to their involvement in the 1959 Viqueque rebellion).

80. Timor-Leste's traditional rulers provided an important channel for gathering support locally for all the parties. The small KOTA party sought to make the traditional system the basis of its programme. Apodeti also sought support from these traditional and regional leaders, with some success. Guilherme Gonçalves, the *liurai* of Atsabe, provided a significant regional power base for the party near the border with Indonesia. However, the *liurai* did not provide a single, solid base for any one party. Francisco Xavier do Amaral described to the Commission the different ways Fretilin and UDT sought popular support:

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<sup>†</sup> The PIDE changed its name to DGS (*Direcção Geral de Segurança*) in 1968.

<sup>†</sup> Ramos-Horta wrote that he was called again by the governor because of "*Maubere My Brother*", but it wasn't clear what the Portuguese rulers thought of Xavier do Amaral's writing at the time. But it was widely accepted among nationalists that *Seara* was closed due to Xavier do Amaral's writing. [See Abílio Araújo, *Timor-Leste: Os Loricos Voltaram a Cantar*, 1977, Lisbon, p. 187].



*The ASDT party had this method. We could see that the first party to form was UDT, and I saw their tactics. UDT campaigned focussing on the Administrators, and went down to the Sub-district Administrators and the traditional kings [liurai]. They did not go directly to the people. So I thought, we need the people, I don't need the liurai, they are with the Portuguese. I need the people. So they would go from the top down, and I would start at the bottom. I would start at the grassroots and go up. We would sometimes meet in the middle.<sup>72</sup>*

81. Political participation in the individualistic Western democratic tradition remained the privilege of the elite groups who developed the parties. The political process following the Carnation Revolution was rapid, and without civic or political education many ordinary East Timorese people made choices about party membership or affiliation based on local allegiance and conformity rather than party principles or policies.<sup>73</sup> Particular villages or regions often gave political allegiance to one party. Mário Carrascalão of UDT described how communities' political loyalties became fixed:

*People in Maubisse, because they were close to the Portuguese soldiers, all of Maubisse was UDT. Virtually all of Maubisse was UDT. But if you looked at Uatu-Lari, everyone was Fretilin, and in Uatu-Carbau everyone was Apodeti. This was the reality that emerged as we prepared for [village] elections [in 1975].<sup>74</sup>*

Internal developments and tensions

### **Competition between UDT and Fretilin**

82. The two largest parties were without question UDT and ASDT. Apodeti was especially significant due to its links with and support from the Indonesian government. While UDT and ASDT had their differences, in their ultimate goal of independence they were united. Indeed during 1974-75 on the question of independence, UDT and Fretilin moved closer with both eventually accepting the timetable proposed by the Portuguese that was set out in Law 7/75 on 17 July 1975.<sup>75</sup> ASDT began talking about creating a broad-based front as early in July 1974, but rejected the idea of forming a coalition with UDT.<sup>76</sup> In August, UDT and ASDT supporters organised a series of meetings to form a coalition, but again failed to agree on a common platform.<sup>77</sup> The two parties quickly descended into public verbal attacks on each other and aggressive rhetoric which was socially divisive and helped prepare the ground for the violence that followed.<sup>78</sup>

### **Apodeti military training in West Timor**

83. In the meantime Apodeti established contact with the Indonesian military with a view to securing weapons and military training. An Apodeti representative, Tomás Gonçalves, the son of the *liurai* of Atsabe, Guilherme Gonçalves, went to West Timor in August 1974 for military training. In September he went to Jakarta, where he met the Indonesian commander-in-chief of the armed forces, General Maradean Panggabean, who at that time perceived Apodeti to be a suitable vehicle for achieving the result of integration. These visits occurred with the involvement and help of the Indonesian consulate in Dili.<sup>79</sup>

## The political parties prepare for armed confrontation

84. Apodeti was the first, but not the only, party to develop a paramilitary capacity. This was a strong tendency on the part of these three parties. UDT and Fretilin both actively competed for support among the East Timorese members of the Portuguese colonial army.<sup>80</sup> Beyond the question of their loyalty to Portugal, Governor Mário Lemos Pires was also concerned about the growing prospect of divisions among the East Timorese troops based on political party allegiance. The former middle-ranking officer (*aspirante*), Rogério Lobato, told the Commission:

*I can say that UDT made a point of trying to get support from the non-commissioned officers, especially sergeants. But Fretilin also campaigned openly...among the forces to mobilise the soldiers.*<sup>81</sup>

85. This was a concern to the colonial administration. When Fretilin declared the East Timorese armed forces part of the UDT-Fretilin coalition Major Francisco Mota, head of the governor's Political Affairs Office, forbade military involvement in politics, in keeping with the Portuguese military principle of standing apart from politics (*apartidarismo*).<sup>82</sup> However, in April 1974 the Portuguese army itself had provided a very recent example of a military becoming involved in politics. Many East Timorese soldiers in the Portuguese colonial army and police were also bemused by what they saw as a lack of discipline and attention to duty shown by Portuguese in the colonial army after the Carnation Revolution.<sup>83</sup> Although there were already rumblings before 11 August, East Timorese soldiers generally remained loyal to the principle of *apartidarismo* until the outbreak of civil war. Some refused to take sides even then.

## Students from Portugal

86. A further source of tension at the time, and of historical conjecture ever since, was the role of seven East Timorese students who returned from Portugal in September 1974, days before ASDT renamed itself Fretilin.<sup>\*</sup> They brought experience of radical politics from their Lisbon student groups<sup>†</sup> and a strong anti-colonial stance.<sup>84</sup> While some East Timorese politicians of the time believe the students were responsible for pushing the ASDT party into a more revolutionary stance,<sup>85</sup> the Commission heard from Fretilin Central Committee member Mari Alkatiri that when they arrived back in Timor, the students, unlike the Central Committee members, saw Portuguese colonialism as a greater threat than Indonesian neo-colonialism.<sup>86</sup> The students joined Fretilin, which calmed some of their more radical ideas,<sup>87</sup> and the party was in turn influenced by their enthusiasm and fresh ideas. These students became prominent members of Fretilin. While their role in the creation of Fretilin and the radicalisation of its policies remains disputed, UDT members remember their inflammatory influence through graffiti ("Death to the Fascists!")<sup>88</sup> and insults about UDT's alleged conservatism.<sup>89</sup> Such behaviour often led to the students being exclusively blamed for Fretilin's more radical policies.

## ASDT becomes Fretilin

87. On 11 September 1974, ASDT renamed itself the Revolutionary Front for an Independent East Timor, Fretilin (*Frente Revolucionária de Timor Leste Independente*). From then on the party adopted a more radical stance. Its manifesto (*Manual e Programa Políticos*

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<sup>\*</sup> The five main students were Abílio Araújo, Guilhermina Araújo, António Carvarino, Vicente Manuel Reis and Venâncio Gomes da Silva. See Relatório da CAEPDT, p. 54.

<sup>†</sup> These included MLTD or *Movimento Libertação Timor Dili* and FULINTID or *Frente Unica de Libertação de Timor Dili*.

*da Fretilin*) referred to Fretilin as “a front that united nationalist and anti-colonial groups under one vision—the liberation of Timorese from colonialism”.<sup>90</sup> It also asserted that Fretilin was the “sole legitimate representative” of the East Timorese people. There was no electoral legitimacy to this claim, which Fretilin based on its belief of the allegiance of Timor-Leste’s indigenous-agrarian majority. Nonetheless on the basis of values that it claimed were common to “all East Timorese” Fretilin demanded Timor-Leste’s *de jure* independence from Portugal. On the one hand, Fretilin was aiming to achieve independence from its colonial master Portugal. On the other, some of its leaders by this time were looking to what they saw as the greater threat of a neo-colonial power in Indonesia and aimed to build a broad national front to meet this challenge.<sup>91</sup>

88. Fretilin’s self-proclaimed role as the sole legitimate representative of the people of Timor-Leste alarmed the leaders of other parties, who saw this as promoting political intolerance.

*They did not accept other parties. Why?...They wanted to be the sole legitimate representative of the Timorese people. They did not recognise people in other parties.*<sup>92</sup>

### **The term “Maubere”**

89. Although it aspired to be the sole representative of the nation of Timor-Leste, Fretilin did not achieve this. What it did achieve was the development of an East Timorese nationalism through its use of ideas such as turning the name “*Maubere*” into a symbol of the East Timorese common man, and the Tetum slogan *Ukun Rasik An*, meaning independence or self government. When first used in 1974-75, the term “*Maubere*” was considered by East Timorese linked to UDT as racially divisive, marking “pure-blooded” East Timorese against mixed-race “mestizos.” The Commission heard testimony from senior former members of the UDT party, who described the term *Maubere* as a source of serious division in society.<sup>93</sup> José Ramos-Horta explained the genesis of the term as a political slogan at the Commission’s national public hearing on The Internal Political Conflict of 1974-76:

*I wrote an article in a journal in Timor [Seara], not in 1975 or in 1974, but in 1973...When we began ASDT, in a meeting of ASDT/Fretilin I explained that all political parties needed an image. That if we wanted to convince the electorate we could not do this with complicated philosophy...So I said it would be good if we could identify Fretilin with Maubere like a slogan, a symbol of Fretilin’s identity. It is clear that 90% of Timorese are barefoot, no papers, but they all called themselves Maubere...It is important [to understand] that there was no other philosophy to this term, it was a party identity.*<sup>94</sup>

90. In later years, during the Indonesian occupation, these symbols grew to become a powerful assertion of the Timorese people’s aspiration for independence, while at the same time continuing to divide Fretilin and UDT.

### **Fretilin and the spectre of communism**

91. There has been much debate about the extent to which Fretilin was influenced by communism in 1974-75, and whether this was the real reason for UDT’s armed action and Indonesia’s intervention. The Commission heard much testimony on this issue at its national public hearing on The Internal Political Conflict of 1974-76. It is clear that some members of Fretilin were communists, but it would be incorrect to conclude on that basis that the party

itself was communist in 1974-75. A more accurate summation would be that the mainstream of the Fretilin leadership was centre-left, although the party contained a spectrum of opinion that ranged from far-left to more conservative elements.

92. This was the view of João Carrascalão, the UDT leader who was one of the founders of the anti-communist movement after 11 August:

*In Fretilin some leaders were communist, but Fretilin was not a communist party. In UDT some leaders were socialist, but UDT was not a socialist party. It was a social democrat party<sup>95</sup>*

93. José Ramos-Horta, the only political figure to be present at the founding of both UDT and ASDT, also commented on the charge that Fretilin was a communist party:

*When people say that Fretilin was communist in 1974-75 it is not true. It was a political front. Alarico Fernandes was a communist. [Sebastião] Montalvão was communist and there were some others whose names I forget. Nicolau Lobato was not a communist. You could call Nicolau Lobato a secular Christian Marxist, like the theology of Latin American priests. Priests in Brazil, the Bishop in Brazil, in Nicaragua, in El Salvador, they are Marxist and Catholic without contradiction...I can say that Nicolau Lobato was someone who believed in Marxism but was 100% Catholic. Xavier Amaral, you might try to call him communist or a social democrat, but I think don't think so, he is a little conservative.<sup>96</sup>*

94. During the period before the internal armed conflict, Fretilin's programme and rhetoric included elements that suggested communism. Its language, starting with its name, was social-revolutionary. Fretilin's *Maubere* ideology aimed at a popular social revolution, working to build a grassroots national identity. Its policies were firmly left-wing, focusing on the radical overhaul of education, health and agricultural production. Its manifesto claimed that it was the "sole representative" of the East Timorese people. This rhetoric echoed that of many other Marxist social-revolutionary movements, particularly that of the liberation movements in the Portuguese African colonies.<sup>97</sup>

95. Members of Portugal's MFA were not immune to the political debate of the day, and the UDT party considered some Portuguese members of the MFA to be propagating communist ideas in Timor. Mário Carrascalão testified to the Commission that right and left wing elements within the Portuguese administration had for some time been seeking to spread their views in Timor-Leste:

*When the MFA came to Timor they had leftists who wanted to create conditions in Timor so that Timor could become, I'm not sure how to put it, communist or Marxist or Marxist-Leninist or Maoist...[Meanwhile] the Portuguese secret police [DGS] told UDT that Fretilin had organised military training in two places. Who were the trainers? [They said] these trainers were from [Communist] Vietnam.<sup>98</sup>*

96. Some leaders of UDT were especially susceptible to suggestions that Fretilin was communist. The Commission heard testimony that the UDT President, Francisco Lopes da Cruz, and its Vice-President, César da Costa Mouzinho, became increasingly extreme in their anti-communism during 1975 after visits to Australia and Jakarta.<sup>99</sup>

97. It was often difficult to tell whether Indonesia's anti-communist propaganda was the sincere, if misguided, expression of the regime's fervent anti-communism or an attempt to manipulate the issue to justify intervention. Once the coalition was dissolved in late May, the Indonesian radio broadcasts from Kupang began labelling both UDT and Fretilin as communist, saying UDT leader João Carrascalão was a pro-Soviet communist and Fretilin pro-China. But, during this period, Indonesian officials were also meeting with UDT leaders and telling them that Fretilin represented the communist threat.<sup>100</sup> This indicated to some East Timorese political leaders that the issue of communism was used by Indonesia as an excuse to pressure UDT and later to intervene directly in Portuguese Timor.<sup>101</sup> In the context of the Cold War, as José Ramos-Horta told the Commission, communism was an easy allegation to make without necessarily holding substance.<sup>102</sup>

### **Lack of political tolerance**

98. Although at a national level multiple parties existed, in many cases the political patterns that emerged at local levels were not pluralistic. Party militants aggressively defended political territory. Tomás Gonçalves of Apodeti told the Commission about his experiences trying to campaign in district communities:

*UDT was already in Ermera, people were going to beat me...so I went to Letefoho and it was also full of UDT. My cousin was the sub-district head there, and he said to me: "It's better that you go back, there is no need to talk or campaign here."<sup>103</sup>*

99. The Commission heard many testimonies and statements about political intolerance at the community level in 1974-75. It manifested itself in many ways, and often turned to violence. A common practice referred to was that of political parties issuing identity cards to members, or simply forcing people to carry such cards even though they did not chose to be a member of the party. Party militants would randomly require people to produce their cards, and if they showed the card of the "wrong" party, detention or a beating could ensue.<sup>104</sup> The Commission also heard of teachers pressuring students to give their allegiance to a party, under threat of expulsion from school.<sup>105</sup>

100. Xanana Gusmão told the Commission how this intolerance resulted in violence:

*Each party presented their views as the national interest, but didn't take into consideration that we are all people of Timor, nor what the nation as a whole was striving for. And because of this we noticed a lack of will on the part of the party leaders to reduce the level of violence, to address what was going on. Sometimes we noticed that the parties were quite happy when their supporters would come and say: "We beat up this person or "We killed that person" it was regarded as a small victory...If a party had the most number of people in a sub-district, they didn't let other parties campaign in that area. And so when other parties would go to those places people would attack, block their way, boycott, throw rocks at each other and beat each other."<sup>106</sup>*

### **Governor Lemos Pires's "mission impossible"**

101. A new phase of Timor's decolonisation began with the appointment of Colonel Mário Lemos Pires as governor in November 1974. He was to be the last governor of Portuguese

Timor. Lemos Pires has written that before taking up his position, he had asked the Portuguese President, General Francisco da Costa Gomes, if the government intended to hand over Portuguese Timor to Indonesia. He told the President if rather than allowing the East Timorese to determine their own future, that was the policy, he would not accept the position of governor.<sup>107</sup> The President is reported to have replied that there was no such policy, although Indonesia was part of the reality in which they were operating.<sup>108</sup> In an interview with the Commission, Lemos Pires recalled his concerns as he left Portugal to take up his post as governor:

*I left for Timor-Leste with the belief that the support that I would eventually receive from the Portuguese government would be very limited, and worse than that, the focus of the Portuguese politics on the East Timorese process would be minimal. I was right.*<sup>109</sup>

102. In the absence of a clear brief from his superiors in Lisbon, on his arrival in Timor Governor Lemos Pires hoped to carry through a programme to tackle what he saw as the most urgent problems facing the colony. These he defined as: the demoralised state of the military; the need for a decolonisation policy; the need to kick-start the stalled civil administration; and the need to prepare the East Timorese to administer the country themselves. He was able to address some of these issues, such as educational reform, speedily. Tackling the most urgent ones, such as military reform and finding a formula for decolonisation, proved less easy. Part of the problem was that he had little support from Lisbon. His requests for clear guidance were ignored. His own views on decolonisation were not shared by such key figures as the Minister for Inter-territorial Coordination, Antonio de Almeida Santos. Before his arrival in Timor, communication with Lisbon had been complicated by competition between the representative of the MFA in the colony, Major Arnão Metello, and the Governor for the government's attention. Mário Lemos Pires sought to create clearer lines of communication, but the team he assembled in the Governor's Office replicated the divisions on policy that existed in Lisbon. He could do little to raise the flagging morale of the Portuguese forces, most of whom wanted to go home to Portugal as soon as possible.<sup>110</sup>

103. Local conditions were not favourable either. The Governor's early efforts at creating mechanisms through which he could consult with the parties on decolonisation were continually frustrated. By the time such a mechanism, the *Comissão de Descolonização de Timor* (Decolonisation Commission in Timor, CDT), came into being in late April 1975, political differences between the parties were so entrenched that it was probably too late. This, as well as other initiatives such as the planned implementation of educational reforms that sought to better serve the East Timorese community were interrupted by the civil war of August 1975.<sup>111</sup> From the beginning UDT and Fretilin refused to sit down with Apodeti; Apodeti refused to accept independence as an option and insisted on a short transitional decolonisation period. The breakdown of the Fretilin/UDT coalition in late May destroyed the common ground between those two parties. It was telling that Governor Lemos Pires was in Lospalos for the announcement of the results of local elections, one of his reforms, on 10 August 1975, the day before UDT launched its armed movement.

104. Among East Timorese soldiers who formed the bulk of the army there was a growing perception that Portugal was in the process of turning its back on Timor.<sup>112</sup> Many East Timorese members of the armed forces were drawn to political involvement at what they saw as a critical moment in their country's history. Mário Lemos Pires recalled to the Commission:

*All of them wanted to take a political side, but worse was that the political parties, mainly UDT and Fretilin, each tried to convince them to help and support their own parties. That being so, what I found was that the Army could not fulfil its mission.<sup>113</sup>*

105. Lisbon denied Lemos Pires's request for additional Portuguese troops, providing instead only two companies of elite paratroopers. As a result Portuguese control was reduced at a time of rising tensions inside the colony and when external pressure from Indonesia began. Lemos Pires was aware that his policy of Timorisation could easily lead to conflict that he would not be able to control. Mário Carrascalão told the Commission of a warning from Lemos Pires:

*You need to be very careful with your politics. The parachutists that we have here in Timor are not here to protect you...They are here to take care of the foreigners here in Timor, the Portuguese.<sup>114</sup>*

#### The coalition between UDT and Fretilin

106. On 21 January 1975, encouraged and supported by the Governor, and after many attempts, Fretilin and UDT formed a coalition. The two parties united on the basis of their joint commitment to full independence, the rejection of Apodeti and of integration with Indonesia, and the establishment of a transitional government in which the two parties would take part. While Fretilin and UDT had much in common, the relationship was an uncomfortable one, and UDT in particular felt increasingly threatened by Fretilin's mass following and its continuing claim to be the sole representative of the people of Timor-Leste.<sup>115</sup> Both parties continued their verbal attacks on each other, and this discord reverberated in the districts. The coalition lacked political mechanisms to deal with these differences and to bring the parties together.<sup>116</sup>

107. While some elements of Fretilin continued to label UDT an ultra-conservative reactionary group, some members of UDT became increasingly concerned by what they saw as the radical influence in Fretilin. From late 1974 the Indonesians stepped up their anti-communist propaganda. Their broadcasts from Kupang included commentary on daily events, suggesting that they had a very effective intelligence gathering network inside Portuguese Timor.<sup>117</sup> The Commission heard from the former governor, Lemos Pires, that the Indonesian government was alarmed at the evidence of East Timorese unity represented by the coalition, and took action to undermine it.<sup>118</sup>

108. Indonesian military representatives involved in *Operasi Komodo* visited Portuguese Timor during these months. In early April 1975 a delegation consisting of Colonel Sugianto, Colonel Soeharto and others met Governor Lemos Pires and the leaders of the three main political parties. In April 1975 General Ali Moertopo invited both Fretilin and UDT representatives for simultaneous but separate visits to Jakarta.<sup>119</sup> According to José Ramos-Horta, who, with Alarico Fernandes, represented Fretilin at the April Jakarta meetings:

*This visit...was perceived differently by us and by the Indonesians. We saw the visit as a chance to clear the air, they saw it as a chance to further divide us.<sup>120</sup>*

109. Shortly after the return of its representatives from a visit to Jakarta, UDT convened a Central Committee meeting and voted in favour of withdrawing from the coalition. The Commission heard testimony that UDT came to this decision after a long, hard meeting,

indicating that the party was deeply divided on the matter.<sup>121</sup> Domingos Oliveira told the Commission:

*An absolute majority decided to cut from the coalition, to end the coalition. They said "This coalition was meant to help us, to help bring calm with peace, unite us as moved towards independence, but we just attacked each other even more. So it is better to finish the coalition. But this was a mistake...because when we ended the coalition the situation got worse and worse."<sup>122</sup>*

110. The Commission was told that once the coalition broke apart, tensions and the threat of violence increased.<sup>123</sup>

111. One immediate result of the breakdown of the coalition was that the way was opened for Indonesia to play on UDT leaders' fears about the supposed communist threat. A long-term political outcome was that the two main East Timorese political parties were estranged from each other for many years.



### 3.6 Indonesia's growing involvement in Portuguese Timor: destablisation and diplomacy

#### Overview

112. While the Portuguese administration in Timor-Leste began to implement a programme of decolonisation, and East Timorese political parties vied for support, Indonesia was active on two fronts in pursuit of an outcome that would satisfy its interests in the territory.

113. Shortly after the Carnation Revolution in Portugal, Indonesia intensified its intelligence-gathering operations inside Portuguese Timor. It also sought to influence East Timorese politicians to support the integration option. From early 1975 it began to plan for a military solution. The increasingly militaristic cast that Indonesian policy towards Portuguese Timor took is traceable to its growing conviction that it would not be able to attain its goal of incorporation non-violently. Having initially sought assurances from Portugal that Timor would be no threat to its security, Indonesia soon concluded that its security needs would be met only if Timor did not become an independent state. Underlying this policy transformation was a perception of Indonesia's security interests that was heavily conditioned by the Cold War anti-communism of the time. Indonesia was able to find a receptive audience for its views on Timor among its Western and Asian allies, and to an extent in Portugal.

#### *Operasi Komodo* and increased covert military operations

114. By early 1975 Indonesia's interference in Portuguese Timor had reached a level where it could not really still be called covert. The Bakin agent, Luís Taolin, was a regular visitor to Dili from his base in West Timor. Indonesian Special Forces were known to be training Apodeti sympathisers in West Timor. *Operasi Komodo's* disinformation campaign was being stepped up, through strident radio broadcasts into Portuguese Timor from Kupang and through the planting of stories in the Indonesian and foreign media. The radio broadcasts claimed that Portugal was about to withdraw from its colony, spread unfounded stories of Vietnamese and Chinese infiltration into the territory and argued that integration was the only option. They fuelled distrust between the parties, and caused apprehension among East Timorese not committed to a particular political party.<sup>124</sup>

115. After UDT and Fretilin formed their coalition in late January 1975 the Indonesians increased military activity. There was a major inter-service military exercise in southern Sumatra in February, effectively a rehearsal for full-scale invasion,<sup>125</sup> as well as small troop increases along the border with Portuguese Timor.<sup>126</sup>

116. Some time between December 1974 and February 1975 an eight-man Special Forces (Kopassandha) team, led by Colonel Dading Kalbuadi, arrived in Atambua. The team prepared the ground for what was to become *Operasi Flamboyan*.<sup>\*</sup> A tactical intelligence operation, *Operasi Flamboyan* was masterminded by Major-General Benny Moerdani on the orders of the Department of Defence and Security. It noted the modest cross-border agent network *Komodo* had been established,<sup>127</sup> and took over training the 216 East Timorese recruits, known as Partisans, in Atambua, led by Tomás Gonçalves of Apodeti. The Commission heard testimony that the training of the Apodeti Partisans was stepped up with the arrival of the Kopassandha team led by Colonel Kalbuadi. According to Tomás

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<sup>\*</sup> According to *Korps Marinir TNI AL, 1970-2000*, p. 285, *Operasi Flamboyan* was conducted from 5 October to 5 December, 1975.

Gonçalves, the Indonesians were also interested in gathering military and other intelligence about Portuguese Timor.<sup>128</sup>

*There, they [the Indonesians] did not communicate with us. They called us the "Partisans", and the Partisans did not communicate with them...When they called me over they asked me, "More or less how many guns do they have in Timor? How many companies are there? Over there do many people know how to use guns? Do they know how to be guerrilla fighters?"<sup>129</sup>*

117. In January 1975 the Portuguese administration sent a delegation to Atambua to try to convince the Apodeti Partisans to return to Portuguese Timor, but they were unsuccessful.<sup>130</sup> Meanwhile Captain Yunus Yosfiah began recruiting and training more Kopassandha troops in West Java. In late April an 80-man Kopassandha team arrived in Atambua.<sup>131</sup>

### Indonesian diplomacy

118. The Indonesian decision to step up its military activity through training, exercises and intelligence-gathering took place against a background of contacts with countries with a stake in the future of Portuguese Timor, primarily Portugal and Australia but also the US.

### **Lisbon meetings between Portugal and Indonesia, 14-15 October 1974**

119. Before the resignation of President Spínola in September 1974, Indonesia had requested a meeting with the Portuguese government to discuss Timor. In mid-October 1974 President Soeharto sent an Indonesian delegation led by his close confidant, General Ali Moertopo, to Lisbon to discuss Portuguese Timor. They met President Costa Gomes, Prime Minister Vasco Gonçalves, Foreign Minister Mário Soares, and a senior official in the foreign ministry, the state secretary Jorgé Campinos.

120. The birth of Fretilin and the fall of the conservative Spínola in September 1974 had alarmed the Indonesians and convinced them of the need to sound out the new Portuguese government's thinking on the future of the territory. According to the Indonesian delegation's reports, there was a consensus among the Portuguese leadership that integration with Indonesia would be the best outcome. According to published versions of these reports, President Costa Gomes told the delegation that the only realistic options were a continued relationship with Portugal or integration with Indonesia. He is said to have intimated that Portugal was not in favour of maintaining its ties to the colony. Again according to the Indonesian side, the state secretary and the prime minister were less guarded in stating their support for integration, though they too referred to the need to defer to the wishes of the East Timorese people.<sup>132</sup>

121. The Indonesian delegation told President Soeharto that the Portuguese leadership viewed integration with Indonesia as the best available option. Mário Lemos Pires wrote in his book:

It could be that the Indonesian delegation found itself in a better position than it had bargained for - that Portugal did not oppose integration with Indonesia and Portugal also did not consider independence as an option. However, General Ali Moertopo forgot that, although no policy to that effect yet existed, nonetheless the Portuguese government supported the principle of self-determination for the Timorese people. He [Moertopo] jumped to conclusions, possibly because he was fascinated or because the tone of the conversation at the time made it possible for him to draw the conclusion that Portugal liked the idea of integration with Indonesia and would facilitate Indonesia's steps in that direction.<sup>133</sup>

122. This analysis of the meeting may give too much credit to the Portuguese government. The report of the Portuguese military commission of inquiry into the decolonisation of Timor took a less charitable view, concluding that "the Lisbon meeting did not pass a test set by Indonesia on the determination of Portugal to oppose the integration of Timor with Indonesia, from which it can be deduced that the Portuguese attitude did to some extent encourage the Indonesians in their intentions".<sup>134</sup>

123. This conclusion is partly confirmed by the actions of the Portuguese government after the meeting. The secretary of state for administration sent a telegram to the minister of inter-territorial co-ordination, Antonio de Almeida Santos, who was then visiting Timor. The telegram requested that in view of the outcome of the talks with General Moertopo, during his visit the minister not give equal weight to the independence option in his public statements. The minister duly complied with this request. In a speech at a reception at the *Palácio das Repartições* (now the *Palácio do Governo*), Almeida Santos, while stressing that the East Timorese should be free to choose their own destiny, spoke much more enthusiastically of the possibilities of continued association with Portugal or integration with Indonesia than of independence, which he suggested would not be realistic given that Timor was far from "economic independence".<sup>135</sup>

### **London meeting between Portugal and Indonesia, 9 March 1975**

124. Disturbed by increasing Indonesian covert activity, Portugal asked Indonesia for a second meeting.<sup>136</sup> The meeting was held in London on 9 March 1975 with General Ali Moertopo again leading the Indonesian delegation. The Indonesians took a firm line, ruling out the Portuguese plan for a transitional government and any moves to internationalise the problem, claiming that integration was the only solution and proposing that it have an advisory role in the government of the colony. Portugal reiterated the principle that the people of Timor-Leste should be consulted about the future status of the colony. Again, however, its stance it did appear to concede some ground to Indonesia, when, for example, it said that Indonesia was entitled to give active support to Apodeti. Portugal thereby extended to Indonesia a privileged status beyond that of "interested observer".

125. As at the Lisbon talks five months earlier, Indonesia took the concessions as an indication that Portugal shared its view that integration with Indonesia was the most desirable outcome. President Soeharto gave his interpretation of what had transpired at the London meeting to the Australian prime minister Gough Whitlam, a month later at a meeting in Townsville. He depicted a very different Portuguese position from the one given in the official

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\* The Portuguese delegation consisted of the minister for inter-territorial coordination, Antonio de Almeida Santos, the minister without portfolio Vitor Alves, the secretary of state for foreign affairs, Jorgé Campinos and the chief of the Office for Political Affairs in the Timor government, Major Francisco Mota. The Indonesian delegation consisted of Ali Moertopo, the Indonesian ambassadors to the UK and France, and Captain Suharto of the intelligence agency Bakin.

record of the Portuguese themselves, and a summary of Soeharto's version of the meeting, as told to Whitlam reads as follows:

At the London meeting the Portuguese had said that they believed that integration with Indonesia was the best outcome, provided, of course, that this was what the people of the territory wanted. The Portuguese had also agreed that there should be no "international interference" in Portuguese policy towards decolonisation in Timor. It would be for Indonesia to achieve the integration of the territory. To this end Indonesia had the approval of the Portuguese government to assist and to develop...Apodeti, and to make approaches to, and to influence the line of policy of the UDT and Fretilin parties.<sup>137</sup>

**The meetings between Soeharto and Whitlam, in Wonosobo, 6 September 1974, and Townsville, 4 April 1975**

126. Soeharto met the Australian Prime Minister Gough Whitlam twice during the period 1974-75. First in Wonosobo, near Yogyakarta on 6 September 1974 and later in Townsville, Queensland on 4 April 1975. Portuguese Timor was discussed at both meetings, and at both Whitlam is believed to have given Soeharto the green light to take over the territory, as indicated by the Australian minutes which are now on the public record (see Chapter 7.1: The Right to Self-Determination). On both occasions Whitlam told Soeharto that his government believed that Portuguese Timor should become part of Indonesia for almost identical reasons to those stated by Soeharto, that it would be unviable as an independent state and would therefore become "the focus of attention" of more powerful countries.<sup>138</sup> At their Wonosobo meeting Soeharto explicitly suggested that Indonesia and Australia had identical strategic interests in Portuguese Timor - an independent Timor-Leste would be prey to China or the Soviet Union and thus "a thorn in the eye of Australia and a thorn in the back of Indonesia".<sup>139</sup>

127. At the same time they agreed that integration should take place through a process that recognised the people of Timor-Leste's right to self-determination, with the added caveat from Whitlam that it should be done "in a way that would not upset the Australian people" as he put it at Townsville.<sup>140</sup> Neither made it clear which objective would be the overriding one if it proved impossible to reconcile the East Timorese desire for self-determination with the Indonesian desire for integration. At Townsville in April 1975, though still abjuring the use of force, Soeharto seemed to be close to making up his mind on this question by implying that an act of self-determination could not be relied on to reflect the true wishes of the East Timorese people. Whitlam was sympathetic, expressing the view that the ordinary East Timorese "had no sense of politics" and would need time "to recognise their ethnic kinship with their Indonesian neighbours".<sup>141</sup>

128. For all his reservations, there is evidence that the views Whitlam expressed at the Wonosobo meeting do seem to have strongly influenced the Indonesian decision that there was no alternative to incorporation. On 14 October 1974 the Australian ambassador to Portugal reported to Canberra a conversation with Ali Moertopo during the latter's visit to Lisbon: "Ali (Moertopo) said that until Mr Whitlam's visit to Djakarta (sic) they had been undecided about Timor. However, the prime minister's support for the idea of incorporation into Indonesia had helped them to crystallise their own thinking and they were now firmly convinced of the wisdom of this course".<sup>142</sup>

129. There is also evidence that in resolving the dilemma between incorporation and self-determination, Whitlam was inclined to favour the former. He expressed his views on this matter frankly in a secret cable that he sent to his foreign minister on 24 September 1974,

two weeks after the Wonosobo meeting: "I am in favour of incorporation but obeisance has to be made to self-determination."<sup>143</sup> Whitlam's ambassador in Jakarta, Richard Woolcott, also believed that it was the prime minister's view that incorporation was the overriding objective. It also seems to have been Woolcott's view that it should be the overriding objective of Australian policy simply because it was the overriding objective of Indonesian policy. In a cable to his foreign minister, Don Willesee, on 17 April 1975, shortly after the Townsville meeting, Woolcott contrasted his minister's thinking on the matter with the prime minister's:

[You] tend to place the main emphasis on a proper act of self-determination for Portuguese Timor...[I]t was clear in Townsville that the prime minister continues to believe that the logic of the situation is that Timor should become part of Indonesia and we would "welcome" such an outcome to an act of choice. While we support the principle of self-determination and while we certainly could not condone the use of force, the prime minister still does not want to encourage the emergence of an independent East Timor and he believes that continuing public emphasis on self-determination, at this stage, is likely to strengthen pressures for independence.<sup>144</sup>

130. In his autobiography Woolcott quotes from another cable to explain the thinking behind this position:

Indonesia will proceed to incorporate Timor. While President Soeharto will want incorporation to be achieved in as presentionally [sic] acceptable a manner as possible, Indonesia will not be deterred from this fundamental policy objective. Indonesia regards this outcome as essential to its longer-term national interest and, indeed, as being in the interests of the region as a whole. Indonesia has held this attitude consistently since some months before I arrived at this post last March.<sup>145</sup>

### **The Macau Meeting, 26-28 June 1975**

131. In April 1975 Governor Mário Lemos Pires formed the Commission for the Decolonisation of Timor (*Comissão de Descolonização de Timor*, CDT). Its May meetings with the UDT-Fretelin coalition, boycotted by Apodeti, discussed a decolonisation programme based on the right to independence, a transitional government and a local consultative assembly. However, on 27 May UDT broke its coalition with Fretelin, causing the talks to founder.<sup>146</sup> In response, Portugal planned higher-level talks on decolonisation in Macau.

132. On 26-28 June Antonio de Almeida Santos, Portugal's minister for inter-territorial coordination, met UDT and Apodeti members and Indonesian diplomatic observers in Macau. Fretelin objected to the participation of Apodeti and Indonesia, and boycotted the meeting. Fretelin suspected that the meeting was part of a Portuguese strategy to hand Timor-Leste over to Indonesia:

*They ruled us for 450 years and they were tired already, so they would give us to someone else saying "You go and govern there now." So how long would we be slaves? This is why I did not accept that we go there. The conference in Macau was a tactic of Portugal and Indonesia to integrate Timor into Indonesia.*<sup>147</sup>

133. Senior members of Fretilin attended Mozambique's independence ceremony instead.<sup>148</sup> The Macau summit advanced Indonesia's interests only to the extent that it recognised that both Apodeti and Jakarta had standing in the process. The result of the meeting was Decree 7/75, which set out: a structure for a provisional government with participation by all parties; a timetable for elections in 1976; and an end to Portuguese sovereignty in 1978. It also formed a legislative basis that blocked Indonesian efforts to secure integration as a directly agreed outcome of decolonisation. However, in a retreat from the CDT's May recognition of the right to independence, Decree 7/75 only recognised the right to self-determination. The meeting designed a decolonisation process that would establish a transitional government, composed of both elected East Timorese and appointed Portuguese, and a government consultative council. These national institutions would be supported at the district level through local councils.

134. The political parties reacted differently to the decolonisation programme decided at Macau. Fretilin took an ambiguous position, neither stating its readiness to participate in the proposed transitional government, nor totally rejecting it, but saying that it would take part in the proposed 1976 elections.<sup>149</sup> UDT accepted the outcome. Apodeti, like Indonesia, rejected it on the grounds that independence was the only option and the proposed timeframe was too long. Following the meeting inter-party tensions increased - UDT angered by Fretilin's boycott, and Fretilin angered by Apodeti's involvement. Both major East Timorese parties also felt Portugal was being deceptive, and were aware of the bilateral meetings between Portugal and Indonesia. Mário Carrascalão recalled the impact of these bilateral meetings:

*Indonesia...accompanied Apodeti to Macau and held a meeting in Hong Kong with the Portuguese Government delegation there. What did they put together? Until today they have not said what they did at this meeting. We don't know...What did they do? This was not Indonesia's problem. This was Timor's problem, but they [Indonesia] are the ones who had meetings. Secret meetings with them [the Portuguese]. Why? People took advantage of this, [and] because of this people became divided.<sup>150</sup>*

#### **Meeting between President Soeharto and President Gerald Ford, 5 July 1975**

135. On 5 July, in a meeting at Camp David with President Gerald Ford during his state visit to the US, President Soeharto outlined Indonesia's policy towards Timor-Leste. He concluded his remarks with the sentence:

So the only way is to integrate into Indonesia.

136. Soeharto argued that an independent Portuguese Timor would not be viable and that it would be difficult for Portugal to continue to run the country because of its remoteness from the region.<sup>151</sup>

137. Earlier he had assured President Ford that Indonesia would not use force against the territory of another country. As in his meeting with Whitlam at Townsville, Soeharto made much of the argument that because of "heavy pressure" from the pro-independence party it would be difficult to ascertain the true wishes of the East Timorese people. Indonesia faced the problem of "how to manage the self-determination process with a majority wanting unity with Indonesia". During their exchange President Ford did not express a view on the US position on the issue.

138. Ford's silence was perhaps a fair reflection of US policy on Portuguese Timor. According to the former Australian ambassador, Richard Woolcott:

The United States, involved in the Middle East, mired in the aftermath of Watergate and exhausted by its failure in Vietnam, was simply not interested in the fate of East Timor. The American ambassador in Jakarta was actually asked in 1975 to reduce the embassy's reporting on the subject.<sup>152</sup>

### 3.7 The armed movement of 11 August and the internal armed conflict

#### Overview

139. Less than two weeks after returning from Jakarta, UDT leaders launched the 11 August movement. Various named a coup, an “attempted coup”, a movement and an uprising, this armed action began in the capital Dili and quickly spread across the country. UDT captured some key installations, and delivered a list of demands to the Portuguese administration. They claimed that the armed movement was aimed at removing extremist elements from the territory to prevent Indonesian intervention.<sup>153</sup> Fretilin withdrew to its stronghold in the hills of Aileu, south of Dili. Because he could not guarantee security, the Portuguese governor’s efforts to bring both parties to the negotiating table were ineffective. On 20 August Fretilin responded, with the backing of most East Timorese members of the Portuguese military. The conflict reached most parts of the country. Leaders of both major parties told the Commission that they lost control of the situation. The armed conflict was relatively short-lived and by early September a group of around 20,000, drawn mostly from UDT but also including members of other parties, had been driven towards the border with West Timor. They crossed into West Timor before the end of the month.

140. The Portuguese administration tried to bring the parties to the negotiating table. The Governor concluded that he was not in a position to bring the situation under control by military means.<sup>154</sup> Powerless to affect events and confined to a neutral zone in Farol, the Portuguese administration withdrew to the island of Ataúro on the night of 26 August.

141. In September 1975 Indonesia required UDT and its allies who had fled across the border to sign a pro-integration petition to President Soeharto. In exchange Indonesia offered them material and logistical support. Indonesia stepped up its own military operations by launching first a series of cross-border incursions and then, from early October, larger-scale military operations which gave it control of a number of strategic towns close to the border.<sup>155</sup>

#### UDT launches its 11 August armed movement

142. Since the breakdown of their coalition in May, tensions between UDT and Fretilin had been rising, both in Dili and in the districts.\* In early August UDT decided to send its secretary general, Domingos Oliveira, and the Central Committee member with responsibility for foreign relations, João Carrascalão, to Jakarta. They hoped to meet President Soeharto. Instead they were received by General Ali Moertopo. Domingos Oliveira told the Commission that the decision to send the delegation to Jakarta was prompted by the need “to destroy all Indonesian pretexts for invading Timor”. The mission of the two UDT envoys was therefore to assure Moertopo that Fretilin was essentially a nationalist movement and that UDT was capable of “cleaning up our own backyard” through the expulsion of those Portuguese officers and Fretilin leaders with communist sympathies. According to João Carrascalão’s account of the meeting, Moertopo said that if they did clean up their backyard, Indonesian would respect the East Timorese right to self-determination. With the benefit of hindsight, João Carrascalão now considers that the two UDT envoys were naïve to believe Moertopo’s assurances and that in fact “everything was already planned for the takeover of Timor-Leste”,

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\* In his submission to CAVR the former UDT secretary general, Domingos Oliveira, presents a list of incidents that took place between June and early August indicating the breakdown in relations between the two parties. [Submission delivered in writing after testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003. CAVR Archive].



as he was told in a private conversation in Kupang with the governor of Nusa Tenggara Timur, El Tari, while en route back to Dili.<sup>156</sup>

143. Certainly it was the view of probably the best-informed diplomat in Jakarta, the Australian ambassador Richard Woolcott, that well before then it had become “settled Indonesia policy to incorporate Timor”.<sup>157</sup> During the meeting Ali Moertopo also told the UDT leaders that Indonesia had received intelligence that Fretilin was planning a coup for 15 August.<sup>158</sup>

144. Members of UDT had been considering an anti-communist action for some weeks before 11 August.<sup>159</sup> The overriding objectives of the UDT armed movement were, its leaders now stress, not to take power but to redirect the decolonisation process which UDT believed had been hijacked by “ambitious, irresponsible and ill-intentioned” elements, and to pre-empt a coup by Fretilin, allegedly planned for 15 August.<sup>160</sup> However, there are many unanswered questions, in particular about the role of Indonesia in these events and precisely what the true objectives of the “attempted coup” leaders were. Some of the testimony received by the Commission throws some light on these questions, but it is not sufficient to provide definitive answers.

145. Although their list of targets was much longer and included all the main military facilities, the armed movement captured the police headquarters, along with its commander Lieutenant Colonel Rui Maggiolo Gouveia and its stock of weapons, and took control of key installations, including the port, the airport and the radio and telephone facilities in Dili.<sup>161</sup> Leader of the armed movement, João Carrascalão, met with Governor Lemos Pires at around 1.00am on 11 August, and expressed UDT’s intention to remove communist elements from the colonial government and from Fretilin. The former governor wrote in later years that Carrascalão told him that the movement did not intend to replace the Portuguese government, and that it hoped for no military intervention. The following day UDT formally submitted its demands to Governor Lemos Pires. These included: replacement of certain military personnel, a faster decolonisation process, the handover of power to UDT, and acknowledgment of UDT’s extra-judicial power as a liberation movement.<sup>162</sup>

146. UDT’s show of force was purportedly not directed at Fretilin as such, but at “communist elements” within Fretilin. Any hopes UDT may have had that Fretilin would disavow its “extremists” and unite with UDT to jointly pursue independence were quickly dashed. Fretilin remained united and demanded that the Portuguese colonial government crack down on UDT.<sup>163</sup> UDT detained hundreds of Fretilin members, including several of the party’s leaders at its headquarters in Palapaço, Dili, where ill-treatment was routine and where some died in circumstances that are disputed.<sup>164</sup>

147. The early momentum belonged to UDT. In the days immediately after the 11 August “attempted coup”, UDT supporters detained hundreds of Fretilin leaders and supporters throughout the territory. Governor Lemos Pires decided not to oppose UDT with force. Several considerations persuaded him against such a course of action. He was uncertain as to whether the loyalty of the East Timorese troops to the colonial administration would outweigh their sympathies to one or the other of the contending parties. If they did not, there was a real risk that Portuguese soldiers would end up fighting East Timorese. A confrontation in which the battle lines pitted Portuguese against East Timorese would not only be politically disastrous; it might also end in military defeat for the Portuguese. The run-down of Portuguese troop strength in the previous months had not been offset by the recent arrival of 75 paratroops to reinforce the colonial army.<sup>165</sup>

148. Meanwhile, Fretilin leaders withdrew to Aileu, a Fretilin stronghold and the headquarters of the army training centre (*Centro de Instrução*). On 13 August in Dili, UDT and its sympathisers in the armed forces established a front, the Movement for the Unity and Independence of the Timorese People (*Movimento para Unidade e Independência de Timor-*

Dili, MUITD), based on the principles of “unity, independence and anti-communism”. They envisaged the self-liquidation of all pro-independence parties and the adherence of their members to the MUITD.<sup>166</sup> Over the following two days UDT won over the police chief, Maggiolo Gouveia, who was in UDT custody, and many of the East Timorese under his command, as well as sections of the military, including the companies based in Baucau and Lospalos.<sup>167</sup> On 16 August UDT issued a written statement calling for the expulsion of all communists from the territory, including those in the “Portuguese governor’s office”, the banning of Fretilin, the cancellation of Law 7/75 and the resumption of negotiations on Timor-Leste’s independence. On 17 August, in an apparent concession to UDT, the two MFA delegates, Major Mota, the chief of the Office of Political Affairs and Major Jónatas, both of whom had been accused by UDT (and the Indonesians) of representing “the communist wing” of the government, were sent to Lisbon, ostensibly to keep the central government abreast of developments in Timor-Leste.<sup>168</sup>

### The failure to negotiate: internal armed conflict

149. On 11 August, from their base in Aileu, Fretilin submitted a list of 13 conditions for their participation in negotiations to the Portuguese administration. They included the disarming of UDT and entrusting security to East Timorese soldiers, on the grounds that the police had proved themselves to be unreliable.<sup>169</sup> The Portuguese then sent Rogério Lobato, one of the highest-ranking East Timorese soldiers in the Portuguese army, as an emissary to the Fretilin leadership. However this backfired, and he played a pivotal role on his return to Dili in convincing the majority of East Timorese soldiers to join the Fretilin side. Although supposedly pledged to political neutrality (*apartidarismo*),<sup>170</sup> the East Timorese troops were in fact as swept up by the new political freedoms as their civilian counterparts.<sup>171</sup> On 15 August the Fretilin Central Committee in Aileu announced what they called “the resumption of general armed struggle against all traitors and enemies of the people”.<sup>172</sup> On 20 August, Fretilin attacked UDT.

150. By 18 August, the remaining Portuguese government personnel working in the administration had withdrawn to the neighbourhood of Farol where many of them lived and which formed the core of a zone in Dili that had been declared neutral. The Portuguese paratroops were deployed to the neutral zone to protect them.

151. At 1.00am on 20 August, Rogério Lobato and Hermenegildo Alves launched Fretilin’s armed insurrection by taking control of the *Quartel Geral* (army headquarters) in Taibessi and detaining the Portuguese troops who were there, including the deputy chief of staff.<sup>173</sup> On 22 August Fretilin leaders returned to Dili. The front line of the conflict in Dili was initially in Colmera, but the fighting spread throughout the city during the two weeks that it lasted. The Commission received testimony that there were liberal supplies of weapons in Dili, and that both sides handed them out indiscriminately.<sup>174</sup> In the brief armed conflict that ensued political parties allied with each other in every possible permutation. Mário Carrascalão described this phenomenon during the National Public Hearing on The Internal Political Conflict:

*We saw a different approach there [in the districts]...In Atsabe we saw Fretilin together with UDT against Apodeti. Apodeti in Same was different, it was with UDT against Fretilin. In Dili it was Fretilin and Apodeti against UDT.*<sup>175</sup>

152. The highest death toll was in the rural areas, where tensions based on long-standing clan feuds and personal grudges, intensified by more recent militant party ideological divisions, exploded into violence.<sup>176</sup> The violence was most intense in Liquiça, Ermera, Ainaro, Manufahi and Manatuto, though it was not confined to these districts.

153. The Commission received testimonies and statements from across the country about the impact of the conflict on ordinary people. The brutality of East Timorese people against each other in this brief conflict has left deep wounds in East Timorese society which continue to be felt to this day. UDT members were responsible for the killing of Fretilin prisoners in a number of places in August, as it became clear that Fretilin forces were gaining control. 348 killings during the period of the internal conflict were reported to the Commission through its statement-taking process. Based on its research, the accounts given to it by contemporary accounts such as the ICRC who were based in Timor-Leste the Commission estimates that the between 1,500 and 3,000 were killed during the internal armed conflict (see Chapter 7.2: Unlawful Killings and Enforced Disappearances; and Part 6: Profile of Human Rights Violations).<sup>177</sup> The Commission's data indicate that the majority of the killings were perpetrated by Fretilin, though mass killings were also committed by members of UDT (see Chapter 7.2: Unlawful Killings and Enforced Disappearances).<sup>\*</sup> A massacre occurred on around 27 August on the south coast at Wedauberek, Manufahi, where UDT members executed 11 members of the Fretilin youth organisation, Unetim.<sup>178</sup> On 28 August, as Fretilin forces neared the UDT stronghold of Ermera, 20 people whom UDT had taken prisoner after the armed movement were killed.<sup>179</sup>

154. In his testimony to the Commission Xanana Gusmão explained Fretilin's response as one of vengeance for the acts committed by UDT.<sup>180</sup> Rogério Lobato, who was in charge of the Fretilin armed forces at the time, told the Commission that there were various motivations for the violence:

*Sometimes this wasn't because they had a problem with them about this [political] situation, but from an old problem. I know that sometimes it was because someone had taken someone else's girlfriend and so now he used it as a chance to beat him. I know this. People took advantage of this war to beat others and to take justice into their own hands. But some did beat others because they were angry at them due to the war...I want to say that in this process of war so many died...it is true that Fretilin killed many UDT prisoners...UDT also killed Fretilin prisoners.<sup>181</sup>*

155. In the Commission's National Public Hearing on The Internal Political Conflict, UDT and Fretilin political leaders both testified that their parties did not have a policy of killing prisoners, or of violence against civilians, but that they could not control their cadres across the country.<sup>182</sup> The Commission did, however, receive testimonies implicating senior members of both parties in the killing, although it was not presented with evidence to suggest that the parties had taken an institutional decision to commit these crimes (see Part 8: Responsibility and Accountability).<sup>183</sup>

156. East Timorese, and some Portuguese, members of the military and police did not stand outside this conflict. While UDT gained the backing of East Timorese (and a few Portuguese) members of the police and some military units, the overwhelming majority of East Timorese troops supported Fretilin.<sup>184</sup> This military backing allowed Fretilin to gain the upper hand quickly once it had launched its "general armed insurrection". This breach of the principle of *apartidarismo* also resulted in guns being released into the hands of the political parties and their supporters, increasing the impact of the violence enormously. In Dili UDT withdrew to the airport, and by early September was retreating westwards through Liquiça towards Indonesia.

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<sup>\*</sup> CAVR conducted a Retrospective Mortality Survey, based on the experiences of 1,396 randomly selected households in Timor-Leste. From this it extrapolated estimated total violations for 1974-1999 [see Part 6: Profile of Human Rights Violations].

## UDT retreats to the border

157. As a result of the Fretilin counter-offensive, in September members and sympathisers of the UDT, Apodeti, Klibur Oan Timor Aswain (KOTA) and Trabalhista parties fled first to the border area of Batugade, and then across the border into West Timor.<sup>185</sup> The defeat of UDT and their allies drove the leadership, however reluctantly, to accept Indonesian demands that they sign petitions calling for the integration of Portuguese Timor into Indonesia as the price of safe passage into West Timor. The number of East Timorese displaced to West Timor has been disputed. Indonesian officials at the time put the figure at 40,000 to 50,000 people.<sup>186</sup> East Timorese who joined the exodus have put the figure far lower, at between 10,000 and 30,000, attributing the discrepancy between their estimates and the Indonesian estimates to an Indonesian desire to inflate the number of refugees, either with a view to exaggerating the scale and severity of the internal conflict or simply to attract larger amounts of international assistance.<sup>187</sup>

## Portugal's response to the internal conflict

158. Portugal responded to the internal conflict by sending an envoy to the colony from Lisbon. Indonesia blocked Colonel José Gomes, the first envoy to attempt to reach Dili on 14 August. On 22 August a message from the President's Office in Lisbon reached Governor Lemos Pires, informing him that the minister for inter-territorial coordination, Antonio de Almeida Santos, would be arriving in Darwin on 27 August. Mário Lemos Pires tried to arrange a ceasefire to permit negotiations. UDT agreed to a limited ceasefire, but Fretilin rejected the proposal out of hand.<sup>188</sup> On the night of 26 August what remained of the Portuguese administration departed Dili for Ataúro Island, never to return.<sup>189</sup>

159. Having attempted to seek support at the UN and in Australia, Almeida Santos reached Ataúro on 28 August. Unable to contact UDT, whose leaders by that time were in Indonesia, Almeida Santos contacted Fretilin to request the release of Portuguese prisoners. Fretilin complied with this request. However, on 9 September Portugal directed Almeida Santos to avoid recognising Fretilin as the sole representative of the people of Timor-Leste, one of the conditions that Fretilin had set for entering into negotiations.<sup>190</sup> On 22 September Almeida Santos left Ataúro for Lisbon. There, he recommended negotiations with the three main political parties. This was problematic. In control of most of Timor-Leste, Fretilin was willing to negotiate with Portugal—though not with UDT and Apodeti. Despite the pious declarations of the final bilateral meeting between the foreign ministers of Indonesia and Portugal, held in Rome on 1-2 November, that both governments would work to convince the parties of the need to resume talks with the Portuguese government, Indonesia showed no inclination to let its UDT or Apodeti clients engage in such talks. A belated attempt by Portugal to engage other nations in resolving the question of Portuguese Timor was equally fruitless. The final days before the invasion were marked by another political crisis in Lisbon, which left Portugal without a functioning government. In the end Portugal's fitful efforts were overtaken by the Indonesian decision to launch a full-scale military invasion.<sup>191</sup>

## Indonesia's response

### **The East Timorese political parties come under Indonesian sway**

160. As members of UDT and its allies—the Apodeti, Trabalhista and KOTA parties—fled to the border region, or across the border to West Timor, they fell more firmly under the control of the Indonesian military.

161. During the period of and shortly after the internal conflict, in early September, East Timorese groups in Maliana and Suai made two proclamations of integration with

Indonesia.<sup>192</sup> On 7 September 1975, in Batugade, the leaders of UDT, KOTA, and Trabalhista issued a joint petition addressed to President Soeharto, again asking for Portuguese Timor to be integrated into Indonesia.<sup>193</sup> Mário Carrascalão testified to the Commission about the background to the signing of the Batugade petition:

*We stayed there and every day people from Indonesia came. Louis Taolin [of Bakin], [Colonel Aloysius] Sugianto [of Opsus] were always coming and asking us what help we needed...What they wanted to do was manipulate us, to sign...a petition to ask Indonesia to enter Timor...Some signed while others held guns in front of them. Some went to Atambua, and they signed over there. The conditions were good there. This petition was sent to President Soeharto, and soon Governor El Tari gave a response to Mr Francisco Lopes da Cruz. He said that he had agreed to give us material, that there was no need to worry. This was not integration, I saw this as just facilities.<sup>194</sup>*

### **Operasi Flamboyan: Indonesian operations enter a new phase**

162. On 31 August Indonesian operations were transferred from the intelligence agency, Bakin, to a specially-created military command called the Joint Task Force Command (Komando Tugas Gabungan, Kogasgab). The transfer marked a watershed in Indonesian operations in the territory, a shift from small-scale destabilisation to larger-scale military operations.<sup>195</sup>

163. In late August and September, Special Forces units recruited for the new operation, called *Operasi Flamboyan*, made frequent incursions into Portuguese Timor. High casualties soon forced a temporary lull in their activities.<sup>196</sup> The first, *Tim Susi*, led by Captain Yunus Yosfiah, entered through Atsabe.<sup>197</sup> East Timorese Partisans joined the Special Forces teams. These were troops trained by Indonesia including, for example, João Tavares's Halilintar unit (see Part 4: The Regime of Occupation). They were told to create "terror, [and] intimidation."<sup>198</sup> On 14 September, Fretilin forces clashed with the Indonesian military near the Atsabe border.<sup>199</sup> On the same day, the Indonesian military launched simultaneous attacks targeting Bobonaro, Atsabe and Suai.<sup>200</sup> The border town of Batugade fell on 8 October, and Fretilin troops retreated to Balibo.<sup>201</sup>

## 3.8 Portuguese Timor under Fretilin administration

### Overview

164. With the end of fighting between Fretilin and UDT, by early September 1975, Fretilin found itself in *de facto* power in Portuguese Timor and facing an emergency. Fretilin continued to respect Portuguese sovereignty over the territory while the colonial administration remained in Ataúro. Lacking funds and administrative experience, and faced with a potential humanitarian crisis, Fretilin made a credible effort at food distribution and maintaining order in the community. However, it continued to hold large numbers of political prisoners from the brief internal armed conflict and faced difficulties restraining its own cadres from abuses. Moreover, Indonesia's response to Fretilin's victory in the internal armed conflict was to step up its military activities. Beginning in September 1975 it conducted armed incursions into Portuguese Timor. In October these incursions grew in scale and led to the Indonesian capture of several towns near the border. Aside from direct resistance to the Indonesian forces, Fretilin also tried to win support in the international community.

### Fretilin fills the vacuum

165. To fill the void that had been left by the departing Portuguese, Fretilin established an interim administration. During this period Fretilin continued to recognise Portuguese sovereignty over Timor-Leste, and repeatedly called on the Portuguese administration to return from Ataúro to continue the interrupted decolonisation process. Fretilin kept the Portuguese flag flying in front of the governor's office and left the office unoccupied.<sup>202</sup> It made other gestures to show that it still regarded Portugal as the sovereign power, such as putting armed guards outside the *Banco Nacional Ultramarino* (BNU), the Portuguese-owned bank, which had functioned as the *de facto* central bank during Portuguese administration, and prohibiting the use of the governor's residence for official purposes.<sup>203</sup>

166. During September Fretilin attempted to encourage the Portuguese to return. On 13 September the Fretilin Central Committee issued a *communiqué*, affirming its recognition of Portuguese government authority, and calling for negotiations to put the decolonisation process back on track.<sup>204</sup> It stated that the negotiations should be conducted "within the national territory without foreign pressures", and should be with Fretilin alone as the victor in the internal conflict. Portugal did not accept Fretilin as the sole legitimate representative of the people of Portuguese Timor.<sup>205</sup> On 16 September, in response to the Indonesian incursion into Atsabe, Fretilin issued another statement, again recognising Portuguese sovereignty and calling for the resumption of talks on decolonisation.<sup>206</sup>

167. These statements also proposed internationalising the Timor-Leste issue by involving other countries in the region. Fretilin recommended that a fact-finding mission, comprising ASEAN countries, Australia and New Zealand together with observers from other countries, visit the country. The statement of 16 September also called for a conference to be attended by representatives of Portugal, Australia, Indonesia and Timor-Leste, to "clear rumours and misunderstandings". It also recommended a joint Indonesia-Timor-Leste peacekeeping force to conduct border patrols.

168. During October the Australian NGO ACFOA (Australian Council for Overseas Aid) sent a delegation, led by James Dunn, to attempt to bring Fretilin, UDT and the Portuguese administration together for talks. However these did not take place, partly due to Portuguese reluctance to engage with either Fretilin or UDT.<sup>207</sup> Fretilin's last attempt to engage the Portuguese was on 25 October, nine days after Balibo fell to Indonesian forces. Fretilin issued an invitation to the Portuguese government on Ataúro to send a delegation to Dili to observe the situation on the ground.<sup>208</sup> As before, the Portuguese were silent.<sup>209</sup>

## Prisoners and political violence

### Fretilin excesses in late August and into September

169. There were excesses during this early period of Fretilin control after the internal conflict, including instances of forced labour, torture and execution.<sup>210</sup> The majority of the killings that occurred outside combat were committed in rural areas, after Fretilin mounted its counter-offensive. Public anger often turned into lethal violence. During this period killings by people associated with Fretilin were sometimes the result of deep-seated local enmities rather than politics.<sup>211</sup> The then Fretilin President, Francisco Xavier do Amaral, testified to the Commission that at the time:

*There was a lot of confusion. Everybody was fired up, their blood ran hot, and because of this people beat each other. Violence occurred. The victory of one side would lead to vengeance being taken against the other side. This is what happened in 1975...For example, some people were fired from their jobs. So they took out vengeance on their bosses when an opportunity presented itself...Each side beat and killed the other. And so the cycle of hatred continued.<sup>212</sup>*

170. A large number of revenge killings occurred in the district of Ermera, a UDT base. One account from Ermera recalled:

*On 15 September 1975 [three] Fretilin militia commanders ...arrested seven UDT people...in Catrae Kraik village, Letefoho, Ermera. The seven were taken to Germano, Catrae Leten village and killed. The village chief of Lauana witnessed the killings.<sup>213</sup>*

171. As Fretilin leaders testified to the Commission, the fact that weapons captured during the conflict were freely available exacerbated the violence.<sup>214</sup>

### Fretilin prisons and Commission of Inquiry

172. During the internal conflict, Fretilin had captured and detained as many as 2,000 prisoners.<sup>215</sup> They were mostly UDT members, but included some Fretilin members, detained for what it called excesses during the conflict.<sup>216</sup> The official Fretilin position was that it was holding the prisoners until the Portuguese government returned to try them. However as the prospect of Portugal's return receded, Fretilin decided to deal with the situation itself. On 30 September it announced a commission (Comissão de Inquérito, Commission of Inquiry) aimed at separating leaders from uninvolved party members.<sup>217</sup> The Commission invited people to testify to determine the guilt of the accused in public "trials". This method of justice tended to produce arbitrary results. A former prisoner held by Fretilin, Monis da Maia, described his experience:

*All the villagers were ordered to go to the military post and the prisoners were taken out one by one and "tried". Those prisoners accused of serious crimes were taken to Aileu. When it was my turn the people were quiet until H1 started provoking them. He told them to say that I had beaten them. The people refused except for one person who said: "He swore at my grandfather." Because of this I was taken to Aileu, accused of swearing at someone's grandfather.*<sup>218</sup>

173. Fretilin moved UDT regional leaders in Dili or Aileu to be investigated by the commission.<sup>219</sup> In Aileu UDT leaders were detained at the *Companhia* building in Aisirimou, and ordinary party members were kept in a large warehouse.<sup>220</sup> The public was allowed to vent their anger on the newly arrived prisoners:

*Major Lorenço was most severely beaten when he arrived in Aileu because he was a commander. They put him on the roof of the van [in which he had come] and drove him around Aileu and they yelled "Viva Fretilin". Someone stabbed him and he bled. His face was swollen and he could no longer speak.*<sup>221</sup>

174. Captured UDT leaders, including the party's vice president, César Mouzinho, were among the most harshly treated.<sup>222</sup> But former detainees testified that beatings and ill-treatment were routine, one example being a case reported to the Commission in which Fretilin guards forced detainees to fight each other in public, much like fighting cocks.<sup>223</sup>

175. Throughout its period of administration, Fretilin allowed members of the ICRC access to its prisons. Australian observers who visited Fretilin prisons in 1975 confirmed that some detainees had been beaten, including the former police chief, Lieutenant-Colonel Maggiolo Gouveia, although they concluded that overall, the detainees they saw were in good health and well treated.<sup>224</sup>

176. Senior Fretilin members testified before the Commission admitting that during this time Fretilin members committed abuses against prisoners. Rogério Lobato, then head of Fretilin's armed forces, told the Commission:

*Sometimes they [Fretilin] entered the prison, called out for prisoners and beat them...People took advantage of the conflict to beat others and to take justice into their own hands. But some did beat them because they were angry with them due to the conflict.*<sup>225</sup>

177. In October 1975, as the Indonesian incursions resumed, Fretilin detained a number of Apodeti members. Mari Alkatiri told the Commission that he ordered their detention after he had received intelligence that Apodeti was planning a coup against Fretilin, which would begin with a hand grenade being thrown into a Fretilin Central Committee meeting.<sup>226</sup> This may also have been provoked by suspicions created by the initial Indonesian military incursions at the border.<sup>227</sup> Many of the Apodeti prisoners were killed after the Indonesian invasion.

178. There is no evidence that mistreatment of prisoners between September and early December was formal Fretilin policy. Although in some cases senior Fretilin members intervened to stop mistreatment,<sup>228</sup> it is clear the Fretilin Central Committee was aware of the situation and took insufficient measures to discourage malpractice or bring it under control.<sup>229</sup>



## Restoring order

179. In early September, having gained control of most of the territory, Fretilin moved to restore order.<sup>230</sup> It took harsh measures to achieve this. Foreigners who visited Fretilin jails witnessed Fretilin soldiers in detention for violence against civilians.<sup>231</sup> By early September, Fretilin controlled all of Timor-Leste with the exception of Batugade on the border with Indonesia. Two Australian parliamentarians made the following assessment after visiting a number of towns:

Our visit around the country confirmed Fretilin's claim that the situation is under control. In the regions we visited ourselves, we received information from aid workers and the International Committee of the Red Cross (ICRC) that they shared the same view.<sup>232</sup>

## Administration

180. During the internal conflict 80% of the 3,000 professional East Timorese and expatriate staff of the Portuguese administration left the country. There was no chance of persuading them to return to work under a Fretilin administration. Fretilin broadened the membership of the Central Committee by appointing a larger number of regional representatives and serving members of the military, reflecting both the military's influence after the internal conflict and the need for broader geographic representation.<sup>233</sup> To address the administrative void outside Dili, Fretilin appointed Regional Committees to run each district. In mid-September, Fretilin formed an Executive Committee to run the caretaker administration.<sup>234</sup> This contained 13 departments including economics, health, and military affairs.<sup>235</sup> In October Fretilin established a range of commissions to facilitate the administration of the territory. A key commission was the Economic Management and Supervisory Commission, chaired by Dr José Gonçalves, perhaps the only trained economist still in the territory. Inaugurated on 11 October 1975, it acted as Fretilin's central management arm in charge of the country's economic recovery. This Commission also worked with Fretilin Regional Committees and international NGOs in the distribution of emergency food aid, using the assets of the quasi-governmental business and logistics enterprise SAPT (*Sociedade Agrícola Pátria e Trabalho*).<sup>236</sup>

181. The disruption to production and distribution systems caused by the internal conflict conspired with Timor-Leste's lack of self-sufficiency<sup>237</sup> to produce an urban economic crisis that Fretilin, with some support from international agencies, struggled to surmount. Although the fighting affected some larger towns in the central and western regions, and small-scale clashes were widespread, most rural areas escaped the armed conflict that engulfed Dili. Rural East Timorese generally depended on subsistence farming for their livelihood, and were thus not part of the cash economy on which urban East Timorese relied.<sup>238</sup> The ICRC reported the impact of the internal conflict:

*The damages from the war have affected only some regions: Maubisse, Ainaro, Ermera, Same...[food shortage] will affect essentially the population of the towns but will be without consequence for the inhabitants of the country where people...live under an economical system of auto-substance.*<sup>239</sup>

182. One means by which Fretilin addressed food shortages was by compelling UDT detainees to perform forced labour.<sup>240</sup> One such location was a plantation at Aisirimou, in Aíleu.<sup>241</sup>

183. After establishing control, Fretilin found that it did not have the means to import food. On 13 September it therefore issued an appeal for emergency food aid. The ICRC and the Australian Council for Overseas Aid (ACFOA) responded with limited deliveries of food, but no government provided aid during this time. Fretilin then encouraged people who had fled from the rural areas to the towns during the internal conflict to return to their villages. In addition to boosting agricultural production, this also reduced the number of people relying on limited urban food resources. Foreseeing impending shortages, Fretilin planned to impose food rationing in December, and began conducting a census in order to be able to operate a rationing system (see Chapter 7.3: Forced Displacement and Famine).

184. The closure of the BNU and the impossibility of setting up alternative banking arrangements, which Fretilin did not anyway have the expertise to run,<sup>242</sup> remained a problem throughout the Fretilin administration. The resulting lack of foreign exchange crippled the territory's capacity to revive the cash economy or to conduct international trade. What remained of the Chinese business community continued to support the economy to a degree. However many had either left the countryside for Dili and other towns or had gone abroad, taking vital capital with them. The rapid run-down of currency forced Fretilin to pay the remaining civil servants and the military in kind rather than cash. Despite all these adverse factors, some degree of economic activity returned to Dili's markets and Chinese shops during October and November.<sup>243</sup>

185. Education was a key area of Fretilin policy. It had done a great deal of work before the internal conflict developing a literacy programme inspired by the Brazilian educationalist, Paulo Freire<sup>†</sup>. Following the internal conflict the existing education system came to a virtual standstill. As in other areas of the administration, most qualified personnel had left. Both government and Church-run schools had closed, the latter because many of the nuns and priests who taught there had also departed, prompting Francisco Xavier do Amaral to comment:

*It is deeply regrettable that "the shepherds" leave just at a time when the "lambs" need their guidance.*<sup>244</sup>

186. Teachers that remained had been redeployed either as Falintil soldiers or as administrators, where their literacy skills were sorely needed.<sup>245</sup> Although there were plans to reopen the elementary schools in November, using high school students as teachers, nothing came of this and the schools remained closed.

187. The internal conflict left hundreds of people wounded, both military and civilian. Portuguese doctors had been withdrawn on 27 August, though most East Timorese health workers continued to work without disruption.<sup>246</sup> There were still plentiful supplies of medicines and drugs in Dili, and medical facilities were basic but adequate. On this foundation, helped by the arrival of doctors from the ICRC and an Australian medical NGO, ASIAT (Australian Society for Inter-Country Aid), on 1 September, Dili Hospital continued to function. Although ASIAT had planned setting up medical training schools—and during this period Fretilin opened a nursing school in Aileu in August 1975, and another in Atsabé—beyond Dili medical services were limited.<sup>247</sup>

188. It is clear that between September and December 1975, Fretilin undertook serious efforts to build a credible interim administration throughout Timor-Leste in the absence of Portugal, while at the same time seeking the return of Portugal to complete the decolonisation process. Hampered by a severe lack of financial and administrative capacity,

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<sup>†</sup> The departing ACFOA aid barge took an export crop of coffee to Australia. However, the money earned had to be deposited in a bank account in Darwin.

<sup>†</sup> A system of popular education particularly aimed at addressing low literacy levels especially in rural communities, developed by Paulo Freire, a Brazilian educationalist.

and in the context of the political instability flowing from the August conflict and the intensifying cross-border military operations by the Indonesian armed forces, this fledgling administration faced insurmountable pressures.

### Balibo: Indonesia increases intensity of military operations

189. On 15 October Tim Susi and battalions from the ABRI 2<sup>nd</sup> Infantry Brigade launched an attack against Balibó, in which five international journalists were killed. The journalists were covering the story of Indonesian military operation inside Portuguese Timor. Three Australians and two British journalists working for Australian television networks were shot or stabbed in circumstances that were covered up by Indonesian military officials at the time.<sup>\*</sup> One possible reason for the execution of the journalists was that they had witnessed the scale of the Indonesian operations around Balibo, which were much larger than the incursions that had preceded it (see Chapter 7.2: Unlawful Killings and Enforced Disappearances).<sup>248</sup>

190. On 16 October, as the Indonesian military secured Balibo and Maliana, Fretilin's frontline shifted to Atabae and Bobonaro.<sup>249</sup> The Commission secured film footage of these Indonesian military operations, showing the use of warships to bombard Fretilin positions and aircraft landing in Maliana, in what was clearly a major offensive.<sup>250</sup> Unlike the August attack on Atsabé that had used Partisan troops in support of the Special Forces units, the Balibo attack relied minimally on East Timorese.<sup>251</sup> Despite this, Indonesia attempted to blame their UDT/Apodeti allies for the journalists' deaths. More generally, the Indonesian authorities repeatedly denied that their troops were involved militarily in Portuguese Timor in the period from September to November. Instead they suggested that any clashes were the result of East Timorese "Partisans" repelling Fretilin incursions into Indonesian territory.

191. During October other Kopassandha-led forces launched an attack, hoping to strike further inland. They met heavy resistance and were repulsed. The US CIA's daily briefing, the National Intelligence Daily, reported on 20 October that the Indonesian attack "stalled because of Jakarta's failure to secure the border town of Lebos".<sup>252</sup> Without the protection of naval artillery that it enjoyed nearer the coast, the Indonesian invading forces struggled in the interior where the two sides were better matched. In the words of Albino do Carmo, a Fretilin/Falintil commander, the attack took place:

*In Lela [Village], on the boundary with Lamaknen, called Bulubulu. It was about the middle of October. There were many people, they fired with mortars. They had machine guns, two of them. We saw many people from afar. There was information [they] were from Menpur. Over 100 [people]. We couldn't see behind [them]. They couldn't...advance because we shot at them. We also had machine guns and mortars. I had about 20 men at the time.*<sup>253</sup>

192. Fretilin forces provided unexpectedly stiff resistance to the Indonesian troops, who were plagued by problems with their weaponry and were slowed by the start of the rainy season. After a lull, the operation resumed on 20 November with an operation directed at Atabae. For the first time the Indonesian forces had both naval and air support. On 27 November Atabae, defended by a Portuguese cavalry company of East Timorese soldiers

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<sup>\*</sup> Though this was known to the Australian government almost immediately, there was no international protest or call for an investigation. Indeed, the Australian government does not seem to have protested even quietly to the Indonesian government over these killings. This remained a sensitive issue between Indonesia and Australia throughout the years of Indonesian occupation, and was especially pursued by Australian civil society.

loyal to Fretilin, fell to the invaders.<sup>254</sup> The Indonesian military was now poised for a full-scale invasion of Dili.

### 3.9 Fretilin's unilateral declaration of independence, and the response

#### Overview

193. With Indonesian military operations intensifying and a full-scale invasion looking increasingly inevitable, Fretilin became desperate to find a way to engage the international community.

194. At the beginning of November 1975 Portugal held bilateral talks with Indonesia in Rome. In their joint press statement after the meeting the two sides reaffirmed their commitment to the orderly decolonisation of Portuguese Timor and agreed to work to convene discussions between Portugal and all the East Timorese political parties. With Indonesian forces already occupying significant parts of the territory and its government consistently blocking all-party talks, the Rome meeting failed to address the realities of the situation.

195. Fretilin decided to declare independence unilaterally soon after Indonesian forces occupied the western town of Atabae. It did so on 28 November 1975. Fretilin formed a government, and called on the international community to prevent the imminent full-scale invasion.

196. Members of the four other East Timorese political parties gathered in Bali. Under pressure from Indonesian intelligence forces, on 29 November, to counter Fretilin's unilateral declaration, they signed the so-called "Balibo Declaration", declaring "the independence and integration" of Portuguese Timor with Indonesia. Portugal recognised neither declaration. Indonesia prepared for full-scale invasion.

#### Background to Fretilin's unilateral declaration of independence

197. Former Fretilin President Francisco Xavier Amaral told the Commission of the dilemma facing Fretilin as the Portuguese colonial authorities remained on island of Ataúro:

*From Fretilin's point of view its policy of continuing to recognise Portuguese sovereignty in the absence of any sign from Portugal that it was willing to exercise that authority was a dangerous course to follow. Despite being the de facto ruler, Fretilin had no international legitimacy as a ruling power. Fretilin was not an elected government and its fear was that the political vacuum would give Indonesia a pretext to launch a full-scale invasion of Timor-Leste.<sup>255</sup>*

198. Fretilin's 25 October invitation to the Portuguese administration on Ataúro to send a delegation to Dili to assess the political situation went unanswered. Fretilin's position hardened when it learned of the talks between the Portuguese foreign minister and his Indonesian counterpart in Rome on 1-2 November. The foreign ministers' joint press release called for the restoration of peace and order as a precondition for the process of decolonisation, but made no reference to the substantial inroads Indonesian forces had made into the territory of Portuguese Timor. By the time of the Rome talks, after the fall of Balibo and Maliana to Indonesian forces on 16 October, the Fretilin frontline had shifted to Atabae and Bobonaro.<sup>256</sup>

199. For some in Fretilin the unreality of the Rome talks was the final blow. Interviewed in 2004, Xavier do Amaral suggested the Portuguese government had betrayed the East Timorese people:

*Portugal and Indonesia agreed that Indonesia would not interfere in the affairs of Timor-Leste. But in the end, who interfered? Indonesia. And what did Portugal say? Nothing. It just sat there. Not even a warning to Indonesia. For a while, Fretilin waited for a chance to start negotiations with the Portuguese, but they remained silent, they did not reply. What was the real reason for these continuous delays? Was it to defend us or to betray us?*<sup>257</sup>

200. Fretilin now had to face three painful realities: the massive external threat that its giant neighbour posed on and even within its borders, an economy without the administrative infrastructure necessary for it to carry out the day-to-day tasks of government, and Portuguese indifference. José Gonçalves, chair of Fretilin's Economic and Supervisory Committee, had been charged with resurrecting the stalled economy. He stated in October 1975:

*Now that the Portuguese government is not here and negotiations are ongoing, we must start planning for independence.*<sup>258</sup>

201. Dr Gonçalves knew that domestic economic recovery and international trade would not be possible if the BNU, Portuguese Timor's only bank, did not reopen. On the other hand, if Fretilin continued to recognise the Portuguese government as the legitimate authority over Timor-Leste the bank could not reopen. Dr Gonçalves stated:

*We can't wait forever for this bank to function. This bank has been nationalised and we intend to finish the process.*<sup>259</sup>

202. In November Fretilin sent a delegation to Africa to sound out support for a unilateral declaration of independence.<sup>\*</sup> The delegation, comprising two important members of the Fretilin Central Committee, Mari Alkatiri and César Mau Laka. They returned to Dili in the third week of November and stated that 25 countries had promised recognition if Timor-Leste declared independence, among them China, the Soviet Union, Zambia, Mozambique, Tanzania, Guinea-Bissau, Angola, Cape Verde, São Tome and Príncipe, North Korea, North and South Vietnam, Cambodia, Romania, The Netherlands, East Germany, Sweden, Algeria, Cuba, Norway and Brazil (see Chapter 7.1: The Right to Self-Determination).<sup>260</sup>

203. Moreover the military threat posed by Indonesia was increasingly obvious, and Fretilin began storing arms and food in the interior in anticipation of a full-scale invasion.<sup>261</sup> It also moved to expand its armed forces. Although Falintil troops were fighting at the border and at that point successfully keeping the Indonesian army from advancing, the likelihood of being overwhelmed in the event of a full-scale invasion was great. In anticipation of this, Falintil began training and equipping militia groups (*Milicia Popular de Libertacao Nacional, Miplin*).<sup>262</sup>

204. The silence from the international community and the failure of Portugal to communicate with Fretilin following the 16 October attack on Balibó began to convince Fretilin of its complete isolation. Though opinions were divided, in the third week of November 1975, shortly after Mari Alkatiri and César Mau Laka had returned from Africa, the Fretilin Central Committee decided to declare independence.<sup>263</sup> This decision scheduled the

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<sup>\*</sup> Previously, at the end of September a conference of African and Asian countries held in Maputo, the capital city of Mozambique, resolved to "fully support the national independence struggle led by the pioneering Fretilin." The resolution was proposed by Mozambique President Samora Machel and gained unanimous support from the participating countries.

declaration for 1 December, the day Portugal celebrated its independence from Spanish occupation.<sup>264</sup>

## The declaration of independence

205. On 26 November, after two weeks of intensive sea and air bombardments, Atabae fell to the Indonesian armed forces. The Central Committee concluded that a full-scale Indonesian invasion was imminent. Interviewed by the Commission in 2004, Mari Alkatiri recalled the words of the Fretilin vice-president, Nicolau Lobato, to the Central Committee:

*The Indonesian army have already entered Atabae... Atabae...They have occupied Atabae! If we wait until 1 December we might not have time to declare independence in Dili. So we'd better proclaim independence today.*<sup>265</sup>

206. Although there was some opposition to the decision to declare independence, on the afternoon of Friday 28 November 1975, Fretilin made the declaration before a crowd of 2,000 people gathered in front of the Portuguese government building.<sup>266</sup> Falintil troops paraded in camouflage uniforms and bandanas in the colours of their units.<sup>267</sup> Francisco Xavier do Amaral arrived in a black Mercedes-Benz, the official car of the Portuguese governor. At 5:55pm the Portuguese flag, which had been flying for centuries over Timor-Leste, was lowered. Fretilin raised the new flag of the Democratic Republic of Timor-Leste—red, black and yellow with a white star—and a minute's silence was observed to commemorate "everyone who has died during these past few months and throughout Timor-Leste's anti-colonial wars".<sup>268</sup> A cannon was fired 20 times as a sign of respect for the dead. The Fretilin President, Francisco Xavier do Amaral, read the proclamation of independence:

Stating the highest wish of the people of Timor-Leste and protecting the most legitimate national sovereignty, Fretilin Central Committee has unilaterally decided to proclaim the independence of Timor-Leste. As of midnight today, [we] declare the [birth of] the anti-colonial and anti-imperialistic nation of the Democratic Republic of Timor-Leste.

Long live the Democratic Republic of Timor-Leste!

Long live free and independent Timor-Leste!

Long live Fretilin!

207. After the proclamation, those present sang "*Pátria! Pátria!*" (Fatherland! Fatherland!), and declared it the national anthem. Timor-Leste then broadcast the news of its declaration of independence to the world from the Marconi Communication Centre.<sup>269</sup>

208. Although Fretilin had planned the declaration of independence for 1 December, the unilateral declaration on 28 November was unexpected and sudden. Several circumstances confirm this, including the writing of the proclamation<sup>270</sup> and sewing of the flag<sup>271</sup> on the afternoon of 28 November. Nor were all Fretilin leaders present at the proclamation ceremony.<sup>272</sup> The Fretilin secretary general, Alarico Fernandes, and the foreign affairs secretary, José Ramos-Horta, had been in Australia since 20 November to gather political support, while Juvenal Inácio (Sera Key) and Vicente Reis (Sa'he) were fighting the Indonesian army on the border.

209. The following day, 29 November, the Fretilin Central Committee appointed Francisco Xavier do Amaral President of the new republic. In his inauguration speech, Francisco Xavier

do Amaral emphasised independence as the right of the people of Timor-Leste. He said independence was inseparable from the negligence and betrayal of that right during the Portuguese government's decolonisation process. He affirmed:

After more than 400 years of suffering, hunger, deprivation, ignorance and massacres, what are we waiting for? Friends, for good or for bad, we have to be the first and the last to resolve our problems. So, from this day on, we all, yes we all, will build our nation, Timor-Leste.<sup>273</sup>

210. The minister of defence, Rogério Lobato, read out the Constitution of the Democratic Republic of Timor-Leste (RDTL). The Constitution, consisting of 55 articles, was written a few days before 28 November 1975.<sup>274</sup> On 1 December the Council of Ministers was inaugurated at the Portuguese Governor's residence in Lahane. The Fretilin Central Committee appointed Fretilin's vice-president, Nicolau Lobato, as Prime Minister.

211. The Constitution included articles committing Timor-Leste to the following:

- Removal of colonial structures and the creation of a new society free of all kinds of domination and exploitation (Article 2)
- Development policies to focus on agricultural development, and industry (Article 6)
- The pursuit of a policy of planned economic development (Article 10)
- To fight illiteracy and ignorance, and protect and develop its culture (Article 12)
- To develop and run a health system (Article 13)
- Guarantee of parity of rights to men and women (Article 14)
- Guarantee of the freedom of religion (Article 15)
- To develop "friendly and cooperative relations" with "democratic and progressive world powers, considered natural allies." (Article 16)
- Guarantee of the right to participate in the process of democratic consolidation (Article 23)
- Guarantee of freedom of thought, association, union, and speech (Article 24)
- Guarantee of the right to vote and to be voted for in general elections (Article 25)
- Guarantee of the right to work, education and health (Article 27).

212. The Constitution established a semi-presidential system of governance. The prime minister was the head of the Council of Ministers (Article 40) who had the task of running the government. The president was the head of state (Article 42) and commander in chief of the armed forces (Article 4). The president was authorised to appoint and dismiss the prime minister, the chief justice of the Supreme Court and the governor of the Bank of Timor-Leste (Article 42). Nicolau Lobato, who was appointed prime minister, drew up a list of ministers and vice ministers, and submitted it to the president and Fretilin Central Committee for approval.<sup>275</sup>

## Reactions to the declaration of independence

### The Balibo Declaration

213. The day after the Fretilin unilateral declaration of independence of Timor-Leste, the four other East Timorese political parties—UDT, Apodeti, KOTA and Trabalhista—issued



their “Proclamation of Integration” to counteract the move. The proclamation accused Fretilin of obstructing a peaceful solution to the conflict and the right of the people of Portuguese Timor to self-determination. It stated that “the whole former Portuguese Timor colony” would be integrated with Indonesia, and that described this as “the strongest avowal of the feelings of the people of Portuguese Timor”. It asked the Indonesian government and people to “take the necessary steps to protect the lives of the people who now considered themselves Indonesian but lived under Fretilin’s reign of terror and fascist practices with the acquiescence of the Portuguese government”.<sup>276</sup>

214. At the bottom of the declaration are the words “Done at Balibo” and the signatures of representatives of the four parties. The circumstances in which the so-called Balibo Declaration came to be made have been the subject of controversy for many years.<sup>277</sup> The Commission heard testimony from East Timorese political leaders present at the signing who said that it was drafted in Jakarta and signed in a hotel in Bali by the party leaders who, in the words of one of the signatories, were “under tight surveillance”, but still argued strenuously for many hours against signing the document.<sup>278</sup> They testified to the pressure placed upon East Timorese politicians by members of the intelligence agency Bakin in the drafting of and decision to vote on the declaration. The declaration was read from a powerful radio transmitter in Balibo.<sup>279</sup>

## Portugal

215. Portugal rejected both Fretilin’s unilateral declaration of independence and the “Balibo Declaration”. The communique of Portugal’s National Board for Decolonisation stated on 29 November that Portugal still considered itself the “administering power” of Timor.<sup>280</sup> The communique also condemned military intervention in the territory, clearly referring to Indonesian military attacks. The Portuguese government maintained that Timor-Leste must reach a negotiated settlement with the three political parties, agreeable to the people of Timor-Leste and with the proviso that “the legitimate interest of Indonesia’s geopolitical territory” would be considered.<sup>281</sup>

## Indonesia

216. Fretilin’s declaration of independence became the trigger for President Soeharto to authorise Indonesia’s full-scale invasion of Timor-Leste.<sup>282</sup> After meeting with President Soeharto on 29 November, Indonesia’s minister of information, Mashuri, issued a statement regretting Fretilin’s “unilateral action” and the Portuguese government’s position that “clearly approved Fretilin’s action”.<sup>283</sup> Indonesia condemned Fretilin’s unilateral action but “truly understood UDT, Apodeti, KOTA and Trabalhista’s statement that, on behalf of the people of Portuguese Timor, declared their integration with Indonesia.”<sup>284</sup>

217. When Indonesia’s Foreign Minister Adam Malik accepted the Proclamation of Integration on 1 December, he said that “a hard struggle” lay ahead and that Indonesia would extend “total covert or open support”. Adam Malik concluded by saying: “Diplomacy is over. Now Timor-Leste issues shall be resolved on the battlefield.”<sup>285</sup>

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<sup>276</sup> Three other documents, signed by East Timorese either declaring or petitioning for integration, the Suai and Bobonaro Declarations and the Batugade Petition, preceded the “Balibo Declaration”. The Commission received testimony that in the cases of at least two of these documents, the Suai Declaration and the Batugade Petition, Indonesian agents were also involved in drafting and putting pressure on some of the signatories [see Submission of Domingos Oliveira, p.31 and CAVR Interview with Claudio Vieira, Kupang, 25 August 2004].

## Wider international response

218. Key actors in the international community had long been aware that an Indonesian military invasion of Portuguese Timor was likely. Australia had long accepted that incorporation was “settled” Indonesian policy (see section on Indonesia’s growing involvement in Portuguese Timor: destabilisation and diplomacy, above) and knew the extent of its military involvement in the territory.<sup>286</sup> Numerous documents also show that the US knew of Indonesia’s plans to take over Timor-Leste by military means.<sup>287</sup> Australia refused to recognise the new nation and viewed Fretilin’s action as “provocative and irresponsible”.<sup>288</sup> The US confirmed its position of non-involvement.<sup>289</sup> The newly independent African nations of Angola, Cape Verde, Guinea-Bissau, Mozambique and San Tomé and Príncipe all recognised Timor-Leste’s independence but these nations were too small to have an impact on international politics. China and Vietnam, Fretilin’s most important supporters in Asia, extended their warm congratulations. China was the only permanent member of the UN Security Council to recognise the declaration of independence.

219. On 6 December, the day before the invasion, President Gerald Ford and his secretary of state, Henry Kissinger, were in Jakarta. CIA analysts predicted the invasion would occur after Ford’s departure.<sup>290</sup> On 6 December Kissinger stated that the use of US weapons in such a military operation could become a problem, but added:

[T]hat would depend on how one would construe it; whether it is in self-defence or is a foreign operation.<sup>291</sup>

220. Despite this knowledge, there was no attempt by any country to stop Indonesia, and no country made any approach to Fretilin, which soon realised its isolation.

## Full-scale invasion imminent

221. After the declaration of independence the situation in Timor-Leste became increasingly tense. The Fretilin leadership were expecting the Indonesians to invade and every night members of the Central Committee went on patrol.<sup>292</sup> On 2 December the ICRC delegation in Dili received a telegram from the Australian government warning all Australians in Timor-Leste to leave the country for their own safety.<sup>293</sup> The ICRC’s neutrality had been recognised by Fretilin but not by UDT, Apodeti and Indonesia. It was forced to move to Ataúro Island on 2 December, planning to operate a clinic from there servicing Dili. On the same day the Democratic Republic of Timor-Leste’s minister of defence, Rogério Lobato, issued a statement:

Based on information from Fretilin intelligence sources, we suspect a full-scale attack on Timor-Leste, especially to the capital city Dili, will take place...We urge the world to stop this criminal aggression, as it will be the cause of an endless bloodbath. The people of Timor-Leste will resist.<sup>294</sup>

222. On 4 December a delegation comprising minister of economic and political affairs, Marí Alkatiri, the minister of foreign relations and information, José Ramos-Horta, and the minister of national defence, Rogério Lobato, left Timor-Leste.<sup>295</sup> The government of the Democratic Republic of Timor-Leste had entrusted the delegation with the task of launching a diplomatic campaign abroad and to seek arms to defend the new republic.<sup>296</sup> On 6 December the last group of ICRC workers left Dili for Ataúro. That afternoon people began to flee to the mountains. That evening Roger East, the only remaining foreign reporter in Timor-Leste, wrote:

With the deterioration of the security situation, people started quietly to leave for the hills. Tonight Dili is quiet and almost empty, abandoned by its people. A curfew was applied on the fourth day and armed soldiers guarded the beach and the streets.<sup>297</sup>

### 3.10 Full-scale invasion

#### Overview

223. Indonesia's intention to conduct a full-scale invasion of Timor-Leste was clear by early December. Australian intelligence was monitoring the situation, and on 2 December the Australian government advised its citizens to leave Timor-Leste. Most of the few remaining foreigners left the territory in the following days. Fretilin dispatched a delegation to conduct an international diplomatic campaign. The invading forces included a relatively small number of UDT and Apodeti members. The Indonesian government attempted to foster the myth that they were assisted only by a number of Indonesian "volunteers". The military went so far as removing insignia from its landing craft and used weapons especially purchased for the attack that could not be traced to their major military sponsor, the United States. Nevertheless, it was a full-scale air and sea attack, involving large numbers of troops. Fretilin provided resistance to the invading forces as its political leaders withdrew to the hills of Aileu. The day of invasion saw widespread atrocities committed by Indonesian troops against East Timorese civilians, including summary executions and massacres.

224. The United Nations debated the invasion immediately and the Security Council unanimously passed a resolution on 22 December deploring the invasion, calling for immediate withdrawal of Indonesian troops and reaffirming the right of the people of Timor-Leste to self-determination. A UN envoy was sent to assess the situation in Timor-Leste, but his efforts were frustrated and the UN debate shifted to the General Assembly in the early months of 1976.

#### Indonesia's decision to invade and conduct open warfare

225. On 28 November 1975, Indonesian troops already occupied significant areas of Timor-Leste. The Indonesian government completed its final political preparations in the early days of December, making clear its intention to take over the territory. This was not news to Western powers. US and Australian intelligence had been monitoring Indonesia's troop build-up, and their governments had been in constant dialogue with Indonesia over the period of military operations under *Operasi Flamboyan*, particularly through Harry Tjan Silalahi and Yusuf Wanandi of CSIS, the think-tank established by intelligence chief General Ali Moertopo. With the warning from the Australian Government on 2 December, most remaining foreigners left Dili. Australian Roger East was the only remaining foreign journalist in the territory.

226. Australian Prime Minister Whitlam had already made clear in his Townsville and Wonosobo meetings with President Soeharto his preference for Indonesia to subsume Timor-Leste.<sup>298</sup> Aware of the upcoming visit to Jakarta of US President Ford and Secretary of State Kissinger, on 5 December Fretilin sent a desperate letter to President Ford:

We have been charged in the UN General Assembly with being an aggressor state...We now hear that "Timor-Leste has committed acts of aggression" against Indonesia and that the people there are demanding full scale intervention. My government believes these baseless charges are a prelude to open warfare.<sup>299</sup>

227. The impending invasion of Timor-Leste was briefly discussed between Presidents Ford and Soeharto, and Secretary of State Kissinger. The US clearly expressed its acceptance of Indonesia's expected annexation of Timor-Leste:

[Soeharto] We want your understanding if we deem it necessary to take rapid or drastic action.

[Ford] We will understand and will not press you on the issue. We understand the problem you have and the intentions you have.<sup>300</sup>

228. With this key international support secured, Indonesia also sought to legitimise its decision domestically through its Parliament. On 6 December the Indonesian People's Consultative Assembly (MPR) stated that it:

Supports the Government of Indonesia to take steps to resolve the problem of East Timor.

Greatly regrets the Fretilin move to declare the independence of Portuguese Timor on 28 November 1975, that clearly contradicts...[the process of decolonisation]...in accordance with the Rome agreements.<sup>301</sup>

229. The MPR statement concluded by reiterating the anti-colonialist principles of Indonesia. On the same day, the Indonesian People's Representative Council, (DPR), passed a resolution stating that:

There is a desire from the people of Portuguese Timor to join the Republic of Indonesia that must be acknowledged by the DPR.<sup>302</sup>

#### Dili prepares its defence strategy

230. Fretilin could call on around 10,000 troops for the defence of Timor-Leste, composed of 2,500 professional East Timorese soldiers from the Portuguese army, and around 7,000 trained civilians.<sup>303</sup> The troops were well equipped with Mauser rifles and plentiful ammunition from Portuguese NATO stocks. Fretilin also had competent military leadership, led by Fernando do Carmo, a member of the Portuguese army. Throughout the period of Indonesian covert operations on the border from September 1975 until the December invasion of Dili, Fretilin troops maintained superiority in the areas where Indonesian forces did not have the advantage of naval artillery support and had gained valuable combat knowledge.

231. In October, Fretilin sent a telegram to the President of the United Nations Security Council, indicating its will to resist armed intervention by Indonesia:

We will fight back until the last man and will never give up arms while the democratic rights of our people are not respected. Indonesia is deeply involved in training of guerrilla forces in Indonesian Timor which is in violation of the principles of the UN charter and international law. We call upon your Excellency to stop Indonesian military aggression against our people.<sup>304</sup>

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<sup>300</sup> There were no formal agreements between Portugal and Indonesia from the Rome meeting in November 1975. At the time of the meeting Indonesian troops occupied parts of Portuguese Timor, the Portuguese colonial administration was on Atauro and Fretilin's attempts to communicate with them went unanswered. The Commission heard a submission from CSIS member Yusuf Wanandi that the unilateral declaration of independence by Fretilin galvanised different factions within Indonesia "to support the military operation to intervene in Timor-Leste. Because of that, what previously had been characterised by intelligence operations and was secret, became combined military operations and was supported by all forces." [See Submission to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003].

## Indonesian military preparations: Operation Seroja (Lotus)

232. The resistance confronted by the Special Forces during their incursions in August and September prompted the establishment of the Operation Seroja Joint Task Force Command<sup>\*</sup> in October 1975, and troop numbers were increased to 3,200.<sup>305</sup> These reinforcements included the Kopassandha<sup>†</sup> 2<sup>nd</sup> Combat Detachment, the Marine 5<sup>th</sup> Infantry Battalion<sup>‡</sup> from Surabaya, the Ratulangi submarine, two air force transport planes, and three battalions from the 2<sup>nd</sup> Infantry Brigade (East Java).<sup>306</sup> While the border incursions continued, leading to control by the Indonesian military of the border towns of Balibo and Atsabe, the Seroja Command planned a full invasion of Timor-Leste. This was to be a two-pronged combined forces attack on Dili on 7 December. The plan called for marine and army infantry battalions brought by ship from the border town of Atabae in Bobonaro District, which the 2<sup>nd</sup> Infantry Brigade and Tim Susi already occupied. The intention was to conduct an amphibious landing in Dili at dawn, followed soon after by parachute drops of troops from the Secret Warfare Command and the Army Strategic Reserve into the centre of the town.<sup>307</sup>

## Invasion of Dili and Baucau

### The attack

233. On 7 December 1975 Indonesia mounted a full-scale attack upon Dili. This was a major military offensive involving troops with full sea and air support.<sup>308</sup> This attack was made without the formality of declaring war.<sup>§</sup> The city of Dili had been on high alert for days, expecting an attack. In 1975, Dili's population was approximately 28,000. While some Fretilin armed units stayed behind to offer resistance to the invading forces, civilians and the Fretilin leadership ran to the hills toward Aileu. Many were unable to escape. The invading forces committed atrocities against the civilian population and made costly military errors resulting in a significant loss of life on their part.

234. On 6 December in the afternoon, several hundred East Timorese Partisans and Indonesian troops from the 1<sup>st</sup> Marine Unit boarded the naval warship *Teluk Bone* at Atabae and left for Dili. They were to carry out a preparatory landing under the cover of darkness in readiness for the full-scale invasion the following day.<sup>309</sup> At 2.00am on 7 December, five more Indonesian warships arrived off Dili.<sup>310</sup> Alerted to their presence, Fretilin shut off the city's power supply at 3.00am, blanketing the city in darkness. The Indonesian command naval ships opened fire on Dili, contrary to planning. Indonesian journalist Subroto accompanied the invading forces and reported:

Because the surprise factor was lost, Task Force Commander Brig. Gen. TNI Soewono ordered KRI Ratulangi, KRI Barakuda, KRI Martadinata, and KRI Jayawijaya to open fire in the direction of the shore. This attack went well until the element of surprise was increasingly lost, which caused the 1<sup>st</sup> Marine Unit that had landed to be ineffective.<sup>311</sup>

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<sup>\*</sup> *Komando Tugas Gabungan Operasi Seroja* . Brig. Gen. Chamid Soeweno, then serving as Commander of the Special Warfare Command (Kopassandha) Intelligence Center, was appointed commander. Col. Dading Kalbuadi was retained as the Assistant for Intelligence.

<sup>†</sup> Special Warfare Command.

<sup>‡</sup> Renamed Pasmal 1.

<sup>§</sup> Total troop numbers of the invading forces are not precisely known. However in addition to the several thousand that landed on 7 and 10 December, 10-20,000 are thought to have landed during the following weeks, including a large number on Christmas day. [See Carmel Budiardjo and Liem Soei Liong, *The War Against East Timor*, Zed Books, London, 1984, p. 15, p. 23; Dunn 2003, p. 244].

235. At about 4.30am, 400 marines\* together with light amphibious tanks and armed personnel carriers landed at Kampung Alor on the western outskirts of Dili.<sup>312</sup> Fretilin/Falintil resistance was light, and by 7.00am Indonesian Marines had secured the area. Following this the Indonesian Navy bombarded the eastern and western parts of Dili, which they wrongly understood to house Fretilin artillery, in preparation for the arrival of paratroopers.<sup>313</sup>

236. Earlier, just before 6.00am, nine C-130B Hercules airplanes had flown over Dili and dropped the first contingent of paratroopers from the Secret Warfare Command (Group 1) and Kostrad (Yonif 501).<sup>314</sup> Poor intelligence caused these to be dropped directly over the town, a landing ground full of hazards.<sup>315</sup> Most of these troops landed in the north-eastern part of Dili. Some of the paratroopers came under fire from Fretilin/Falintil forces while still in the air; others were injured or died as they landed among buildings and power lines. One aircraft dropped its load of paratroops into the sea, where they drowned, and another load landed behind Fretilin lines.<sup>316</sup> A second drop shortly before 8.00am resulted in ABRI units fighting each other in confusion. Because the morning drops had gone so badly, an afternoon sortie was cancelled by the Joint Task Force Command.<sup>317</sup>

237. Fretilin/Falintil forces defending the city enjoyed initial success. When two C-47 Dakota aircraft carrying 38 Special Forces troops attempted to land and take control of the Comoro airport west of Dili, Fretilin successfully repulsed one.<sup>318</sup> However, with its superior firepower ABRI soon gained the upper hand. In the words of Fretilin/Falintil soldier Carlos Maria Soares:

*We were at Fretilin's post at Bidau Santana, resisted the TNI [ABRI] under commander Amandio. At the time we were 21 people...Our resistance...didn't last long because we didn't have enough soldiers or ammunition.*<sup>319</sup>

238. By midday Indonesian troops had secured the *Palácio das Repartições* (now the *Palácio do Governo*) in the heart of Dili and posted teams along the key routes leading out of the centre of town. Fretilin/Falintil troops remained in control of Taibessi and Lahane at the base of the southern foothills of Dili, as well as the hills south of Fatuhada and those overlooking the Comoro airport.

### **Information control: seeking to conceal ABRI involvement**

239. To maintain the fiction that none of its military personnel were involved, ABRI had removed the insignia from its landing craft.<sup>320</sup> Its troops used AK-47's and other non-Western light arms procured by General Benny Moerdani specifically for the invasion of Timor-Leste. The aim was to deny Indonesian military involvement, and avoid incriminating ABRI's major arms suppliers, particularly the US.<sup>321</sup> Most of its heavy weaponry - aircraft, ships and landing craft - as well as the training of many of its elite troops such as the airborne brigades, had been supplied by the US.<sup>322</sup>

240. The only foreign journalist remaining in Timor-Leste, Australian Roger East, was taken from the Hotel Turismo on the morning of the landings and executed later that day on the waterfront by Indonesian troops.<sup>323</sup> This brought to six the number of foreign journalists killed by the Indonesian military in less than two months, and ensured that the story of Indonesia's invasion and subsequent operations were not reported in detail by the international media.

241. The Indonesian military attempted to maintain the fiction that the invasion of Dili had been carried out by East Timorese Partisans from the four political parties that had signed the

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\* From the 5<sup>th</sup> Landing Team Infantry Battalion (Yonif 5 Brigif 1 Pasrat Marinir, referred to as Pasmar 1).

Balibo Declaration. One day after the invasion of Dili an official Indonesian press release referred to the “the fall of Dili on 7 December to the combined forces of Apodeti, UDT, KOTA and Tralabista.”<sup>324</sup> This statement made passing reference on the third page to Indonesian “volunteers” involved in the operation. Six days later the Indonesian minister of information stated that:

The volunteers requested by Apodeti, UDT, Kota [sic] and Tralabista who helped our brothers in Portuguese Timor aren't likely to be contained [any longer] by the Indonesian Government.<sup>325</sup>

242. Indonesian journalists repeated and disseminated this disinformation, contributing to the myth that Indonesia was not invading but rather it was the integrationist East Timorese parties who were regaining control of their territory with the assistance of a small number of Indonesian “volunteers”.<sup>326</sup> Indonesian historian Dr Asvi Warman Adam, a Research Professor at the Indonesian Academy of Sciences (LIPI), told the Commission that this myth had a long-lasting impact in Indonesia.<sup>327</sup> In assessing some of the key historical points he believes need to be reconsidered in Indonesia related to this period, Dr Adam told the Commission that:

*The term “volunteer” is obviously incorrect because it has to be admitted that they were Indonesian forces.*

243. Noting the scale of the attack on Dili, Dr Adam told the Commission that it could be “compared to the attack to put down the PRRI/Permesta rebellion (in 1958), which was the biggest military operation in Indonesian war history.”

### **Mass violence against civilians**

244. In addition to arbitrary executions of civilians, a number of mass killings occurred during the first few days of the invasion. The Commission was told that members of Dili's Chinese community were targeted by Indonesian soldiers, as groups of civilians were killed in the downtown area of Colmera in the first two days.<sup>328</sup> On 8 December there were several group executions of civilians at Dili harbour. These included the executions of Isabel Lobato, the wife of Fretilin leader Nicolau Lobato, who was shot in the back in the morning, Fretilin member Rosa Muki Bonaparte and the Australian journalist Roger East in the afternoon.<sup>329</sup> The evidence suggests that Fretilin members were pointed out from the crowd of confused civilians that had assembled near the harbour. These were then taken to the harbour and executed.<sup>330</sup> The Commission received evidence of an ABRI “hit list” of individuals to be targeted for execution, compiled during the months of covert intelligence operations preceding the full-scale invasion.<sup>331</sup>

245. On 8 December General Moerdani toured Dili in the company of Colonel Dading Kalbuadi, visiting the harbour:

That afternoon Navy Captain R. Kasenda, Chief of Staff of the Combined Task Force Command, left the KRI Ratulangi to inspect the city of Dili. The inspection was done riding the BTR-50 amphibious APC (armoured personnel carrier). At Dili harbour, Navy Captain R. Kasenda met with Major General Benny Moerdani, then he walked with him towards the Governor's office. At that time on the roads there were still the bodies of Fretilin who had not been buried yet.<sup>332</sup>



246. Other groups of civilians were killed as Indonesian troops made their way towards Falintil's headquarters in the foothills south of Dili. The Commission heard a number of testimonies of the massacre of 21 civilians at the *Assistência* building, near a Fretilin base at the Matadouro building:

*[T]hey [ABRI] separated the men from the women. They took the men to the side of the building which was covered in tall grass...Soon after that we heard shooting and the sound of a grenade. The shooting went on for a very long time...the men who had been taken to the side of the building had all been killed.*<sup>333</sup>

247. The execution of civilians by Indonesian troops seems to have been a recurrent pattern of the day of invasion.<sup>334</sup> An account to the Commission of another massacre of civilians, in the area of Caicoli in central Dili, stated:

*On 7 December Indonesia invaded with paratroops early in the morning, landing in Dili. At that time a [Falintil] commander Sergeant Constancio Soares was shot dead directly in front of the Sang Thai Hoo shop in Colmera. At midday TNI [sic] attacked the military police headquarters in Caicoli and arrested around 50 people. They ordered them to line up and then shot them dead.*<sup>335</sup>

#### **Fretilin leadership escapes to the interior**

248. The Commission heard many testimonies and statements of the escape to the interior as the invasion occurred.<sup>336</sup> The Fretilin plan was to evacuate to the south, providing sufficient resistance to hamper the advance of Indonesian troops. Large numbers of the civilian population of Dili fled with them towards Aileu.<sup>337</sup>

249. Despite the parting pleas from the ICRC in the days before the full-scale invasion, Fretilin took its UDT and Apodeti prisoners with them as they fled.

#### **Invading forces occupy Baucau**

250. On 9 December four Indonesian warships carrying Indonesian marines and 1,500 East Timorese Partisans, and two Soviet-made Indonesian frigates left Dili waters headed in the direction of Baucau. At around 6.00am on 10 December, under the cover of naval artillery, a marine landing team led by Manuel Carrascalão under the command of Colonel Dading Kalbuadi landed at a beach near Laga in Baucau District. The Commission heard testimony that the attack on Baucau met with virtually no armed resistance and that Indonesian forces were quickly in control of the town.<sup>338</sup>

#### **The cost of full-scale invasion**

251. The widespread atrocities committed against civilians in Dili on the initial days of the invasion constituted a grave violation of human rights. There were virtually no disciplinary consequences for Indonesian forces responsible for such actions. Tragically, this set the tone for the absolute impunity for violence against civilians that was the hallmark of the conflict for years to come. On the ninth day of the invasion, Fretilin sent yet another telegram to the United Nations Security Council. Fretilin's minister of information Alarico Fernandes reported extensive looting in Dili, and the presence of 19 ships in the harbour engaged in the pillage.<sup>339</sup>

252. The cost in terms of loss of life to Indonesian forces was also significant. ABRI's initial invasion succeeded in the military objective of taking the cities of Dili and Baucau, but poor planning and last minute changes resulted in confusion over the amphibious landing and a high death toll for the elite Kostrad and Kopassandha paratroopers. General Benny Moerdani, who had played a leading role in planning the invasion, gave this analysis of the Indonesian invading forces:

[Our] troops did not display discipline, they fired on one another. It is embarrassing...From a military perspective, we can't take much pride in that operation.<sup>340</sup>

#### United Nations response to the full-scale invasion

253. The Commission heard testimony of the scene at the United Nations in New York at this time from David Scott, a respected senior Australian social justice worker who had been sent by civil society organisations to New York to support the work of José Ramos-Horta immediately after the invasion:

*The Secretary of the Fourth Committee, that was debating the reported invasion by Indonesia, told me that very few people in New York and the United Nations knew anything about East Timor. The Indonesian delegation was saying that "we have gone into East Timor just as if we were putting out a fire in the kitchen of the house next door, and we will retire."*

*The following day Ramos-Horta arrived with Araújo, and a key moment was the acceptance by the United Nations of Ramos-Horta as the representative of the East Timorese people...In the next two weeks, Ramos-Horta...campaigned strenuously to argue the case for recognition or the retention of East Timor on the United Nations agenda and supporting the resolutions, calling on Indonesia to withdraw and affirming the right of East Timor to self-determination.<sup>341</sup>*

254. On 12 December the General Assembly passed Resolution 3485, deploring the invasion and calling for the withdrawal of Indonesian troops from Portuguese Timor. The Security Council met three times in December to discuss the situation in Timor-Leste, and on 22 December unanimously passed Resolution 384 which called on Indonesia to withdraw its troops and reaffirmed the right to self-determination of the people of Timor-Leste.

255. The Security Council resolution instructed the UN Secretary-General to send a special representative to Timor-Leste. The representative, Winspeare Guicciardi, visited Indonesian controlled areas of Timor-Leste in late January 1976. However his efforts to meet with Fretilin leaders were foiled. The Commission heard testimony of efforts to coordinate safe landing places on the south coast, through Fretilin radio broadcasts to a radio-set in Darwin. However, the potential landing sites were bombed by the Indonesian military and the Australian government shut down the Darwin radio frustrating efforts for further communication.<sup>342</sup> Indonesia also threatened to sink a Portuguese corvette that was to be used to land Guicciardi on the south coast of Timor-Leste for these meetings.<sup>343</sup>

256. The result was that the United Nations was poorly informed of the situation on the ground in Timor-Leste at this time, and it failed to hear the perspective of the Fretilin leadership inside the territory or to see for itself the conditions in Fretilin-controlled areas.

After this initial response, the United Nations made no further meaningful efforts to immediately visit Timor-Leste. The debate returned to the General Assembly which, while it continued to condemn the invasion and affirm the right of the East Timorese people to self-determination, did little to place real pressure on Indonesia to reverse its actions.<sup>344</sup>

### 3.11 East Timorese experience of early occupation and Indonesia's attempts to formalise integration

#### Overview

257. Indonesia moved to install a provisional government on 17 December 1975, comprised mostly of members of the Apodeti and UDT political parties that accompanied the full-scale invasion.<sup>345</sup> José Ramos-Horta was accepted at the United Nations as a spokesperson for the East Timorese people, and diplomatic activity was frantic.

258. Fretilin leadership had withdrawn to the interior, taking with them UDT and Apodeti prisoners held in their main Dili prison in Taibessi. As Indonesian forces advanced on the Fretilin headquarters in Aileu, members of Fretilin perpetrated a massacre of a large number of these prisoners. In the course of retreat from advancing troops, further massacres of prisoners took place in Maubisse and Same in late December and January 1976.

259. Large numbers of the East Timorese civilian population had fled the towns and villages and lived in Fretilin-controlled areas. In May 1976, Fretilin held a national conference to consider its strategy. It decided on a national resistance strategy based on the civilian population living in the mountains with the fighters in a number of liberated zones. Civilians provided logistical support to the Fretilin fighters. Women and youth organisations conducted education and other social activities, and health networks were established. Generally, populations living in these zones were beyond the reach of the Indonesian military for most of 1976.

260. On 31 May 1976 Indonesia sought to legitimise its occupation of Timor-Leste. In a short ceremony in Dili, which it called the "Act of Integration," Indonesia formed a Popular Assembly of approximately 30 members from the districts. The Assembly endorsed a petition to President Soeharto asking for the integration of Timor-Leste into Indonesia. Members of the Assembly were flown to Jakarta to present the petition to President Soeharto, and on 17 July Soeharto signed a bill declaring Timor-Leste part of Indonesia. The United Nations rejected this attempt in Resolution 31/53 on 1 December 1976, and called for an internationally acceptable act of self-determination in the territory.

#### ABRI consolidates; Indonesia installs "Provisional Government"

261. In response to Indonesia's 7 December invasion of Timor-Leste, the UN General Assembly passed Resolution 3485 on 12 December. This called for the withdrawal of Indonesian troops but was ignored by Indonesia. On 17 December Indonesia installed the Provisional Government of East Timor (Pemerintah Sementara Timor Timur, PSTT), with Arnaldo dos Reis Araújo, the president of Apodeti, as chairman, and Francisco Lopes da Cruz, the president of UDT, as deputy.<sup>346</sup> A total of 24 men were appointed to positions of responsibility in this Provisional Government and to a deliberative council. Sixteen of these were from UDT and Apodeti.<sup>347</sup>

262. On 18 December the Provisional Government sent a telegram to President Soeharto calling for military help:

The Provisional Government of Eastern [sic] Timor kindly request[s] the Government of the Republic of Indonesia to render assistance in the military, social as well as economic assistance [sic] so that a condition of peace and order in the territory of Eastern Timor [sic] can be restored free from the disturbances and threats of the terrorists' [sic] remnants left by the Portuguese Government.<sup>348</sup>

263. The PSTT was a government in name only. It was established to expedite the process of integrating Timor-Leste with Indonesia. Mário Carrascalão confirmed the powerlessness of this government when he told the Commission that:

*I could not say that the PSTT was an actual government.*<sup>349</sup>

264. Indonesia was fighting a diplomatic battle at the UN, where it sought to defuse international condemnation of its invasion. On 22 December 1975 Arnaldo dos Reis Araújo wrote to the Secretary-General of the United Nations rejecting on security grounds the proposed visit of a team of observers to the territory.<sup>350</sup> Disregarding the 22 December Security Council resolution, Indonesia landed approximately 10,000 further troops around the Christmas period.<sup>351</sup> While the international community made its limited overtures for peace, having established control of Dili and Baucau, ABRI combat units advanced along the major roads. Others landed at strategic points along the south coast. This was a slow process. ABRI units moved cautiously.<sup>352</sup> In early 1976 the first major advance was to the south of Dili in pursuit of Fretilin troops who had retreated to their bases in the interior.

#### Fretilin in retreat, the massacres of prisoners

265. Fretilin held large numbers\* of UDT and Apodeti prisoners at its base in Aileu.<sup>353</sup> Under pressure from advancing Indonesian troops, it was preparing to retreat further into the interior. The Fretilin Central Committee was fragmented. In late December some were in Aileu, some in Maubisse.<sup>354</sup> It was in these circumstances that Fretilin members conducted several mass executions of prisoners in the Aileu area. The first took place on 26 December 1975 at Asirimou in Aileu. The Commission was told that Fretilin members killed around 22 people. Amongst them was the former Portuguese police chief Maggioli Gouveia, who sided with UDT during the civil war.<sup>355</sup> Subsequent executions occurred at Saboria and at Aituri.<sup>356</sup> Former Fretilin President Francisco Xavier do Amaral offered to the Commission an analysis of how these massacres occurred:

*We were in the middle of war, in this war...we ran from our enemies, we ran, we took those we had imprisoned, our enemies who we had imprisoned, with us...*

*So we had to look at this. Do we leave them here alive? Do we run alone and leave them? Or do we kill them and then run?*

*Therefore, some of them [Fretilin members] took a decision that we kill them, so that the enemy could not endanger us. Perhaps this opinion was commonly held, more or less commonly, by leaders at all levels.*<sup>357</sup>

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\* UDT member Antonio Serpa gave testimony to the Commission that he was held prisoner by Fretilin in a large coffee warehouse in Aileu with, he estimated, 3,000 prisoners. [See testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003].

266. Indonesian troops overran Aileu on 31 December 1975.<sup>358</sup> Fretilin retreated further into the interior, first to Maubisse and then on to the south coast. Further massacres of prisoners took place as Fretilin retreated. The Commission heard testimony of a Fretilin massacre of five prisoners in Maubisse in late December, of 31 prisoners at the primary school in Same on the south coast on 29 January 1976,<sup>359</sup> and of 8 prisoners at Hat Nipah, near Hola Rua, on the south coast in late January or early February.<sup>360</sup> In addition to massacres in the central region, the Commission also received testimony about a Fretilin massacre of 37 people in the village of Kooleu in Lautém District, in early January 1976.<sup>361</sup>

#### ABRI advances, early 1976

267. Troops from Kostrad's 2<sup>nd</sup> Combat Command (Kopur II) advanced through Maubisse, and by the end of January were fighting for control of the strategic Fleixa Pass. By 23 February this force reached Ainaro where it joined with troops which had landed at Betano on the south coast, and so gained tentative control over the central north-south route. The second major front opened in the western regions near the Indonesian border. Troops of the 18<sup>th</sup> Infantry Brigade (East Java) advanced through Bobonaro in late January, then through Atsabe and Letefoho, reaching Ermera on 27 March 1976. Meanwhile on 5 February another force parachuted into Suai on the western south coast, and advanced east towards Zumalai. The Indonesian military did not attempt the north coast west of Dili until mid-year. In June it attacked Liquiça and Maubara,<sup>362</sup> before proceeding to the Ermera area in a series of short operations beginning in July.

268. Operations in the east spread out from Baucau. Four thousand new troops were flown into Baucau in late December 1975 where they joined units already operating under Kostrad's Airborne Combat Command (Linud Kopur Kostrad).<sup>363</sup> These forces launched offensives along three key routes. From Baucau, several battalions advanced west along the coastal road and captured Manatuto on 31 December. From Manatuto these troops turned south towards Soibada. A second offensive struck southward from Baucau towards Viqueque, where it joined a Marine force that had landed at Uatu-Lari on the south coast. A third force attacked well established Fretilin forces south of Laga in the foothills of Mount Matebian. The final attack targeted Lautém in the east, with a parachute attack on Lospalos on 2 February 1976 supported by infantry reinforcements.<sup>364</sup> Having established control of most of the major towns of Timor-Leste's, in August 1976 ABRI established the East Timor Defence and Security Regional Command (Kodahankam), dividing the territory into four operational sectors—West, Central and East, as well as Dili and Oecusse.<sup>†</sup>

#### East Timorese experience of the early occupation

269. A large number<sup>‡</sup> of the civilian population had fled to the interior, temporarily safe from the Indonesian military. Many towns were virtually abandoned by the East Timorese population as they fled the invasion.<sup>365</sup> Displacement was a widespread experience, and many civilians were without adequate shelter, food or health facilities.<sup>§</sup>

270. The violence of the Indonesian military against civilians shocked some East Timorese political leaders who had assisted in the invasion. Indicating the extremity of the situation as

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<sup>\*</sup> *Operasi Shinta* against Fatubesi, *Operasi Tulada 1* against Hatulia, *Operasi Tulada 2* against Railaco and *Operasi Tulada 3* against Leorema.

<sup>†</sup> Sector A (Dili and Oecusse), Sector B (West—Liquiça, Bobonaro, Ermera and Covalima; about 10 Battalions), Sector C (Central—Aileu, Ainaro, Manufahi and Manatuto; about eight battalions), and Sector D (East—Baucau, Viqueque, and Lautém; about 12 battalions).

<sup>‡</sup> Possibly as many as 300,000. [See Chapter 7.3: Forced Displacement and Famine].

<sup>§</sup> See for example, testimonies of Manuel Carceres da Costa about the town of Lacio in Manatuto District, and Francisco Soares Pinto about the town of Iliomar in Lautém District, both at the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 December 2003.

well as the weakness of his position, the Chairman of the PSTT, Arnaldo Araújo, wrote confidentially to President Soeharto of his concerns in June 1976:

We concede that the looting of private businesses, government offices and the state treasury could be due to the emotions of war, but it is difficult to understand why it continues six months after, leaving everybody in a cruel state of insecurity...Day and night, at my home and office, widows, orphans, children and cripples come begging for milk and clothing. I can do nothing but join my tears to theirs, because the Provisional Government owns nothing<sup>366</sup>

271. In Dili the Indonesian military began what became a pattern of detention and torture in this period, as they tried to control the civilian population who they suspected of having links to those in the mountains.<sup>367</sup> By mid-1976, the first East Timorese refugees from camps in West Timor managed to leave for Portugal. They provided the first eyewitness accounts of the extent of the violence of the invasion.

### Fretilin regroupes

272. From 15 May to 2 June 1976 Fretilin held a national conference at Soibada in the eastern interior to decide its strategy. Recognising the futility of continuing to fight ABRI on equal terms, the decision was made to mobilise a national resistance. The strategy involved presenting a semi-guerrilla resistance by Falintil. These would be supported logistically by the civilian population, who would remain in the mountains and forests with Fretilin.<sup>368</sup> Fretilin was not unanimous in reaching this decision. All were agreed in the need to fight a war of resistance, but not all supported the idea of conducting a social revolution with the civilian population. Francisco Xavier do Amaral expressed reservations about this latter policy, while others, such as members of Fretilin's military wing, took a neutral stance.<sup>369</sup>

273. To implement the new strategy, Fretilin established a resistance structure based on a number of "liberation zones" (zonas libertadas). Within these zones existed resistance bases (bases de apoio), in which civilians were encircled by a defensive ring composed of Falintil troops, helped by Fretilin militia companies (Miplin) and civil defence units (arma branca or força popular).<sup>370</sup> Behind the lines, civilians, particularly women, provided logistical support for the troops. Fretilin conducted political education to the civilian population in these bases with the aim of building widespread political commitment to national liberation (see Part 5: Resistance: Structure and Strategy).

274. In addition to operating schools and growing food, there were attempts at medicine production, although in most cases people had to rely on traditional knowledge of plant-based medicines.<sup>371</sup> Manuel Carceres da Costa told the Commission about life in these Fretilin-controlled areas in Lacro, Manatuto District in 1976:

*In the forest we formed two organisations: Organização Popular da Mulher Timorense (OPMT) which was a women's organisation affiliated with Fretilin, and Organização Popular Juventude de Timor (OPJT) which was a youth organisation. These organizations helped us to coordinate activities among the people. For example we worked together to plant gardens and rice paddies, and we planted maize around the town of Lacro. The Indonesian military had not yet reached Lacro.*<sup>372</sup>

275. Fretilin also ran prisons (Renal), where violations of human rights were common.<sup>373</sup>

## Indonesia formalises the integration

276. Not long after Fretilin's Soibada meeting Indonesia orchestrated what it called an Act of Integration. The Provisional Government convened a body called the Popular Assembly during May 1976, chaired by Guilherme Gonçalves. The Assembly purported to be a representative selection of East Timorese. Participants were selected by Indonesian-appointed administration officials. Clementino Amaral participated in the Assembly from Baucau, and told the Commission:

*What was this process? They [the Indonesian authorities] wanted two people from each district to represent the district, to make the petition to ask Indonesia to allow us to enter Indonesia. In Baucau, how did this go? Hold an election? [No.] The functionaries that were close to them chose the two people...<sup>374</sup>*

277. The members of the Assembly endorsed a petition to President Soeharto requesting Indonesia to grant integration. Mario Carrascalão pointed out that this was the only function the Popular Assembly performed:

*The Popular Assembly...met once in May 1976, here, just to go over one point of its "charter", that is, integration without referendum...its [only] purpose was to discuss the "integration petition" that would be sent to Soeharto.<sup>375</sup>*

278. This petition was signed by Arnaldo dos Reis Araújo as head of the PSTT, and Guilherme Gonçalves as head of the Regional Representative Assembly (DPRD), although this had yet to be established.<sup>376</sup> Claiming to represent the East Timorese people, and referring to the Balibo Declaration as the basis of its claim, the key point of the brief petition was that Timor-Leste be integrated into Indonesia without referendum. The entire group was then flown by a military aircraft to Jakarta to present the petition to Soeharto.<sup>377</sup> On 7 June Arnaldo dos Reis Araújo, Guilherme Gonçalves, Francisco Xavier Lopes da Cruz and Mário Carrascalão presented the petition to President Soeharto in Jakarta.

279. On 24 June a large fact-finding mission of Indonesian officials and a group of 10 international diplomats visited Dili, accompanied by Indonesian and international journalists, supposedly to verify the legitimacy of the petition. The United Nations Special Decolonisation Committee Chairman had been invited, but declined to join the mission. Australia, the US and Japan also declined to participate, though New Zealand sent a representative to observe (see Chapter 7.1: Self-Determination for excerpts of the report of the New Zealand representative and analysis of this process). The mission spent one day in Timor-Leste. It attended a ceremony where the head of the PSTT, Araújo, made a speech, and groups visited towns close to Dili. Their movements were strictly controlled and free interaction with East Timorese people, including members of the Popular Assembly, was not permitted.<sup>378</sup> Despite this, the mission reported that an effective government was functioning and that the People's Representative Council was performing as a "tool of democracy". It also found that there was a desire for integration without referendum, which it claimed was an unfamiliar mechanism to the East Timorese people.<sup>379</sup> On 17 July 1976 President Soeharto signed the

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<sup>373</sup> The international members of the mission were the South Korean, Malaysian, Iranian and Syrian ambassadors to Jakarta, the charge d'affaires of Afghanistan and Iraq, and officers representing Panama, South Yemen and India, and an observer from New Zealand.



law passed by the Indonesian People's Consultative Council (DPR-RI) formalising Indonesia's act of integrating Timor-Leste.<sup>380</sup>

280. Indonesia presented this as a legitimate act of self-determination. It was not recognised by Portugal or the United Nations, and on 1 December 1976 the United Nations General Assembly passed resolution 31/53 rejecting Indonesia's annexation of Timor-Leste and reiterated its call for an internationally acceptable act of self-determination.

#### Operation Seroja continues—US-supplied OV-10 Bronco aircraft introduced

281. Some time in mid- to late-1976, the first US-supplied OV-10 Bronco ground attack aircraft arrived in Indonesia.<sup>380</sup> Airpower became a key part of ABRI's strategy in Timor-Leste. Albino do Carmo, the Falintil commander in the mountains in the Bobonaro-Covalima area, recalled:

*In about August [1976] ABRI tried to attack Mount Lakirin again. One company together with Hansip [civilian auxiliaries] came up. I went to see and chased them off. Two of my section commanders were killed. We fired at each other, only 10 to 20 metres apart. Then ABRI tried to take another mountain. From Suai they entered the area of Mount Fohorua. They entered the area three times. Each time we chased them away...They used airplanes with bombs in Lela, where I was based. The planes only fired big rockets...Every week they fired on our position, on civilians, on the school. They were looking for locations where there were a lot of people. Sometimes they even shot cattle. They did that with a machine gun.<sup>381</sup>*

282. Aerial strafing and bombing were primarily used to "soften up" targets prior to a ground attack by infantry troops. In Lolotoe José Pereira recalls a progression from use of helicopters to large bombers and finally to the use of the US-supplied OV-10 Bronco aircraft:

*In 1976 ABRI already used airplanes and bombs. In 1976-1977 often, two or three times a week. [The airplanes] flew quite low. First they used helicopters and shot. They also used large black aircraft. They used bombs. And third they used big aircraft with a hole in the back [OV-10 Bronco]. They were used since 1976, starting around about August.<sup>382</sup>*

283. The use of aerial power placed Fretilin forces under intense pressure, as Falintil only had light arms. It was to be a key factor in bringing the civilian population in the mountains to surrender, and consequently in ABRI's military victory over Fretilin/Falintil in 1978-79.

#### Military stalemate, late 1976

284. By the end of 1976, the Indonesian military had established limited control of corridors along the major roads: running south from Dili to Ainaro and Betano; from Baucau to Viqueque; from Manatuto to Laclubar, and from Lautém to Tutuala. Although it had reasonable control of areas it could reach by road along the north coast, large areas of the

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<sup>380</sup> Law No. 7, 1976, East Timor's Integration into the Republic of Indonesia and the Establishment of the East Timor Province.

interior remained beyond ABRI's control. Having expected a quick and easy campaign, ABRI met fierce and well-executed resistance from Fretilin. Progress was slow.

285. Despite added US-supplied airpower, the situation by the end of 1976 was essentially that of stalemate. An April 1976 an American embassy report suggests the difficulties faced by the Indonesian military:

Gen Yogi [Soepardi, assistant for planning, Department of Defence]...estimated Fretilin strength to be around 3,000 with only 5,000 of 15,000 weapons so far captured by Indonesia. Indonesia is already encountering [a] serious drain on resources, with shortages of ammunition for small arms, artillery, tanks and naval guns.<sup>383</sup>

### 3.12 “Encirclement and annihilation”: the final stages of Operation Seroja 1977-79

#### Overview

286. Fretilin struggled with the issue of what to do with the large number of civilians with them in their bases in the interior. Some thought it was time to change strategy and allow civilians to surrender and resettle in the towns. Divisions over this issue led to a violent split in Fretilin and the overthrow of its President Francisco Xavier do Amaral in August 1977. Detention, torture and summary executions were carried out by Fretilin during this time.

287. In the second half of 1977, Indonesian military campaigns intensified, and included the destruction of food sources in the interior with the aim of separating the civilian population from the armed resistance. These operations resulted in a high civilian death toll, from direct attacks and from the starvation and sickness that resulted from the destruction of Fretilin bases and food sources.

288. As Fretilin retreated to fewer and more confined areas, ABRI launched Operation Skylight, aimed at forcing the surrender of key Fretilin leaders and with them the remaining civilian population.<sup>384</sup> Mount Matebian in the east, as well as parts of Ermera and Suai in the west, were the scenes of the most intense bombardments by airplane, resulting in large-scale death and ultimately the surrender of tens of thousands of civilians. Key Fretilin leaders were captured, surrendered or were killed, leaving the armed resistance in disarray. Fretilin president Nicolau Lobato was killed in combat on 31 December 1978.<sup>385</sup> Xanana Gusmão escaped to the east. The Indonesian military continued mopping up exercises through early 1979, and in March 1979 it declared the territory pacified.

#### Civilian population in the mountains

289. In late 1976 life in the Fretilin-controlled zonas libertadas was difficult for civilians, but in general they were not directly involved in combat. The Indonesian military had not yet been able to establish a permanent presence in the interior regions where these zones were located. The civilians with Fretilin were able to organise a basic functional society that could provide for the people's essential needs.<sup>386</sup> Their focus was farming food crops and provision of very basic health care and education to children. The Commission heard expert testimony from Gilman dos Santos, a civil servant from the Indonesian provincial government working with displaced communities in the late 1970s and later a staff member of the US non-governmental organisation Catholic Relief Services:

*According to my calculation, the food situation in the forest between 1975 and 1977 was not that bad. The people didn't experience many problems because at that time they still had the ability to move around and were free to plant according to the seasons. They could produce food. TNI had only gained control over the towns in the districts and sub-districts, though there were attacks by the TNI into the forests.<sup>387</sup>*

290. This changed dramatically in the second half of 1977.

## ABRI capacity stretched and early Fretilin confidence

291. Following the situation of military stalemate between Indonesian and Fretilin troops in late 1976, ABRI found its resources over-committed across the archipelago in early 1977. It was forced to withdraw troops from Timor-Leste in order support operations that year in Irian Jaya, West Kalimantan and Aceh. The Indonesian military also had security responsibility for the May Indonesian legislative elections, to which it committed the equivalent of 100 battalions nationwide.<sup>388</sup> These external influences seriously affected its ability to conduct combat operations in Timor-Leste. Indonesian military documents reported this reduction of troops:

In the framework of implementing the 1977 elections the total strength of TNI in East Timor decreased until a third remained for duty as guards for the 1977 elections elsewhere in Indonesia.<sup>389</sup>

292. This evidence and Fretilin reports referred to below suggest that between March and June 1977 there was a significant reduction in ABRI presence and combat operations.

293. This provided a reprieve and opportunity for Fretilin. During the first half of 1977 Fretilin's Radio Maubere repeatedly issued announcements about low Indonesian morale and Falintil victories. On 20 May, for example, the Fretilin Minister for Information and Security Alarico Fernandes reported by radio that 15,000 Indonesian troops had been withdrawn from the territory.<sup>390</sup> On 4 June he reported:

*The last major Indonesian offensives occurred from last November [1975] to February [1976]. Despite deployment of thousands of troops, these attacks were all defeated at the cost of many lives to the Indonesian forces...Since February, Indonesian attacks have been small-scale, aimed with little success at eliminating Fretilin positions in mountains overlooking Indonesian-held towns.*<sup>391</sup>

294. Although Fretilin's propaganda probably inflated its successes, the first half of 1977 was a relatively positive period for the Resistance. In May, Alarico Fernandes claimed that:

*Food production in Fretilin-controlled areas is another front to be developed along with the armed struggle. We have reached the maximum production reached in the Portuguese colonial domination [period], when there was hunger and sickness...People in Timor-Leste are working hard on national reconstruction. Hunger is less than before.*<sup>392</sup>

## US leads re-arming of the Indonesian military

295. During early 1977 a US Congressional Subcommittee delegation visited Timor-Leste. Their visit was highly orchestrated by the Indonesian military, which limited them to areas firmly under Indonesian control. They did not seek to meet with Fretilin or the large number of civilians in the interior. During the time of their visit there were only limited combat operations. The delegation drew "no firm conclusions" with regard to the war.<sup>393</sup> In 1978, US Secretary of State Zbigniew Brzezinski ordered that the human rights "heat" on Indonesia be turned down.<sup>394</sup> Subsequently during 1978 the US and other foreign governments provided extensive military support to Indonesia. In January the US announced the sale of 16 F-5 fighter aircraft, an A-4 fighter aircraft squadron, and an M-16 rifle manufacturing facility.<sup>395</sup>

Also that year the UK announced its intention to supply Hawk ground attack jets,<sup>396</sup> and Australia supplied helicopters and transport aircraft.<sup>397</sup> This was a very clear signal to Indonesia that the West did not oppose its military operations in Timor-Leste.

296. In 1979, the US sought to justify its silence on the use of US arms in Timor-Leste on the basis that the war was virtually over. Its source for this conclusion was the Indonesian military:

Some items of US supplied military equipment are currently present in East Timor. The status of hostilities in East Timor is, however, so reduced in scale and frequency that, according to best information the equipment is only infrequently used in combat.<sup>398</sup>

#### Fretilin: internal divisions and violent purge

297. Despite the optimism of early 1977 Fretilin faced internal problems and divisions which resulted in violence. In 1976\* the party executed Aquilis Soares, the liurai of Quelicai, for the offence of putting local interests above national interests.<sup>399</sup> Later that year another breakaway unit, led by Francisco Hornai in Illiomar, was similarly arrested and executed.<sup>400</sup> These events were an early indication of the difference in views among Fretilin leaders about how to engage in the struggle, and a precursor of the violence Fretilin would use to bring its cadres into line.<sup>401</sup>

298. By late 1977 treating the sick and wounded and feeding the civilian population was an increasing strain on Fretilin. Then Fretilin President Francisco Xavier do Amaral told the Commission that the lack of medicines to treat even basic ailments was taking an increasing toll on civilian lives.<sup>402</sup>

299. Members of the Fretilin Central Committee disagreed on several issues, as political and military cadres were divided over who controlled the struggle. The basic controversy was the role of the civilian population. For Falintil leaders, the need to defend the large civilian population limited their capacity to mount effective offensives. Francisco Xavier do Amaral supported this view, and thought action was necessary to avoid annihilation, and that the bulk of the population be should allowed to surrender and continue resistance from the towns and villages. Other Central Committee members believed that the people were a vital component of a popular struggle, in particular to enable the party to undertake a social revolution based on political education to the masses.<sup>403</sup>

300. In August 1977 the Fretilin Central Committee met in Laline (Lacluta, Viqueque) and agreed on the principle of self-reliance. With no prospect of external support, the Resistance decided it had to stand alone against the Indonesian military. There was dissent on this matter. The minister for Information Alarico Fernandes thought independence was impossible without external support.<sup>404</sup> His opposition already known, Francisco Xavier do Amaral did not attend the meeting at Laline. Shortly afterwards, in September 1977, Fretilin arrested and deposed him as president. Amaral described the events to the Commission:

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\* Sources vary on the month; Taylor, *Indonesia's Forgotten War*, p. 95 states November, while Chamberlain, *The Struggle in Illiomar*, citing Gusmão, *To Resist is to Win*, states March.

*So this was my idea. We should send the population to surrender. Only those men who were strong and could struggle in the war would stay with the Central Committee. Because we didn't know how many years until this war would be over...[In 1976] there began to be divergence within Fretilin...Some said that the doctrine [of Fretilin] was not right. Some said that the doctrine was right but people weren't following it properly. Some said it was good. We began to lose our trust in each other...From this they arrested me, put me in prison and accused me...that I had sent the people to surrender so that in the future when I surrendered to Indonesia they would give me a position as a general or a minister. This was the argument of those who were against me.<sup>405</sup>*

301. An order signed by Vice-President Nicolau Lobato accused Francisco Xavier do Amaral of being a defeatist and a traitor, as well as other “crimes” such as corruption, polygamy, sabotage, iron fisted-ness, feudalism and murder.<sup>406</sup> He was also accused of starting a parallel movement that would undermine Fretilin. He was imprisoned in a hole, beaten and ill-treated.<sup>407</sup> As a result of an ABRI offensive he escaped in 1978, and was later captured by the Indonesian military.

302. On 16 October Nicolau Lobato was elected as the new president. The pressures of this period drove Fretilin to adopt a more radical ideological stance. Marxism was declared,<sup>408</sup> and with it came intolerance of dissent. Amaral's arrest was the start of a purge within Fretilin.<sup>409</sup> There were public executions,<sup>410</sup> and many people were detained, ill-treated and forced to inform on others.<sup>411</sup> Anyone thought to have close links to Amaral or to have collaborated with the Indonesian military was arrested and detained (see Chapter 7.2: Unlawful Killings and Enforced Disappearances, and Chapter 7.4: Detention, Torture and Ill-Treatment).

#### ABRI intensifies military operations: encirclement and annihilation, August 1977 to August 1978

303. Military operations between mid-1977 and early 1979 are often referred to as a campaign of “encirclement and annihilation”. The campaign had two objectives, to destroy the Fretilin leadership and to force the civilian population living in the mountainous interior to surrender into ABRI control in the lowlands.<sup>412</sup>

304. In August 1977 ABRI launched a major new military offensive,<sup>413</sup> which was preceded by a substantial troop build-up.<sup>414</sup> The Commission's data show an increase from between three to five battalions in July to 17 in August. The initial focus of the offensive was the western sector, where it was code-named Operation Comb (Operasi Sisir).<sup>415</sup> As in previous engagements, naval artillery and air support was crucial to ABRI victory. In Fatumean, for example, aerial bombing was the primary reason for the surrender of Fretilin/Falintil troops and civilians in November.<sup>416</sup> In the eastern sector marines conducted Marine 77 Surgical Operation (Operasi Bedah Marinir 77) which aimed to gain control over the route between Quelicai and Uatu-Carbau.<sup>417</sup>

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<sup>417</sup> This involved the 131, 511, 527, 612, 621, 733, and 741 Infantry Battalions.

## **Destruction of food sources, Fretilin retreats higher into mountains with civilian population**

305. The Indonesian military was moving beyond the towns and road corridors over which it had established control in the first part of Operation Seroja. Fretilin was forced to retreat, and rather than promote civilian surrender it decided to take the population with it. The Commission was told of the destruction of livestock and other food sources by the Indonesian military during these operations. Manuel Carceres da Costa of Laclo in Manatuto District testified:

*While we were cutting down a sago tree, soldiers came and attacked us...When the military shot a Falintil member by the name of Hermenegildo we were forced to leave the food behind and run. After that the military occupied that area so that we couldn't return any more. Our water buffalos and domestic animals were all shot dead or chased away, and our gardens and rice paddies were destroyed.<sup>418</sup>*

306. Aerial bombardment also targeted agricultural areas, forcing Fretilin and the population further into the mountains, and making survival increasingly difficult. With food crops destroyed, and civilians no longer able to live in settled areas where they could plant crops, but forced to keep on the move, many people died. The Commission heard many testimonies of the terrible suffering and helplessness of civilians in the mountains during these campaigns. The elderly and children in particular died in great numbers.<sup>419</sup> The Indonesian military overpowered Fretilin's resistance bases (bases de apoio) one after another, and the remaining population retreated into increasingly confined areas. The presence of so many civilians required Falintil to focus on protecting them, reducing its ability to mount counter-offensive action against ABRI.

## **Attacks in the central region**

307. The Indonesian military continued the offensive during the rainy season and throughout the first half of 1978. Troop presence in the central region, which had previously been low, was increased to a similar level as the west. Operating under the command of Combat Regiment Team (RTP) 11, these troops launched an attack on the Same-Kablaki-Fatuberliu area.<sup>420</sup> In the east, however, troop levels remained much lower, with only four to five battalions.<sup>\*</sup> During the rainy season troops in the east attacked Fretilin strongholds on the Baucau-Viqueque border between Mount Ossoala and Mount Mundo Perdido, and also continued the assault on the northern foothills of Mount Matebian.<sup>421</sup> During this period air power<sup>†</sup> was used in the western and central sectors:<sup>422</sup>

*After the bombing smashed Kablaki they went to Dululau and Mamelau...Four airplanes bombed Dululau, and...rockets and...cannons.<sup>423</sup>*

308. The Commission heard first-hand testimony from survivors of these encirclement campaigns, in which many civilians lost their lives. Maria José da Costa told the Commission of her experiences in the central mountain region:

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<sup>\*</sup> Including Kostrads 502 and 503 Infantry Battalions, the 408 Infantry Battalion, and a single Marine Infantry Battalion.

<sup>†</sup> US-supplied OV-10 Bronco aircraft.

*In 1978 the enemy surrounded us in Dolok and many people died due to starvation. All the food supplies...were burnt. They surrounded us by attacking from the sea with warships, from the air with warplanes and on land by burning the dry grass and sending in the army. At that time it was August, which is the dry season. The army made big fast-burning fires by spraying gasoline over the tall grass. Many died because they could not escape the fire surrounding us.*<sup>424</sup>

309. The pressure of encirclement and constant attacks led to a steady flow of people surrendering to the Indonesian military.

### **Operation (or Movement) Skylight: targeting the Fretilin leadership**

310. On 6 April 1978 Lieutenant General Mohammad Yusuf was appointed Commander in Chief of ABRI. He took personal control of the operations in Timor-Leste, outranking Moerdani and Kalbuadi.<sup>425</sup> In the dry season in May 1978 he prepared for Operation Skylight.<sup>426</sup> This new operation specifically targeted Fretilin leaders. It aimed to achieve the surrender of influential leaders in order to attain mass popular surrender and so separate the civilian population from the Falintil fighters. The Commission was told by Xanana Gusmão that Skylight was better described as a “movement”, and that the Fretilin Minister for Information and Security Alarico Fernandes was a key ally of the Indonesian military after his surrender in September 1978:

*In October or November 1978 those of us who were within the encirclement heard that Alarico had already implemented Skylight...We heard on the radio that Alarico had made a movement...He could see that Indonesia was very strong and so he followed Indonesia and proclaimed Skylight.*<sup>427</sup>

311. Although the geography of the conflict remained fluid in early 1978, as time passed and the Resistance was squeezed into increasingly smaller areas, it took on the nature of a siege. Under increasing pressure, the leadership of Fretilin desperately tried to maintain a unified resistance. The text of Nicolau Lobato’s speech of 20 May 1978 indicates the pressures Fretilin faced:

However, those who are not convinced of the unquestionable [witnessed] facts, that our struggle is fair and victorious and who, in opposition, cooperate with fanaticism with the enemy, try to put an end to our struggle, those few who have failed in their life are those who are not members of Fretilin, who are not part of the Maubere people, who are enemies of the People, who are traitors to our Motherland. Proclaimed ideological unity will only be authentic when we put it into practice.

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<sup>424</sup>In Nicolau dos Reis Lobato, *Fretilin é a Liberdade do Povo em Marcha, Discursos*, Edições Comité 28 de Novembro, Lisboa, undated, (probably 1979, after official Fretilin Communiqué announcing Nicolau Lobato’s death, 6 May 1979), p. 59. This speech was relayed by radio and a summary of it was sent to the US mission to the United Nations, which read: “Lobato appealed, inter alia, for the unity of the people of East Timor, of all patriots around the Fretilin Central Committee and a call for ideological unity. ‘Proclaimed ideological unity will only be authentic when we (Fretilin) put it into practice.’ Also, that those who don’t belong to Fretilin are enemies of the people—(they are) ‘traitors to our motherland [sic].’” [Telegram, US Mission UN New York to Secretary of State, Washington, East Timor Question, 7 July 1978].



## Indonesian military operations against the centre and east, late 1978: the fall of Matebian

312. The major turning point in operations occurred in the middle of 1978. Between August and December 1977 combat troops had been concentrated in the western sector, and during the first half of 1978 combat troops were evenly distributed across the western and central sectors; while troop deployments in the eastern sector had been significantly lower. In mid-1978 the balance of power finally shifted eastwards, with 13 combat battalions deployed in the east under the command of Kostrad's RTP 18.<sup>428</sup> This deployment continued the encirclement of the population and culminated in the assault on Mount Matebian. This was carefully coordinated, involving battalions from Kostrad, non-organic (external) territorial infantry battalions, combat support battalions, marines, and the air force. A former Kostrad officer interviewed in Indonesia recalled the tactics employed during the assault on Mount Matebian:

*All units had their own routes and attacked from numerous directions. Before doing that they coordinated to avoid shooting at each other. We planned to attack at the same time using an L formation. [This was] all done considering security in order to avoid killing our comrades.<sup>429</sup>*

313. This constituted the final push in the encirclement and annihilation campaign. Fretilin had prepared Matebian as a fall-back area, with reserves of food. As the campaign started, Fretilin took people onto the mountain, which was strongly defended. It finally fell on 22 November, the last zona libertadas to be overrun.

314. The key to the assault on Mount Matebian was aerial bombardment by OV-10 Broncos, F-5s and Skyhawk A-4 airplanes. Most informants recall that the aerial bombing of Mount Matebian began in September or October 1978 and lasted until mid-November.<sup>430</sup> Accounts describe indiscriminate bombing against civilians and devastating carnage.<sup>431</sup> Tomás Soares da Silva, aged 16 at the time, described the bombing:

*On Mount Matebian, the bombing started in October and November. One [type] of bomb was gas. If the bombers dropped those bombs in the morning, many people became casualties. We could see when there was an explosion that the grass was burnt...and in the area everything was destroyed. If there was an explosion the smell was like diesel or petrol.<sup>432</sup>*

### Surrender: coming down from Matebian

315. By mid-November the bombing forced Fretilin leaders to order civilians to surrender to the enemy. In his autobiography Xanana Gusmão wrote:

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<sup>428</sup> Testimony such as this strongly suggests the use of napalm against civilian targets by the Indonesian Air Force. The Commission holds documentary footage of OV-10 Bronco aircraft being loaded with bombs labelled "Opalm" (a Soviet version of napalm) at Baucau airport sometime in the late 1970s.

Soon the enemy advanced and I was sent to the west of Matebian. Explosions, death, bombardments, cries and retreats. But the people were calm: maybe resigned, maybe truly prepared for us all to die there. Our forces retreated and the enemy infiltrated. One dawn I was awakened by loudspeakers from the Indonesian forces, calling my name: "Adjunto Xanana, there is no need to continue fighting. Tell the people to surrender!" They had moved in from Uatucarbau during the night and occupied a strategic point.<sup>433</sup>

316. On 22 November, the decision to surrender on Matebian was taken. As civilians descended from the mountain peaks and long valley separating Matebian Mane and Matebian Feto, they were received by the waiting troops. Some were simply corralled into temporary holding camps, others were interrogated, and still others were told to return to their home areas, either under escort or on their own.

317. Although some Falintil commanders such as Xanana Gusmão escaped, this left the Fretilin/Falintil resistance in disarray. The destructive impact of this loss on Fretilin was substantial, and the Skylight movement finally achieved some of its most prominent successes. After the earlier surrender of Alarico Fernandes in September, four other Central Committee members surrendered in late 1978 in the North Central Sector at Remexio. With Alarico Fernandes' surrender Fretilin lost its only radio, a crucial coordination tool. The Indonesian military's major success came on 31 December 1978 when a Kopassus team located and fatally wounded Fretilin President Nicolau Lobato by a river near Maubisse.<sup>434</sup>

318. The Commission heard expert testimony from Pat Walsh on the results of this intensification of military campaigns:

*From a military point of view, the offensive was extremely successful resulting in the virtual, though temporary, annihilation of the Resistance. From a humanitarian point, it was a disaster.*<sup>435</sup>

#### **After Matebian: ABRI attacks in central region and the east**

319. With the fall of Fretilin's base on Mount Matebian and the surrender of tens of thousands of civilians, in early 1979 the Indonesian military turned its attention to the remaining Fretilin forces and civilians in Fatubesi, in Ermera District, and Mount Kablaki, straddling the Ainaro-Manufahi border, and in the Dilor river valley. The ABRI attack on Fatubesi led to a split in the local Fretilin leadership, and in early February one faction surrendered, while those who refused were hunted down. On Mount Kablaki, infantry operations forced the remaining clusters of civilians down to lower ground where they surrendered or were captured by waiting troops.<sup>436</sup>

320. In southern Manatuto Marines, supported by aircraft, conducted further up operations, named Operation Clean Up (Pembersihan).<sup>437</sup> Meanwhile, military units that had taken part in the assault on Mount Matebian moved from Baucau into Lautém in pursuit of the small band of Fretilin leaders and Falintil troops who had escaped encirclement.<sup>438</sup> In February Mau Lear, leader of the Eastern region, was captured and killed.<sup>439</sup> The people caught in this operation were herded into resettlement camps. On 26 March 1979 Operation Seroja was disbanded, and the Indonesian military declared Timor-Leste "pacified".

### 3.13 Surrender, resettlement and famine

#### Overview

321. The period from late 1977 to 1979 saw the greatest humanitarian tragedy in Timor-Leste's history. Widespread famine was a consequence of massive Indonesian military operations aimed at destroying the Fretilin Resistance. This military objective was allowed to override the cost in humanitarian terms. Outside observers were kept away until the crisis was full-blown and the cost in lives immense.

322. The civilian population in the mountains surrendered in large numbers from late 1978. After many months of life constantly on the move to evade attack, and with food sources destroyed by the Indonesian military, people were in a very vulnerable condition when they surrendered. They were held in transit camps, with inadequate food and medical relief. Their suffering was exacerbated by military control over Indonesian domestic relief operations, and by a ban preventing international agencies from entering the territory. International media were also banned. Following the relocation of the population to resettlement camps, the Indonesian military priority of security placed tight controls on civilians' movement and so limited their capacity to farm and to grow food, resulting in further starvation, death and misery on a large scale. The preoccupation with separating a sympathetic civilian population from Fretilin/Falintil reached its zenith with the exile of civilians to the island of Ataúro commencing in 1980. Thousands were held on this island prison, suffering illness and starvation.

323. After long delay, the International Red Cross (ICRC) and the US-based non-governmental organisation Catholic Relief Services (CRS) were allowed to enter the territory in late 1979. Working under great pressure, their efforts brought some relief to the suffering population and saved many lives.

#### Surrender and execution of prisoners

324. The major surrenders occurred during 1978 as the encirclement campaign closed in on Resistance positions. The intense bombing and encirclement campaigns, combined with the renewal of President Soeharto's 1977 offer of amnesty to combatants and the pressure of the Skylight movement resulted in a number of important Fretilin surrenders. Of these, many who were initially granted amnesty subsequently disappeared. Among these were prominent leaders such as Sera Key,<sup>440</sup> as well as cadres, such as those executed upon surrender by ABRI at Quelicai in early 1979.<sup>441</sup> As they came down from the mountains people were interrogated by the Indonesian military in order to identify and separate Fretilin and Falintil members. Luis da Costa was a priest in the mountains during this time. He survived, and in 1988 he testified in Lisbon about the surrender of a small group of survivors, most of whom were executed:

*People began to die of hunger, and we had many wounded people with us, as well as children and entire families. The worst memory I have is of the corpses I saw when I passed through Natarbora in December 1978 - there were bodies every ten metres, dessicated corpses of those who had died of starvation, some embracing, others propped under trees. I surrendered in Barique on 13 March 1979, with six people. For a month we'd only eaten leaves. Our surrender was negotiated through an intermediary. I was the only one who was not executed.<sup>442</sup>*

325. In 1981 the Apostolic Administrator of Timor-Leste, Monsignor Martinho da Costa Lopes, challenged President Soeharto himself with evidence of these disappearances.<sup>443</sup>

## Transit camps

326. Those not taken away by the military were interned. During the late 1970s and early to mid-1980s a variety of camps were used to accommodate the surrendered population. These went by various names. Indonesia called them resettlement camps, while some international observers and many Timorese survivors who testified to the Commission, used the term “concentration camp.” All camps shared common elements of deprivation and restrictions on freedom of movement. The aim of internment was to break the linkages between those who had surrendered to ABRI and Falantil, in order to cut off civilian support to the guerrilla fighters and thus to destroy the tattered remnants of the armed resistance still in the mountains and forests.

327. In the early stages of the surrenders people were accommodated wherever possible, including in schools, old shops, military barracks or simply in the open. Initially there was no infrastructure in place to receive them. The Commission heard expert testimony from Gilman dos Santos, who in 1977 worked for the provincial government:

*The people who fled to the mountains came down in 1977, 1978 and 1979. Those who surrendered or those who were captured by the Indonesian military, everyone was placed in concentration camps, which were not suitable for any human being. People were placed in large emergency tents, made from palm leaves or grass and they held everyone, without limiting numbers.<sup>444</sup>*

328. People were generally in poor physical condition. Often they had surrendered after harrowing experiences in the mountains during which many people had died. People arriving in the camps were already survivors not only of war, but of lack of food and medicine. The experience of hunger and starvation continued in camps that had neither facilities such as sanitation nor supplies such as adequate food and medicine to meet their urgent needs.

329. By 1978, many camps had been established. The purported objective of these camps was to process those who had surrendered before their resettlement elsewhere. Theoretically this process was to take three months. Security was high and camps were ringed by military and Hansip (civil guards) posts. People’s movements were typically restricted to a radius of 300 metres, greatly limiting their ability to plant or gather food. People survived on whatever foods they could gather nearby, cassava or sago if they were lucky, or toxic roots and tubers (see Chapter 7.3: Forced Displacement and Famine).

330. The time people spent in these camps varied according to how volatile an area was, and according to the individual interned and the perception by ABRI of his or her security risk.<sup>445</sup>

## Longer-term detention camps and ABRI’s security strategy

331. Some transit camps were simply maintained as longer-term holding camps. Other resettlement villages were developed in order to assist the Indonesian military aim of enforcing the separation of civilians and Fretilin and Falintil. By late 1979 the population in internment camps exceeded 300,000,<sup>446</sup> and if various ABRI-reported figures from the time are accurate the population possibly exceeded 370,000.<sup>447</sup> The military needed to control this overwhelming number of people, while staying focused on its task of eliminating the armed

guerrilla resistance. In some cases these camps were constructed where previously there had been no settlement at all. Entire villages were uprooted and forced to move, particularly if they were in volatile areas. Movement was tightly controlled. An Indonesian military document from the time explained how to implement this policy:

Every time anyone goes out of the village, he/she must have a travel pass (surat jalan), and every person who comes into the village from another village must report.

There should be no gardens or fields of the people located far from the settlement or village.<sup>448</sup>

332. This resulted in such tight control of civilians in camps that they were not able to maintain normal farming patterns and grow sufficient food to sustain themselves and their families. These controls resulted in great hardship for the huge number of civilians held in these camps, and contributed significantly to the famine (see Chapter 7.3: Forced Displacement and Famine).<sup>449</sup>

333. The Indonesian military remained highly suspicious of links between the interned population and the Fretilin guerrilla fighters. ABRI used East Timorese members of its Hansip forces to monitor civilian behaviour. This created conditions of distrust and tension in camp communities. In Dili and towns where the civilian population had returned there were also many detention centres. Arbitrary arrest by the military was rife, and no formal trials of political prisoners were held until December 1983 (see Chapter 7.4: Detention, Torture and Ill-Treatment, and Chapter 7.6: Political Trials). During 1979-80 many people who had been arrested disappeared. The Indonesian military used certain places as killing grounds, such as at Quelicai after the mass surrenders from Matebian,<sup>450</sup> and on the outskirts of Dili at Areia Branca and Tacitolu.<sup>451</sup>

#### A closed land

334. Throughout this period Timor-Leste was closed to the outside world. While Indonesia had declared East Timor pacified, it remained in many senses a war zone. Preventing the truth of this situation reaching the Indonesian public, or the wider international public, was an important component of the Indonesian strategy to bring Timor-Leste under control. Indonesian media access to Timor-Leste was tightly controlled, and international media was virtually banned. International aid agencies were not allowed to enter Timor-Leste, and official delegations were only allowed on the most tightly controlled visits.

335. The Commission heard testimony from Gilman dos Santos about this isolation:

*Timor-Leste at that time was closed off to everyone. Even Indonesian journalists were not permitted to enter here. Regarding telecommunication, no permission was given for a long-distance network or international connection. With these conditions, no information could get out. With Timor-Leste being so closed off by the Indonesian government, especially by ABRI, it was clear that the policy of Indonesia was to hinder assistance from other countries.*<sup>452</sup>

336. The Catholic Church was the only independent organisation remaining in Timor-Leste with an extensive international network. The Church gradually leaked news of the crisis in Timor-Leste, usually through letters smuggled out of the territory.

337. In July 1979, Pat Walsh prepared a report on the humanitarian crisis in Timor-Leste for Action for World Development, an Australian Church-based NGO. He testified to the Commission that the report concluded that at this time:

*Indonesia's efforts at humanitarian relief were a much lower priority than its military operations and that independent agencies would not be permitted until Indonesia had achieved its military objectives.*<sup>453</sup>

338. Although Australian non-governmental organisations tried to internationalise the humanitarian crisis in Timor-Leste, the Australian government has defined this period as marking the commencement of its *de jure* recognition of Indonesian sovereignty over the territory. This position put it out of step with most member states of the United Nations.\* Meanwhile, East Timorese people outside the territory were also trying to raise international awareness about the humanitarian crisis. At the United Nations, submissions were made to the UN Decolonisation Committee in New York, and UN General Assembly resolutions at this time began to make reference to the famine and the humanitarian needs of the East Timorese people. This reinforced the work of José Ramos-Horta and his colleagues at the United Nations.<sup>454</sup>

339. The Indonesian civil administration and the Indonesian Red Cross (PMI) were the only agencies providing relief until 1979. Under-resourced, and moreover under the strict control of the Indonesian military in terms of how they operated, these agencies were unable to meet the urgent needs of the people. Medicine was rarely provided and aid channelled through PMI frequently found its way on to the black market, and was beyond the capacity of East Timorese people to purchase.<sup>455</sup>

340. After reports about the humanitarian disaster were publicised, in September 1978 eleven foreign ambassadors and some journalists visited Timor-Leste escorted by the Indonesian Foreign Minister Dr Mochtar Kusumaatmaja.<sup>†</sup> They represented the governments of Canada, USA, Australia, Japan, New Zealand, India, South Korea, Bangladesh, Egypt, Syria and Iraq. They were told that some 125,000 people had come down from the mountains with 20-30,000 of these in appalling, desperate condition. Four ambassadors (from Australia, Canada, Japan and USA) called for the urgent implementation of an international relief operation.<sup>456</sup> Despite this urgency, a full year passed before the ICRC and the American non-governmental organization CRS arrived in Timor-Leste to provide emergency relief. This was after ABRI had completed Operation Seroja, as noted above.

## ICRC and CRS relief

341. The US non-governmental organization CRS conducted its initial survey mission in May 1979. The Commission received a submission from CRS, including documents from this time, providing valuable insight into the extent of the crisis and the limited means to address it. In October 1979, CRS and the ICRC commenced emergency relief operations. One of those involved was Gilman dos Santos, who left his civil service position and joined the CRS emergency team. He testified to the Commission that their office was operating 18 to 20 hours per day, seven days a week. He told the Commission that while many in the Indonesian civil administration supported the emergency work of the CRS and ICRC, the

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\* The Australian government places 14 February 1979 as the date of the beginning of the process of Australia granting *de jure* recognition of Indonesian sovereignty over Timor-Leste. This date marked the commencement of negotiations between Australia and Indonesia over the Timor Sea oil reserves [see Chapter 7.1: The Right to Self-Determination].

<sup>†</sup> A number of humanitarian organisations reported on the situation, including the Australia Council for Overseas Aid (ACFOA); a representative of World Vision Indonesia; and the Indonesian Red Cross [see testimony of Pat Walsh to the CAVR to its National Public Hearing on Forced Displacement and Famine, 28-29 July 2003].

Indonesian military and police were unsupportive and created many obstacles for aid workers.<sup>457</sup>

342. It is clear that Indonesia did not utilise its resources adequately to prevent or to respond to the famine. On two occasions CRS ran short of supplies and borrowed rice from the Indonesian government rice distribution agency (Bulog), which held excess stock in Dili at a time when large numbers of people were dying of starvation and related illnesses in the military-controlled camps.<sup>458</sup>

343. The Commission heard testimony from Pat Walsh that CRS and the ICRC worked with vigour and efficiency. He told the Commission that that over the next 18 months the ICRC, with the Indonesian Red Cross, assisted 80,000 displaced people in 15 villages and saved many lives. He said that during this period, CRS spent US\$4 million distributing 17,000 tons of food as well as medicine, clothing, soap, seeds, agricultural equipment and water buffalo.<sup>459</sup> Given the extent of the crisis, and compared to the number of international aid agencies and level of assistance provided in the emergency in Timor-Leste in late-1999, this aid package was relatively small and its delayed delivery was too late for many people. Indonesian military control over aid distribution was also a major obstacle to relief efforts. While the Commission received many testimonies about how important this limited aid was, neither CRS nor the ICRC addressed the fundamental issue of the international conflict which was the cause of the famine.

#### Ataúro as a prison island

344. Ataúro has had a history of being used as a prison island by successive regimes in Timor-Leste. The Portuguese colonial administration did so over a long period, as did the Japanese occupying forces in World War II. The Indonesian regime of occupation initiated a similar policy commencing in 1980. The Commission received expert testimony that this was an extension of the policy of separating civilians who were considered a possible future support base for the armed Resistance. Gilman dos Santos testified:

*In 1980, ABRI and the local government again forcibly displaced people whom they suspected had relatives who were freedom fighters in the forests, to the island of Ataúro.*<sup>460</sup>

345. Survivors also testified to the Commission that this policy was jointly implemented by the military and the civil administration.<sup>461</sup>

346. Some of the first people to be sent to Ataúro were those who participated in the popular uprisings (*levantamentos*) during this period. Suspected supporters of the 10 June 1980 attack on the TV station in Dili were taken to Ataúro after detention and torture in Dili.<sup>462</sup> Later arrivals included the families of Resistance fighters, many of whom came from the districts after the 1981 'fence of legs' operation.<sup>463</sup> The Commission received testimony of the people of Mauchiga in the central mountains being taken to exile on Ataúro in August 1982, after an attempted uprising.<sup>464</sup>

347. The Commission heard expert testimony from Ceu Lopes Federer, an East Timorese aid worker with the ICRC on Ataúro between 1980 and 1982. She told the Commission that boats arriving with prisoners at Ataúro were predominantly full of women, children and the elderly. She told the Commission that many had been tricked into believing that they were only leaving their homes for one or two days, and that they arrived virtually empty-handed.<sup>465</sup>

348. Mortality rates were high. Ceu Lopes Federer recalled an outbreak of a cholera epidemic due to the poor conditions of the camps, and of the high mortality rate amongst

children.<sup>466</sup> Although security on Ataúro was more relaxed than on the mainland, the island is known for its limited food and water resources, and the thousands of prisoners that arrived faced great difficulties.

349. ICRC reports at the time confirm that the population transfer to Ataúro had “strained” the island’s food resources, and that it implemented an emergency food programme.<sup>467</sup> Testimony to the Commission from survivors tells of the life-saving importance of this aid.<sup>468</sup> Estimates of the total prisoner population vary, and are likely to have exceeded 4,000.<sup>469</sup> Ceu Lopes Federer told the Commission that she had kept a list until 1982, when she left the island, that contained 6,400 names of people imprisoned on Ataúro.<sup>470</sup> The Commission was also told that the Indonesian military sexually abused many women held on the island.<sup>471</sup>

350. By the mid-1980s prisoners were removed from the island, although in many cases it appears they were transferred to mainland camps called “guidance camps” (desa binaan), rather than returned to their home areas, where they underwent a process of indoctrination in Indonesian national ideology of Pancasila.<sup>472</sup>

### Detention camps close

351. By 1982-83 most people were allowed to leave the detention camps. Some returned to their original villages, where this was possible. Others established new villages, often giving these the name of the original village, now abandoned. Others were settled in a new kind of village, called resettlement areas (desa pemukiman).<sup>473</sup>

352. The population of the capital city of Dili had grown significantly by the early 1980s. The population had been approximately 28,000 in 1975, but the Indonesian statistical office put the population of Dili district at 67,039 in 1980.<sup>474</sup> This new pattern of urbanisation enabled the Indonesian military apparatus to monitor the population more easily. Informer networks, identity cards and limited freedom of movement and arbitrary arrest were all features of this tightly controlled society.<sup>475</sup>

353. During this period, between 1978 and the early 1980s, the Indonesian military had implemented a resettlement programme that had radically and permanently altered settlement patterns in Timor-Leste. Timorese society traditionally lived in small hamlets consisting of several houses in which lived several nuclear families, known in Tetum as knua. The previous pattern of dispersed mountain settlement was forcibly changed to a predominately coastal population concentrated at towns along major roads. The strategic aim of separating the civilian population from Resistance fighters in the mountains, and to hold them in areas where they could be monitored, was a fundamental shift in the East Timorese way of life. Although this internment situation eased in the mid-1980s as people were allowed to leave their camps, these fundamental changes in the patterns of settlement remain today.



### 3.14 Operation Security (*Operasi Keamanan*)

#### Overview

354. With East Timor declared pacified in March 1979, the Indonesian military focused on smaller mopping-up operations and clamping down on the population in all areas. Remnants of the armed Resistance existed in isolated pockets.

355. In June 1980, one of these surviving groups staged an attack on Dili, taking ABRI by surprise and demonstrating that the Resistance was still active. The Indonesian military responded with hundreds of detentions and over 100 killings. Many prisoners detained at this time were sent to Ataúro (see Chapter 7.2: Unlawful Killings and Enforced Disappearances).

356. In 1981 the Indonesian military launched a huge offensive aimed at destroying the remnant groups of the Resistance. It utilised a well-known tactic of *kikis*, or “fence of legs”. Large numbers of civilians, still suffering from the devastation of the conflict in the mountains and the deprivation of ABRI detention camps, were pressed into service to march across the territory in “fences,” with the aim of trapping the remaining members of the armed Resistance. Women, men, children and the elderly were forced into this operation. Hunger, sickness and ill-treatment by the military were common experiences. Many died. This forced service also took many people away from their fields during the planting season, increasing their vulnerability to famine, especially given the disruption to farming in the previous years of massive military operations.

357. In military terms the operation failed to crush the armed Resistance, whose members often escaped the “fence”. Over 4,000 people regarded as “Fretilin sympathisers” were detained and imprisoned either on Ataúro Island or in other ABRI-controlled resettlement camps.

#### The situation in Dili and across Timor-Leste, 1979-1980

358. With key Resistance leaders captured or killed, the armed Resistance crushed and the majority of East Timorese civilians in the mountains captured or surrendered into their control, the Indonesian military at the beginning of 1980 were confident that major military operations were over in Timor-Leste. The Operation Seroja Joint Task Force Command was disbanded, and military operational command was passed from Dili to Bali, meaning that East Timor was now within ABRI’s standard regional command structure. At the same time control of the civil administration was formally transferred from the Ministry of Defence and Security (Hankam) to the Ministry of the Interior (Depdagri). Militarily, ABRI continued mopping-up operations to secure its authority, but in general the period after the closure of Operation Seroja was comparatively quiet in military operational terms.

359. The Indonesian military retained a dominant role within and over the developing civil administration. Life for most civilians was tense and fearful.<sup>476</sup> In a submission from the Association of Ex-Political Prisoners (Associação dos Ex-Prisioneiros e Detidos Políticos de Timor Leste, Assepol) the Commission heard that during this time, with the increased population in Dili, Indonesian intelligence agents were prevalent. Assepol told the Commission that there were no judicial processes in these late years of the 1970s and early 1980s, and that the military had unrestricted power of arbitrary arrest and torture.<sup>477</sup> Many individual testimonies to the Commission support this point, and report being taken away from their homes at night, or being rounded up by the military for interrogation and torture.<sup>478</sup> The Commission produced maps of the detention and interrogation centres in Dili and Baucau during these years, many of them unofficial but operated by the Indonesian military.

The number of these centres far outweighs the reasonable needs of a democratic country governed under the rule of law (see Annexes to this Report).

360. Across Timor-Leste the Indonesian military developed its territorial structure in tandem with population movements and demographic changes consequent to the major displacements of the period. In every village in East Timor ABRI posted a military Guidance Officer (Babinsa), and in areas considered particularly disruptive (rawan) there was a team of these men, called a village guidance team (Tim Pembina Desa, TPD). These military posts worked closely with East Timorese civilian defence auxiliaries (Hansip), and provided the Indonesian military with a firm hold at all levels of East Timorese society. Thus in many areas of the country, people lived in the new resettlement villages under close military scrutiny.

361. The situation of acute famine associated with the military campaigns of the 1977-78 and the detention camps of the military had been stabilised by the efforts of the international aid agencies CRS and ICRC. However, in 1980 communities had not yet had the chance to recover from these traumatic years of conflict. The painful legacy included vulnerability to hunger and sickness due to the deprivation of the conflict and the loss of years of normal crop planting and harvesting.

#### The first uprising: Dili June 1980

362. On 10 June 1980 Falintil mounted an attack in Dili, on the new television transmitter at Marabia.<sup>479</sup> This took ABRI completely by surprise. It was the first major uprising (*levantamento*), following the seemingly crushing defeat of Fretilin in late 1978. The name "*levantamento*" was used by the Resistance to lend a sense of common purpose to what were in effect militarily limited attacks achieved by small surviving groups of Falintil that had regrouped in the preceding months. The Dili attack proved the survival of the Resistance, and its continued armed opposition to Indonesian military rule. The attack went as far as Lahane and Becora, on the outskirts of Dili. One member of the attacking force told the Commission that the objective of the attack was "to show the world that Fretilin still exists."<sup>480</sup>

363. A US embassy communiqué noted the severe response the attack would probably generate:

This rebel strike on the outskirts of the provincial capital has caused distress and embarrassment to security officials, and they can be expected to take steps to avoid a repeat of the attack.<sup>481</sup>

364. The Indonesian military was both shocked and humiliated at the boldness of this attack from a resistance it considered defeated. Hundreds were detained in a military sweep of the capital. The Commission received evidence that over 100 of these were killed, and that torture and other cruel treatment of those detained was common (see Chapter 7.2: Unlawful Killings and Enforced Displacement). Many of those detained were exiled to Ataúro.<sup>482</sup>

#### "Fence of legs:" Operasi Kikis

365. Almost a year later, in mid-1981, ABRI mounted a massive operation combining military personnel with tens of thousands of civilians who formed a human "fence of legs". This "fence" marched across large areas of the territory to search for and capture remaining Falintil troops, with a primary goal being to capture or eliminate Xanana Gusmão. This tactic,

known as Operasi Kikis,<sup>\*</sup> had been successfully used against uprisings in Indonesia, where the local population supported the military's intention to destroy rebellions. It had also been used a number of times in Timor-Leste in previous years.<sup>483</sup> However in Timor-Leste, unlike in Indonesia, the military lacked the crucial element of popular support. Although the fence caught many Timorese, both civilians and combatants, it did not succeed in substantially damaging Falintil.

366. Before the operation was launched the ICRC ceased operations on the mainland of Timor-Leste, and the CRS left in November 1980 after completing its emergency programme. The Indonesian military was free to implement the kikis virtually free of international scrutiny.

### Mass mobilisation of civilians

367. The 1981 operation, the largest kikis ever conducted in Timor-Leste, was code-named *Operasi Keamanan* (Operation Security).<sup>484</sup> The Indonesian military deployed at least 15 territorial battalions, around 12,000 soldiers, from outside Timor-Leste and an unknown number of additional troops in a combat role.<sup>485</sup> East Timorese have claimed many more than 15 battalions were involved.<sup>486</sup> The major operations appear to have occurred in Sector D,<sup>†</sup> the area of Baucau, Lautém and Viqueque.<sup>487</sup> Civilians were forcibly recruited as operational support personnel (TBO). Officially ABRI recruited civilian males aged between 12 and 35, however in reality boys much younger and men much older were involved, as well as women.<sup>488</sup> Groups of these people were attached to a particular military unit for the operation. The total numbers of civilians involved were enormous. A 1982 military document states that the operation included "60,000 civilians in addition to the Wanra and Ratih".<sup>‡</sup><sup>489</sup> Marine sources indicate even more were involved, mentioning eight battalions and 120,000 guided militia (milisi binaan) moving east to west, and seven battalions with 25,000 guided militia moving west to east, aiming to "overwhelm the enemy at Aitana".<sup>490</sup>

368. The human fence started walking in mid-1981 from Tutuala at the most eastern point of Timor-Leste. From there, military units and civilian TBOs marched westward to a line linking Com-Raca-Lospalos-Iliomar. They formed a human fence along a north-south axis, and swept the ground for Falintil. It appears the fence functioned in two ways, both as a front line advancing ahead of ABRI troops and sweeping for Falintil, as well as serving as a blocking wall into which ABRI units attempted to drive Falintil. Either way, it failed to capture sufficient Falintil groups to end the resistance, and many participants did not encounter Falintil at all. However, the Commission received testimony of captives being summarily executed. One TBO told the Commission that five people caught by the military unit he was attached to, near Cacavem in Iliomar, were executed immediately.<sup>491</sup>

369. In July 1981 another fence began marching from the Venilale-Ossu-Viqueque corridor toward the northeast.<sup>492</sup> These two fences converged on the Matebian mountain range with the aim of encircling Falintil and driving them to lower terrain. To this point in time the operation had not succeeded in making any significant captures. Following the encirclement of Mount Matebian, the final stage of the kikis began. Troops and TBOs again fanned out from the central range down to the south coast and continued the westward advance. This fence approached the area of Lacluta, Viqueque, while from the east another line advanced to meet them.

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<sup>\*</sup> *Kikis* means scraped or eroded. Budiardjo and Liem translate *kikis* as "chipping-away" [ *The War Against East Timor* , p. 223].

<sup>†</sup> Although the focus of the operation was in the east, in the west, the Indonesian military recruited TBO to participate in a smaller *kikis* campaign in the region between Cassa and Ainaro. There is no record of any captures of Fretilin in that sector.

<sup>‡</sup> Wanra (People's Resistance) and Ratih (Trained People) were two of the four main types of military auxiliaries used by ABRI. The other two were Hansip (Civil Defence) and Kamra (People's Security) [see Part 4: The Regime of Occupation].

## The Lacluta Massacre

370. When the advance reached the area of Lacluta in September a massacre occurred that by most accounts killed hundreds of people. A definitive account does not exist. Monsignor Costa Lopes claimed 500 killed.<sup>493</sup> Indonesian authorities admitted 70.<sup>494</sup> Others place the toll somewhere in between.<sup>495</sup> The Commission received evidence of a large massacre of civilians, including women and children at this time.<sup>\*</sup> It has also heard of a second massacre of at least 20 people.<sup>†</sup> Indonesia claimed a military victory in the area during this time, citing the capture of 450 Fretilin and 150 weapons, but not stating casualties.<sup>496</sup> Most other sources say this was a brutal massacre of civilians.<sup>497</sup> The massacre is believed to have occurred near the Rock of St Anthony on the slopes of Mt Aitana. A Falintil fighter recalled Indonesian military killings of civilians in the area:

*I witnessed with my own eyes how the Indonesian military, Battalion 744, killed civilians in front of me. They captured those unarmed people, tied them up then stabbed them to death. There was a pregnant woman captured and killed just like that. I saw it from a close distance, just 100 metres from where it happened.<sup>498</sup>*

### Consequences of the operation

#### Military outcomes

371. The “fence” had much greater success in capturing people still hiding in the bush than it did in capturing Falintil fighters, although there are accounts of Falintil units being destroyed.<sup>499</sup> In explaining its failure to capture many Falintil, it seems likely that in many cases, the “fence” allowed Falintil to pass through the lines. The Commission was told of one escape through the “fence”:

*When we passed, many people knew, but they saw us not as humans but as animals passing through their post. I can still clearly remember how I stepped on an enemy [Timorese member of the fence] but they looked at me as if I was a dog then told me to go away.<sup>500</sup>*

372. There may also have been collaboration between Falintil and East Timorese TBOs:

*When we arrived at [the current location of the] Telkom transmitter, there were a lot of Fretilin [members] there. But because there had already been contact [with TBOs] Fretilin passed through the troops of [ABRI] Platoon Commander Falo Chai's.<sup>501</sup>*

373. Just as likely was the possibility for Falintil to escape through the lines:

*We split into small groups, 3 to 4 people, then at night we looked for a way to pass through, behind them.<sup>502</sup>*

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<sup>\*</sup> CAVR Interview with José de Jesus dos Santos, Dili, 28 June 2004. He says that contact was between 1 and 10 September.

<sup>†</sup> CAVR Interviews with Anacleto Ximenes, Cairui, Manatuto, 12 March 2004 and Sebastião da Cunha, Manatuto, 12 May 2004. See also Chapter 7.2: Unlawful Killings and Enforced Disappearances.

## Humanitarian consequences

374. The military operation had very serious humanitarian consequences at a time when the East Timorese population had not yet recovered from the traumatic famine and hardship from Operation Seroja and the conditions of detention camps. Prior to the military commencing this operation, they required the limited international aid presence to leave the territory.<sup>503</sup> In itself this was a bad result for a very fragile and isolated community. Forcing such huge numbers of rural civilians into military operations in the second half of 1981 subjected them to extremely harsh conditions. TBOs, many of them children, were taken into combat areas and as a result often became casualties.<sup>504</sup> Other civilians forced to participate were recruited as Ratih<sup>505</sup> rather than Wanra, which meant that they were not paid, but only received some “reward” for their participation. Nor were they well fed. Many died during the arduous march across rugged terrain.<sup>506</sup>

375. The operation took place over the planting season of 1981, and with large numbers of subsistence farmers forced to participate they were unable to plant their crops. In November 1981 Monsignor Lopes wrote to Australia with news of another impending famine, leading to international concern.<sup>507</sup> In March 1982 former Australian Prime Minister Gough Whitlam visited Timor-Leste, meeting with Monsignor Lopes. Whitlam later publicly disputed Lopes’s claims.<sup>508</sup> A visit several months later by a delegation from the World Council of Churches found differently:

It was clear that a large number of people have been resettled and there are still many malnourished children. Everywhere we went, people named food and housing as their major problems...our impression is that many people would like to return to their traditional homes and land in the hills.<sup>509</sup>

376. Indonesia claimed to capture 4,500 “Fretilin sympathisers” during the operation, and to have sent 3,000 of these to Ataúro, and another 1,500 were relocated to other areas.<sup>510</sup> However, the Commission received many testimonies to the effect that these were civilians and that very few combatants were captured in the kikis operation, and that most of those exiled to Ataúro were women, children and the elderly.<sup>511</sup>

## 3.15 Rebuilding the Resistance

### Overview

377. The Fretilin-led Resistance was almost crushed by the encirclement and annihilation campaigns of 1978-79. Most of the Fretilin and Falintil senior leadership was either killed, captured or surrendered during this period. The survivors, in isolated groups, undertook a desperate attempt to regroup. Three Central Committee members survived and fled to the east, among them Xanana Gusmão. Taking the lead, Xanana Gusmão conducted a National Reorganisation Conference in March 1981 which began a process of widening the Resistance to a broader front for national unity, and changed the tactical direction of armed resistance to guerrilla warfare. A secret meeting with the head of the Catholic Church in Timor-Leste, Monsignor da Costa Lopes, was an important step toward the goal of national unity between the main rivals of 1975, UDT and Fretilin.

378. In the early years of war and occupation, the Church was a unique and vital link to the outside world. In these years it had undergone a transformation from a bastion of the Portuguese colonial system to become a voice for ordinary East Timorese people.

## Fretilin survivors of the 1978-79 offensives

379. The Indonesian military offensives in 1978-79 destroyed Fretilin's strategy of "popular resistance", under which large numbers of the civilian population lived under the protection or control of Fretilin, provided logistical support to Falintil and were mobilised politically to support the Resistance. The Indonesian military's technological and numerical superiority was overwhelming in a conventional position-based war. Moreover, with tens of thousands of civilians in its bases, Fretilin was forced into a strategy of protection rather than attack against Indonesian forces. This period of combined civilian-military resistance ended with the fall of Fretilin's *zonas libertadas* in 1978.

380. The surviving population surrendered and came down from the mountains, devastated by the bombing and encirclement campaigns and generally in very poor condition.<sup>512</sup> They numbered up to 300,000 people.<sup>513</sup> The Indonesian military screened those surrendering and separated those they believed to be Falintil or Fretilin cadres. Many disappeared or were summarily executed (see Chapter 7.2: Unlawful Killings and Enforced Disappearances). The remaining civilians were held under military control in transit and later longer-term detention camps, as detailed in above (see also Chapter 7.3: Forced Displacement and Famine).

381. Fretilin had lost most of its mid-level and senior leaders. Falintil was in disarray, having lost most of its personnel, leadership and weaponry. Surviving personnel were isolated and without means to contact each other. The first phase of the Resistance was over. Organised resistance survived for two reasons. Firstly, the survival of several key Fretilin leaders who were able to rebuild the Resistance. Secondly the survival of the population who, although no longer physically separate from the Indonesian occupation forces, were eventually able to build a new form of clandestine resistance in support of what became a classic guerrilla war fought by Falintil.

## Regrouping

382. Shortly before the fall of Matebian, on 22 November 1978, a number of political leaders and military commanders\* managed to break through the siege and escape to the east. Leading the group was Xanana Gusmão. At the same time, other Falintil units were sent west to join up with Falintil troops in the Central Eastern (Centro Leste) Sector. Most of these units never made it through the Baucau-Viqueque cordon controlled by the Indonesian military, and only one company arrived in the Central Eastern Sector.<sup>514</sup>

383. The small group that escaped from Matebian regrouped in the Legumau mountain range east of Baguia, which was beyond the reach of the Indonesian military. They tried a new strategy of underground resistance, abandoning their military appearance, dressing as civilians and hiding their weapons.<sup>515</sup> Their goal was to find and contact surviving members of the Central Committee, Falintil members and civilians, and to assess the situation. Xanana Gusmão recalled his actions after escaping Matebian:

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\* This small group included Xanana Gusmão, Mau Hodu, Taur Matan Ruak and Nino Konis Santana.

*We went straight [to the east]. When we got there, we started building a strategy and each one of us learned what guerrilla [warfare] was about. Because I already had contacts with the underground [from] when [we were in the] bases de apoio, I went straight to Mehara on 7 December...We searched [for resistance members]. From Dili they [clandestine members] told us that there's a small number of [Falintil] troops but they couldn't contact them, many had surrendered. I sent two groups to Centro [central region] to search, [but] they said they didn't find any troops and didn't meet any civilians there.*<sup>516</sup>

384. The three surviving members of the Fretilin Central Committee in the east, Xanana Gusmão, Txay, and Mauhunu, discussed the need to regroup and develop a new resistance strategy in early 1979. A number of search parties set out to the central and western region to attempt to contact other survivors, particularly senior leaders from the Fretilin Central Committee.<sup>517</sup> This was a dangerous and difficult task. A number of the search parties were attacked, and some disappeared completely. The group led by Xanana Gusmão was attacked by the Indonesian military near Remexio in March, but a few members escaped and returned to Mehara in the east. In the same month, three companies of Falintil were eliminated near Lore, in the district of Lautém.<sup>518</sup> Xanana Gusmão described the search:

*We didn't know who [of Fretilin's Central Committee] was still alive. We looked in other places, [but] we couldn't decide, we knew that some were dead...Clandestine members looked for surviving members of the Central Committee in the forests from Centro to Fronteira Central to Border Sectors]...We decided in 1980 to cross the Baucau-Viqueque road to look, gather information, come to in villages, ask all the way to the border...From Henrique Belmiro and friends we found out that there were no more [Central Committee members].*<sup>519</sup>

385. Despite this, the searches had some success. They found some small pockets of the Resistance and Falantil troops that had survived. There were small groups in Laline and Uaimori, David Alex's group in Matebian, some in Manatuto, as well as others.<sup>520</sup> In another search in May 1980 Xanana Gusmão contacted Resistance members in the central zone, in Same and Ainaro, and found survivors near Dilli.<sup>521</sup> In the western zone they found only one group.<sup>522</sup> In addition to locating surviving Resistance members, the guerrillas contacted civilians to establish clandestine groups within Indonesian military-controlled territory.

386. The Commission heard testimony from Francisco Guterres "Lú-Olo", who in the late 1970s was a Fretilin cadre in the mountains. He told of the relief he felt when Xanana Gusmão arrived in his camp:

*When we heard that our older brother Xanana Gusmão had come we felt our hearts at ease...when he came back we all ran up to him and embraced him...Then we heard that Mauhunu was still alive, and in Lospalos an ajudante member of the Central Committee. Only these three were alive.*

*How could we continue this war? Our older brother Xanana was like the architect, or the builder. He said “we can build a boat, and all of us can carry this boat and then row forward. Though it will be difficult, we can do it.” We all agreed with our older brother...we believed so strongly in him.*<sup>523</sup>

#### National Re-organisation Conference in March 1981

387. The surviving Resistance lacked leadership, coordination and structure.\* Having failed to find other Central Committee members, and with the Indonesian military’s capture of Txay, Sera Key and Solan, in 1980 Xanana Gusmão decided to take charge and organise a Fretilin national meeting:

*I decided [this] in September...because I knew that all the Central Committee were dead...none were more senior than me except for Mau Hunu. But I knew him, so I decided to take this into my hands so we could re-organise.*<sup>524</sup>

388. Xanana Gusmão aimed to consolidate and restructure the Resistance as a guerrilla war, based on lessons learned from experience, as well as theory:

*Since 1979 we tried to learn guerrilla warfare and how to apply it in Timor. We studied in the forest, [we] studied the war in Vietnam, the war in Cuba, any kind of guerrilla [warfare]. We didn’t think they would be suitable because the conditions were different. That is why in 1979 we spent a year studying how guerrilla warfare [should be done]. From here we reorganised, what we could do with small guerrilla [groups], to plan political activities, military activities, and how the two related to each other.*<sup>525</sup>

389. Based on the contacts during 1979-80, the Resistance held a “National Re-organization Conference” in March 1981 at Maubai in Lacluta.<sup>526</sup> The political and military structure and leadership of the Resistance was reorganised, and the Revolutionary Council of National Resistance (CRRN) was formed to take overall charge of the Resistance.<sup>527</sup> The CRRN was to be an umbrella forum for all pro-independence elements, not only Fretilin, and was a significant step away from the hardline policies of 1977 when Fretilin had been declared a Marxist-Leninist party (Partido Marxista-Leninista Fretilin, PMLF), and toward national unity.<sup>528</sup>

390. Xanana Gusmão was elected to all leadership positions—National Political Commissar of the PMLF, Commander in Chief of Falintil, and President of the CRRN.<sup>529</sup> A new Central Committee was formed,<sup>†</sup> composed of leaders both inside Timor-Leste and overseas.<sup>530</sup> Falintil’s structure was redefined and new leaders appointed.<sup>531</sup> A guerrilla warfare strategy was officially decided, by which Falintil’s several hundred surviving troops would spread out across the country.<sup>532</sup> Having been defeated as a conventional military

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\* For example, the Falintil attack on the Marabia television transmitter in June 1980, described above, was conducted by a group from the north-central region independently of the surviving eastern-based group.

† Central Committee members appointed inside Timor-Leste were Xanana Gusmão (Comissario Política Nacional), Mauhununu, Mau Hodu, Bere Malae Laka, Kilik Wae Gae (Reinaldo Correia), Nelo (Dinis Carvalho), Sakinere, Holy Natxa, Lere Anan Timor (Tito da Costa), Harin, Mauk Moruk (Paulino Gama). Members appointed overseas were Abílio Araújo (Secretary General), Mari Alkatiri, Roque Rodrigues, José Luís Guterres, Guilhermina Araújo, José Ramos-Horta, and Rogério Lobato.



force, Falintil would work in small, mobile guerrilla groups, and no longer attempt to concentrate its forces against the Indonesian military. The guerrillas were to be supported by a clandestine structure in urban areas. The idea was that a clandestine structure under the CRRN would operate through district level national Resistance centres (cernak) and small village level cells composed of four to seven people (nurep). To administer the new Resistance the country was divided into three regions—the eastern region, Funu Sei Nafatin (“the struggle continues”); central region, Nakroma (“light”); and the border region, Haksolok (“joy”).<sup>533</sup>

## Growth of the Resistance

391. After the political and military reorganisation the capacity of the Resistance slowly grew. The clandestine structure aimed to support the guerrillas, as well as build linkages with other groups, including those close to the Indonesians. A cell-based clandestine network began to develop, including inside Dili. Seeking to control this clandestine network, the Indonesian military developed extensive intelligence networks of its own to the village level. All villages had a military presence. Some had a babinsa (village guidance non-commissioned officer), while others had a TPD, a “village guidance team”, depending on how restive a village or area was.<sup>534</sup> Indonesian military documents from 1983 indicate extensive surveillance of the population with the goal of “protecting” the people from the influence of GPK (guerrilla) propaganda:

Appoint reliable people such as katuas (elders) to help neighbourhood chiefs...Each katuas must be able to know exactly the activities of the families under his guidance; for example, when they go to their field, go to collect wood, get permission to go to another village, to tend flocks, go to market, and so on.

Appoint an “informer” in each of these groups of 10-15 families led by one katuas. This informer should be able to follow, secretly, all the activities of these 10-15 families.<sup>535</sup>

392. The Commission heard testimony about the consequences of being suspected of being an active clandestine Resistance member, with arbitrary detention, torture and disappearance a constant threat. In the district of Ainaro the cliffs at Bulico were known by the Indonesian military as Jakarta II. When people in Ainaro disappeared after being detained, the military explained to families and communities that they had been taken to Jakarta, when they had in fact been taken to, and thrown from, these cliffs. Unknown numbers were thrown to their deaths between 1981 and 83.<sup>536</sup>

393. This military presence to the village level, accompanied by stifling surveillance presence, often resulted in tensions which led to violence. The defection to Falintil in 1983 of several hundred East Timorese members of Indonesian military auxiliary units in Viqueque was a striking example.<sup>537</sup> This defection was part of the larger pattern of uprisings by the Resistance that occurred in 1982 to 1983. The effectiveness of linkages between the clandestine network and the guerrillas is indicated by military documents from 1982, which show the military’s focus on eliminating clandestine structures.<sup>538</sup> The clearest sign of Fretilin’s regeneration and ABRI’s failure to destroy Falintil was the ceasefire agreed in May 1983 (see section below).

## The Resistance under Xanana Gusmão: towards national unity

394. Since the 1975 invasion, Fretilin had defined itself as the embodiment of the Resistance. This began to change in the years following the 1981 reorganisation. In

September 1982 Xanana Gusmão and Monsignor Martinho da Costa Lopes met secretly in the village of Mehara, in the district of Lautém.<sup>539</sup> At this meeting Monsignor Lopes highlighted the need for national unity between Fretilin and UDT. This meeting and the call for political unity was especially important given that during the internal conflict of 1975 UDT had claimed to be defending the principles of the Catholic Church against a communist threat.<sup>540</sup> For the head of the Catholic Church in Timor-Leste to meet the head of Fretilin and the Resistance was a clear sign that the Church did not see Fretilin as communist, and Monsignor Lopes's call for unity indicated his understanding of the Resistance more as a nationalist struggle than one dedicated to the ideological left.

395. In 1983 the Fretilin Central Committee declared national unity as its official political line.<sup>541</sup> This was a clear reference to the UDT-Fretilin enmity. In order to promote the possibility of multi-party cooperation Fretilin changed several of its earlier radical policies. For example, in 1983 Fretilin participated in a ceasefire and negotiations with the Indonesian military. This had previously been inadmissible under its avowed policy of "negotiations—no and never".<sup>542</sup> In 1984 it denounced the Marxist-Leninist ideology that had been declared in 1977 and incorporated into the party's name in 1981. By this action Fretilin drew back from the social-revolutionary basis of its earlier stance in favour of a more inclusive nationalist platform.

396. This process of change undertaken by Fretilin was not unopposed. Party hardliners such as Kilik Wae Gae (Falintil chief of staff) and Mauk Moruk (commander of the Red Brigade) perceived this political shift towards a more moderate stance as an unacceptable compromise.<sup>543</sup> An attempted coup by this faction failed, and in time opposition to the new policies faded.<sup>544</sup> The new direction under the umbrella of the CRRN enlarged the political platform of the Resistance and eventually led to a broader-based opposition to Indonesian occupation.

## The Catholic Church

397. The Catholic Church, under the courageous leadership of Monsignor Martinho da Costa Lopes, had played a critical role inside Timor-Leste during the early years of the occupation. Previously an adjunct of the ultra-conservative Portuguese colonial administration, the Church's composition changed during the Indonesian era. Due to the departure of many Portuguese clergy and nuns following the Indonesian invasion and occupation it became more "Timorise". In addition to East Timorese clergy there were also Indonesian and international priests and nuns. The three groups played different roles. Many Indonesian clergy tended to support the Indonesian government, while international clergy, subject to visa approval by the Indonesian government, took a more openly apolitical position.<sup>545</sup> Most significantly, many of the East Timorese clergy were mobilised as a result of the enormous suffering they witnessed in these early years.\*

398. Members of the Church in Timor-Leste were often at odds with the Vatican, which did not encourage clergy to become involved in issues such as human rights or the politics of resistance. Nonetheless because the formal policy of the Vatican did not recognise Indonesian sovereignty over Timor-Leste, the Catholic Church within the territory remained directly ruled by the Vatican rather than being subsumed within the Indonesian Church. The international Catholic network provided a unique link between Timor and the outside world in the years when the territory was virtually closed. Nuns and priests wrote letters abroad at a time when almost no international media observed events inside the territory and when, apart from the occasional presence of the ICRC, there was no other international organisation allowed in the territory. José Ramos-Horta told the Commission that between 1975 and 1979

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\* Some East Timorese clergy supported and were used by the Indonesian regime, being assigned to positions of responsibility in the provincial government [see Smythe, *The Heaviest Blow*, p. 37].

Church sources played a unique and critical role in getting information about conditions in Timor-Leste to the outside world.<sup>546</sup>

399. In 1983, the Church made a decision that proved vital for the cultural survival of the Timorese people. The Church in Timor-Leste decided that the official language of the liturgy would be Tetum. As a result the Dili Diocese requested the Vatican's permission to use Tetum as the language of the Mass. The Vatican agreed, and this was implemented during Bishop Belo's administration.<sup>547</sup> This increased the East Timorese identity of the Catholic Church and added to the sense of sanctuary it offered to ordinary people in very difficult times.

400. This sense of sanctuary offered by the Church was a major factor in large numbers of people formally converting to Catholicism during the occupation. In 1973 approximately 28% of the population described themselves as Catholic.<sup>548</sup> By 1980, the Indonesian statistics office listed as many as 80% of the population as Catholic.<sup>549</sup> The Indonesian state ideology requiring citizens to subscribe to one of five official religions may have also been an influence on this widespread adherence to Catholicism.

401. The outspokenness of Monsignor da Costa Lopes led to his forced resignation in 1983. A year later he addressed the US Bishop's Committee for Social Development and World Peace, drawing attention to the Church's pivotal role as protector of the East Timorese people:

In the face of the cultural and psychological genocide that the Indonesian army has imposed on us the Catholic Church has emerged as the only organisation that the East Timorese people trust...Everything the people know they tell to the priests. The East Timorese church has listened intently for nearly nine years since the Indonesian invasion. With the highest authority the East Timorese church can say that it knows the plight as well as the deepest aspirations of the people.<sup>550</sup>

### 3.16 1983 Ceasefire and its aftermath

#### Introduction

402. In 1982, Indonesia implemented its national elections in East Timor for the first time. With *Operasi Keamanan* completed, once again the Indonesian military judged the territory to be pacified. In Timor-Leste a huge majority, 99% of the electorate, were reported to have voted for Golkar, President Soeharto's political vehicle. The elections were followed by a shake-up of civilian and military personnel in the Indonesian administration. Former senior UDT member Mário Carrascalão was appointed Governor, and Colonel Purwanto took over as head of the military in the territory. Faced with a growing clandestine movement supporting a regrouped Falintil, the Indonesian military sought a different route to overcome the Resistance, negotiations. Falintil Commander Xanana Gusmão held talks with Colonel Purwanto, and for a short time a tentative ceasefire was in place.

403. **However, when Soeharto was sworn in as President he** quickly appointed General Benny Moerdani as commander in chief of the Indonesian military. General Moerdani was one of the architects of the Indonesian military takeover of Timor-Leste, and had less time for a peaceful solution to problems in the territory. Very soon after Moerdani's appointment, Monsignor Lopes was pressured to stand down from his position as head of the Catholic Church, and he left the territory. The ceasefire broke in the eastern town of Kraras in August 1983, after a unit of East Timorese Hansip (civilian auxiliary) members, together with Falintil fighters, killed 12 Indonesian soldiers. The Indonesian military responded with a series of massacres of local civilians and a crackdown in the eastern region with new operations.

#### Indonesian national elections in East Timor: 1982

404. With the completion of *Operasi Keamanan*, the Indonesian military seem once again to have concluded that they had pacified the territory.<sup>551</sup> When Indonesian national elections were held in 1982, they were conducted for the first time in East Timor. The military was responsible for providing security for these elections across the archipelago, and this demand on troop numbers, combined with increased Indonesian military confidence, may have contributed to a sharp reduction in troop numbers in the territory at this time. The Indonesian press reported that the election proceeded in East Timor without incident;<sup>552</sup> however East Timorese informants noted that there had been a wave of arrests prior to the vote.<sup>553</sup>

*In Viqueque the military were constantly on patrol during the pre-election and election period. Every evening [the military was] going in and out of houses checking to see if anyone was coming or going. Also on the 4 May, the day before the elections, there were Fretilin attacks in some villages. All the election centres around Viqueque were moved into the town of Viqueque itself.<sup>554</sup>*

405. Election results in East Timor returned over 99% of the vote for Golkar, President Soeharto's ruling party. This, coupled with a very quick vote count, strongly suggests a manipulated result. A possible motive for vote manipulation was indicated the following year, when Governor Mário Carrascalão claimed that:

[T]he people had been told that by voting for Golkar they would be indicating their views about integration with Indonesia.<sup>555</sup>

406. In the event, Indonesia used the vote as evidence of support for Indonesia. Xanana Gusmão did not restrain his sarcasm in his 1982 message to the UN:

Suharto's party won the elections again. In Timor-Leste under the threat of weapons, all the population voted in favour of Golkar. East Timor and Irian Jaya, by a curious paradox, were the "most dear provinces" of Suharto and the best supporters of Golkar!<sup>556</sup>

#### Shake-up of Indonesian civilian and military personnel, and Resistance actions

407. Following the elections there was a shake-up of key Indonesian civilian and military personnel in Timor-Leste. In September 1982 Mário Viegas Carrascalão, a former senior member of UDT who had worked for the Indonesian Ministry of Foreign Affairs in New York from 1977 until 1981, was installed as Governor. At about the same time Korem 164 Commander Colonel Adolf Sahala Radjagukguk was replaced by Colonel Purwanto.\*

408. During this period the Resistance made two key moves. Firstly, in August 1982, Falintil troops carried out a major attack on an Indonesian military post in Mauchiga, Ainaro, often referred to as the 1982 *levantamento*. The Commission heard testimony of the consequences of this for the civilian population of the village. Many were rounded up and exiled to Ataúro,<sup>557</sup> while many women were subjected to repeated and ongoing sexual violation (see Chapter 7.7: Sexual Violence). Secondly, in September 1982, there was the secret meeting between Xanana Gusmão and Monsignor Lopes, as described above. This was a signal to the military that Fretilin's support was indeed widespread, and which thus threatened its depiction of Fretilin as an isolated communist guerrilla force.

#### New approach by the Indonesian military: negotiations

409. In 1983 the Indonesian military attempted a new tactic of negotiation with the Resistance. ABRI had resolved secessionist rebellions during the 1950s by this means, and a key player in negotiations in that period was then commander in chief of ABRI, General Yusuf, who was involved in negotiations in Sulawesi to resolve the Permesta revolt in the late 1950s.<sup>558</sup> It is likely that Yusuf condoned the initiative, which may have come from new East Timor Military Commander Colonel Purwanto who had the authority to initiate the local level contacts that led to a formal ceasefire. In late 1982 and early 1983 the Indonesian military began making local level agreements. Initial contacts for local ceasefires in Lautém were made at Pupuru and Pasikenu, outside Lospalos, and by February 1983 were occurring weekly.<sup>559</sup> Among the Fretilin leaders involved in these early contacts and tour of Jakarta, intended to convince them of the merits of Indonesia, were Falo Chai<sup>560</sup> (Fernando Teles) and José da Conceição, who was a key mediator in this process.<sup>561</sup> The Indonesian military pursued similar contacts with Fretilin/Falintil in the Venilale-Ossu corridor, in which David Alex (Daitula) was a key Falintil commander involved.<sup>562</sup> A former Hansip member recalls:

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\* The Commission cannot give exact dates of Purwanto's appointment. Radjagukguk was Commander as of 8 July 1982, and Purwanto was already Korem 164 Commander by late 1982.

*My brother in-law and I went to Venilale, met with Major Iswanto, [and] conducted a peaceful contact. He wanted to meet people from the forest, to know their politics. Did they want independence or integration? I was assigned to find people in the forest and make peaceful contact. I succeeded. First I found them in Ossulari. There [I] met with platoon commander Makikit. I asked him: "Do you want independence or integration?" I asked him that. He answered: "[The people of] Timor-Leste [want] independence more than integration".<sup>563</sup>*

410. The local meetings between Indonesian officers and Falintil paved the way for higher-level contacts. On 20 March, two Indonesian majors and several lower ranking military officers met with Xanana Gusmão in Liaruka, in the village of Buburaka, in the sub-district of Ossu (Viqueque). At this meeting Fretilin made four demands: (1) the unconditional withdrawal of Indonesian troops from Timor-Leste; (2) a United Nations peacekeeping mission; (3) a free and fair referendum; and (4) the continued presence of Fretilin/Falintil for security during this process.<sup>564</sup> Colonel Purwanto then flew to Bali for Kodam-level discussions. Three days later, on 23 March, Colonel Purwanto himself met with Xanana Gusmão near Larigutu, in the sub-district of Venilale (Baucau).<sup>\*</sup> Governor Mário Carrascalão was also present. This apparently resulted in the signing of a ceasefire agreement between the Indonesian military and Fretilin/Falintil.<sup>565</sup> Others followed, and the ceasefire spread across the territory.

## Ceasefire

411. The Indonesian military refused to concede it was holding "negotiations," instead calling them "talks". It did not want international publicity on the issue. However the status of the conflict during this period was in effect a ceasefire.<sup>566</sup> As late as July 1983 the ceasefire was still in place.<sup>567</sup> The cessation of hostilities allowed Resistance leaders to freely visit villages, towns, and even some of the urban centres. There were a number of local meetings between ABRI and Fretilin/Falintil including those in Lore, Beaço, Uaitame, Macadique, Ossu, Laissorlai, and Hatu-Builico. At these meetings recreational games such as volleyball were played, and supplies were even provided to Fretilin/Falintil.<sup>568</sup>

412. For the general population the respite was significant. According to Monsignor Lopes:

In June, as part of the ceasefire agreement, Indonesian helicopters were taking food and medicines to guerrillas in the mountains and bringing their sick and wounded in to Dili hospital...The people were very happy with the respite from the war and for the first time in years were able to plant decent crops.<sup>569</sup>

413. Fretilin and Falintil used the ceasefire to their advantage, both for internal consolidation as well as building linkages with East Timorese working with the Indonesian regime.<sup>570</sup> Falintil entered the ceasefire from a perspective of distrust. Its experience was of the fraudulent "amnesties" in the late 1970s, after which many surrendered Fretilin leaders disappeared. The CRRN document released in July 1983 made clear this perspective of distrust. It detailed murders and atrocities, cited names and provided case studies of killings, and gave an account of military promotions for those responsible for atrocities.<sup>571</sup>

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<sup>\*</sup> This meeting was also attended by Aleixo Ximenes, Verissimo Quintão, José da Conceição and Okan.

## Appointment of Benny Moerdani as ABRI commander in chief: 1983

414. During March 1983 Indonesia's MPR (People's Consultative Assembly) appointed Soeharto to serve a fourth term as President. This led to a key change within the Indonesian military that affected the fragile ceasefire in Timor-Leste. On 28 March President Soeharto installed General Benny Moerdani as commander in chief (Panglima) of ABRI.<sup>\*</sup> Moerdani, one of the key architects of the invasion of Timor-Leste, brought a far less conciliatory influence to the course of events.

## Monsignor Lopes removed

415. One of Moerdani's first actions as Commander in Chief was to pressure the Papal Envoy to Indonesia, Monsignor Pablo Puente, to remove Monsignor Lopes as head of the Catholic Church in Timor-Leste. Moerdani, himself a Catholic, saw Monsignor Lopes's September 1982 meeting with Xanana Gusmão as traitorous. Weeks later Lopes offered his resignation, though he subsequently stated that he had been forced to resign.<sup>572</sup> His replacement, the relatively young Carlos Felipe Ximenes Belo, was appointed directly by the Vatican rather than chosen by East Timorese clergy through election.<sup>573</sup>

416. On 13 May, in one of his last public appearances before leaving Timor-Leste forever, on the Catholic holy day of the Feast of Our Lady of Fatima, Monsignor Lopes condemned the abuses perpetrated by the occupying forces. This was the first time he had done so publicly.<sup>574</sup> He left secretly carrying detailed evidence that a general ceasefire had been agreed, in the event that Indonesia did not publicise it.

## Ceasefire undermined

417. From the outset, the new Commander in Chief, General Benny Moerdani, was unconvinced of the merits of a ceasefire. On April 12 General Moerdani visited Baucau to meet with his staff responsible for Timor-Leste. The next day he summoned Governor Mário Carrascalão to Baucau. In an interview in 2003, Mário Carrascalão recalled this meeting:

*Actually the questions all revolved around guarantees.  
Moerdani asked:*

*"If it is resolved peacefully, is it guaranteed that East  
Timor will remain part of Indonesia? How do the people  
feel? That's [what] we want to know."*

*I [Carrascalão] said: "How would I know, sir?"*

*It went on for about an hour, these questions, then Benny  
Moerdani cut short the meeting...Benny Moerdani gave  
three months. He said:*

*"I will give Soetarto [Commander of Kodam Udayana] and  
Purwanto [time], assisted by the Governor, to help East  
Timor peacefully."<sup>575</sup>*

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<sup>\*</sup> Also in March, Commander of Kodam XVI/Udayana Brigadier General Dading Kalbuadi was replaced by Brigadier General Damianus Soetarto.

418. Governor Mário Carrascalão played a prominent role in pushing forward the talks held during the ceasefire. In late May Xanana Gusmão sent a message asking to meet with him, which led to a private meeting at Ariana, a few kilometres from Venilale (Baucau). However Carrascalão's room for manoeuvre was limited. Jakarta released news of the ceasefire on 10 June, but did not publicise the details such as Falintil's demand for a referendum, as had been agreed. Shortly after, Moerdani sent a letter to Xanana Gusmão:

Do not think you can receive assistance from other countries. There is no country on this globe that can help you. Our own army is prepared to destroy you if you are not willing to be co-operative with our republic. We are preparing an operation—Operasi Persatuan—which will come into force in August.<sup>576</sup>

419. Moerdani's three-month ceasefire deadline was to expire in July. He planned the new operation for August to allow an Australian parliamentary delegation to visit at the end of July. Moerdani's insistence on a new offensive disregarded Indonesian Foreign Ministry concerns that renewed operations would have a negative influence on the discussion of Timor-Leste scheduled at the United Nations General Assembly in September.<sup>577</sup>

420. It is possible that the ceasefire was undermined from within the Indonesian military, with the intention of continuing the war. The military had in the past stated that it considered operations in Timor-Leste a valuable training tool for its troops.<sup>578</sup> One figure possibly concerned in such undermining was Captain Prabowo Subianto, who at the time was the deputy commander of Detachment 81, Kopassandha.<sup>579</sup> A week after Moerdani approved the ceasefire in April, Colonel Purwanto asked to meet with Governor Mário Carrascalão on the beach in Dili. According to Carrascalão, Purwanto told him:

*What I've been worried about is happening. He came back to Timor-Leste, Prabowo. Under these conditions, no one, civil or military, can enter or leave Timor-Leste without my knowledge. It turns out he came and he went into the interior—to Viqueque, around Bibileo. I don't know what he's doing, I just don't know anymore.<sup>580</sup>*

421. The Commission received evidence that Prabowo was stationed in the eastern sector of Timor-Leste at this time. Several sources have told the Commission that he was involved in the operation to bring the civilian population down from Mount Bibileo, shortly after which several hundred were killed by ABRI. The Commission also received evidence of Kopassus being involved in these killings. (See Chapter 7.2: Unlawful Killings and Enforced Disappearances).

422. Both the Indonesian military and Falintil used the ceasefire for their own military advantage, as reported by US Embassy visitors to Dili in May 1983:

Fretilin has the opportunity to organise its forces and develop its leadership. At the same time Indonesian security units know how many Fretilin there are, where they are and who they are, since names have been listed and photographs taken. The gathering of Fretilin also makes it possible for Indonesian forces to strike, if the talks fail.<sup>581</sup>

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<sup>577</sup> In 1983 for the first time since 1975 discussion at the UN General Assembly was postponed. It was delayed until the 39<sup>th</sup> General Assembly the following year.



423. On 28 July an Australian parliamentary delegation arrived in Dili. It spent four days in Timor-Leste, out of a total of 10 in Indonesia. It did not seek to meet with Fretilin. However near Baucau the delegation was stopped by four Falintil members. A short discussion ensued and the Falintil members gave the Parliamentarians a letter.<sup>582</sup> This letter noted that:

Even now during the [peace] talks...they [ABRI] continued [sic] to kill the FRETILIN [sic] guerillas who wanted to come close to the camps so as to be able to get in touch with their people.

424. Commission data supports this allegation. During the period of the ceasefire the Indonesian military perpetrated a range of violations, including torture and killings, and arbitrary arrests of suspected clandestine members.<sup>583</sup>

### The end of the ceasefire

425. After efforts to undermine the ceasefire had emerged from within the Indonesian military itself, on 8 August, East Timorese in Kraras (Lacluta, Viqueque) attacked and killed a group of ABRI combat engineers. They then fled into the forest. Indonesia explained this as an unprovoked attack on “unarmed soldiers”.<sup>584</sup> Falintil members describe it as a *levantamento*, a combined Hansip-Falintil attack on the Indonesian military intended to dispel Indonesia’s claim that it had defeated Falintil.<sup>585</sup> East Timorese people explain that Indonesian soldiers had killed a number of civilians in the area during the ceasefire.<sup>586</sup> Members of the engineering battalion then molested an East Timorese woman. This prompted a combined Falintil-Hansip attack that killed at least 12 soldiers.<sup>587</sup>

426. The Indonesian military’s response was overwhelming violence against the civilian population. The Hansip involved in killing Indonesian soldiers had defected to Falintil.\* Civilians from the village had fled - some, mostly able-bodied men to the forest and others to Viqueque. Troops of Battalion 501 hunted them down. The men were gathered and shot in the area of Tahuben. A smaller group, mostly old men, women and children were arrested in Viqueque and were shot in a location near Buikarin. Reports of the death toll at the time exceeded 200.<sup>588</sup> The Indonesian military privately conceded 80.<sup>589</sup> In 1985, Bishop Belo later listed the names of 84 of the dead.<sup>590</sup> Survivors were forcibly resettled in Lalerek Mutin, where it is thought a greater total died of starvation and disease.<sup>591</sup> To this day, Kraras is known as the “village of widows”.<sup>592</sup>

427. The ceasefire was over. His “peaceful solution” having failed, Colonel Purwanto was replaced by Colonel Rudito.<sup>593</sup> On 17 August, Indonesia’s Independence Day, General Moerdani announced his new plans for crushing the resistance:

*This time we’re going to hit them without mercy.*<sup>594</sup>

428. Operation Unity (Persatuan) began in September 1983.<sup>†</sup> It focused on the east where Falintil remained strong, and featured Kopassandha as front line troops for the first time, amply supported by air power.<sup>595</sup> One reason for this may have been the mass defections of Hansip to Falintil after Kraras.<sup>596</sup> The Indonesian military would have both lacked sufficient manpower and seriously mistrusted its East Timorese soldiers. The operation provoked large displacements of people to towns.

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\* An additional influence on the defecting Hansip may have been the military’s policy at the time to downgrade Hansip/Wanra to Ratih. Ratih had both lower status and was not paid [see Korem 164 *Insop/03/III/1982 tentang Perlawanan Rakyat Terlatih* pp. 16-18].

† Also known as *Operasi Sapu Bersih*—Operation Clean Sweep.

429. ICRC operations ceased on the mainland, restricted to the island of Ataúro. Military hardliners were once again in the ascendancy.<sup>597</sup> The Catholic Church was the only independent institution remaining in Timor-Leste. But the Church in Timor-Leste was very isolated from the Church in Indonesia and the Vatican, who were generally silent on the human rights situation in the territory. In 1983, for the first time the Indonesian Bishop's Conference expressed support for the suffering East Timorese and called for understanding and honesty from decision-makers.<sup>598</sup> Although this might have been a significant start, the Bishops' Conference subsequently distanced itself from this position of support.

## 3.17 Consolidation and the beginnings of change: 1984-1991

### Overview

430. Throughout most of the 1980s Timor-Leste remained closed to the world. Falintil continued a guerrilla armed resistance and ABRI/TNI presence in the territory remained high. However, major military operations lessened in the latter half of the decade, and the Indonesian Government attempted to “normalise” the territory by implementing a number of key national policies and programmes, including transmigration policies and education policies.

431. The Resistance process of restructuring which had commenced in 1981 continued throughout the decade. In 1983 national unity was declared Resistance policy, and in 1988 the National Council of Maubere Resistance (CNRM) became the supreme body of the Resistance, with the aim of building a nationalist base. Falintil was separated from Fretilin, and its commander in chief Xanana Gusmão resigned from the party, in further efforts to signal this inclusive approach.

432. Dom Carlos Felipe Ximenes Belo replaced Monsignor Martinho da Costa Lopes as Apostolic Administrator of the Diocese of Dili, and in 1988 was ordained as Bishop. Throughout the decade, he became more outspoken in defence of the people of Timor-Leste, and his letter in late 1988 to the UN Secretary-General calling for the UN to fulfill decolonisation in Timor-Leste had a significant international impact.

433. The youth movement of the Resistance began to develop from the mid-1980s, particularly in a number of schools in Dili. As East Timorese went to study in Indonesia this widened to university student organisations toward the end of the decade. Youth activism was prominent during the visit of Pope John Paul II in late 1989. Both the Indonesian government and the Resistance sought to gain political mileage from the Pontiff’s presence in Timor-Leste, an event of immense spiritual importance to the largely Catholic community. Students from the growing clandestine movement grasped the opportunity to make their desire for self-determination known to the Pope and the international media contingent travelling with him, in the first major public demonstration since the Indonesian invasion in 1975. This commenced what became a cycle of demonstrations and crackdowns in the 1990s.

434. The UN was largely ineffective during this period in terms of seeking a lasting political solution to the question of Timor-Leste. East Timorese in the diaspora and international civil society turned to the Decolonisation Committee and the Human Rights Commission as ways to keep the issue alive on the UN agenda. When on 9 November 1989 the Berlin Wall fell, signalling the end of the Cold War context that had prevailed throughout the invasion and occupation of Timor-Leste, it brought new hope for a peaceful and principled settlement of the conflict.

### Development of the Resistance

435. By the early 1980s the majority of the civilian population was urbanised, living in towns and villages rather than with Falintil in the mountains. Towards the mid-1980s the period of mass detention passed. Indonesia embarked on a degree of normalisation in Timor-Leste. State institutions such as the provincial government, the regional parliament, and departments of public service had been established and were staffed and functioning. This provided Indonesia with the capacity to implement its national development programmes in East Timor, and there is merit to the claim that Indonesia implemented programmes that led to development in the territory in this period. However, a close assessment of these

programmes indicates that there was an emphasis on the infrastructure of occupation, particularly road construction and administration buildings. Another area of key government expenditure was in school construction (see Chapter 7.9: Economic and Social Rights and Part 4: The Regime of Occupation). Indonesia had high hopes of winning the hearts and minds of younger East Timorese people.

436. The changes in 1981 and 1983 to the Resistance vision and structure took time to mature. Xanana Gusmão in the meantime sought to make practical steps for the long-term future of the Resistance. On 7 September 1985, Catholic youth wrote secretly to Xanana Gusmão, seeking clarification of the position of the Resistance on the future of the struggle and the many challenges it faced. Xanana Gusmão wrote a detailed response in a message dated 20 May 1986 to the Catholic Youth in Timor-Leste and Students in Indonesia.<sup>599</sup> He called on the youth to remain steadfast in their East Timorese identity and to struggle for their rights. This message showed the importance he placed on the young generation in his repositioning of the Resistance.

437. In December 1988 Xanana Gusmão made fundamental changes to the Resistance, in what was known as the Structural Readjustment of the Resistance, or RER. These changes aimed to further efforts at building the widest possible national basis for the Resistance. The CRRN was dissolved, and replaced by the National Council for Maubere Resistance (Conselho Nacional da Resistência Maubere, CNRM), which was aimed at being an umbrella organisation to accommodate all political parties supporting independence. Falintil was declared a neutral and nationalist army, no longer part of Fretilin. Xanana Gusmão himself resigned from Fretilin, to become the President of the CNRM, while he remained commander in chief of Falintil.<sup>600</sup> The formation of the CNRM was a major step toward consolidating and giving practical political mechanisms to the idea of national unity. During the 1980s clandestine groups began to proliferate, particularly in urban areas. The number of these increased in the late 1980s, but due to the dangers of clandestine activity most groups were small and isolated, with few broad-based linkages. Recognising this, the CNRM established the Comité Executivo da CNRM da Frente Clandestina (Executive Committee of the CNRM for the Clandestine Front, better known as Comité Executivo, CE) in 1990.<sup>601</sup> The CE's task was to coordinate, direct, and observe underground activities. It built relations with underground groups throughout Timor-Leste and abroad, including Indonesia.<sup>602</sup>

438. These changes to the Resistance movement also strengthened the external diplomatic front, the international diaspora of East Timorese and international civil society. In 1983, following a ban by the Australian government since the time of the Indonesian invasion, a delegation of Fretilin leaders made a successful visit to Australia and addressed a gathering of 1,500 people from all walks of life in Melbourne. This greatly encouraged East Timorese in exile in Australia, who until this time had struggled to make an impact with the Australian public without the direct support of key leaders.<sup>603</sup> By the 1980s, East Timorese who had escaped Timor-Leste in the 1970s were more settled and able to manage conditions in new lands such as Portugal and Australia, and became more effective in the struggle for international recognition (see Chapter 7.1: The Right to Self-Determination).

439. José Ramos-Horta continued to travel frequently and widely, stimulating support in each country he visited. He worked hard to mobilise international civil society support as well as through formal diplomatic channels. For example, his visit to Japan in March 1985 was at the invitation of Japanese citizen's groups and he was able to introduce the issue of Timor-Leste directly to the Japanese public.<sup>604</sup> Supported and sometimes mentored by civil society groups, other East Timorese also increased wider international lobbying during the 1980s.

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<sup>599</sup> Some examples are visits to Nuclear Free and Independent Pacific Conference in Vanuatu in 1983 by Abílio Araújo and Roque Rodrigues, and to the World Conference of Women in Nairobi by Emilia Pires and Ines de Almeida in 1985.

## Repression and imprisonment

440. The Indonesian response to the growing strength of the clandestine resistance during the 1980s was to increase focus on the Resistance and on finding ways to dismantle it. One way it did this was by taking East Timorese political prisoners out of the territory. In 1983, 69 prisoners suspected of involvement in the Kraras uprising were taken from the Balide Prison to Kupang in West Timor, Indonesia. Only 14 of them returned to Timor-Leste.<sup>605</sup> Prisoners, usually suspected members of the clandestine resistance, were often handed from one arm of the security apparatus to another, with torture and mistreatment standard practice. In this period prisoners were sometimes taken to places such as Bali for interrogation.<sup>606</sup> As a concession to normalising administrative procedures during the 1980s, political prisoners were sometimes taken to court for trial. However, such trials were generally a mere shadow of justice and gave scant regard for the rights of the accused.

441. The high security Cipinang Prison in Jakarta was used to hold East Timorese prisoners in this period. The Commission received testimony from Indonesian human rights activist Ade Rostina Sitompul, who became a regular visitor to East Timorese in Cipinang prison from 1987. She told the Commission that in 1987, there were 47 East Timorese political prisoners in Cipinang, and that security conditions were far more strict for them than for other prisoners.<sup>607</sup> The isolation from families was a particular hardship for East Timorese prisoners taken away to prisons in Java and other parts of Indonesia (see Chapter 7.6: Political Trials).

## The rise of the clandestine youth movement

442. In the mid-1980s a number of student clandestine cells were established in middle schools in Dili. Around 1986 OJECTIL (Organização de Juventude Católica de Timor-Leste, Timor-Leste Catholic Youth Organisation) was formed by student activists based in the Externato de São José,<sup>608</sup> and went on to become a national-based organisation. These students had often been children in the forest during the invasion and full-scale war period. Many had family connections to the Resistance in the interior.<sup>609</sup> They were forming what was to be the foundation of a new generation of resistance that would continue throughout the 1990s.

443. In 1986 the first university in Timor-Leste was opened in Dili, named Universitas Timor Timur, Untim. Previously, in 1985, Governor Mário Carrascalão had implemented an education policy to allow East Timorese students to study in the universities of Indonesia. This was an important development for the educational opportunities of East Timorese young people, and one which had a profound impact on relations between East Timorese nationalists and human rights activists and their Indonesian counterparts (see Chapter 7.1: The Right to Self-Determination, section on Civil Society).

444. The clandestine student group Renetil (Resistência Nacional dos Estudantes de Timor-Leste, Timor-Leste Students' National Resistance) was established in 1988 in Bali, and operated in Bali and Java.<sup>610</sup> In the tightly controlled student politics of the New Order regime, East Timorese students also established a more moderate organisation, Impettu (Ikatan Mahasiswa, Pemuda, dan Pelajar Timor Timur, The East Timorese Students and Youth Association), to operate as the acceptable face of East Timorese students in Indonesia. These became important vehicles for student activism throughout the 1990s.<sup>611</sup>

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<sup>605</sup> After 1991 OJECTIL changed its name to OJETIL ( *Organização de Juventude de Timor Leste* ), removing the word Católica to emphasise its nationalist nature.

## The Catholic Church

445. In 1983, Carlos Filipe Ximenes Belo became the Apostolic Administrator of the Dili diocese, replacing Monsignor Martinho da Costa Lopes as head of the Church in Timor-Leste. Despite pressure from Indonesia, the Vatican continued its refusal to recognise Timor-Leste as part of Indonesia. On 19 June 1988 Belo was ordained as the titular bishop of Lorium, a diocese in Italy no longer functioning.<sup>612</sup>

446. Little was known of Monsignor Belo inside Timor-Leste when he took up the position as head of the Church. He had been out of the territory studying in Portugal from 1968 to 1974, and then again from August 1975 until 1981, when he returned to Fatumaca College in Baucau. Like his predecessor Martinho Lopes, Belo soon proved to be an independent thinker and would not remain silent about the violence he witnessed. Only 40 years old himself at the time of his ordination as Bishop, Belo centred his ministry on the youth of Timor-Leste. In the late 1980s and into the 1990s, this ministry brought him into daily contact with the rising tension between young East Timorese people seeking more freedom and the Indonesian military apparatus which cracked down on any sign of youth resistance. In the years to come Bishop Belo's residence was to become a place of refuge for many young people seeking shelter from the military and its agents.

447. In February 1984, deeply troubled by the impact of the Indonesian military's "Fence of Legs" campaign, he wrote to Lopes, telling of the abject condition of the people encircled in this campaign and others imprisoned, and of the military targeting of Catholic schools for searches and their students for interrogation.<sup>613</sup> In 1985 he spoke out strongly against the Indonesian government's birth control programme, which he saw as being forced on the people of Timor-Leste.<sup>614</sup>

448. In 1988, when security forces had undertaken a repressive crackdown prior to a brief visit to the territory by President Soeharto, Bishop Belo responded by preparing a statement to be read in churches across the territory on 5 December:

We disagree with this barbaric system and condemn the lying propaganda according to which human rights abuses do not exist in Timor-Leste.<sup>615</sup>

449. This letter was picked up by the international press, and quoted in the New York Times on 22 January 1989.

450. On 6 February 1989 Bishop Belo wrote an even more significant letter, to the Secretary-General of the United Nations Javier Perez de Cuellar. In it he asked the Secretary-General "to initiate a genuine and democratic process of decolonisation in East Timor to be realised through a referendum."<sup>616</sup> He denied Indonesia's claim that the people of Timor-Leste had made a choice for integration, observed that Portugal saw the passing of time as the solution, and noted that "in the meantime we are dying as a people and a nation." This letter was posted from outside Timor-Leste for security reasons. Although it received no response from the United Nations for years, it had a significant impact. For Bishop Belo it brought great pressure from both Indonesian and Vatican authorities.<sup>617</sup>

## The situation at the United Nations

451. In 1982 political events in Portugal took an important turn, which in time had an impact of the struggle for self-determination in Timor-Leste. The Socialist Party of Mário Soares was elected to government and effectively ended the period of crippling instability that had plagued Portuguese politics since the Carnation Revolution in 1974. In time, the Soares

Government reactivated support for the East Timorese cause of self-determination, and its successor utilised its new position within the European Union to further this cause (see Chapter 7.1: The Right to Self-Determination).

452. In 1982, what had become an annual General Assembly resolution calling for self-determination for Timor-Leste came very close to being defeated; it was carried 50 in favour, 46 against, with 50 abstentions. The motion also called on the Secretary-General to initiate consultations with all concerned parties in order to “achieve a comprehensive settlement of the East Timor issue.”<sup>618</sup>

453. This appeared to be a significant diplomatic victory for Indonesia. The Commission heard from former senior United Nations official Francesc Vendrell that this was a period when in the international community:

*No-one believed that the Timorese...could possibly resist and...everyone believed it was just a matter of time before Timor-Leste was acknowledged by everybody to be part of Indonesia.*<sup>619</sup>

454. A number of East Timorese exiles testified to the UN during this period. This diplomatic effort was headed by José Ramos-Horta. Ian Martin, Secretary General of Amnesty International from 1986 to 1992, recalled José Ramos-Horta at the United Nations during this period:

*I remember how lonely José Ramos-Horta looked in the Delegates' Lounge of the United Nations in New York, at a time when almost all diplomats believed that it was just a matter of time before Indonesia's incorporation of East Timor was accepted by the international community as a whole.*<sup>620</sup>

455. In 1983 the debate on Timor-Leste was deferred in order to give the Secretary-General time to show progress in his consultations for a comprehensive solution. In reality Portugal was afraid to bring it before the General Assembly after the near defeat of 1982. The Secretary-General at the time, Javier Perez de Cueller, interpreted the parties involved in the dispute narrowly to mean only Portugal and Indonesia. East Timorese leadership was not consulted. The first of the so-called tripartite talks between Portugal, Indonesia and a UN representative was held in 1983. They made little progress during these talks, with neither side willing to compromise.

456. Although the issue of Timor-Leste passed from the agenda of the General Assembly after 1983, during the 1980s there were two main mechanisms for international consideration of the issue, the Human Rights Commission and the United Nations Special Committee on Decolonisation. In 1985 it was removed from the agenda of the Human Rights Commission. The Commission heard from Francesc Vendrell of his initiative to open the UN Special Committee on Decolonisation to submissions from non-governmental organisations as well as governments.<sup>621</sup> This enabled 20 to 25 international NGOs to make an annual pilgrimage to New York to petition the UN Special Committee on Decolonisation in support of self-determination for Timor-Leste. Large international NGOs often gave up their speaking time to East Timorese delegates (See Chapter 7.1: The Right to Self-Determination, section on Civil Society). This made Timor-Leste perhaps the most debated topic by the Decolonisation Committee. On 14 September 1989 United Nations Secretary-General Javier Perez de Cueller released a report on the state of progress, and concluded that a proposed visit to Timor-Leste by a Portuguese Parliamentary mission would contribute to the effort to seek an internationally acceptable solution.

## The visit of Pope John Paul II

457. Pope John Paul II's visit to Timor-Leste on 12 October 1989 was a moment of great relief and joy for many in the beleaguered territory. It was also an historic moment, in that it was the only visit to Timor-Leste in the entire period of Indonesian occupation by a head of state. The large international media entourage which travelled with the Pope gave opportunities for publicity unprecedented in the 14 years of occupation. Expectations were high. Independence supporters expected the denunciation of Indonesia's occupation. Indonesia expected recognition of integration and incorporation of the Church in Timor-Leste into the Indonesian Bishops' Conference. The Pontiff's sympathy for the pressures faced by East Timorese clergy was demonstrated during a meeting with them attended by Indonesian authorities; the question was raised as to what language should be used for the meeting, and as a way of establishing confidentiality between the Pope and East Timorese priests, Italian was chosen. Most East Timorese clergy had spent time studying in Rome.<sup>622</sup>

458. The Pontiff walked a delicate diplomatic line while in Timor-Leste, providing no clear-cut position on the political status of the territory. He did openly recognise the suffering of the East Timorese people, and brought spiritual and moral comfort to many. In his homily Pope John Paul II reflected:

*What does it mean to be the salt of the earth and the light of the world in East Timor today? For many years now, you have experienced destruction and death as a result of conflict; you have known what it means to be the victims of hatred and struggle. Many innocent people have died, while others have been prey to retaliation and revenge...Respect for the rights which render life more human must be firmly ensured; the rights of individuals and the rights of families.*<sup>623</sup>

459. Before the visit Indonesian authorities had detained a number of youth activists in order to prevent any possibility of demonstration during the Pontiff's time in the territory.<sup>624</sup> These efforts proved futile, and the subsequent demonstration was a watershed in the activities of the youth clandestine movement.

460. When Pope John Paul II completed his Mass at Tacitolu west of Dili, at which an estimated 100,000 were in attendance, a small group of young people unfurled banners and chanted slogans calling for independence and human rights. Scuffles broke out with Indonesian security agents and police in what was a highly embarrassing turn of events for Indonesia.

461. This was the first public demonstration at an international visit since the Indonesian invasion. It emboldened young people and led to the growth of new groups and encouraged cooperation between them. Clandestine youth leader Constancio Pinto later wrote:



The year 1989 signalled the beginning of non-violent actions in cities and villages. Previously, even though people were organized [sic] in small groups, their awareness was limited to their own cells. Sometimes they felt, "Are we the only ones fighting for this? What about the others?" When the protest movements began, people suddenly opened their minds and perception: "We are not the only ones fighting for self-determination! There are others!" So subsequently it became easier for us. When we began to approach them, we could say we did this, so let's do it together.<sup>625</sup>

462. Indonesian authorities detained many people in the days following the demonstration in an attempt to break this new sign of resistance. The Commission heard many testimonies about the interrogations and torture.<sup>626</sup>

463. When US Ambassador John Monjo came to Timor-Leste in January 1991 on a fact-finding mission into the alleged detentions and torture following the demonstration during the Pope's visit, demonstrations took place outside the Turismo Hotel where he was staying. Dozens of young people shouted out slogans against the Indonesian occupation and handed over a written statement asking the UN to conduct a referendum on the political status of Timor-Leste. Then youth leader Gregório Saldanha told the Commission:

*The US Ambassador demonstration went on for three days. There were only a few people on the first day, it increased on the second day, and on the third day not only young people but also the elderly, including mothers, who prayed with rosaries were on the street.*<sup>627</sup>

464. Further arrests and torture followed these demonstrations, as Indonesian intelligence agencies redoubled their efforts to control the youth clandestine movement.<sup>628</sup>

#### Jakarta opens East Timor

465. When President Soeharto signed a decree in December 1988 allowing East Timor "equal status" with the other 26 provinces of Indonesia, the territory which had been essentially closed to international visitors was opened.<sup>629</sup> This presented a new opportunity for East Timorese people to make contact with the world. Although far from the Asian tourist trail, between 1989 and 1991 over 3,000 international visitors came to Timor-Leste. These included journalists, NGO workers and activists traveling on tourist visas, who carried information both ways and who often became outspoken advocates after witnessing the situation inside Timor-Leste (see Chapter 7.1: The Right to Self-Determination).

466. In September 1990, Australian lawyer and trade unionist Robert Domm travelled into Timor-Leste and with the help of clandestine networks interviewed Xanana Gusmão in his mountain hideout. The interview was the first ever direct interview with the guerrilla leader. It was broadcast by the Australian Broadcasting Commission and significantly increased Xanana Gusmão's international profile and status.<sup>630</sup> Indonesian military reprisals against those suspected of helping to organise this interview were harsh.

467. The number of East Timorese studying and working in Indonesia also increased as a consequence of the opening up. This enabled East Timorese nationalists in their ranks to build links with both Indonesian civil society and with internationals whether working in or visiting Jakarta, including media representatives. This was to have a profound impact on both

East Timorese and Indonesian human rights and pro-democracy activist movements in the 1990s.<sup>631</sup>

International developments toward the end of the decade

### **The Timor Gap treaty**

468. On 11 December 1989, the Australian and Indonesian governments signed a treaty on the exploitation of the Timor Gap natural resources. This was not a surprise to Xanana Gusmão, who had previously been roundly critical of the Australian government in messages since 1986, when he suggested that Australia was seeking a solution to the Timor-Leste question in order to secure the resources of the Timor Sea.<sup>632</sup> Human Rights organisations, journalists and activists around the world criticised the treaty, and it became the source of a running dispute. The signing ceremony was conducted in an airplane over the Timor Sea, and the photo of the respective Foreign Ministers Gareth Evans and Ali Alatas became a favourite tool of the international solidarity movement in its efforts to highlight the injustices of the issue of Timor-Leste.\*

### **End of the Cold War**

469. The fall of the Berlin Wall on 9 November 1989 dramatically signalled the end of the Cold War. This also brought to an end the geopolitical context that prevailed from the time of the invasion in 1975. The social movements for freedom across the world excited many East Timorese people. The dogma adopted by many in the international community that the Indonesian occupation and integration of Timor-Leste was irreversible, despite its illegality, seemed less defensible. The world was changing.

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\* The treaty was replaced by the Timor Sea Arrangement between Australia and the newly independent Timor-Leste on 20 May 2002.

## 3.18 Turning Points

### Overview

470. The East Timorese independence movement was transformed in the 1990s. The focus moved from the guerrilla campaign to a diplomatic campaign, with strong support from student groups in Timor-Leste and Indonesia and growing international support. This shift was aided by three pivotal events: the Santa Cruz Massacre, the capture of Xanana Gusmão, and the award of the Nobel Peace Prize to Bishop Belo and José Ramos-Horta.

471. The Santa Cruz Massacre of 12 November 1991 changed permanently the way the world perceived the Indonesian occupation of Timor-Leste. Filmed by foreign media who were present for the planned visit by the Portuguese Parliamentary delegation, the images of the cold-blooded mass killing of young people mobilised a new era of the international solidarity movement and made it impossible for governments to simply ignore the violent oppression in Timor-Leste. It showed too the disaffection of East Timorese young people with the Indonesian regime which claimed to be winning their hearts and minds.

472. Xanana Gusmão was captured in November 1992. Tried and sentenced to life imprisonment, he continued to lead the Resistance from Cipinang Prison in Jakarta. The Resistance widened diplomatic moves based on an unconditional willingness to dialogue with Indonesia. The CNRM Peace Plan was launched in 1993 to further these efforts. Xanana Gusmão was increasingly accepted by the international community as an important figure in the search for a peaceful solution. After Santa Cruz, UN-sponsored tripartite talks between Portugal and Indonesia were revived.

473. Throughout the 1990s, the student movement in Timor-Leste and Indonesia strengthened and became more central to the independence struggle. Inside Timor-Leste activists continued to face repression, but struggled to have their voice heard. In Indonesia, East Timorese students built lasting relationships with Indonesian human rights and pro-democracy activists and conducted a range of effective campaigns to raise international awareness of the continuing struggle for self-determination.

474. In October 1996, the Nobel Committee announced the award of the Peace Prize to Bishop Belo and José Ramos-Horta in what proved to be a huge boost for the struggle for self-determination. Kofi Annan took up his post as Secretary-General of the UN in January 1997, and brought a reinigorated approach to resolving the issue of Timor-Leste.

### The Santa Cruz Massacre, 12 November 1991

475. The massacre of East Timorese young people at the Santa Cruz cemetery by Indonesian soldiers on 12 November 1991 was a turning point in the Timorese struggle for international recognition. For the first time since the invasion of 1975, Indonesian military brutality against civilians was captured on film by international media. Smuggled out of the territory in the days after the initial massacre, this footage was shown on televisions around the world and revealed a truth about the Indonesian occupation that Jakarta had suppressed. The violent oppression by the Indonesia military of ordinary East Timorese could no longer be credibly denied.

476. The Commission heard from former senior UN official Francesc Vendrell on the impact this had at the United Nations:

*The Santa Cruz incident was a major historical event for East Timor and brought the whole issue of East Timor back to the political scene at the United Nations. Therefore we should think of those who died in the Santa Cruz Cemetery as heroes of the independence struggle for East Timor.*<sup>633</sup>

477. Events at the Santa Cruz cemetery on 12 November 1991, and the days that followed are covered in specific chapters of this report (See Chapter 7.2: Unlawful Killings and Enforced Disappearances; Chapter 7.4: Detention, Torture and Ill-Treatment; and Chapter 7.7: Sexual Violence). José Ramos-Horta told the Commission that the film footage shot by Max Stahl of this event was critical evidence, after which people could no longer accuse him of fabricating stories of the violent suppression of East Timorese expressing their hopes for self-determination and independence.<sup>634</sup>

478. In the weeks before the massacre, activists in Timor-Leste were preparing for a visit from a delegation from the Portuguese Parliament.<sup>635</sup> There were rumours of a possible meeting between the delegation and Xanana Gusmão, and expectations were high. The clandestine movement prepared for protests. One group of young people painted banners in the grounds of the Motael Church on Dili's waterfront. The group was monitored by Indonesian intelligence and an altercation with Indonesian military took place on 28 October and one of the members, Sebastião Gomes, was shot and killed. Although the visit of the Portuguese delegation was cancelled, on 11 November the UN Special Rapporteur on Torture, Pieter Koojimans was in Dili. The clandestine movement decided to proceed with a demonstration to commemorate the killing of Sebastião Gomes following the funeral service at the Motael Church on the morning of 12 November 1991. There were strict efforts to ensure the demonstration remained peaceful and disciplined.<sup>636</sup>

479. Indonesian soldiers, police and intelligence agents lined the streets of Dili for the march from Motael Church, along the waterfront and south to the Santa Cruz cemetery. Some demonstrators marched all the way from Motael, others joined along the way and still more at the cemetery itself. Banners were unfurled calling for the UN's involvement in Timor-Leste, supporting Xanana Gusmão and self-determination. Tensions were high, as this outspokenness was unprecedented. Accounts differ, but along the route an Indonesian soldier was stabbed and taken away injured. The Indonesian official account of events explains that this provoked the fury of the military in the massacre that followed. However, the evidence does not support this conclusion. Shooting started once students arrived at the Santa Cruz cemetery. Soldiers opened fire with automatic weapons into the unarmed and peaceful crowd, many of whom fled into the grounds of the cemetery. The Commission heard testimony about soldiers then surrounding the cemetery, entering and killing previously unharmed or lightly injured people by bayonetting them.<sup>637</sup> Simplicio Celestino de Deus, a survivor of the massacre, told the Commission:

*Many were killed in the cemetery but many more were killed outside the cemetery while they were running away or were taken from their hiding places in homes and other places, and murdered.*<sup>638</sup>

480. Many young people were taken away in trucks, to the Wira Husada military hospital in Lahane, Dili, to interrogation centres, or simply to be killed. Hundreds of young people ran to Bishop Belo's residence seeking refuge. Bishop Belo contacted Governor Mário Carrascalão and went to Santa Cruz where he saw the bodies of the killed and wounded, and later visited the Wira Husada military hospital where he saw the results of severe beatings.<sup>639</sup> The Commission heard testimony of what was referred to as a series of killings over the days that followed as Indonesian security forces hunted down those they suspected of involvement

in the protest.<sup>640</sup> It was also told about disappearances not yet resolved, and of sexual violence against young women at Santa Cruz.<sup>641</sup>

481. After the Santa Cruz Massacre, Renetil (Resistência Nacional dos Estudantes de Timor-Leste, Timor-Leste Students' National Resistance) and Felectil (Frente Estudantil Clandestina de Timor-Leste, Clandestine Student Front of Timor-Leste) conducted a protest outside the office of the UN representative office in Jakarta.<sup>642</sup>

482. In the days and months that followed hundreds were detained. The Commission headquarters in the former Balide Prison was used to hold many people, and the room where this took place has been commemorated as the Santa Cruz room. Some were brought to trial and sentenced to long terms of imprisonment.<sup>643</sup> The Commission heard testimony from Indonesian lawyer Luhut Pangaribuan and activist Ade Rostina Sitompul, who travelled to Dili after the massacre, about the efforts of Indonesian human rights lawyers to defend these detainees and of the unfairness of these proceedings.<sup>644</sup>

483. Independent estimates put the number killed as high as 271, with 250 listed as missing.<sup>645</sup> Hundreds were arrested and detained in the aftermath. An Indonesian enquiry (Komisi Penyelidikan Nasional, KPN) established to investigate the massacre failed to meet expectations. It initially determined that 19 people were killed at Santa Cruz, and in the face of international outcry at this cover-up increased its figure to 50. Further evidence that senior members of the Indonesian military leadership condoned the massacre came on 14 November the Indonesian Armed Forces Commander Try Sutrisno was quoted as telling graduates at the Indonesian military academy that:

*Delinquents like these have to be shot, and we will shoot them.*<sup>646</sup>

484. The Commission conducted a survey of neighbourhoods in Dili and generally recorded information about the Santa Cruz Massacre through its statement-taking process. Through this process the Commission also received testimony about further killings and disappearances by the Indonesian military against those suspected of involvement in the demonstration, including in the districts. For example, in Sorolau (Ainaro, Ainaro) four clandestine activists were killed by soldiers identified as members of Kopassus and East Timorese Milsas.<sup>647</sup> On the basis of its research, while the Commission has no way of judging exactly how many people are still missing, it believes that a figure of 200 is not an unreasonable estimate. The Commission noted in its hearings and other activities that the Santa Cruz Massacre remains an unresolved matter of great significance to many individuals and families, and to the nation as a whole, and believes that a more comprehensive investigation than its own is required (see Chapter 7.2: Unlawful Killings and Enforced Disappearances).

### The international impact of Santa Cruz

485. News of the massacre at Santa Cruz circulated around the world quickly, and led to a dramatic rise in solidarity action. Many foreign journalists and NGO workers had travelled to Timor-Leste expecting the Portuguese mission. A number of these had witnessed the massacre and played a critical role in telling the world in the months and years that followed, including testifying at the UN Human Rights Commission. José Ramos-Horta told the Commission that the massacre galvanised Portugal, where there were mass protests and calls for action by the United Nations (see Chapter 7.1: The Right to Self-Determination, section on Civil Society).

486. Some governments, notably Australia, worked to support the Indonesian explanation that this was an uncharacteristic action by "rogue elements" within the military. Despite this,

the massacre and the focus it brought to the wider issue of Indonesia's occupation of Timor-Leste was a public relations disaster for Indonesia. The 12<sup>th</sup> of November became a rallying day for East Timorese in the diaspora and human rights activists in countries throughout the world right up to 1999, with anniversaries being marked by demonstrations and vigils.

## The capture of Xanana Gusmão

487. Xanana Gusmão was captured by the Indonesian military on 20 November 1992, in a house in Lahane, Dili.<sup>†</sup> News spread rapidly across Timor-Leste and throughout the world. He was initially taken to Bali, and the first concerns of supporters were for his physical safety. In Dili, those suspected of sheltering him were detained and subject to severe torture.<sup>648</sup> An international campaign to pressure Indonesia to secure his well-being moved into action. Xanana Gusmão was shown in an interview on Indonesian television on 25 November apparently recanting the Resistance struggle. He was returned to Dili for his trial in May 1993, and on 17 May he stood to deliver his defence. The trial judge interrupted him only minutes after he began, declaring that his defence was "irrelevant". He was sentenced to life imprisonment and taken to the high security Cipinang prison in Jakarta (see Chapter 7.6: Political Trials). However, Xanana Gusmão's 27-page defence statement was smuggled out of the territory and disseminated internationally. He rejected Indonesia's claim over Timor-Leste and reiterated the struggle for self-determination of the East Timorese people.

488. The capture of Xanana Gusmão was a major blow to the Resistance, and Indonesian authorities were confident it would spell the end of the independence struggle. However, it ultimately created the conditions for him to emerge as a world statesman. After 17 years in the mountains and forests of Timor-Leste, as he continued to lead the Resistance from his prison cell. Xanana Gusmão told the Commission that he learned much in his time in Cipinang Prison, where he was held with Indonesian political prisoners from across the archipelago. He told the Commission that this experience gave him:

*The opportunity to gain a better knowledge of the Indonesian people's struggle for democracy and freedom. This helped me start to reduce and then eliminate the hatred that had accumulated in my heart while in the jungle for 17 years. I came to understand the common objectives that unite us with the Indonesian people...This understanding enabled me even to talk with former enemies and Indonesian generals.*<sup>649</sup>

## The student clandestine network

### Inside Timor-Leste and the rise of paramilitary forces

489. Throughout the 1990s the urban youth clandestine movement grew, taking great risks to deliver information and to hold demonstrations when foreign visitors were present in Timor-Leste. The Indonesian security apparatus continued its heavy-handed approach to youth resistance, and in the 1990s shifted its strategy in an effort to combat this growing movement. From the mid-1990s, a new focus was brought to paramilitary and intelligence operations in the territory. Armed groups which became known as "Ninja" squads roamed the streets of Dili after dark, creating a sense of terror among the population as people

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<sup>†</sup> On 9 April 2005, Indonesian President Susilo Bambang Yudhoyono became the first Indonesian head of state to visit Santa Cruz Cemetery, in a gesture of recognition and reconciliation.

<sup>†</sup> Xanana Gusmão was captured in the house of Aliança Araújo. Over the years he had travelled secretly to Dili for meetings on many occasions.

disappeared in these covert operations.<sup>650</sup> The riot police, Brimob, became a ubiquitous and violent presence, especially in Dili where student demonstrations were most common.

490. During these years there were a number of pressure points which could spark confrontation between East Timorese young people and the Indonesian security forces. Religion was sometimes used to provoke violence. In Remexio (Aileu) in June 1994, an Indonesian soldier attended a Mass and desecrated the Eucharist. Two weeks later at the University of East Timor (Untim), hundreds of students protested, calling for independence.<sup>651</sup> Rivalry between East Timorese and migrants from Indonesia could prompt violent clashes. In Baucau in January 1995, tensions between migrants from Sulawesi and local people erupted in the central market. In trying to quell the riot, the Indonesian military shot several people, and later conceded three died.<sup>652</sup> Days later, on 9 January 1995, students at Untim marked the day of tripartite talks in Geneva with a protest calling for the release of Xanana Gusmão and for the UN to implement its resolutions on Timor-Leste. Visiting foreigners witnessed this demonstration and the subsequent crackdown, in which 16 demonstrators were detained and later tortured.<sup>653</sup>

### **The student movement in Indonesia**

491. Links between East Timorese nationalists and Indonesian human rights activists were initially fostered in the 1980s when Timorese political prisoners were held in prisons in Java.<sup>654</sup> The student organisations Renetil and Impettu played an increasingly important role in the 1990s in developing and widening these relationships. Initially East Timorese student activists became involved in Indonesian protest movements on such issues as the Kedungombo dam land struggle in central Java in 1990. Indonesian human rights activist Nugroho Katjasungkana told the Commission of the preoccupation of Indonesian activists with bringing down the corrupt and unjust Soeharto regime in the 1980s. He recalled East Timorese involvement in these actions, noting that:

*Timorese involvement in the fight for democracy in Indonesia preceded Indonesians' involvement in the fight for Timor-Leste's self-determination.*<sup>655</sup>

492. Renetil developed a strategy of what it called the "Indonesianisation" of the conflict.<sup>656</sup> East Timorese students became active in the emerging Indonesian pro-democracy movement,<sup>657</sup> and the East Timorese flag was often seen at protests for change in Indonesia during the 1990s.<sup>658</sup> Indonesian groups, previously preoccupied with their own pro-democracy agenda and unaware of the situation in Timor-Leste gradually came to identify the problem of Timor-Leste with the root cause of their own problems, Soeharto's New Order regime.<sup>659</sup>

493. Indonesian groups supporting self-determination for Timor-Leste formed in a number of cities across Java, especially after the Santa Cruz massacre.<sup>660</sup> In Jakarta in 1991, several non-government organisations formed the Joint Committee for the Defence of East Timor, which in 1998 was replaced by Fortilos (Forum Solidaritas Rakyat Timor Lorosae). In 1995 in Jakarta, SPRIM (Solidaritas Perjuangan Rakyat Indonesia untuk Maubere, People's Solidarity Struggle for Maubere) was formed and then in 1997 Solidamor (Solidaritas untuk Penyelesaian Damai Timor Timur, Solidarity for Peaceful Resolution for East Timor). In Kupang in 1998, university student activists and NGOs formed Forsolidareste (Forum Solidaritas Timor Leste, East Timor Solidarity Forum). Indonesian and many Timorese activists linked Indonesian democratisation as a precondition to East Timorese self-

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\* Prominent university-based pro democracy groups included FKMJ, (Forum Komunikasi Mahasiswa Jember, Jember Students Communication Forum), SMID (Solidaritas Mahasiswa Indonesia untuk Demokrasi, Indonesian Students Solidarity for Democracy), and KPRP (Komite Perjuangan Rakyat untuk Perubahan, People's Committee of Struggle for Change).

determination. Wilson B. Nurtias of the Indonesian solidarity group SPRIM said that the Indonesia and Timor-Leste people were “passengers of a ship, who were facing the same pirates.”<sup>661</sup>

494. In the mid-1990s East Timorese students used a tactic that was to turn many foreign embassies in Jakarta into virtual fortresses. As early as 1989, young East Timorese people had sought political asylum in embassies in Jakarta in fear of violence by Indonesian security forces.<sup>662</sup> In the 1990s, the tactic was used as part of a strategy to bring media attention to the continuing struggle to internationalise the issue of self-determination. The most spectacular of what became known as the fence-jumping actions took place in 1994, during the Asia Pacific Economic Cooperation (APEC) summit of regional leaders. With the APEC meeting taking place in Bogor, near Jakarta, and world media assembled to cover the story, 29 East Timorese students jumped the fence into the US Embassy in Jakarta on 12 November and demanded to meet the visiting President Clinton. For days besieged East Timorese students took the front pages of the press, in Jakarta and around the world, with their calls for the release of Xanana Gusmão and for self-determination for Timor-Leste. Although they did not meet President Clinton, negotiations were completed and they were granted political asylum in Portugal. This was a stunning public relations success organised by Renetil.<sup>663</sup>

495. Other embassy fence-jumping actions took place in following years, until the embassies of Jakarta took security measures to prevent East Timorese students entering their premises. In November 1995, five men entered the French Embassy and were granted asylum in Portugal.<sup>664</sup> And on 7 December 1995, a number of young men jumped the fence into the Dutch and Russian embassies to draw attention to the anniversary of the Indonesian invasion of Timor-Leste.<sup>665</sup> Interviews conducted by the Commission indicate that these were part of a well coordinated strategy by Renetil, which was operating with direct links to the leadership of Xanana Gusmão in Cipinang Prison.<sup>666</sup>

496. During the 1990s members of Renetil moved to occupy controlling positions in the state-sanctioned East Timorese student organisation Impettu, membership of which was compulsory for East Timorese students. This move enabled Renetil members to organise openly as Impettu members and by the mid-1990s Renetil members effectively controlled Impettu.<sup>667</sup> As the call for regime change grew louder towards the late 1990s, the Impettu branches united under a single leadership, the DPP Impettu (Dewan Pimpinan Pusat Ikatan Mahasiswa, Pemuda, dan Pelajar Timor Timur, Impettu Central Leadership Council), which was headed by the Renetil Deputy Secretary-General.<sup>668</sup>

## CNRM Peace Plan and diplomatic initiatives

497. In the early 1990s the CNRM actively sought dialogue with Indonesia. With support of international NGOs and civil society groups, the Timor Talks Campaign was launched (see Chapter 7.1: The Right to Self-Determination). In 1993 the CNRM proposed a three-phase plan for peace, based upon demilitarisation of Timor-Leste, a period of transitional autonomy, and ultimately an act of self-determination to determine the permanent political status of the territory. It presented the Peace Plan first to the European Union and then the United Nations, demonstrating the significant rise in active support by Portugal. The Indonesian government rejected the plan. Nevertheless it remained on the table throughout the 1990s as a focus of the CNRM's diplomatic efforts and as a mark of its willingness to seek a solution through dialogue.<sup>669</sup> Meanwhile Portugal resumed talks with Indonesia in 1992, after having broken off relations after the Santa Cruz Massacre in November 1991.

498. José Ramos-Horta continued his diplomatic campaign based on the Peace Plan. While Indonesia was under increasing pressure following the revelation of the Santa Cruz massacre, and there was some international interest in achieving a solution on Timor-Leste, it



remained in a relatively strong position in the early 1990s. Portugal and Indonesia resumed the tripartite talks under the auspices of the UN Secretary-General. However, the Commission heard from former senior UN official Francesc Vendrell that these early and mid-1990s were years in which Ramos-Horta had to struggle to avoid a bad diplomatic solution for Timor-Leste.<sup>670</sup> With the support of East Timorese in the diaspora, and the increasingly broad-based international solidarity movement, he worked hard to increase the international profile of CNRM leader Xanana Gusmão and to convince world leaders that a political solution was possible.

#### The International Court of Justice case: Portugal v Australia, 1991-95

499. In 1991 Portugal took Australia to the International Court of Justice over the so-called Timor Gap treaty signed with Indonesia in 1989. It could not take Indonesia to this court, as Indonesia had not accepted the Court's jurisdiction. The decision was handed down in 1995, and although while the case did not result in overturning of the treaty, it provided an important statement in support of Timor-Leste's continuing right to self-determination.<sup>671</sup>

500. Portugal argued that Australia was violating international law by contracting with Indonesia to divide up the natural wealth belonging to the people of Timor-Leste. Portugal said that this violated its right as the administering power of the non-self-governing territory, and also the right of the people of Timor-Leste.

501. Due to a technicality most judges said that they could not hear the case. The issues of the case all revolved around the legality of what Indonesia had done and was continuing to do in Timor-Leste, and so they said they could not hear the case if Indonesia was not a party. However, two judges did not agree with this view and they gave strong dissenting opinions. They examined the merits of the case and gave important findings on the obligations of States in relation to the right of self-determination in the Timor-Leste context. Judge Weeramantry and Judge Skubiszewski both recognised the East Timorese people's continuing right to self-determination. They also cautioned that States entering such a treaty had a duty to consult the peoples of Timor-Leste and the administering power (Judge Skubiszewski), and that such a treaty may be in breach of obligations imposed upon them by general principles of international law (Judge Weeramantry).<sup>672</sup>

#### The Nobel Peace Prize, 1996

502. The award of the 1996 Nobel Peace Prize jointly to Bishop Belo and José Ramos-Horta was a seminal moment in the struggle of the East Timorese people for international recognition. It validated the struggles of both men, whose experience in the years of Indonesian occupation was very different but who shared a vision of East Timorese identity and human dignity. It also countered years of efforts by Indonesian authorities to undermine the credibility of both men, and opened the doors of world leaders to them and to the cause of Timor-Leste.

503. The 1996 presentation speech to the two recipients spoke of the conflict:

The conflict in East Timor has been called "the forgotten conflict"...Rarely has the cynicism of world politics been more clearly demonstrated...This year's two Peace Prize Laureates, Carlos Filipe Ximenes Belo and José Ramos-Horta, have laboured tirelessly, and with great personal sacrifice, for their oppressed people. Under extremely difficult conditions, they have preserved their humanity and faith in the future.<sup>673</sup>

504. In his acceptance speech Bishop Belo spoke of his hopes that the prize would advance the cause of Timor-Leste:

I firmly believe that I am here essentially as the voice of the voiceless people of East Timor who are with me today in spirit, if not in person. And what the people want is peace, an end to violence and the respect for their human rights. It is my fervent hope that the 1996 Nobel Prize for Peace will advance these goals.<sup>674</sup>

505. With the Nobel Peace Prize behind him, José Ramos-Horta embarked on an ambitious diplomatic campaign. In early 1997 he travelled to South Africa. In July that year when President Mandela met with President Soeharto in Jakarta, he asked to meet with the imprisoned Xanana Gusmão. President Soeharto initially refused the request, saying that Gusmão was a common criminal. When the South African President reminded Soeharto that others used to say that of him, he relented. News of the private meeting reached the world press, and raised Xanana Gusmão's international profile as a statesman for peace.

506. Inside Timor-Leste the Nobel Peace Prize demonstrated to the East Timorese people that they had not been forgotten by the international community, and raised hopes for international assistance in seeking a solution to the conflict.

## The United Nations

507. In the mid-1990s there was a change of personnel working on the Timor-Leste issue at the UN New York headquarters. Francesc Vendrell became Director first for South East Asia and the Pacific and subsequently for Asia and the Pacific. The officer in charge of the Timor-Leste dossier was Tamrat Samuel. Vendrell and Samuel remained the key Secretariat officers working on Timor-Leste until the Popular Consultation in 1999. Francesc Vendrell told the Commission of the resumption of the tripartite talks and of his and Tamrat Samuel's efforts to involve the East Timorese in discussions about the future of the territory.<sup>675</sup> In January 1994, Tamrat Samuel met with Xanana Gusmão in Cipinang prison, as did Vendrell in December that year. In 1994, they also travelled to Timor-Leste to meet directly with East Timorese from all political backgrounds, as well as Catholic priests and nuns. He reflected:

*One of the most moving things was the enormous faith that everybody had in the United Nations...the feeling of responsibility that I think both Tamrat and I had, that we had to do our best on behalf of a people who could rely only on the UN for support.*<sup>676</sup>

508. Francesc Vendrell told the Commission of the difficulty for the United Nations when the people of Timor-Leste themselves were outside the discussion process of the tripartite talks. This obstacle prompted the initiative for the All-Inclusive intra-East Timorese Dialogue (AIETD). The idea, as Vendrell explained to the Commission, was that:

*[If] they [East Timorese] came together and they were left on their own, they might find that they had a great deal in common and might reach a joint proposal on East Timor.*<sup>677</sup>

509. Indonesia agreed to this mechanism, though it insisted that the AIETD not be allowed to discuss the political status of Timor-Leste. The first AIETD was held in Austria in June 1995, with participants from all political backgrounds. Bishop Belo also attended the meeting, though Xanana Gusmão remained in prison in Jakarta. Three subsequent meetings of the AIETD were held, in March 1996, October 1997 and October 1998. Although the meetings

did not result in practical plans or formal outcomes, for the first time since 1975 the United Nations was involved in bringing East Timorese from all backgrounds together to discuss their differences and seek some common ground.

510. Kofi Annan took up his post as the new UN Secretary-General in January 1997, and brought renewed focus to the issue of Timor-Leste. In February 1997 he appointed Pakistani diplomat Ambassador Jamsheed Marker as his Personal Representative on East Timor (PRSG). This greatly enhanced the work of Francesc Vendrell and Tamrat Samuel in the UN Secretariat, and this team visited Portugal, Indonesia and Timor-Leste in the increasingly turbulent times of 1997 to 1998.

### 3.19 From *Reformasi* to announcement of the Popular Consultation

#### Overview

511. Events in 1997 moved fast. The Asian financial crisis had engulfed Indonesia by late 1997. This crisis exposed the corruption and mismanagement of the Soeharto regime. Jakarta and other cities in Indonesia were rocked with popular protests calling for his downfall and for widespread reforms in what became known as *Reformasi*. East Timorese students played an active part in these demonstrations. On 21 May 1998 Soeharto resigned, and his Vice-President B.J. Habibie took over as President.

512. In the meantime, diplomatic activity was hectic after the 1996 Nobel Peace Prize and Xanana Gusmão enjoyed a regular flow of visitors representing world leaders and key organisations in his Jakarta prison cell. The Resistance reorganised and held a landmark conference in Peniche, Portugal in April 1998 where the CNRM was transformed to become the Conselho Nacional da Resistência Timorense (National Council of Timorese Resistance, CNRT). This aimed to broaden the base of the movement for independence.

513. In Timor-Leste, the atmosphere of *Reformasi* and the apparent lightening of military control encouraged open discussion of the political status of the territory for the first time in the years of Indonesian occupation. Calls for a referendum to allow the people of Timor-Leste to determine their future gained momentum throughout the latter half of 1998. However, by end of the year the Indonesian military had repositioned themselves. Apparent troop withdrawals were shown to be bogus, and by late 1998 there was mounting evidence of a TNI strategy to form, arm and fund pro-integration militias across the country to foil any attempt at genuine self-determination.

514. With Soeharto replaced, the UN and the international community stepped up its pressure on Indonesia for a solution to the issue of Timor-Leste. Discussions between Portugal and Indonesia initially centred on a special autonomy package for Timor-Leste, with differing views as to whether this was a solution in itself or a phase in a process of genuine self-determination. In January 1999, President Habibie surprised many in his own administration when he declared that Indonesia would allow the people of Timor-Leste to choose their own future, including independence if it was their wish. Negotiations between Portugal and Indonesia were turned to finalising a mechanism to bring about this choice.

515. In the early months of 1999, while these negotiations were under way, the TNI strategy of developing the armed militia was accelerated. The relative political openness of mid-1998 had disappeared and violence was a constant threat against pro-independence supporters. Massacres in Dili and Liquiça by the TNI-backed militia shocked the international community, as large numbers of East Timorese people became displaced due to fear of violence.

516. Negotiations between Portugal and Indonesia culminated in what were known as the 5 May Agreements, which set out the modalities for a popular consultation to allow the people of Timor-Leste to accept or reject the special autonomy package; rejection would lead to independence. Indonesia refused to hand over responsibility for security during the ballot and this responsibility was given to the Indonesian police. The international community judged that they could not push Indonesia further on this issue, despite the mounting evidence of Indonesian military and police involvement in the violence against pro-independence supporters.

517. The ballot was set for August 1999, to allow the Indonesian Parliament to ratify the results in its September sitting.

## The fall of Soeharto

518. In May 1997 the electoral vehicle of the New Order government, Golkar, was re-elected in national parliamentary elections, winning 74% of the vote.<sup>678</sup> Shortly after this the Asian financial crisis erupted in Thailand in July 1997 and quickly engulfed Indonesia. In the wake of the Rupiah's crash to 18,000 to the US dollar by January 1998 and an IMF bailout, Soeharto was re-appointed as President by the MPR (People's Consultative Council) in March 1998. When he formed a cabinet regarded by many as dominated by cronies of the regime, popular protest was inflamed. The pro-democracy movement's calls for regime change gained some support from members of the Indonesian elite. In May, MPR leader Harmoko responded positively to reformist demands, while military chief General Wiranto expressed military support for reform. Two of Indonesia's emergent opposition leaders, Megawati Soekarnoputri and Amien Rais, indicated their readiness to assume power.

519. Popular pressure exploded during May, resulting in Soeharto's downfall. The Indonesian Human Rights Commission subsequently found the violence of this period to have been orchestrated, identifying 20 military officers and civilians as being behind the riots.<sup>679</sup> By 18 May, with the DPR (People's Representative Council) occupied by students, Soeharto had lost most of his support. The DPR called for his resignation. By the evening of 20 May General Wiranto also urged his resignation, and on 21 May Soeharto stepped down from the presidency.

520. These events gave Indonesia a new head of state, President BJ Habibie, who quickly implemented a remarkable array of reforms. The pre-eminent slogan of the period was "Corruption, Collusion and Nepotism", known colloquially in Indonesia as KKN (Kolusi, Korupsi, Nepotisme), and which summed up what were perceived as the most pervasive ills of the Soeharto regime. Civil society also raised other issues such as the need to oppose militarism and for an end to impunity of the military. The agenda of reform affected Indonesia in many ways. The composition of Indonesia's political elite changed, and although many politicians with connections to Soeharto's regime survived his fall a number of new politicians came to prominence. This brought a level of pluralism to political debate that had long been suppressed during Soeharto's reign. In addition, media freedoms and a vigorous public debate ensured that a wide range of issues were openly considered and that many of these received political attention that led to change.

521. President Habibie was considered by many to be a caretaker President. As Soeharto's vice-president he was closely associated with the New Order regime, though he had no major constituency or power base within that regime. As President, he had to step carefully between the powerful military and major religious groups such as the Islamic organisations as well as negotiate the movement for reform. In his Cabinet he maintained Wiranto as both head of the military and the minister of defence.

522. Many in the international community had considered the idea of Timor-Leste's political status a closed issue as long as President Soeharto was in power. With his departure and in the climate of reform within Indonesia suddenly there was room for discussion.

523. The idea of a special autonomous status for Timor-Leste was not new, but under Soeharto was never considered seriously. Perhaps no one knew better than long-serving Foreign Minister Ali Alatas the problems Indonesia's position on and actions in Timor-Leste caused for his country in the international arena. He had previously argued for a change in Timor-Leste's status within Indonesia, proposing special autonomy for East Timor as one possible solution. Soeharto had rejected his ideas.<sup>680</sup> On 6 June 1998, the Cabinet's Political and Security Committee supported a proposal for "wide-ranging autonomy" for Timor-Leste, provided the international community continued to recognise Indonesia's sovereignty. Foreign

Minister Alatas took this proposal to President Habibie on 8 June and to the Cabinet on 9 June. President Habibie unexpectedly announced it to international media on 9 June.

524. Within nine months, this idea of offering a special autonomy package to Timor-Leste was to be transformed into formal Indonesian acceptance of a full act of self-determination by the East Timorese people.

### The CNRT and the diplomatic campaign

525. Doors opened for José Ramos-Horta around the world after he was awarded the Nobel Peace Prize, and he worked hard to use this to build support for the diplomatic campaign for independence. It also lent an international dimension to Bishop Belo's outspoken defence of East Timorese human rights, and greatly raised international attention to Timor-Leste.

526. After the 1997 meeting with South African President Nelson Mandela, Xanana Gusmão's international credentials were raised and this led to a procession of high profile visitors to his Cipinang gaol cell throughout 1998 and into 1999.

527. In April 1998, the Resistance achieved a milestone in its development, when leaders from all major East Timorese political parties and non-political organisations, including the Catholic Church, met at Peniche in Portugal and formed the CNRT. Xanana Gusmão was elected President, with Ramos-Horta Vice-President and his personal representative. The formation of the CNRT completed the gradual transformation of the Resistance from a single party entity based on Fretilin into a genuinely broad-based organisation including students, NGOs and members of the Catholic Church.

528. The establishment of the CNRT positioned the Resistance well to deal with events as they rapidly unfolded in the South-East Asian region and Indonesia in particular (see Chapter 7.1: The Right to Self-Determination).

### The impact of Reformasi in Timor-Leste

529. President Habibie's public announcement of the proposed new status for Timor-Leste, combined with the optimistic air of calls for reform, released profound public support for independence in the territory.

530. On 9 June 1998 in Dili, a public meeting to discuss the territory's future was attended by a wide range of representatives of East Timorese aspirations, including both guerrilla commanders and staunch integrationists, CNRT leaders, members of civil society and the clandestine movement. Also in attendance was the pro-integration governor, Abilio Soares, whose presentation of the proposed special status for Timor-Leste was not well received. Many perceived this to be a half-measure, and the meeting resolved to call for a referendum to allow the people to choose their future.

531. On 23 June, a large demonstration in Dili publicly called for independence. Concerned at the possible consequences of such open behaviour, Bishop Belo and the CNRT leadership quickly urged moderation, and reiterated their desire for a transitional period prior to any question of independence.

532. From June, student groups\* boldly fronted the emerging public debate, leading large demonstrations in both Timor-Leste and Indonesia. In July, the newly formed East Timor

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\* Renetil and Impettu in Indonesia; ETSSC in Timor-Leste.

Student Solidarity Council (Dewan Solidaritas Mahasiswa Timor Timur, ETSSC) directed groups of students to travel across Timor-Leste to conduct village-level dialogues, explaining recent developments and canvassing popular opinion. Defying military opposition to the process in some areas, they heard strong calls for withdrawal of the TNI and for a referendum.<sup>681</sup>

533. In September, Timor-Leste's two bishops convened a meeting in Dare to promote reconciliation between leading East Timorese figures who supported integration with Indonesia and those who sought independence. The CNRT openly declared itself as a public legal entity in September, moving into an office in south Dili. Student demonstrations protesting the military and demanding a referendum occurred regularly throughout this period. This openness was unprecedented in all the years of the Indonesian occupation. The TNI in Timor-Leste remained watchful, but was restrained and did not act directly against these demonstrations.

### Emergence of the militias

534. Towards the end of 1998 tensions began to rise and the openness of the previous months came under pressure. In early October a Timorese pro-autonomy group pressured the Governor to force the resignation of civil servants who had joined Forsarepetil, (Forum Sarjana Pro-Referendum dan Pembangunan Timor-Leste), a pro-referendum group of academics and civil servants. This provoked two days of huge demonstrations in Dili in opposition to the Governor's move. Basilio Araújo, a pro-integrationist spokesman, later described to the Commission the background to this decision:

We were around 20 people, those of us from that group, and we called ourselves pro-integration...We went to Mr Abilio [Soares, the governor] and pressed him to make a decree regarding people that had already sided for independence: "Enough, take off your shirt as a freedom fighter, and don't work for the government, don't be two faced." Mr Abilio made the decree, but was pressured by the central government and subsequently retracted it.<sup>682</sup>

535. On 8 August a highly publicised troop withdrawal contributed to the perception that the situation in Timor-Leste was improving. Indonesia claimed it had fewer than 6,000 troops in the territory, and had purportedly withdrawn its special forces (Kopassus) who were widely accused of serious human rights violations.<sup>683</sup> But military documents leaked that month proved the opposite. Troops numbered 21,540, including Kopassus, and rather than the dramatic troop reduction presented to the media TNI's military strength was in fact being steadily increased.<sup>684</sup> The documents showed that the TNI maintained a network of paramilitary groups across most districts. Twelve teams were in place in 11 districts, most of them linked to Kopassus units. These groups formed the basis of the militia that were rapidly recruited in later months.<sup>685</sup> The military later denied that the militias were integrated into its formal structure.

536. The first sign of the future behaviour of these paramilitaries, which were to become known collectively as the militia, came in November when the Indonesian military and members of the Ablai militia, many of whom were local government officials, responded to a Falintil attack on the Koramil in Alas, in Manufahi District. On 9 November Falintil had killed three soldiers, abducted 13 others and stolen 36 rifles. The community sought refuge in the Alas church after the attack. On 13 November ABRI retaliated against a Falintil strike and the area was beset by violence.<sup>686</sup> The Indonesian military and the militia raided the church, beating those inside. The military detained civilians throughout the area in an attempt to find the Falintil. The Commission received testimony of torture and sexual violence by the

Indonesian military against those held in detention.<sup>687</sup> At least eight people were killed by ABRI or the militia. An ICRC investigation found nine to have died in the retaliation, including the two soldiers killed by Falintil.<sup>688</sup> The killings, coming after months of uneasy openness, prompted angry protests in Dili. After students occupied the parliament building, a fact-finding team was quickly assembled from civil society groups, but it was denied access to the area by the military.<sup>689</sup> International journalists traveled to Alas and observed armed non-military personnel in control, indicating the beginning of the militias' role as the front line of the military campaign against independence.<sup>690</sup>

537. Militia groups had long existed in Timor-Leste. However, the militias emerging in late 1998 and early 1999 were mostly directly linked to the TNI rather than owing their allegiance to *liurai*<sup>\*</sup> as had been the practice in the past.<sup>691</sup> Some of these new militias had their roots in the military auxiliary forces<sup>†</sup> fostered by the TNI since the late 1970s. Most militia leaders had extensive links to Kopassus through the various long-standing paramilitary groups in Timor-Leste.<sup>692</sup> An example was Joanico César, who became commander of the militia in the eastern area, Sector A,<sup>‡</sup> who had been a military operations auxiliary (TBO) in his childhood.<sup>693</sup> The notorious commander of Sector B, Eurico Guterres, had a background in the Gadapaksi paramilitary in the 1990s. Another, Joni Marques of Team Alfa in Lautém, had long-term links to Kopassus. The TNI recruited extensively in 1998 and 1999 to build on this core leadership.<sup>694</sup> Other militia personnel included West Timorese and East Timorese serving members of the TNI.<sup>695</sup> Some joined under duress. Money and prestige motivated others (see Part 9: Community Reconciliation).

538. The military's role in forming these militias was quickly apparent. A major indicator was that key military personnel in Timor-Leste attended the public inaugurations of militia groups.<sup>696</sup> Militia leaders themselves declared TNI had armed them.<sup>697</sup> Most conclusively, senior TNI officers<sup>§</sup> themselves declared that they were arming groups.<sup>698</sup> General Wiranto, commander in chief of the Armed Forces acknowledged TNI involvement in the militia.<sup>699</sup> This relationship was clear from late 1998 when militia groups began appearing. Military documents later provided conclusive evidence of TNI arms' supplies to militia,<sup>700</sup> and subsequent militia defector Tomás Gonçalves confirmed the involvement of the Kopassus intelligence unit and key military officers Suratman, Sudrajat and Damiri in recruitment.<sup>701</sup>

539. The rapid emergence of the militias and their consistency of behaviour show that a strong organising force stood behind them.<sup>702</sup> This was the TNI, which in the conditions of openness of Reformasi needed a force that could be seen to attack the well-organised East Timorese pro-independence movement. One of the reasons the militia were predominantly armed with crude home-made weapons was to create the appearance of a spontaneous people-based movement. This was a major deception, as the TNI made automatic weapons available to at least some of the militia groups as well as a range of other logistical and security support.<sup>703</sup>

### Xanana Gusmão calls for tolerance

540. In late 1998, despite rising tensions from the violence in Alas, Dili residents continued to openly express their desire for change. On 12 November, residents mounted the first public demonstration in commemoration of the Santa Cruz Massacre. That evening people stayed home and lined the streets of Dili with thousands of candles in commemoration of the dead. Xanana Gusmão's New Year message focused on the CNRT idea of transitional

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<sup>\*</sup> Militia in some regions were formed with the influence of *liurai* families, such as the Carvalho family in Cassa.

<sup>†</sup> These included Hansip, Ratih, Wanra, Kamra (Police), as well as TBO- military operations auxiliaries.

<sup>‡</sup> The sector designations (A, B and C) reflected the combat-oriented sectoral command under Kopassus that divided East Timor into three areas.

<sup>§</sup> District military Commander Supardi on 28 January, and Kodam IX Commander Adam Damiri on 7 February both admitted arming the militias.



autonomy, and argued restraint of the voices calling for an immediate referendum. Above all, he called for tolerance in the face of increasing pressures:

Let us concentrate on...achieving: an end to military hostilities; a climate of greater political tolerance. This stance aims at preventing further East Timorese casualties. The occupiers are arming the East Timorese and telling them to kill their own brothers and sisters. Instead of allowing ourselves to be consumed by anger, let us make an effort to think in a balanced political manner. Otherwise we will be playing the colonists' game; we will be reinforcing the Indonesian argument that the East Timorese are threatened with a new civil war.<sup>704</sup>

### Negotiations on the autonomy package

541. Indonesian Foreign Minister Ali Alatas travelled to New York to present the autonomy idea to UN Secretary-General Kofi Annan on 18 June. In August Indonesia agreed to tripartite talks on special autonomy with the UN and Portugal. The Secretary-General's Personal Representative for Timor-Leste, Ambassador Jamsheed Marker, managed the negotiation process, which aimed to reach agreement on the content of a special autonomy package by the end of the year. The major stumbling block appeared to be the question of whether the proposed autonomy would be a stage toward a full act of self-determination or an end in itself. Portugal viewed autonomy as a transition towards an ultimate act of self-determination, in broad accordance with the long-established CNRM/CNRT plan. Indonesia had a different perspective, and viewed autonomy as a final concession, one which would close the question of Timor-Leste in the international arena. The initial talks focused on the content of the package rather than on this political question.

542. Ambassador Marker also sought to bring East Timorese leadership into the process. Since his appointment in 1997, Marker had aimed to widen the scope of UN involvement beyond the tripartite talks with Portugal and Indonesia. The AIETD had been a result of this objective, and Marker had developed working relationships with key East Timorese leaders. The UN consulted Xanana Gusmão, José Ramos-Horta and Bishops Belo and Nascimento, among others, on the details of a blueprint for autonomy drawn up for the UN.

543. Tensions inside Timor-Leste mounted in late 1998. On the one hand there was the popular support for open political dialogue and a referendum; on the other was the military strategy of developing armed pro-integration militia groups to stifle the referendum movement. It was becoming increasingly clear to key international governments engaged on the issue that a special autonomy package itself would not resolve the issue.

544. On 19 December 1998 Australian Prime Minister John Howard wrote a letter to President Habibie, a document that has been viewed as having significant impact on the President's thinking. While Prime Minister Howard reaffirmed Australia's preference that Timor-Leste remain part of Indonesia, he drew a parallel with the Matignon Accords of French New Caledonia and suggested that Indonesia consider implementing the special autonomy with a "review mechanism" that would effectively be a referendum some years into the future:

It might be worth considering, therefore, a means of addressing the East Timorese desire for an act of self-determination in a manner that avoids an early and final decision on the future of the province.<sup>705</sup>

545. This suggestion of avoiding a quick, final solution to Timor-Leste was in step with the UN, which advocated a five- to seven-year period of autonomy. However, this was seen by Indonesia as a major policy change by their most staunch international supporter, a change that recognised the East Timorese right to self-determination. When the story of Australia's letter became public, Australian Foreign Minister Alexander Downer explained on 12 January that "our preference would be for an arrangement where East Timor would have a high degree of autonomy but remain legally part of Indonesia."<sup>706</sup>

546. President Habibie and Foreign Minister Alatas were keen to see a resolution on the negotiations with Portugal before Indonesian parliamentary elections due on 7 June 1999, which could lead to the appointment of a new president. The original of Prime Minister Howard's letter was delivered to President Habibie on 21 January. President Habibie wrote a hand-written memo in the margins which said that:

If, after 22 years, the East Timorese people cannot feel united with the Indonesian people...it would be reasonable and wise, if by a decision of the People's consultative Assembly, the 27<sup>th</sup> province of East Timor can be honourably separated from the Unitary Republic of Indonesia<sup>707</sup>

547. There has been much speculation about the causes for Habibie's shift, and perhaps too much made of the Australian letter and perceived shift of policy. However, it seems clear that President Habibie was mindful of the limited window of opportunity to make an impact on this long-running issue, and that he was more open to the influence of liberal international views than his predecessor and many of those still in powerful positions in Indonesia.

548. On 27 January 1999, before the special autonomy framework had even been finalised, Indonesia announced its policy change: it would give Timor-Leste the opportunity to reject its offer of special autonomy. If the East Timorese people rejected the autonomy package, Indonesia would revoke its June 1976 law incorporating the territory into the Republic of Indonesia. Four powerful TNI generals were members of President Habibie's Cabinet. It is remarkable that they accepted this policy, and the probable explanation is that they were confident a majority of East Timorese voters could be persuaded to favour continued integration with Indonesia.<sup>708</sup>

549. A definitive ballot would provide a firm answer on the Timor-Leste question, an issue that had long been an irritant to Indonesia. General Wiranto advocated that there be no period of transition, a position shared by Indonesian Foreign Minister Ali Alatas who said:

*Why should Indonesia pay, when East Timor doesn't want it? If our proposal is indeed unacceptable, I am not going to give alternatives in which they ask for 5 to 10 years and then a referendum.*<sup>709</sup>

550. Xanana Gusmão was removed from the high security Cipinang Prison to house arrest on 10 February 1999. While still held captive and limited in his ability to play a full role in the search for a solution inside Timor-Leste, he received a stream of East Timorese, Indonesian and high-profile international visitors at the house used as his prison in Salemba, Jakarta, and was increasingly accepted as an international statesman. Meanwhile numerous East Timorese political prisoners remained in detention across Indonesia.

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<sup>706</sup> At the time, the President of the Republic of Indonesia was not directly elected but was appointed by the People's Consultative Body (MPR).

## Growing militia terror

551. In the weeks preceding President Habibie's 27 January announcement in Jakarta, over 4,000 people had sought refuge at the partially constructed Suai cathedral.<sup>710</sup> They were fleeing violence perpetrated by a militia group based in Cassa (Ainaro), which was to become known as the Mahidi militia (Mati Hidup dengan Indonesia, Life or Death with Indonesia). This group, headed by Cândia Carvalho, a son of the local liurai family, carried out a number of brutal killings targeting local CNRT leaders. In one of the worst of these, on 23 January 1999, in the small town of Galitas, a pregnant woman was killed and her baby cut from her belly.<sup>711</sup> Three days later, CNRT wrote to the United Nations Secretary-General:

It is true that many of these "troops" are East Timorese. What is tragic for us is that this is being portrayed by the authorities as civil war—Timorese against Timorese. We are aware of the divisions in our society. We are also aware of why these divisions exist. We have neither the resources nor the power to control what is happening.<sup>712</sup>

552. Following killings in Mauboke (Maubara, Liquiça) and on the eve of the killings in the Liquiça Church, on 5 April Xanana Gusmão issued an angry statement authorising a "general popular insurrection" against the continuing militia violence.<sup>713</sup> The next day the militia killed as many as 60 refugees in the Liquiça Church, with the presence and involvement of military and Brimob (see Chapter 7.2: Unlawful Killings and Enforced Disappearances, section on 1999). Senior TNI officers had been seen at the church immediately prior to the event.<sup>714</sup> Militia then killed seven people in Cailaco (Bobonaro) on 12 April. After a mass rally in front of the Governor's office in Dili on 17 April, at which Aitarak leader Eurico Guterres told militia to "capture and kill (independence supporters) if necessary",<sup>715</sup> militia rampaged through Dili. At Manuel Carrascalão's house they killed 12 people.<sup>716</sup> Irish Foreign Minister David Andrews was meeting in Dili with East Timor military commander Colonel Tono Suratman at this time, and observed him receive the report of the massacre and do nothing. The militia also attacked and burnt down the offices of the one newspaper in the territory, *Suara Timor Timur* (STT, *Voice of East Timor*). Though it had traditionally been a mouthpiece for Indonesian policies, in late 1998 and early 1999, STT had provided a relatively neutral coverage of the rising violence and support for a referendum, enraging staunch pro-integrationists. Amid the rising violence of April, members of the clergy and nuns of the Catholic Church conducted a candle-lit peace march through the streets of Dili in an effort to calm the situation.

553. In each of these cases the killings shared the elements of direct military support or involvement, militia perpetration, the targeting of independence supporters and systematic body disposal by the military that made total deaths difficult to ascertain. These patterns strongly suggest the involvement of the TNI in conducting operations.<sup>717</sup> This violence was designed to create the illusion of a conflict between armed East Timorese. The Liquiça and Dili massacres were later explained by Colonel Suratman as having been provoked by bullets fired by the pro-independence supporters.<sup>718</sup> However investigations showed that in no instance were the victims found to have been armed.<sup>719</sup>

554. On 20 April General Wiranto flew to Dili to oversee East Timorese independence and autonomy leaders sign a peace agreement to cease hostilities. This belied the fact that the violence had been the killing of unarmed civilians seeking refuge, and was in no way a conflict between two armed groups. The Peace and Stability Commission (KPS) was established, on which the military, police and civil administration also had seats.<sup>720</sup> CNRT and Falintil representation was included.

## The 5 May Agreements

555. The UN tabled a proposal for an autonomy plan in February 1999, named SARET (Special Autonomous Region of East Timor). Indonesia would retain control of foreign affairs, currency, defence and finance, while an East Timorese Regional Council would have wide powers of legislation and control over the police and judiciary. The TNI would be strictly for external defence, and otherwise confined to barracks.

556. In March Indonesia decided on a direct ballot. It wanted the decision to be irrefutable and final. The ballot was to be called a “popular consultation”, avoiding the word referendum that implied self-determination and a sovereign choice for the people of Timor-Leste, which Indonesia insisted had occurred by the 1976 Provisional Government of East Timor’s petition for integration and Law No. 7 1976, providing for Timor-Leste’s integration into Indonesia as its 27th province.

557. In view of the deteriorating security situation the UN-sponsored talks between Portugal and Indonesia on 22 April discussed security issues for disarming the militia, reducing TNI numbers, confining Falintil to cantons and the provision of civilian police. But Foreign Minister Alatas refused to agree to specifics.<sup>721</sup> Both the US and Australia advised the Special Representative of the Secretary-General, Jamsheed Marker, not to endanger the negotiations by too strong an emphasis on security.<sup>722</sup>

558. On 5 May Indonesia and Portugal signed a set of agreements on the implementation of the ballot. Indonesia wanted a result before the September meeting of its MPR in order that it could be ratified in Indonesian law. The date agreed was 8 August. This presented a strict schedule and a limited window of opportunity. The agreed wording of the ballot asked the East Timorese people whether they would accept or reject the proposed special autonomy for East Timor within the Unitary State of the Republic of Indonesia. The agreements stressed a “direct, secret and universal ballot” (article 1), and that “the Government of Indonesia’s responsibility for maintaining peace and security...so that a referendum could take place in an atmosphere free of intimidation, violence or interference from either side” (Article 3). They also defined an interim period after the ballot, with an adequate UN presence in Timor-Leste. The SARET guidelines were part of the agreement, with the UN responsible for conducting an information campaign about them. Both Indonesia and Portugal were forbidden to campaign for either option.

## Security arrangements under the 5 May Agreements

559. The 5 May Agreements failed to define security responsibilities adequately. The Indonesian police were formally charged with responsibility for security. The police had only recently been separated from the military and were still under overall command of General Wiranto, the minister of defence. The Agreements allocated 300 unarmed international civilian police to support the UN electoral teams, and later augmented these with 50 military liaison officers, who were considered better qualified to deal with the TNI.

560. The Agreements demanded the “absolute neutrality of the TNI”, but failed to require the TNI to reduce its numbers or disarm. They stated, vaguely, that the newly formed KPS be responsible for a “laying down of arms”.<sup>723</sup> José Ramos-Horta, aware of the shortcomings of these security arrangements, did not attend the signing of the Agreements. He had previously warned the UN, in a letter to Kofi Annan, that Timor-Leste could not feel secure “with ‘protection’ provided by the very same army and gang of criminals that have turned the country into a hell.”<sup>724</sup> The UN was not unaware of the dangers of these terms, and the Secretary-General wrote to Indonesia raising a number of concerns. He indicated his willingness to cancel the ballot if security was not acceptable. However this letter was

informal at best and its stipulations were not agreed to by Indonesia. This left the UN weak throughout the process. Ian Martin, Special Representative of the Secretary-General, wrote later that even with a tighter security arrangement the “UN would still have faced the dilemma that lay ahead: whether or not to proceed in security conditions that clearly breached Indonesia’s agreements.”<sup>725</sup>

561. On 5 May Army Deputy Chief of Staff Lieutenant General Johny Lumintang sent a telegram to the Bali regional command (Kodam IX Udayana) requesting the preparation of evacuation plans for Timor-Leste. This led to police and military post-ballot contingency plans for, among other things, evacuation of up to a quarter of a million people from Timor-Leste.\* The plans indicated TNI’s antipathy towards a range of civil society actors, including independence leaders and students, the Church, international observers and the UN, in clear contradiction of the neutrality required by the 5 May Agreements. Neither police nor the TNI informed the UN of the existence of these plans until shortly before the ballot.<sup>726</sup>

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\* The operational plans included *Operasi Cabut* [Operation “is lost”]; Korem *Operasi Wira Dharma 99* [Operation], and Police *Operasi Hanoi Lorosae II* [Operation Remember Lorosae II]. [Yayasan Hak collection].

## 3.20 Popular Consultation

### Overview

562. UN staff began arriving in Timor-Leste in late May 1999, to establish the United Nations Mission in East Timor (UNAMET). During June UNAMET international electoral staff, civilian police and military liaison officers were deployed to all 13 districts of the territory. There was less than four months for the conduct of the Popular Consultation.

563. The level of violence, which had escalated in April, eased somewhat with the arrival of the United Nations and the growing contingent of international media and observers for the ballot. Nevertheless, those responsible for the massacres of April remained at large and tensions remained high. The militia groups across the territory continued to be supported by the Indonesian military and police, and efforts were made to legitimise them within the Indonesian military administrative system.

564. Apparent attempts at peace-building between pro-independence and pro-autonomy representatives proved fruitless, partly because they did not address the role of the TNI in the violence. Falintil unilaterally cantoned its forces. TNI troops were not cantoned, nor were the pro-autonomy militias. Apparent militia disarmament just prior to the ballot was more ceremonial than real.

565. UNAMET delayed the beginning of voter registration due to security concerns in June, and Ian Martin flew to Jakarta to raise these with the head of the Indonesian security forces, General Wiranto. Voter registration proceeded, and in 22 days 451,792 voters registered.<sup>727</sup>

566. Up to 40,000 people had been displaced from their homes due to violence before UNAMET arrived, and due to militia intimidation displacement continued in the weeks leading up to the ballot. The majority of internally displaced people were in the western districts of Bobonaro, Covalima and Liquiça. Some fled to West Timor before the ballot. In the tense and at times violent atmosphere campaigning was generally a low-key affair. The pro-autonomy groups conducted several large rallies. Pro-independence supporters conducted only one large rally, in the capital on the penultimate day of the campaign period.

567. Originally set for 8 August, the day of the ballot was delayed to 30 August. The day of the Popular Consultation dawned with voters lining up in polling centres well in advance of opening time all across the country. A remarkable 98.6 per cent of registered voters came out to vote. After voting they quickly returned home, reflecting the atmosphere of anxiety.

568. Votes were brought to Dili for counting. In some areas violence against UN staff and pro-independence supporters began toward the end of the day of the vote. In the days that followed the ballot, attacks by the pro-autonomy militia increased. Amid growing threat of violence, UNAMET announced the results of the Popular Consultation on the morning of 4 September. An emphatic 78.5% of East Timorese voters had chosen to reject the proposal for special autonomy within the Republic of Indonesia, with 21.5% voting for special autonomy.

### UNAMET deployment

569. United Nations officials arrived in Timor-Leste soon after the signing of the 5 May Agreements, to assess the situation and the support needs for the electoral mission. UNAMET staff started work in late May, and on 4 June the United Nations flag was raised at its compound in Dili. UNAMET staff arrived throughout June, comprising civilian electoral

officers, unarmed civilian police and unarmed military liaison officers from nations across the world.<sup>\*</sup> East Timorese staff, of whom there were around 4,000 for polling day, played key support roles in interpretation, administration and logistics, and as electoral support staff in the registration and voting process. They worked under the leadership of Ian Martin, whose combined title was Special Representative of the United Nations Secretary-General for the East Timor Popular Consultation and Head of the UN Mission in East Timor (UNAMET).<sup>†</sup> The original date set for the ballot was 8 August, creating a very tight operational timetable.

## Electoral Commission

570. The 5 May Agreements had made reference to an independent Electoral Commission. The UN Secretary-General appointed three eminent international experts to the Commission.<sup>‡</sup> The Commission was fully independent of UNAMET and the UN in New York, and had responsibility for certifying each stage of the Popular Consultation. The Commission was also the final arbiter for all complaints or challenges about the process.

571. Members of the Commission arrived in Dili shortly after the beginning of the voter registration process, and observed the consultation process in each of its phases.

## The choice

572. The question to be put to the Timorese people in the ballot was framed in two parts, with the voter required to select one option. It was based on the acceptance or rejection of the Indonesian offer of special autonomy package, based on the proposed Special Autonomous Region and known as SARET. The ballot paper read:

“Do you accept the proposed special autonomy for East Timor within the Unitary State of the Republic of Indonesia?” or “Do you reject the proposed special autonomy for East Timor, leading to East Timor’s separation from Indonesia?”

573. Indonesia and Portugal were prohibited by the 5 May Agreements from promoting either option. UNAMET’s mandate included the obligation to conduct a public information campaign to explain to the Timorese people the details of the special autonomy offer. It did so with television, radio and print publications.<sup>728</sup>

## Indonesian government coordination for the Popular Consultation

574. Indonesia established the Task Force for the Implementation of the Popular Consultation in East Timor (Satuan Tugas Pelaksanaan Penentuan Pendapat di Timor Timur, Satgas P3TT), which reported to the minister for coordination of political affairs and security

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<sup>\*</sup> UNAMET international personnel comprised an electoral team with its headquarters in Dili and eight regional officers staffed by 28 professional staff and approximately 500 UN volunteers, 275 police, 15 political officers, 9 public information officers, 271 administrative and support staff, and 16 security officers from over 70 countries. Originally not included in the mission, an additional number of approximately 50 military liaison officers was added in June, after international recognition of the key role of TNI and the importance of trying to influence them. [See Martin, *Self Determination in East Timor*, pp. 38-39 and pp. 41-42].

<sup>†</sup> Ian Martin had worked for the United Nations and non-governmental organisations in a number of senior positions from 1985 to 1999. He was Secretary General of Amnesty International from 1986-1992, and before that Head of its Asia and Pacific Region Research Department. Ian Martin testified to the Commission on the UNAMET period at its National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

<sup>‡</sup> Judge Johann Kriegler (Chairperson of the Electoral Commission of South Africa) who chaired the Commission, Pat Bradley (Chief Electoral Officer for Northern Ireland), and Bong-Suk Sohn (Commissioner of the National Electoral Commission of the Republic of South Korea).

in Jakarta. Representing the military on the Task Force was Major General Zacky Anwar Makarim, the most senior TNI officer in East Timor during the ballot. This Task Force was the first point of liaison for UNAMET, whose staff conducted meetings with its members on almost a daily basis.<sup>729</sup>

## International presence in Timor-Leste

575. With the presence of the United Nations in Timor-Leste, the international community poured into what had only recently been virtually a closed territory. International media contingents covered the story of preparations for the ballot, and representatives of major international newspapers and journals were on the ground. UNAMET accredited some 600 journalists in the course of the Popular Consultation.<sup>730</sup>

576. A number of key foreign governments maintained a close diplomatic watch on the situation in Timor-Leste throughout the UNAMET period. The US maintained a satellite consulate from its Jakarta embassy, and a US Congressional delegation visited Timor-Leste in August. Australia in particular staffed a sizeable consulate in Dili.

577. Portugal and Indonesia each sent official observer teams totalling 50 members, which travelled across the territory throughout the registration, campaigning and final preparations for the ballot.<sup>731</sup> They observed the day of the ballot in polling stations throughout the territory, as well as the counting in Dili. In addition to the official Portuguese and Indonesian observers, UNAMET accredited nearly 2,300 observers, which required them to follow a code of conduct guaranteeing their neutral behaviour. Nearly 500 international observers came with government delegations, representing Australia, Brazil, Canada, Chile, Ireland, New Zealand and Spain, as well as the European Union. There were also large numbers of people from civil society and non-governmental organisations, international, Indonesian and East Timorese. Two NGOs, the Carter Center and IFET (International Federation for East Timor), maintained district-based observer teams.<sup>732</sup>

578. This international presence was unprecedented in the history of Timor-Leste. In the 25-year period of Indonesian presence it had been unthinkable that the territory could have been so open to the international community. After the months of bloody violence against civilians leading to the 5 May Agreements, when there was almost no international presence in Timor-Leste, the presence of internationals across the territory provided a level of monitoring that may have contributed to the reduction in large-scale attacks by militia or TNI.

## East Timorese and Indonesian observers

579. UNAMET accredited around 1,700 East Timorese and Indonesian non-governmental observers for the ballot. Many came from student and activist organisations, but all had to sign up to the UNAMET code of conduct for accredited observers stipulating neutral behaviour.<sup>733</sup> UNAMET allowed for CNRT and the pro-integration umbrella organisation UNIF (United Front for East Timor Autonomy) to accredit observers, known as party agents, for the day of the ballot and the count.

## Security for the ballot

580. The fragile security situation across the territory remained the biggest threat to the electoral process. While major operations by the Indonesian military and militias could no longer occur openly without observation by the international community, the Indonesian military did not disarm the militias or curb their intimidating presence in communities. After the massacres in April, at the Liquiça Church and at Manuel Carrascalão's home in Dili, there was no action to investigate and arrest those responsible. An air of impunity for the crimes of



late 1998 and early 1999 prevailed, despite the presence of the United Nations and the international community.

581. The 5 May Agreements had given Indonesian police formal responsibility for security during the ballot. This arrangement turned out to be completely inadequate. A key institutional problem was their subordinate status to the TNI. Despite the institutional separation of police and military commands in April 1999, both remained under the authority of the minister of defence, General Wiranto. There was a longstanding culture of TNI domination over the police in operational matters. While the TNI remained deployed across Timor-Leste in large numbers to the community-level, this placed great pressure on the police in terms of their capacity to act independently as keepers of law and order.

582. The police consistently proved unable or unwilling to control the violence during the ballot. A further reason for this may have been the presence of large numbers of Indonesian riot police, Brimob, who had won notoriety in Timor-Leste for their violence and role in major human rights violations during the 1990s. Police numbers, particularly Brimob numbers, were increased throughout the period of the ballot to a total of around 8,000.<sup>734</sup> Police commonly failed to respond quickly to reported violence or to arrest known perpetrators. This continued the apparent licence enjoyed by those committing violence and intimidation across the territory. A significant example of this was when the police failed to act during a Red and White Iron militia (BMP) attack on a humanitarian convoy on 4 July, despite being specifically charged with its protection.<sup>735</sup> More damningly, the police were repeatedly and directly involved as support to militia violence. The clearest case of this was the killing of Bernardino Augusto Guterres on 26 August 1999, who was shot dead by Brimob in Becora, Dili, while militia rampaged nearby.<sup>736</sup>

583. UNAMET Military Liaison Officers (MLOs) were unable to gain accurate information from TNI as to troop numbers or deployment, though it was believed that TNI numbers in Timor-Leste were in excess of 15,000.<sup>737</sup> Despite efforts by Xanana Gusmão to negotiate a reduction of TNI troops and a withdrawal of the remaining troops to district barracks, the Indonesian military continued to be deployed at the village level across the territory.<sup>738</sup>

584. The 5 May Agreements had made no direct provision for the cantonment of the TNI, the militias or Falintil, or for their disarmament. However this matter was left to the Commission on Peace and Stability (KPS) established by General Wiranto on 21 April after the massacres in Liquiça and Dili that month.<sup>\*</sup> The KPS was responsible “in cooperation with the United Nations, (to) elaborate a code of conduct, by which all parties should abide, for the period prior to and following the consultation, ensure the laying down of arms and take the necessary steps to achieve disarmament.” The KPS proved ineffective in implementing this responsibility, despite an agreement signed by Commission members on 18 June that both sides would cease all acts of violence and surrender all weapons to the authorities.<sup>739</sup>

#### TNI-militia violence: June-July

585. A great deal of evidence exists chronicling the TNI direction of both the pro-autonomy campaign and the militia violence.<sup>740</sup>

586. After the 5 May Agreements the TNI presented the militias as civil defence groups. The District Administrator of Dili established Pam Swakarsa (Self initiated security group) on 17 May 1999. The decision named the governor, the provincial military commander (Danrem)

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<sup>\*</sup> The KPS comprised two members of CNRT/Falintil and two pro-integrationists, described as parties to the conflict, together with members of the Indonesian military, police and local administration. There were no civil society representatives and the United Nations was excluded. The Indonesian Human Rights Commission, Komnas HAM, convened the KPS. [See Martin, *Self-Determination*, p. 30 and p. 70].

and the provincial police chief as top advisors to the Pam Swakarsa, and Eurico Guterres as “Operational Commander”. Among the 2,650 listed members of Pam Swakarsa in Dili were the 1521 members of Aitarak militia.<sup>741</sup> This afforded the militia a degree of legality it had previously not enjoyed.<sup>742</sup> An image invoked frequently by the militia was that a “sea of fire” would descend if the East Timorese voted for independence. Foreshadowing this well before the referendum, the head of the TNI in Timor-Leste, Colonel Tono Suratman, told the Australian television current affairs programme Sunday, in June:

*I want to give you this message. If the pro-independence side wins, it's not going to just be the government of Indonesia that has to deal with what follows. The UN and Australia are also going to have to solve the problem and well, if this does happen, then there'll be no winners. Everything is going to be destroyed. East Timor won't exist as it does now. It'll be much worse than 23 years ago.*<sup>743</sup>

587. The Commission heard testimony from Ian Martin about evidence gathered by UNAMET staff of the link between the TNI, the local administration and the militia groups. He noted:

*As our staff moved out into the districts and sub-districts, we learned more of the activities of the militia. We rapidly came to understand that the militia were established, armed and directed by the TNI, in conjunction with the local administration. We directly encountered militia under TNI training and direction, and we said so publicly.*<sup>744</sup>

## Dare II

588. On 25 to 30 June, Bishops Belo and Nascimento made a further effort at bringing pro-independence and pro-integration East Timorese together. This Dare II Peace and Reconciliation Meeting was held in Jakarta, enabling Xanana Gusmão to participate. It was the first time since 1975 that he had met José Ramos-Horta, who was allowed to attend together with other East Timorese pro-independence representatives in exile. While discussions were held in a cordial atmosphere, the meeting did not establish a plan of action for continuing dialogue between the parties which might have reduced animosities and violence.

589. A series of militia attacks in Timor-Leste followed soon after the Dare II meeting. On 29 June the Dadarus Merah Putih militia attacked the UNAMET office in Maliana, and on 4 July the Besih Merah Putih militia attacked a humanitarian convoy between Liquiça and Dili.<sup>745</sup> Ian Martin told the Commission of regular UNAMET meetings with the civilian and military members of the Indonesian Task Force, in which he and his colleagues constantly put forward their concerns. He told the Commission that on 7 July, after these attacks, he flew to Jakarta to meet with General Wiranto to put directly the UN's evidence of the relationship between TNI and the militia.<sup>746</sup>

590. The violence and the delays it caused provoked a flurry of diplomatic activity that ultimately succeeded in pressuring Indonesia to improve the security situation. On 12 July the Indonesian Task Force visited Timor-Leste, accompanied by General Wiranto. Violence decreased within days and, while making it clear that the ballot could be cancelled at any time, the UN Secretary-General gave his authority for the ballot to proceed.<sup>747</sup>

## Voter registration

591. The 5 May Agreements set 16 July as the final day allowable for voter registration to begin. This was driven by the fact that the Indonesian People's Consultative Assembly (MPR) was to convene in September, and it alone had the power to ratify in Indonesian law the outcome of the Popular Consultation. For this to happen, the ballot had to be held by the end of August. Under increasing international pressure, voter registration did begin on 16 July.

592. On 20 July, Kofi Annan reported to the Security Council:

Such [militia] activities, which have led to the displacement of many East Timorese and denied them basic security and freedom, with the clear intention of influencing political choice, continue to pose a fundamental challenge to a credible consultation process.<sup>748</sup>

593. The Secretary-General also noted that CNRT activities were restricted, that independent media access was limited, that the pro-autonomy campaign had begun before the allocated period, that public officials used their offices and funds for pro-autonomy campaigning and that there had been undue pro-autonomy pressure on civil servants.<sup>749</sup>

594. The climate of fear created by the militia and the pro-autonomy groups caused 40,000 people to be displaced from their homes by June.<sup>750</sup> Due to continuing violence, this figure increased to 60,000 by mid-July (see Chapter 7.3: Displacement and Famine, section on 1999). Some of these people were pro-independence leaders who had been targeted in their home villages. Many were simply fleeing violence and intimidation. Some sought protection in Timor-Leste's larger towns, while others fled to the security of West Timor. In the face of the dismal security situation, UNAMET's voter education campaign stressed the secrecy of the ballot and the pledge that the UN would remain after the vote.

595. Despite the problems and delays UNAMET's voter registration was hardly disrupted at all, and 451,792 voters were duly registered, both in Timor-Leste and overseas.<sup>\*</sup> This greatly exceeded expectations in the circumstances, and demonstrated the determination of the East Timorese people to choose their political destiny even in the face of intimidation and violence. The Electoral Commission determined that the registration process was legitimate, establishing it as a sound basis for the ballot.<sup>751</sup>

## The campaign

### **Pro-independence groups**

596. In the climate of fear created by continuous militia activity throughout the early part of 1999, the CNRT leadership opted for a very low-key campaign. It was also confident that the East Timorese nationalism built through 24 years of resistance to Indonesian rule made an independence campaign unnecessary. Instead they focused their efforts on reconciliation in order to help create a stable and peaceful situation in which UNAMET could hold a vote.

597. In March 1999 Xanana Gusmão had asked students to take on the role of the driving force for the campaign, since for the CNRT itself to do so would be too dangerous. In April the CNRT office in Dili was destroyed by militia and most of its leadership driven underground. Around this time 800 students returned to Timor-Leste from universities across Indonesia. Many student groups united under the banner of Presidium Juventude Loriku

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<sup>\*</sup> External polling stations were established at five locations within Indonesia, as well as in Australia and Europe.

Ass'wain Timor Lorosa'e.<sup>\*</sup> Many returned to their home villages from study in Indonesia or to the capital Dili. In Dili, students focused on coordinating an information campaign and publicising the CNRT symbol displayed on the ballot. Their activities included discussing reconciliation, carrying updates on preparations for the ballot, and conveying CNRT directives. The medium for this was photocopied bulletins, as initially printers were unwilling to take the risk of printing this material. The Presidium also established a radio service, *Matebian Lian* (*The Voice of Matebian*) which, despite being forced underground, continued to broadcast.

598. The students' role risked reprisals, and they were targeted during the campaign.<sup>752</sup> On 20 May Aitarak militia killed two members of the Students' Solidarity Council (ETSSC) in Hera, with alleged TNI involvement.<sup>753</sup> Laksaur militia killed another two students in Covalima.<sup>754</sup> In accordance with CNRT orders, students did not respond to the militia violence. This was critical in avoiding an escalation of conflict between East Timorese groups that the TNI could portray as civil war.

599. From 1 to 4 July, Xanana Gusmão met at his prison house in Salemba with the CNRT delegation to the the Dare II gathering in Jakarta, together with other CNRT members,, and formed the CNRT campaign team, the Commission for Planning and Cordination of the Campaign (Comissão de Planeamento e Coordenação de Campanha, CPCC). The CPCC met in Dili on 9 July, and formulated its campaign plan. This focused on a low-key door-to-door campaign, primarily to publicise the CNRT symbol and to build a sense of national unity and stability. Its flag had only recently been publicly displayed in Timor-Leste and many were not yet familiar with it. It also published the broadsheet newspaper *Vox Populi*, with a circulation of 1,300 copies every second day, and produced a radio programme by the same name.<sup>755</sup>

### Active pro-autonomy groups

600. In early 1999 a number of organisations formed which became the political wing of the pro-autonomy campaign. On 27 January the Forum for Unity, Democracy and Justice (Forum Persatuan, Demokrasi dan Keadlian, FPDK) was inaugurated, led by the District Administrator of Dili, Domingos Soares. In April, the East Timor People's Front (Barisan Rakyat Timor Timur, BRTT) was formed, with former UDT President Francisco Lopes da Cruz as its leader. A third organisation, the United Front for East Timor Autonomy (UNIF) emerged on 23 June.

601. The FPDK and its sibling pro-autonomy organisations were closely linked to and funded by the civil administration.<sup>756</sup> They routinely attended the tripartite military-police-government meetings (Muspida), although they had no official standing. By the time of UNAMET's arrival, the joint campaign of the militia and the pro-autonomy groups had been in operation for some time. Individuals were under pressure to declare publicly their allegiance to Indonesia, both by attending rallies and by displaying an Indonesian flag in front of their houses. One target of this coercion was civil servants. FPDK mounted a campaign to discredit UNAMET, which was given widespread publicity in Indonesia and through Indonesia's diplomatic channels.<sup>757</sup>

602. The formation on 23 June of UNIF aimed to bring the pro-autonomy groups under one body, led by a number of senior East Timorese pro-integrationist leaders. Basilio Araújo told the Commission:

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<sup>\*</sup> The East Timor Students' Solidarity Council (ETSSC) was a notable and prominent exception; it chose not to be aligned with the CNRT, which it perceived to be tainted by the partisan politics of 1975.

*UNIF...covered all of us, and had a collective leadership [presidium] including Mr Lopes [da Cruz, Indonesian Ambassador at large and leader of BRTT], Mr Armindo [Soares, leader of East Timor's provincial assembly (DPRD)], Mr Domingos [Soares, Dili District Administrator and leader of FPDK], and Mr João Tavares ["Commander in Chief" of the]...PPI\*, so the collective leadership was a single group, and I continued as its spokesman, while still spokesman for FPDK.<sup>758</sup>*

### **Indonesian civil administration in Timor-Leste**

603. The civilian administration in Timor-Leste conducted a campaign to “socialise” the special autonomy package in contravention of the May Agreements, which had vested sole responsibility for this with UNAMET. Its approach combined coercion and incentives, taking advantage of the administration’s influence over its employees. In a letter to civil service heads (Kepala Instansi Vertikal dan Otonomi) dated 28 May 1999, the Governor directed that civil servants engaged in activities opposed to the Indonesian government must be dismissed.<sup>759</sup> It also funded pro-autonomy rallies around the territory, at which armed militia were active and forced local attendance<sup>760</sup>

604. In addition to its campaign activities, the civil administration was deeply involved in the funding and organisation of the militias. In May Governor José Abilio Osorio Soares wrote to all District Administrators (Bupati) requesting budget proposals for Pam Swakarsa (civil defence units) and for “expenses associated...with (the) autonomy plan”.<sup>761</sup> Each district received a part of the government Social Safety Net Program funds, which were likely to have included funds provided by the World Bank. The distribution was approved by the Governor, and included in distribution of funds to police, to be spent on socialisation of the autonomy package.<sup>762</sup>

### **The official campaign period**

605. The campaign officially began on 14 August, and was brief. Across the country event schedules were drawn up in liaison with UNAMET staff in an attempt to regulate meetings and rallies to avoid clashes between pro-integration and pro-autonomy supporters. CNRT was unable to open offices in three districts due to the threat of violence,<sup>†</sup> while in others they were quickly targeted and forced to close. Among those forced to close were Dili on 17 August, Manatuto on 19 August and Ainaro on 21 August.<sup>763</sup> Students and civil society groups played a key role in the pro-independence campaign. Later, documentary evidence showed that the TNI listed CNRT, ETSSC and OJETIL as “enemy forces” in its operational plan for the referendum<sup>‡</sup>.<sup>764</sup>

606. Killings continued during the campaign period, notably between August 14 and 16, which led CNRT to end its campaign activities in the districts on 19 August. It mounted one last public campaign rally in Dili on 25 August. Thousands came out in support, and remarkably Dili was peaceful. Chaos, however, followed the final pro-autonomy rally in Dili the next day. Eight were killed, including Augusto Guterres, the student shot by Brimob in Becora. That night the offices of Renetil and the CNRT were burnt. This surge of violence by pro-autonomy supporters signalled the end of public campaign activities in Dili.

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\* PPI- the Forces of Struggle for Integration, led by João Tavares; an umbrella group that united older paramilitary groups with the new militia groups that emerged in 1999.

† Bobonaro, Ermera, Liquiça.

‡ Operasi Wira Dharma 1999.

## Declining security situation: August

607. An account by East Timor Military Commander Tono Suratman of the campaign period indicates both Indonesia's insistence that TNI bore responsibility for security despite the provisions of the 5 May Agreements that specifically charged the police with this task, and his maintenance of the fiction of a genuine civil war rather than an engineered conflict:

Security had to be made conducive before the referendum...Indonesia, in this case the police and TNI, implemented this and were responsible for the problems of security and its derivative, the problem of legal enforcement...I privately feel, TNI's security responsibility was very heavy. The time to settle the situation was so short...while the history of intra-East Timorese violence was 23 years old, or more.<sup>765</sup>

608. Throughout the campaign period TNI persisted in the argument that armed militia were an East Timorese response to Falintil, completely disregarding either the TNI's role in the establishing and supporting them, or even the TNI-Falintil conflict of 24 years.

609. The TNI's misrepresentation of the conflict and denial of its own combatant status made negotiations for peace and stability difficult. It never once disclosed its troop levels in the territory to UNAMET MLOs.<sup>766</sup> Faced with this situation, Xanana Gusmão as Falintil commander in chief demanded a minimum of a TNI troop reduction and confinement to barracks. Meanwhile TNI commander Wiranto demanded that Falintil disarm. Although TNI did not reduce its numbers, Falintil unilaterally confined itself to cantonments with the explicit objective of proving that it was not the source of violence and of persuading the TNI to reciprocate by itself withdrawing to barracks and by disarming the militias. By 12 August all 670 Falintil troops were confined to their cantons.

610. However, the TNI did not withdraw troops to district level barracks, and militia members remained threateningly at large in communities across the territory. Days after the completion of the Falintil cantonment, militia leaders announced that they would lay down their arms. UNAMET observed ceremonies in four districts between 16 and 19 August, where militia members handed over their guns to the police. However, UNAMET observed that the amount of weapons "was only a fraction of those in possession of the militia."<sup>767</sup>

611. Although pro-integration leaders accused Falintil of excesses during this period, UNAMET investigations rarely substantiated such claims. Two incidents of pro-independence violence were proven. In one, independence supporters killed a pro-integration supporter on 12 July, and an Aitarak militia member was killed in Becora, Dili on 29 August.<sup>768</sup>

612. In addition to his role in the Task Force for the Implementation of the Popular Consultation in East Timor, Major-General Zacky Anwar Makarim seems to have been entrusted with the task of running the militia campaign.<sup>769</sup> On 18 August a US Congressional delegation witnessed violence in Suai and their testimony led to the official removal of Makarim, as well as of the Bobonaro and Covalima district commanders. The rationale behind this removal was that a few isolated officers were responsible for the violence, an approach that did nothing to curb the excesses of the Indonesian military as an institution. On 13 August Colonel Tono Suratman was replaced by another Korem Commander with a Kopassus background, Colonel Noer Muis.<sup>770</sup>

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<sup>765</sup> The four Falintil cantonment sites were in Uaimori, Manatuto (260 troops), Atalari, Baucau (70 troops), Poetete, Ermera (153 troops) and Aiassa, Bobonaro (187 troops). UNAMET Military Liaison Officers observed these cantonment sites and met with Falintil members. [See Martin, *Self-Determination*, p. 73].

613. On 24 August, the UN Secretary-General addressed the Security Council and cited a statement from the independent Electoral Commission that election period was never “free of intimidation, violence or interference (as required by 5 May Agreements)”.<sup>771</sup>

#### Final preparations for the vote

614. The formal campaign period ended on 26 August. UNAMET employed up to 4,000 East Timorese staff to assist in the conduct of the ballot at the 200 polling stations across the country.<sup>772</sup> All staff were required to conduct themselves in a politically neutral manner, and were managed by international electoral staff. International observer groups and media arrived in large numbers in the days leading up to 30 August, ensuring that the ballot itself took place under the scrutiny of the international community.

#### The ballot

615. 30 August 1999 dawned as a remarkable day in the history of Timor-Leste. Despite months of intimidation and violence, people across the country came out in droves to cast their ballot. Many dressed in their best clothes, and in rural areas they walked for hours to reach polling centres. By dawn, up to 50% of those registered to vote were waiting outside polling stations to cast their ballot.<sup>773</sup> People waited patiently in long queues in most polling centres, and quickly returned home after casting their vote. Polling stations opened from 6.30am to 4.00pm, though in most places voting was completed by early afternoon.

616. International observers and the media commented on the courage and dignity of the people, who after 24 years of violence would not allow the intimidation of the past months to prevent them exercising their right to determine their future. The East Timorese cast their ballots in huge numbers, with 98.6% of those registered voting. In contrast to the surge of violence on 26 August, the day was peaceful in most areas. However, militia killed two East Timorese UNAMET staff in Atsabe. A Civpol (UN Civilian Police) witness placed the TNI at the scene.<sup>774</sup>

617. Immediately after the vote, before the count and the announcement of results, the Indonesian Foreign Minister, Ali Alatas, confirmed the Indonesian government's view that the ballot was legitimate:

*I am very encouraged and pleased to say that [the vote] constitutes indeed a free and peaceful, and therefore fair execution, of the consultation.*<sup>775</sup>

618. However, the pro-integration spokesman Basilio Araújo produced a list of 37 alleged violations by UNAMET staff and claimed the ballot was unfair. The Electoral Commission considered the objections of the pro-integration supporters over a day and a half of deliberations on 2 to 3 September. The Electoral Commission concluded:

Whatever merit there might be in individual complaints regarding alleged misconduct and/or partiality on the part of the electoral staff, none of them, singly or collectively, impaired the process as such.<sup>776</sup>

#### The count and the results

619. In order to ensure the secrecy of the ballot, the vote was counted in Dili. In the afternoon of 30 August, UNAMET staff from the polling stations brought the votes to their district headquarters under the watch of the UN police. These were stored under guard by

UN police overnight, and were brought to the Dili counting centre by helicopter or by road convoy by UNAMET staff and UN police on 31 August. In Maliana a helicopter transporting the ballots was shot at, and in Gleno and Atsabe in Ermera District there was violence and intimidation from militia groups against the UNAMET teams transporting ballot boxes.<sup>777</sup> The count was centralised in Dili. There would be no individual reporting of district or regional results, but a single result for the entire electorate. This was to ensure both security for regions who might otherwise be targeted by violence for their political affiliation, and also to counter earlier suggestions by the pro-autonomy movement that the territory might be split to reflect regional results.

620. At the counting centre in the Dili Museum in Comoro, UNAMET electoral officers from across the country gathered to conduct the count. International observers, including the official Portuguese and Indonesian delegations, had access to the count centre and witnessed all stages of the process. Many of the large international media contingent left Timor-Leste immediately after the peaceful day of voting, as did some of the international observers.

621. Militia violence broke out in the days following the ballot. On 1 September militia arrived in Dili and conducted attacks on pro-independence supporters close to the UNAMET compound in Balide. One man was filmed by international media running for his life and being caught and hacked to death by militia. Hundreds sought refuge in the school next door to the UNAMET compound. In Ermera violence broke out, and UNAMET evacuated its staff to Dili. On 2 September in Maliana, militia surrounded the UNAMET office and went on a spree of shooting and house burning. Two East Timorese UNAMET staff were killed.

622. Counting proceeded round the clock, in increasingly poor security conditions. The UN determined to make a simultaneous announcement of the result, by the Secretary-General in New York on the evening of 3 September and by his Special Representative Ian Martin in Dili on the morning of 4 September. In consultation with the Indonesian Task Force, it was thought that a morning announcement in Dili would allow for better control of the security situation during the initial ensuing daylight hours.<sup>778</sup>

623. At 9.00am, Saturday 4 September, Ian Martin read the results of the ballot at the Makhota Hotel in Dili: 21.5% of voters had voted for the special autonomy package, 78.5% against. The Electoral Commission had prepared its final determination on the ballot:

The Commission was able to conclude that the popular consultation had been procedurally fair and in accordance with the New York Agreements, and consequently provided an accurate reflection of the will of the people of East Timor. There can be no doubt that the overwhelming majority of the people of this troubled land wish to separate from the Republic of Indonesia.<sup>779</sup>



## 3.21 Indonesia departs: scorched earth

### Overview

624. With the announcement of the result of the ballot the United Nations called on Indonesia to ensure security in the territory.<sup>780</sup> Diplomatic pressure was brought to bear to achieve this end, but provisions for the protection of the East Timorese population were still inadequate. The events of September and October 1999 have been the subject of two judicial processes and a number of investigative reports, by East Timorese, Indonesian and international organisations, agencies and organs, including the United Nations.

625. The Indonesian military and militia are known to have killed between 1,200 and 1,500 East Timorese in 1999, 900 of these after the ballot. Between them they murdered 400 in mass killings, and the remainder in individual killings.<sup>781</sup> Victims suffered brutal deaths, many were cut down with machetes, and of those that escaped death many were mutilated and continue to suffer health problems. In particular, the killers targeted and executed CNRT leaders and their families.<sup>782</sup> Torture, sexual violence and forcible transfer of the population occurred across the territory.<sup>783</sup> Over half the population, 550,000 people, fled their homes, including 250,000 who were transferred to West Timor by force or under intimidation (see Chapter 7.3: Forced Displacement and Famine).<sup>784</sup> Militia killed people seeking refuge in churches, and clergy and nuns were among those targeted. TNI and militia collaborated in implementing a strategy of mass violence across the territory.

626. The attention of the world focused on the UNAMET compound in Dili where a small number of UNAMET officials and the only remaining international journalists in the territory took refuge. Frantic diplomatic activity took place both behind the scenes and sometimes publicly to put pressure on Indonesia to fulfil its security obligations or consent to an international force to restore security. No nations were willing to act to protect the people of Timor-Leste without Indonesia's consent. East Timorese leaders outside Timor-Leste worked to convince world and regional powers to intervene to save lives. At the United Nations, at the APEC summit being held in New Zealand, in Portugal and Rome, in Jakarta and Australia, East Timorese leaders worked unceasingly.

627. With the TNI demonstrating that it would not bring the violence under control and with a Security Council team on the ground in Dili and Jakarta, Indonesian President Habibie consented to an international force on 12 September. A week later the commander of the International Force for East Timor (Interfet), Australian Major-General Peter Cosgrove, arrived in Dili followed a day later by his troops. As the TNI departed Timor-Leste, it destroyed 70% of major infrastructure, houses, and buildings, it razed entire villages and it looted the possessions of the East Timorese.<sup>785</sup>

628. Xanana Gusmão returned to Timor-Leste on 22 October, and on 25 October the UN Security Council established the United Nations Transitional Administration for East Timor (UNTAET), with Sérgio Vieira de Mello as its head. The task of addressing the humanitarian crisis and rebuilding the shattered nation of Timor-Leste lay ahead.

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<sup>780</sup> UN Commission of Experts in 1999-2000, Serious Crimes Unit and Panel in Timor-Leste; the East Timor Ad Hoc Tribunal on Human Rights in Jakarta, Indonesia; the Indonesian KPP-HAM report and the report by Professor Geoffrey Robinson for the UN High Commissioner of Human Rights are perhaps the most notable to date. The latter was delivered as a submission to the CAVR by the OHCHR.

## Violence following announcement of the results

629. The post-ballot violence that began late on 30 August and built during the days of vote counting intensified after the announcement of the result on 4 September. In Dili, fearing the threat of reprisal for the pro-independence vote, large numbers of people either fled to Dare in the foothills behind the city or sought refuge in places such as the ICRC compound, Bishop Belo's residence and the Dili Diocese compound, and the school next to the UNAMET compound. UNAMET staff withdrew to the Balide compound after the announcement of the ballot result.

630. On 5 September, the Aitarak militia, the TNI and the police, assaulted the Dili Diocese office, segregating East Timorese UNAMET staff and CNRT members, and killing between 15 and 20 of the 300 people seeking refuge in its grounds.<sup>786</sup> The military moved the few remaining journalists and surviving internally displaced persons to the UNAMET compound in Balide, where internationals were to remain until their evacuation. On 6 September the militia violently cleared the 7,000 people seeking refuge at the ICRC compound and Bishop Belo's residence on Dili's waterfront, which they then destroyed. These people were later taken to West Timor as part of a contingency plan named Hanoin Lorosae II (Operation Remember Lorosae II) developed by the police months earlier, as noted above.

631. On the same day on the south coast in Suai, the Laksaur militia, in the presence of the district administrator and district police and military chiefs, killed between 27 and 200 of the remaining 2,000 refugees in the church.<sup>787</sup> Among the first to be killed were three priests, cut down with machetes by militia members. Subsequent exhumation of bodies indicated children and women were among the dead.<sup>788</sup> Investigations and witness testimony have shown the involvement of TNI territorial troops.<sup>789</sup>

632. The murder of the Catholic priests signalled that the Catholic Church had become a target. The Church had long maintained its tense co-existence with the Indonesian occupying authorities, but until the post-ballot violence its personnel had not been a target for murder. In the days that followed the attack in Suai, this targeting of Catholic clergy became a pattern seen in other districts. The Commission heard eyewitness testimony of the very deliberate targeting of clergy when they were seeking to prevent violence:

*I saw Father Francisco holding up both hands and saying to the militia, "Enough. Don't shoot anymore. All of us are Timorese. Stop." The Father screamed when he saw how many victims had fallen, however the militia paid no attention to his screams. Then a militia...approached Father Francisco. He pretended to hug Father [Francisco], then escorted him down to the grotto of the Virgin Mary. When they came back, [he] shot the priest. But Father Francisco was not yet dead, so [he] took a sword and stabbed him in the chest. That is when he died.<sup>790</sup>*

633. As the tension and violence mounted across the country, people fled their homes seeking safety in the forests and mountains. Thousands of people flocked to the protection of Falintil in their cantonments.

634. In general the violence against the community by TNI and militias was most severe in the western districts. In these districts, close to the border with West Timor and where there were fewer Falantil, TNI-militia links were strongest. By 7 September Falintil Deputy Commander Taur Matan Ruak was desperate, and threatened to retaliate from his base at Uaimori. Speaking to Taur Matan Ruak by satellite phone, Xanana Gusmão forbade this no

matter what the cost in human life and suffering, on the grounds that any retaliation would create the civil war TNI had so long tried to engineer and risk forfeiting the international intervention that was the only hope for salvation.<sup>791</sup> Falintil discipline remained mostly intact despite the extreme provocation. A number of killings perpetrated by independence supporters or Falintil members were reported as having occurred during the period after the ballot, mostly in the western districts.<sup>792</sup>

## TNI takes formal control

635. On 4 September TNI reorganised its East Timor command under Major-General Adam Damiri of Kodam IX Udayana, taking formal control from the police. On 5 September General Wiranto met with militia and TNI commanders in Timor-Leste, and then with Bishop Belo, who asked Wiranto to control the militia.<sup>793</sup> On 6 September the Secretary-General's Personal Representative Jamsheed Marker pushed Indonesia to invite international forces, a request which met with an angry refusal. President Habibie declared martial law the next day, placing Major-General Kiki Syahnakri in command. He replaced territorial units with Kostrad troops, the theory being that the territorial troops were acting out of emotional attachment to the territory and that new troops would be more likely to conduct themselves professionally.

636. Crimes against humanity continued to occur after the TNI took formal control. These attacks followed the established pattern of militia killings involving the TNI, frequently with senior TNI personnel in direct attendance. Many killings had common elements: they followed a period of mounting violence, they targeted select individuals, and they seemed to conform to a procedure that extended to systematic body disposal using trucks that all evidence indicates were supplied by the military.<sup>794</sup> Other patterns included weaponry, which relied on "home-made" guns (*senjata rakitan*), knives, machetes, and some automatic weapons.<sup>795</sup> The threats, beatings, rapes and house burnings of previous months were now perpetrated systematically and on a mass scale. Militia burnt Timor-Leste with petrol supplied by the military, often delivered in fire engines with petrol in their water tanks. They loaded looted goods onto army trucks. It is improbable that such an enormous logistical exercise could have been carried out without TNI involvement.<sup>796</sup>

637. The Commission also received a submission containing testimony that priceless East Timorese cultural artefacts and relics were taken by Indonesian authorities from the site known as the Dili Museum in Comoro during the violence in September 1999.<sup>797</sup> The Museum had been opened by Indonesian authorities in 1995, and in 1999 housed a collection of some 3,000 objects, including ancient *tais* (traditional woven cloth), traditional pottery, basketry, and sacred and domestic carvings in wood and stone. The submission quotes an interview with Virgilio Simith, who in 1999 was a senior member of CNRT responsible for cultural affairs. In the first Cabinet of the RDTL after 20 May 2002, Virgilio Simith was the Secretary of State for Culture, Youth and Sport. Virgilio Simith said that many of objects were taken to the Museum in Kupang, where he said there are now 68 pieces of East Timorese *tais*. He recalled that during continuing negotiations on outstanding bilateral issues between Indonesia and Timor-Leste during the UNTAET administration, Indonesian representatives had explained the removal of the artefacts by saying that "because of the unsettled political environment in Timor-Leste, the objects were removed for 'safekeeping.'" However, Virgilio Simith noted that he understands that authorities in Kupang now maintain that the objects were "bought with funds from the Indonesian budget and therefore form a part of the Indonesian patrimony." Virgilio Simith told interviewers that he believed that many of the items, especially the *tais*, had been on sale in the Indonesian town of Ubud in Bali since around 1999.<sup>798</sup>

638. Sexual violence and sexual slavery were widespread during this period. The Commission heard in particular from many women in Suai of their experiences after the massacre at the church on 6 September, when they were taken to the nearby school and

repeatedly raped before being forced over the border where many were held in sexual slavery.<sup>799</sup>

639. The 8 September killings in Maliana illustrate the pattern well. Following days of mounting violence TNI trucks brought militia to the district police headquarters, where hundreds of people had sought refuge. In the presence of TNI and police officers the militia singled out and executed at least 13 CNRT leaders among those taking shelter.<sup>800</sup> Thirteen who escaped the massacre were hunted down and killed with machetes the following day. Some days later a similar incident took place far from sight in the isolated district of Oecusse. The Sakunar militia segregated and killed CNRT leaders in Passabe. Following this, an estimated 170 people were killed over the following month, the last killed two days before Interfet's belated arrival in the district.<sup>801</sup>

### The UNAMET compound

640. While this violence was going on around the territory, unarmed UNAMET personnel took refuge in their regional headquarters. Ian Martin testified to the Commission about the situation in the compound during this period, and about UN efforts to gain international intervention. He told of direct attacks against UNAMET personnel and offices in the districts, and the decision to withdraw UNAMET regional teams to the Dili compound. A UN police officer was shot by militia using a high-powered weapon in Liquiça and was only saved by his flack-jacket; in Baucau, police trained automatic weapon fire for over 20 minutes at chest height into the UNAMET office, where over 70 staff were seeking refuge. When the Baucau regional office staff evacuated to the airport, TNI and militia sought to prevent the evacuation of East Timorese UNAMET staff to Dili. By 5 September most UNAMET regional teams had withdrawn from the districts to the Dili compound in Balide. He recalled that East Timorese staff members of UNAMET were especially targeted, and told the Commission:

*UNAMET local staff were among the first to be killed as the polls closed and in the days which followed. Fifteen East Timorese staff members of UNAMET are known or believed to have lost their lives...I ask that the Commission take note of the particular courage displayed by the local staff of UNAMET, without whose service the United Nations could not have fulfilled its mandate to conduct the ballot.<sup>802</sup>*

641. UNAMET staff were trapped in the compound in Balide. Teams leaving the compound in Dili to seek access to food and water in the UNAMET warehouse were shot at. The small number of foreigners still in Dili fled to the compound, along with a number of East Timorese seeking refuge. On the evening of 5 September, sustained automatic gunfire was heard at the school next to the compound and after 20 minutes of attack, large numbers of people seeking refuge in the school started to leap the razor-wired walls into the UNAMET compound. There were around 1,500 people in this group. This meant that there were over 3,000 people in the UNAMET compound, with limited access to food, water and sanitary conditions.

642. By 6 September, apart from Church personnel, there were virtually no foreigners in Timor-Leste outside the UNAMET compound. The TNI cordoned off the compound, achieving the first step of closing off Timor-Leste to the outside world. Among those trapped in the compound were a small number of international journalists. On mobile telephones and satellite connections they told the story to the world. But while the world media focused on the besieged UNAMET compound in Dili, it had no images of the systematic violence and destruction taking place across the territory.

## Growing international pressure

643. East Timorese leaders outside the territory conducted frantic diplomatic activity to seek international intervention. Xanana Gusmão was finally released from imprisonment by Indonesia on 7 September, and handed over to UNAMET in Jakarta. To forestall any assassination attempt, he was shuttled to the British Embassy in Jakarta, and from there to Darwin, Australia. Bishop Belo had been evacuated to Baucau after his Dili residence was attacked, and from there by UN airplane to Darwin on 6 September. He travelled to Rome and Lisbon to seek support. José Ramos-Horta and others travelled to Auckland, in New Zealand, where regional and world leaders had gathered for the annual APEC summit. Worldwide, and especially in Australia and Portugal, mass protests, driven by the non-governmental solidarity movement and by the East Timorese diaspora, called for international intervention. Combined with the poignant but limited images from the UNAMET compound in Dili, and the messages of journalists and others in the compound, the story dominated international news and kept up pressure on Indonesia and world leaders to intervene.<sup>803</sup>

644. The UN Secretary-General, Kofi Annan, conducted his own urgent personal diplomacy. His first efforts were aimed at having Indonesia fulfil its security obligations. President Habibie opposed the Secretary-General's idea of an international peacekeeping force, conveyed by a direct telephone call on 5 September, and instead declared martial law in the territory. The Secretary-General increased the pressure on Indonesia by stating publicly that further measures would have to be considered if matters did not improve in Timor-Leste within 48 hours.<sup>804</sup>

645. Before the ballot, and again on 1 September, Portugal had been calling for the mobilisation of an international peacekeeping force. Australia had been making quiet preparations in the event of the need for military intervention since late 1998, and had troops in readiness. New Zealand was also preparing. However, no state was prepared to intervene militarily without Indonesia's consent.<sup>805</sup> On 4 September the Australian Foreign Affairs Minister, Alexander Downer, publicly declared Australia's willingness to lead an international force into Timor-Leste, if Indonesia agreed and if it received a UN Security Council mandate. Kofi Annan and the Australian Prime Minister John Howard were in constant contact about these efforts, seeking Indonesian agreement to an international force and gathering a coalition to form a force which could be rapidly deployed.

646. On 5 September the UN Security Council formed a mission to travel to Jakarta and Timor-Leste.<sup>\*</sup> The mission left New York on 6 September, accompanied by Francesc Vendrell, the Deputy Personal Representative of the Secretary-General. The mission began meetings on 8 September. It met President Habibie, his likely successor Megawati Soekarnoputri, a delegation of UNAMET staff who had left the Dili compound and flown direct to Jakarta, and with General Wiranto. They also met the recently released Xanana Gusmão. The mission insisted that it travel to Timor-Leste.

647. On 10 September the UN High Commissioner for Human Rights, Mary Robinson, flew to Darwin to meet with East Timorese UNAMET staff and refugees who had been evacuated. She talked publicly of the need to bring those responsible for the violence to justice.<sup>806</sup>

648. Meanwhile, the gathering of world political and economic leaders at the APEC summit fortuitously provided a forum for addressing the situation. Influential statements came from the World Bank and the International Monetary Fund (IMF). World Bank President

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<sup>\*</sup> The five members of the mission were Martin Andjabal of Namibia, Ambassador Jeremy Greenstock of the United Kingdom, Ambassador Danilo Türk of Slovenia, Ambassador Hasmy Agam of Malaysia, and Minister Alphons Hamer, the Deputy President of the Security Council, of the Netherlands.

James Wolfensohn wrote directly to President Habibie on 8 September stressing the importance of Indonesia restoring order and honouring the result of the Popular Consultation. Indonesia, still economically vulnerable after the 1997 Asian financial crisis, came under increasing pressure. When US President Clinton arrived at the summit on 11 September he announced the suspension of arms sales to Indonesia. The UK and the European Union made similar announcements.

649. On 11 September the Security Council mission travelled to Dili. General Wiranto flew to Timor-Leste in advance of the mission. When it arrived Dili was relatively calm, indicating the capacity of the TNI to maintain security when it chose to do so.<sup>807</sup> The mission was briefed at TNI headquarters, and met with UNAMET staff and displaced East Timorese people in the compound. It returned to Jakarta later that day, as the Security Council was meeting in New York to consider the situation in Timor-Leste. The Security Council meeting lasted nearly six hours, with 50 delegations speaking.<sup>808</sup> Support for international intervention in Timor-Leste was high, with many countries seeking Indonesia's consent to this step.

650. The isolation of Indonesia over events in Timor-Leste had reached its height. On 12 September, with the Security Council mission still in Jakarta, President Habibie held a Cabinet meeting. Following this he telephoned the UN Secretary-General to ask for UN assistance to restore peace and security in Timor-Leste, and immediately after made an announcement to this effect on Indonesian national television and radio networks.

651. With Indonesian consent gained, the Security Council passed Resolution 1264 (1999) on 15 September, mandating a multinational force with full Chapter VII powers to restore peace and security in Timor-Leste. Ian Martin testified to the Commission that it was only after this international commitment that he made the decision to close down the UNAMET compound in Dili. He told the Commission that earlier, on 8 September, he had recommended that UNAMET withdraw but that a meeting with senior staff demonstrated that they were willing to stay as long as East Timorese were with them in the compound.<sup>809</sup> On 10 September the first evacuation removed most of the UNAMET staff, including some East Timorese staff, leaving 80 volunteers to stay with the East Timorese seeking refuge in the compound. Many of them were local UNAMET polling staff, and were certain to be targeted if left behind.

652. When Indonesia announced on 12 September that it would accept international intervention, there were fears that the TNI and the militia would seek to take reprisals against the UNAMET staff and those displaced with them in the UNAMET compound before the force could land in Dili.<sup>810</sup> Intense diplomatic activity sought the permission of President Habibie and Prime Minister Howard for the evacuation of the 1,500 East Timorese displaced in the UNAMET compound, and on 14 September they were evacuated to Darwin. Ian Martin travelled with them. The UNAMET compound was closed, and a small team of 12 UNAMET staff relocated to the heavily fortified Australian consulate where they awaited the arrival of Interfet, surrounded by Kostrad soldiers.

#### Forced evacuation of population

653. Behind the frantic diplomatic efforts and the limited picture of Timor-Leste offered by those still in the UNAMET compound, the destruction and forced relocations that had begun in the days following the announcement of the result of the Popular Consultation intensified. Although generally worse and of longer duration in those western areas where TNI-militia links were stronger, the violence took place across the territory.<sup>811</sup>

654. Before the ballot, the TNI and police had planned a mass evacuation of the population. They had detailed contingency plans to save the population from a civil war that Indonesia forecast would follow the ballot. This was part of a pre-planned policy, as noted

above.<sup>812</sup> Views differ as to whether this was an evacuation to protect East Timorese, or a forced removal under intimidation and violence. While some genuinely sought to leave the territory, the conditions of violence were generated by the TNI and its militias, the same agents organising the evacuation. Following the ballot, 250,000 people, over a quarter of the population, were transferred from Timor-Leste, mostly to West Timor (see Chapter 7.3: Forced Displacement and Famine). Both military and police were involved in effecting their removal, and police and military district commands were used as transit points for the evacuation.<sup>813</sup> Frightened by marauding militia, many people sought military or police protection and were subsequently taken to West Timor. Eyewitness accounts say people were expelled from their homes by TNI and militia, then their property was destroyed.<sup>814</sup> Forced expulsions continued until the arrival of Interfet on 20 September.<sup>815</sup> Many East Timorese had fled by airplane to Java in the days immediately following the ballot, fearing the outbreak of violence.

655. About 300,000 people were estimated to have fled violence in the towns and villages for the relative security of the hills inside Timor-Leste (see Chapter 7.3: Forced Displacement and Famine). Not trusting the Indonesian military or police, many ran to the protection of Falintil cantonment areas in the mountains. Tens of thousands fled the large towns. Around 10,000 left Ermera, and between 30,000 and 40,000 people fled Dili for the area around the Church compound in the foothills around Dare. In Dare those with mobile telephones called contacts around the world and described their bird's-eye view of the destruction of Dili. Food, water and medicines were in short supply, and the fear of TNI and militia attack was high.

#### Interfet arrives: TNI withdraws

656. On 19 September, the commander of Interfet, Australian Major-General Peter Cosgrove, his Thai deputy and heads of other national contingents flew from Darwin to Dili, accompanied by the head of UNAMET, Ian Martin. On 20 September Interfet troops arrived in Timor-Leste.\*

657. The Indonesian military was in the process of withdrawing. On 20-21 September, Battalion 745 withdrew from Lautém to Dili, and are known to have killed 17 people as they did so (see Chapter 7.2: Unlawful Killings and Enforced Disappearances). In addition to TNI killings in the post-ballot period, certain militia groups continued to be active. On 23 September militia killed 12 people in Ainaro. On 25 September five days after Interfet arrived in Timor-Leste, the long-established Kopassus-linked Tim Alfa militia ambushed and executed, with machetes, members of a humanitarian convoy led by Catholic nuns on a bend near the Sika River in the district of Lautém. Nine people, including five clergy, an Indonesian journalist and two others were killed.<sup>816</sup>

658. Conscious of TNI anger at its intervention, and aware of the potential danger posed by militia groups, Interfet deployed cautiously. It took a month to reach isolated areas such as Oecusse. As it secured areas, people who had been hiding in the mountains or sheltering with Falintil returned to the ruins of their towns and villages. Many of those returning from the mountains and other places of internal displacement were hungry and sick, and generally in very poor condition. On 30 October the last of the Indonesian military had withdrawn.<sup>817</sup> The Falintil commander in chief, Xanana Gusmão, was present at Dili airport to see off the final departing troops.

659. The experience of the 250,000 refugees in West Timor was substantially different from that of people internally displaced within Timor-Leste. Most settled in camps along the

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\* At full strength, Interfet comprised approximately 11,000 troops from 20 different countries. Australia commanded the force, and contributed 5,000 troops. It took some time to reach its maximum strength, and initially was outnumbered by the TNI. [Dunn, *East Timor*, p. 361].

border and near Kupang. The Commission heard testimony from a coalition of Indonesian non-governmental organisations from West Timor who worked with East Timorese refugees.<sup>818</sup> The coalition told of camps controlled by the TNI and their militia auxiliaries, where ordinary people lived under fear and intimidation. Women and girls in particular were powerless and vulnerable. Testimonies to the Commission from women victims tell of sexual slavery at the hands of militia members.

660. Facilities in West Timor were poorly prepared and could not cope with such numbers. Upon arrival, many signed forms declaring their intention to become Indonesian citizens and accept resettlement elsewhere in Indonesia. Some later said they signed under duress.<sup>819</sup> Militia groups retained authority within the camps, and continued to target CNRT leaders. Mau Hodu, who had tried to continue dialogue with the KPS after the ballot, disappeared in Atambua.<sup>820</sup> Long after the Popular Consultation, the militia continued to harass and intimidate refugees and to spread misinformation about the situation in Timor-Leste. They also interfered with those that wished to return.<sup>821</sup>

#### The formation of UNTAET: Security Council Resolution 1272, 25 October 1999

661. Small numbers of UNAMET staff returned to Timor-Leste with the arrival of Interfet. Military liaison officers were the first to return, then a small number of police and civilian affairs officers. The immediate concern was security and stability, and addressing the urgent humanitarian crisis. With Interfet deployed and securing the territory, a huge international humanitarian intervention began. A conference of donors was held in November in Tokyo where pledges of \$522 million were received.<sup>822</sup> UN agencies, the IMF and the World Bank, and international NGOs mobilised emergency relief. The CNRT organised its network to assist this operation. East Timorese NGOs were active in humanitarian assistance and coordination, although they faced a major challenge in holding their own as the huge international operation got under way. The Catholic Church played an important role in coordination in many places.

662. Indonesia maintained that it had de jure control of Timor-Leste until its Parliament made a formal decision on the results of the ballot. However, it agreed that the United Nations could exercise de facto powers.<sup>823</sup> On 19 October the Indonesian People's Consultative Assembly (MPR) rescinded the 1976 law incorporating Timor-Leste as a province (East Timor), and on 25 October the UN Security Council passed Resolution 1272 (1999) establishing the United Nations Transitional Administration of East Timor (UNTAET), making the United Nations the official administering authority of Timor-Leste.

#### Returning home

663. For East Timorese people in West Timor, in other parts of Indonesia, in Portugal, Australia and other parts of world, those who had been displaced recently, those being released from Indonesian prisons, and those in long-term exile, the question was when and how to return home. Of East Timorese leaders outside Timor-Leste, Bishop Belo was the first to return on 5 October after a month outside the territory. Xanana Gusmão returned to a tumultuous welcome on 22 October. After 24 years overseas José Ramos-Horta returned, then left to return escorting the newly appointed UN Transitional Administrator and Special Representative of the Secretary-General, Sérgio Vieira de Mello, on 1 December. East Timorese refugees began coming back from West Timor in the last months of 1999, assisted by UNHCR, IOM and international NGOs. Others, some in exile since 1975, returned to find their homeland in ashes.

664. The right to self-determination had finally been respected and upheld by the international community, but only after the East Timorese people had shown great courage in



the face of intimidation and mass violence and had cast their vote. The task of building a nation based on respect for human rights, the rule of law and democratic principles, including justice for past crimes against humanity, is the work and hope of current and future generations.

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<sup>1</sup> Dr Asvi Warman Adam, in a paper titled “The History of East Timor in the Indonesian History” delivered to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

<sup>2</sup> Luís Filipe F. R. Thomaz, *De Ceuta A Timor*, DIFEL, Lisbon, 1994, p. 598.

<sup>3</sup> James Dunn, *East Timor: A Rough Passage to Independence*, Longueville Media, Third Edition, 2003, Australia, p. 17.

<sup>4</sup> René Pélissier, *Timor en Guerre, Le Crocodile et Les Portugais (1847-1913)*, Pelissier, Orgaral, 2000.

<sup>5</sup> Dr Subiandro, then Foreign Affairs Minister, at the First Committee of the United Nations General Assembly 1957, quoted in Dunn at pp. 85-6.

<sup>6</sup> Geoffrey Robinson, “People’s War: Militias in East Timor and Indonesia”, in *South East Asia Research* 9, 3, pp. 271-318.

<sup>7</sup> Hélio Felgas, *Timor Português*, Agência Geral do Ultramar, 1956, p. 227, as quoted in Abílio de Araújo, *Timor Leste: Os Loricos Voltaram a Cantar: Das Guerras Independentistas à Revolução do Povo Maubere*, Lisboa, 1977, p. 75.

<sup>8</sup> See Geoffrey C. Gunn, *Timor Loro Sae: 500 Years*, Livros do Oriente, Macau, 1999, pp. 95-103.

<sup>9</sup> Dunn, *East Timor: A Rough Passage to Independence*, 2003, p. 17.

<sup>10</sup> René Pélissier, *Le Crocodile et les Portugais (1847-1913)*, Pelissier, Orgaral, 2000.

<sup>11</sup> Peter Hastings, “The Timor Problem”, *Australian Outlook*, (Journal of the Australian Institute of International Affairs), Vol 29, No 1.

<sup>12</sup> David Scott, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

<sup>13</sup> Dunn, *East Timor: A Rough Passage to Independence*, 2003, pp. 19-22.

<sup>14</sup> See Tomás Gonçalves, testimony to the CAVR National Public Hearing on The Internal Political Conflict of 1974-76, 15-18 December 2003.

<sup>15</sup> Gunn, *Timor Loro Sa’e*, pp. 235-236.

<sup>16</sup> Rowena Lennox, *Fighting Spirit of East Timor: The life of Martinho da Costa Lopes*, Pluto Press, 2000, p. 62.

<sup>17</sup> Xanana Gusmão, *Timor-Leste: Um Povo Uma Pátria*, Edições Colibri, 1994, p. 3.

<sup>18</sup> Arnold Kohen, *From the Place of the Dead: Bishop Belo and the Struggle for East Timor*, Lion Books, 1999, p. 88.

<sup>19</sup> Lennox, *Fighting Spirit*, p. 63.

<sup>20</sup> Gusmão, *Um Povo Uma Pátria*, p. 3.

<sup>21</sup> See Bill Nicol, *Timor: The Stillborn Nation*, Visa Books, Melbourne and Connecticut, 1978, p. 21.

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- <sup>22</sup> João César das Neves, *The Portuguese Economy: A Picture in Figures XIX and XX Centuries*, Universidade Católica Editora, 1994, pp. 79-84.
- <sup>23</sup> ACFOA (Australian Council for Overseas Aid), *Report On Visit to East Timor*, October 1975, p. 7.
- <sup>24</sup> Official records of the UN General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rv.1), chapter VIII, annex, section B, paragraph 56.
- <sup>25</sup> Thomaz, pp. 686-687; Helen Hill, *Stirrings of Nationalism in East Timor: Fretilin 1974-1978, The Origins, Ideologies and strategies of a nationalist movement*, Otford Press, 2002, p. 39.
- <sup>26</sup> João Mariano de Sousa Saldanha, *Ekonomi Politik Pembangunan Timor Timur*, Pustaka Sinar Harapan, Jakarta, 1994, p. 57; see also: Working Paper on Timor prepared by the UN's Secretariat for Special Committee on Decolonization, 20 November 1975, in Heike Krieger (ed.), *East Timor and the International Community: Basic Documents*, Cambridge University Press, 1997, pp.18-26.
- <sup>27</sup> *Timor: pequena monografia*, Agência-Geral do Ultramar, pp. 47-48.
- <sup>28</sup> UN General Assembly Resolution 1807 (XVII), 1962 para. 4 (c). See Heike Krieger (ed.), *East Timor and the International Community: Basic Documents*, Cambridge University Press, 1997, p. 31.
- <sup>29</sup> Bill Nicol, *Timor: The Stillborn Nation*, p. 21.
- <sup>30</sup> *Relatório da Comissão de Análise e Esclarecimento do Processo de Descolonização de Timor (Relatório CAEPDT)*, Presidência do Conselho de Ministros, Lisbon, 1981, p. 25.
- <sup>31</sup> Norrie MacQueen, *The Decolonization of Portuguese Africa: Metropolitan Revolution and The Dissolution of Empire*, Longman, London, 1997, p.79.
- <sup>32</sup> Relatório CAEPDT, p. 26.
- <sup>33</sup> Law No. 7/1974. See Heike Krieger (ed.), *East Timor and the International Community: Basic Documents*, Cambridge University Press, 1997, p. 34.
- <sup>34</sup> See Mário Lemos Pires, video recorded testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>35</sup> Mário Carrascalão, Xanana Gusmão, Francisco Xavier Amaral, Domingos Oliveira, João Carrascalão all explained this point in their respective testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>36</sup> Kreiger, pp. 25-29.
- <sup>37</sup> Ibid, pp. 30-31.
- <sup>38</sup> Mário Lemos Pires, *Descolonização de Timor*, Publicações Dom Quixote, 1994, pp. 46-47.
- <sup>39</sup> Relatório CAEPDT, p. 44.
- <sup>40</sup> Domingos Oliveira, former Secretary General of the UDT political party, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>41</sup> See Mário Lemos Pires, *Relatório do Governo de Timor*, p. 28-30. See also testimonies of Mário Carrascalão and Domingos Oliveira on UDT, and Mari Alkatiri, José Ramos-Horta and Francisco Xavier Amaral on ASDT and Fretilin to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003
- <sup>42</sup> Domingos Oliveira, testimony to CAVR National Public Hearing on The Internal Political Conflict 1974-76, 18 December 2003.
- <sup>43</sup> Mário Lemos Pires, *Descolonização de Timor*, Publicações Dom Quixote, 1994, pp. 191-121.
- <sup>44</sup> See, Lemos Pires, *Relatório*, p. 23; see also Jill Jolliffe, *East Timor: Nationalism and Colonialism*, The University of Queensland Press, 1978, p. 67.
- <sup>45</sup> CAVR Interview with Paulo Freitas da Silva, Dili, 9 July 2003; see also Lemos Pires, *Relatório*, p. 20.

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- <sup>46</sup> Dunn, *East Timor: A Rough Passage to Independence*, 2003, p. 62.
- <sup>47</sup> See José Ramos-Horta, Yusuf Wanandi and James Dunn, testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003. Yusuf Wanandi's testimony was delivered as a paper and read publicly by National Commissioner Rev. Agostinho Vasconcelos.
- <sup>48</sup> Gary Gray, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>49</sup> José Ramos-Horta, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 17 December 2003.
- <sup>50</sup> Francesc Vendrell, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>51</sup> Harold Crouch, *The Army and Politics in Indonesia*, Cornell University Press, Ithaca & London, p. 155; Adam Schwarz, *A Nation in Waiting: Indonesia in the 1990s*, Allen & Unwin, NSW, 1994, p. 20.
- <sup>52</sup> James Dunn, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003; see also Xanana Gusmão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>53</sup> J.R. Walsh and G.J. Munster, *Documents on Australian Defence and Foreign Policy 1968-1975*, Hong Kong, 1980, pp. 192-193.
- <sup>54</sup> Official Records of the General Assembly, quoted in Decolonisation, *UN Department of Political Affairs*, No. 7, August 1976, p. 41.
- <sup>55</sup> Quoted in Jill Jolliffe, *East Timor: Nationalism and Colonialism*, The University of Queensland Press, 1978, p. 66; facsimile copy of original letter in CAVR Archive.
- <sup>56</sup> Department of Foreign Affairs and Trade [DFAT], Wendy Way (ed.), *Australia and the Indonesian Incorporation of Portuguese Timor, 1974-76*, University of Melbourne Press, 2000, p.18.
- <sup>57</sup> See UN document A/AC 108/L. 13.3, dated 3 December 1962, quoted in John Taylor, *East Timor: The Price of Freedom*, p. 21. Also Ken Conboy, *Intel: Inside Indonesia's Intelligence Service*, Equinox Publishing, Singapore, 2004, p. 39.
- <sup>58</sup> Mari Alkatiri, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>59</sup> CAVR Interview with Aloysius Sugianto, former Opsus officer, Jakarta, 24 July 2003.
- <sup>60</sup> Statement of Ambassador Sani to the General Assembly, 13 December 1975, reprinted in Drs Machmuddin Noor, *Lahirnya Propinsi Timor Timur*, Badan Penerbit Almanak Republik Indonesia, 1977, p. 271 [*The Establishment of the Province of East Timor*, Publishing Authority Almanac of the Republic of Indonesia].
- <sup>61</sup> James Dunn, *East Timor: A Rough Passage to Independence*, 2003, p. 90. See also testimony of James Dunn to the CAVR National Public Hearing on The Internal Political Conflict of 1974-76, 15-18 December 2003.
- <sup>62</sup> Soekanto et al, *Integrasi: Kebulatan tekad rakyat Timor Timur*, Yayasan Parikesit, November 1977, p. 97 [*Integration: The Fate of the People of East Timor*, Parikesit Foundation].
- <sup>63</sup> See Document 7 Cablegram to Canberra, Jakarta 22 May 1974, in DFAT, Wendy Way (ed.), *Australia and the Indonesian Incorporation of East Timor*, p. 56.
- <sup>64</sup> See Document 26 Record of Meeting between Whiltam and Soeharto, State Guest House Yogyakarta, 6 September 1974, 10am, in DFAT, Wendy Way (ed.) *Australia and the Indonesian Incorporation of East Timor*, p. 97.
- <sup>65</sup> Bilveer Singh, *Timor Timur, Indonesia dan Dunia: Mitos dan Kenyataan*, Institute for Policy Studies, 1998, p. 52 [*East Timor: Indonesia and the World: Myths and Reality*].

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- <sup>66</sup> CAVR Interview with Yusuf Wanandi, CSIS, Jakarta, 24 July 2003.
- <sup>67</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>68</sup> José Ramos-Horta, *Timor-Leste: Amanhã em Dili*, Publicações Dom Quixote, 1994, pp. 58-59. See also *Funu: The unfinished saga of East Timor*, The Red Sea Press, 1987, pp. 6-7.
- <sup>69</sup> Ramos-Horta, op. cit., pp. 75-76. He also spoke of how he was claimed to have “provoked” young people in Bidau to throw stones at the Portuguese soldiers, a claim he thought was absolutely false.
- <sup>70</sup> Domingos Oliveira, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>71</sup> Domingos Oliveira, *ibid.*
- <sup>72</sup> Francisco Xavier do Amaral, testimony to the CAVR National Public Hearing on The Internal Political Conflict, December 15-18 2003.
- <sup>73</sup> See Lemos Pires, video recorded testimony to the CAVR National Public Hearing on The Internal Political Conflict of 1974-76, 15-18 December 2003.
- <sup>74</sup> Mário Carrascalão, testimony at the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15 December 2003.
- <sup>75</sup> See João Carrascalão, Mari Alkatiri, Francisco Xavier Amaral and Domingos Oliveira, testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>76</sup> José Ramos-Horta, *Timor-Leste-Amanhã em Dili*, Publicações Dom Quixote, 1994, pp. 96-97 [ *Timor-Leste – Tomorrow in Dili*].
- <sup>77</sup> Domingos Oliveira, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>78</sup> Xanana Gusmão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>79</sup> CAVR Interview with Tomás Gonçalves, Dili, 23 October 2003.
- <sup>80</sup> Rogério Lobato, testimony to the CAVR National Public Hearing on The Internal Political Conflict of 1974-76, 15-18 December 2003.
- <sup>81</sup> Rogério Lobato, *ibid.*
- <sup>82</sup> Pires, *Decolonização*, pp. 112-113.
- <sup>83</sup> Rogério Lobato, testimony to the CAVR National Public Hearing on The Internal Political Conflict of 1974-76, 15-18 December 2003.
- <sup>84</sup> Mari Alkatiri, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003; see also CAVR Interview with Nicolau Marito Reis, Dili
- <sup>85</sup> Mário Carrascalão and Domingos Oliveira, testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>86</sup> Mari Alkatiri, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>87</sup> Mari Alkatiri, *ibid.*
- <sup>88</sup> Mário Carrascalão, testimony at the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15 December 2003.
- <sup>89</sup> Domingos Oliveira, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

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- <sup>90</sup> Fretilin, *Manual e Programa Políticos*, p. 9
- <sup>91</sup> Mari Alkatiri, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>92</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>93</sup> Mário Carrascalão, *ibid.*
- <sup>94</sup> José Ramos-Horta, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>95</sup> João Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76 15-18 December 2003.
- <sup>96</sup> José Ramos-Horta, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76 15-18 December 2003.
- <sup>97</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76 15-18 December 2003.
- <sup>98</sup> Mário Carrascalão, *ibid.*
- <sup>99</sup> Mário Carrascalão, *ibid.*
- <sup>100</sup> João Carrascalão and Mari Alkatiri, testimonies to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76 15-18 December 2003.
- <sup>101</sup> Mari Alkatiri, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>102</sup> José Ramos-Horta, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76 15-18 December 2003.
- <sup>103</sup> Tomás Gonçalves testimony to CAVR National Public Hearing on The Internal Political Conflict of 1974-76, 15-18 December 2003.
- <sup>104</sup> See, for example, Manuel Duarte, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003; see also Alexandre da Costa and António Amado, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003; see also and Domingos Maria Alves, testimony to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.
- <sup>105</sup> Isabel dos Santos Neves, testimony to the CAVR National Public Hearing on Children and Conflict, 29-30 March 2004.
- <sup>106</sup> Xanana Gusmão, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76 15-18 December 2003.
- <sup>107</sup> Mário Lemos Pires, *Decolonização de Timor*, Publicações Dom Quixote, 1994, p. 58.
- <sup>108</sup> *Relatório da Comissão de Análise e Esclarecimento do Process de Descolonização de Timor II* ( ), Presidência do Conselho de Ministros, Lisbon, 1981,
- <sup>109</sup> Mário Lemos Pires, video recorded testimony to the CAVR National Public Hearing on the Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>110</sup> *Relatório da Comissão de Análise e Esclarecimento do Process de Descolonização de Timor II*, p. 38.
- <sup>111</sup> A. Barbedo de Magalhães, *Descolonização do Ensino em Timor: Um Projecto que a Intervenção Indonésia Matou á Nascimento*, Porto, February 1997.
- <sup>112</sup> Rogério Lobato, testimony to the CAVR National Public Hearing on the Internal Political Conflict, 1974-76 15-18 December 2003.

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- <sup>113</sup> Mário Lemos Pires, video recorded testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76 15-18 December 2003.
- <sup>114</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>115</sup> Domingos Oliveira, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 18 December 2003.
- <sup>116</sup> Mário Carrascalão and Mari Alkatiri, testimonies to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>117</sup> Domingos Oliveira, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76 15-18 December 2003.
- <sup>118</sup> Mário Lemos Pires, video recorded testimony to the CAVR National Public Hearing on the Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>119</sup> See “Setelah Townsville,” *Tempo*, 5 May 1975; Conboy, *Kopassus*, p. 208; see also Ramos-Horta, *Funu*, p. 66.
- <sup>120</sup> Ramos-Horta, *Funu*, p. 64.
- <sup>121</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>122</sup> Domingos Oliveira, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>123</sup> See testimonies of Xanana Gusmão and Mário Carrascalão at the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>124</sup> Domingos Oliveira, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>125</sup> See “Indonesia Plans Armed Takeover in Timor,” *The Age*, 22 February 1975, Melbourne Australia, cited in Taylor, *East Timor*, p 40 and footnote 44; see also Conboy, *Kopassus*, p 238.
- <sup>126</sup> Jiwa Atmaja, *TNI Kembali ke Jatidiri: Profesionalisme Kodam IX/Udayana*, p. 74.
- <sup>127</sup> Conboy, *Intel*, p. 90.
- <sup>128</sup> CAVR Interview with Tomás Gonçalves, inaugural Apodeti member, Dili, 23 October 2003.
- <sup>129</sup> Tomás Gonçalves, testimony to CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.
- <sup>130</sup> Tomás Gonçalves, *ibid.*
- <sup>131</sup> Conboy, *Kopassus*, p. 207.
- <sup>132</sup> Soekanto (ed.), *Integrasi*, Yayasan Parikesit, 1976, pp. 116-134.
- <sup>133</sup> Lemos Pires, *Descolonização*, p. 49.
- <sup>134</sup> *Relatorio II*, p. 54.
- <sup>135</sup> *Ibid*, pp. 44-46.
- <sup>136</sup> Mário Lemos Pires, video recorded testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, December 15-18 2003.
- <sup>137</sup> See document 123 in DFAT, *Australia and the Indonesian Incorporation of Portuguese Timor 1974-1976*, p. 247.

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<sup>138</sup> See Document 26, Record of Meeting between Whitlam and Soeharto, State Guest House, Yogyakarta, 6 September 1974, 10am, in DFAT, Wendy Way (ed.) *Australia and the Indonesian Incorporation of Portuguese Timor, 1974-76*, p. 96.

<sup>139</sup> Ibid, p. 97.

<sup>140</sup> See Document 123, Record of Conversation between Whitlam and Soeharto, Townsville, 4 April 1975, in DFAT, Wendy Way (ed.), *Australia and the Indonesian Incorporation of Portuguese Timor, 1974-76*, p. 245.

<sup>141</sup> Ibid.

<sup>142</sup> See Document 14, Memorandum to Jakarta Canberra 5 July 1974, in DFAT, Wendy Way (Ed.), *Australia and the Indonesian Incorporation of Portuguese Timor, 1974-76*, p. 119.

<sup>143</sup> See Document 37, Minute from Woolcott to Renouf, Canberra, 24 September 1974, in DFAT, Wendy Way (ed.), *Australia and the Indonesian Incorporation of Portuguese Timor, 1974-76*, p. 111.

<sup>144</sup> See Document 127, Letter from Woolcott to Willesee, Jakarta, 17 April 1975, in DFAT, Wendy Way (ed.), *Australia and the Indonesian Incorporation of Portuguese Timor, 1974-76*, p. 253.

<sup>145</sup> Richard Woolcott, *The Hot Seat: Reflections on Diplomacy from Stalin's Death to the Bali Bombings*, Harpers Collins Publishers, Sydney 2003, p. 306.

<sup>146</sup> Pires, *Decolonização*, Publicações Dom Quixote, 1994, pp. 167-168.

<sup>147</sup> Francisco Xavier do Amaral, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.

<sup>148</sup> Francisco Xavier do Amaral, *ibid*.

<sup>149</sup> CAVR Interview with Mari Alkatiri, Dili, June 2004. See also testimony of Mari Alkatiri to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>150</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on the Internal Political Conflict, 1974-76, 18 December 2003.

<sup>151</sup> National Security Archive collection, Memorandum of Conversation between Presidents Ford and Suharto, 5 July 1975, Camp David

<sup>152</sup> Woolcott, *The Hot Seat*, p. 148

<sup>153</sup> See Domingos Oliveira and João Carrascalão, testimonies to the CAVR National Public Hearing on the Internal Political Conflict, 1974-76, 15-18 December 2003.

<sup>154</sup> Mário Lemos Pires, video recorded testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.

<sup>155</sup> Tomás Gonçalves, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.

<sup>156</sup> CAVR Interview with João Carrascalão, Dili, 30 July 2004.

<sup>157</sup> See Document 169, Cablegram to Canberra, Jakarta, 17 August 1975, in DFAT, Wendy Way (ed.), *Australia and the Incorporation of Portuguese Timor, 1974-76*, p. 313.

<sup>158</sup> João Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>159</sup> Mário Carrascalão and Domingos Oliveira, testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>160</sup> Submission of Domingos Oliveira to CAVR, p. 26

<sup>161</sup> Lemos Pires, *Decolonização*, Publicações Dom Quixote, 1994, p. 181-231.

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<sup>162</sup> Ibid, p. 204.

<sup>163</sup> Rogério Lobato, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 17 December 2003.

<sup>164</sup> Mário Carrascalão and Domingos Oliveira, testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>165</sup> Mário Lemos Pires, video testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>166</sup> See *Relatório da CAEPDT*, Presidencia do Conselho de Ministros, Lisbon, 1981, pp. 186-191; see also Lemos Pires, *Decolonização*, p. 228.

<sup>167</sup> Lemos Pires, *Decolonização*, p. 213.

<sup>168</sup> Ibid, p. 225.

<sup>169</sup> Jolliffe, *East Timor: Nationalism and Colonialism*, The University of Queensland Press, 1978, pp. 121-122; see also Pires, *Decolonização*, p. 205

<sup>170</sup> *Relatório do Governo de Timor*, p. 118.

<sup>171</sup> CAVR Interview with Rogério Lobato, Dili, 26 August 2003.

<sup>172</sup> CAVR Interview with Lucas da Costa, ASDT regional committee member, Dili, 21 June 2004.

<sup>173</sup> CAVR Interview with Rogério Lobato, Dili, 26 August 2003.

<sup>174</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003; Mário Lemos Pires, video recorded testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003; and CAVR Community Profile, Asucaí Village Lorosae, Nain Feto Sub-district, Dili District, 29 August 2003.

<sup>175</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.

<sup>176</sup> Francisco Xavier do Amaral, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.

<sup>177</sup> Dunn, *East Timor: A Rough Passage to Independence*, 2003, p. 176.

<sup>178</sup> CAVR Interview with Elidio Maria de Jesus, 24 June 2003; see also HRVD Statements # 03426-01 and 03427-01.

<sup>179</sup> Adelino Soares, testimony to the CAVR National Public Hearing on Political Imprisonment, 17-18 December 2003; see also Manuel Duarte, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003; see also CAVR Interview with Florentino de Jesus Martins, Ermera, [undated].

<sup>180</sup> Xanana Gusmão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>181</sup> Rogério Lobato, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>182</sup> João Carrascalão and Mari Alkatiri, testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>183</sup> On the involvement of senior figures in violations committed by Fretilin, see CAVR Interview with Humberto Martins da Cruz, Dili, and CAVR Interview with Francisco Gonçalves: on UDT violations, see CAVR Interview with João Carrascalão, Dili, 30 July 2004.

<sup>184</sup> Mário Carrascalão and Rogério Lobato, testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.



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- <sup>185</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>186</sup> Tomás Gonçalves, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 18 December 2003; see also CAVR Interview with Aloysius Sugianto, Jakarta, 23 July 2003.
- <sup>187</sup> Tomás Gonçalves, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003; João Carrascalão, *ibid*; and Father Francisco Fernandes and Father Apolinario Guterres, Statement Delivered to the Fourth Committee of the UN General Assembly on behalf of the Comissão dos Refugiados de Timor Oriental, 26 October 1979.
- <sup>188</sup> Pires, *Decolonização*, pp. 247-248.
- <sup>189</sup> Jolliffe, *East Timor*, p. 139; see also Dunn, *East Timor*, 2003 p. 179.
- <sup>190</sup> *Relatório da CAEPDT*, p. 230.
- <sup>191</sup> See *Relatorio da CAEPDT I*, p.308-11; *Relatorio da CAEPDT*, p.231; Dunn, *op.cit*, p 184; and Jolliffe, *op.cit*. p.184.
- <sup>192</sup> See Akihisa Matsuno, “The Balibo Declaration: Between Text and Fact,” in Pedro Pinto Leite [editor], *The East Timor Problem and the Role of Europe*, International Platform of Jurists for East Timor, 1996.
- <sup>193</sup> Heike Krieger [editor], *East Timor and the International Community: Basic Documents*, Cambridge University Press, Cambridge, 1997, pp. 70-71.
- <sup>194</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on the Internal Political Conflict 1974-76, 15-18 December 2003; see also Jolliffe, p. 150.
- <sup>195</sup> Conboy, *Kopassus*, pp. 211 and 233; see also Julius Pour, *Benny Moerdani: Portrait of a Soldier Statesman*, Yayasan Kejuangan Panglima Besar Sudirman, Jakarta, 1993, p. 390.
- <sup>196</sup> Conboy, *Kopassus*, pp. 218-221; see also: CAVR Interview with Rui Lopes, Camenassa, Covalima, 31 October, 2003.
- <sup>197</sup> Conboy, *Kopassus*, p 212.
- <sup>198</sup> CAVR Interview with Rui Lopes, Camenassa, Covalima, 31 October 2003.
- <sup>199</sup> “International Committee of the Red Cross, East Timor Relief Operation,” *Report to the ICRC Geneva, 16 September 1976*, p 1.
- <sup>200</sup> Jolliffe, *East Timor*, p 146.
- <sup>201</sup> Jolliffe, *East Timor*, p 164; see also Helen Hill, *Stirrings of Nationalism in East Timor*, Otford Press, Sydney, 2001, p. 154.
- <sup>202</sup> CAVR Interview with Francisco Xavier do Amaral, Dili, 18 June 2004.
- <sup>203</sup> Jolliffe, *East Timor*, p 155; Hill, *Stirrings of Nationalism in East Timor*, p. 197; Dunn, *East Timor*, 2003, p. 271.
- <sup>204</sup> Fretilin Central Committee, press release, 13 September 1975, signed by Francisco Xavier do Amaral. CAVR Archive.
- <sup>205</sup> *Relatório da CAEPDT*, p 230.
- <sup>206</sup> Fretilin Central Committee’s statement, 16 September 1975, document ascribed to but not signed by Francisco Xavier do Amaral. CAVR Archive.
- <sup>207</sup> Dunn, *Timor: A People Betrayed*, p. 229.
- <sup>208</sup> Jolliffe, *East Timor*, p. 180.
- <sup>209</sup> CAVR Interview with Francisco Xavier do Amaral, Dili, 18 June 2004.
- <sup>210</sup> See for example HRVD Statements 02226; 09081; 08432.

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- <sup>211</sup> See for example João Baptista, 19/08/2003, Aíleu, Statement 05806-01, CAVR CRP database; and João Soares, 15/05/2003, Ainaro, Statement 04969-01, CAVR CRP database.
- <sup>212</sup> Francisco Xavier do Amaral, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>213</sup> HRVD Statement 01688.
- <sup>214</sup> See Mari Alkatiri, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, as Secretary General of Fretilin, 15-18 December 2003.
- <sup>215</sup> *Report on Visit to Portuguese Timor by Senator Gietzelt and K.L. Fry*, p. 4 [CAVR Archive]; see also Dunn, *East Timor: Rough Passage to Independence*, 2003, p. 220.
- <sup>216</sup> Mari Alkatiri, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, as Secretary General of Fretilin, 15-18 December 2003.
- <sup>217</sup> See Senator Gietzelt and Mr KL Fry, *Report on visit to Portuguese Timor*, September 1975; see also James Dunn, *A People Betrayed*, p. 187; see also CAVR Interview with Mari Alkatiri, Dili, 25 June 2004.
- <sup>218</sup> Monis da Maia, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>219</sup> CAVR Interview with Mari Alkatiri, Fretilin Secretary General, Dili, 25 June 2004.
- <sup>220</sup> CAVR Interview with Monis da Maia, Manlewana-Dili, 5 December 2004.
- <sup>221</sup> CAVR Interview with João da Costa, Letefoho-Same, 24 June 2003.
- <sup>222</sup> José Ramos-Horta, “Timor Leste Amanha Em Dili”, from *De regresso de Jacarta, a cupula da UDT*, pp. 107-113.
- <sup>223</sup> CAVR Interview with João da Costa, Letefoho-Same, 24 June 2003.
- <sup>224</sup> *Report on Visit to Portuguese East Timor*, Senator Gietzelt and K.L. Fry, p. 4.
- <sup>225</sup> Rogério Lobato, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>226</sup> Mari Alkatiri, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>227</sup> CAVR Interview with Filomeno Pedro Cabral Fernandes, Dili, 5 May 2004.
- <sup>228</sup> HRVD Statement 03361-01.
- <sup>229</sup> Xanana Gusmão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15 December 2003; see also Rogério Lobato, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>230</sup> CAVR Interview with Francisco Xavier do Amaral, former President of Fretilin, Dili, 18 June 2004.
- <sup>231</sup> See Dunn, *A Rough Passage to Independence*, 2003, p. 211; see also *Report on Visit to Portuguese East Timor*, Senator Goetzelt and K.L. Fry, p. 3, CAVR Archive.
- <sup>232</sup> *Report on Visit to Portuguese East Timor*, Senator Gietzelt and K.L. Fry, p. 8.
- <sup>233</sup> Helen Hill, *Stirrings of Nationalism in East Timor*, p. 154.
- <sup>234</sup> CAVR Interview with Francisco Xavier do Amaral, former President of Fretilin, Dili, 18 June 2004
- <sup>235</sup> Hill, *Stirrings of Nationalism*, p. 155.
- <sup>236</sup> Hill, *ibid*, p. 185

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<sup>237</sup> “ICRC Relief Programme in Eastern Timor ”, 24 November 1975, p. 2; see also Geoffrey Gunn, *Timor Loro Sa’e: 500 Years*, Livros do Oriente, 2000, chapter 13 “Colonial Capitalism and Underdevelopment in Post-war Timor.”

<sup>238</sup> See John G. Taylor, *Perang Tersembunyi: Sejarah Timor Timur yang Dilupakan*, Fortilos, Jakarta, 1998, pp. 1-28. [translated from: John G. Taylor, *Indonesia’s Forgotten War: The Hidden History of East Timor*, Zed Books, London, 1991].

<sup>239</sup> Andre Pasquier to ICRC Geneva, *Concerning the Situation in East Timor, Report on the activities of the delegation from 1-15 September*, Darwin, 16 September 1975.

<sup>240</sup> CAVR Interview with Francisco Xavier do Amaral, former President of Fretilin, Lecidere, 28 August 2003.

<sup>241</sup> CAVR Interview with Monis da Maia, Manlewana-Dili, 5 December 2003; see also CAVR Interview with Rafael Nascimento, Aileu, June 2003.

<sup>242</sup> CAVR Interview with Francisco Xavier do Amaral, former President of Fretilin, Dili, 18 June 2004.

<sup>243</sup> *Report on Visit to Portuguese East Timor*, Senator Gietzelt and K.L. Fry, p. 6

<sup>244</sup> ACFOA, *Report on a Visit to East Timor for the ACFOA Timor Task Force*, p. 8.

<sup>245</sup> Hill, *Stirrings of Nationalism*, p. 192.

<sup>246</sup> CAVR Interview with Lucas da Costa, ASDT regional committee member, Dili, 21 June 2004.

<sup>247</sup> *Report on Visit to East Timor for the ACFOA Timor Task Force*, p. 4 and p. 7.

<sup>248</sup> Shirley Shackleton, “Planting a Tree in Balibo” , in Peter Carey, Ed, *East Timor at the Crossroads*, Cassell, New York, 1995, p. 116.

<sup>249</sup> Jolliffe, *East Timor*, p. 201.

<sup>250</sup> Adelino Gomes (Portuguese journalist), film footage held in CAVR Archive.

<sup>251</sup> Interview with João Viegas Carrascalão, 13 March 1996, [transcript p. 131], “Report on the Deaths of the Australian Based Journalists in East Timor in 1975”, June 1996.

<sup>252</sup> Van Atta and Toohey, “The Timor Papers, part II” *The National Times*, p. 16.

<sup>253</sup> CAVR Interview with Albino do Carmo, Suai, 31 October 2003.

<sup>254</sup> Budiardjo and Liem, *The War Against East Timor* , Zed Books, London, 1984, p 21; Conboy , *Kopassus*, pp. 231-232; *Korps Marinir TNI AL, 1970-2000*, Jakarta, Dinas Penerangan Korps Marinir, 2000, pp. 188-189.

<sup>255</sup> CAVR Interview with Francisco Xavier do Amaral, former leader of Fretilin, Dili, 18 June 2004.

<sup>256</sup> Jolliffe, *East Timor*, p 201; see also Mari Alkatiri, testimony to the CAVR National Public Hearing on The Internal Political Conflict, 1974-76, 15-18 December 2003.

<sup>257</sup> Francisco Xavier do Amaral, CAVR National Public Hearing to The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>258</sup> Jolliffe, AAP’s Delivery, 11 October 1975, quoted by Hill, *Stirrings of Nationalism*, 2001, p 157.

<sup>259</sup> Hill, *Stirrings of Nationalism*, p. 197.

<sup>260</sup> Jolliffe, *East Timor*, pp. 215-16.

<sup>261</sup> Dunn, *East Timor: A Rough Passage to Independence*, 2003, p. 232.

<sup>262</sup> CAVR Interview with Adriano João, former member of Falintil during 1975, Dili, September 2004.

<sup>263</sup> Jolliffe, *East Timor*, p. 217; CAVR Interview with Mari Alkatiri, Fretilin Secretary General, Dili, 25 June 2004.

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- <sup>264</sup> CAVR Interview with Mari Alkatiri, former Fretilin Secretary General, Dili, 25 June 2004; see also Jolliffe, *East Timor*, p. 217; see also José Ramos-Horta, *Funu: Perjuangan Timor Lorosae Belum Selesai*, Solidamor, Jakarta, 1998, pp. 145-146 [translated from José Ramos-Horta, *Funu: Unfinished Saga of East Timor*, The Red Sea Press, Trenton NJ, 1987].
- <sup>265</sup> CAVR Interview with Mari Alkatiri, Dili, 25 June 2004; see also Jolliffe, *East Timor*, p. 216; see also Ramos-Horta, *Funu*, p. 146.
- <sup>266</sup> Hill, *Stirrings of Nationalism*, 2000, p. 201.
- <sup>267</sup> CAVR Interview with Manuel Gaspar da Silva, former member of Fretilin militia, Uatu-Lari, Viqueque, 19 September 2003.
- <sup>268</sup> Hill, *Stirrings of Nationalism*, 2000, p. 200.
- <sup>269</sup> CAVR Interview with Francisco Xavier do Amaral, former President of Fretilin, Dili, 18 June 2004.
- <sup>270</sup> CAVR Interview with Mari Alkatiri, Dili, 25 June 2004.
- <sup>271</sup> Jolliffe, *East Timor*, p. 217.
- <sup>272</sup> Jolliffe, *East Timor*, p. 217; Ramos Horta, *Funu*, p. 146.
- <sup>273</sup> Francisco Xavier do Amaral, “Comrades! Independence or death! We will win,” English translation of the speech given at the inauguration of the Council of Ministers of the Democratic Republic of Timor Leste, Dili, 29 November 1975, p. 8 [Copy at CAVR Archive].
- <sup>274</sup> CAVR Interview with Mari Alkatiri, Dili, 25 June 2004; see also CAVR Interview with Lucas da Costa, ASDT regional committee member, Dili, 21 June 2004; see also CAVR Interview with Francisco Xavier do Amaral, Dili, 18 June 2004.
- <sup>275</sup> CAVR Interview with Francisco Xavier do Amaral, Dili, 18 June 2004.
- <sup>276</sup> Soekanto (ed.), *Integrasi*, pp. 283-284.
- <sup>277</sup> See Akihisa Matsuno, “The Balibo Declaration: Between Text and Fact,” in Pedro Pinto Leite [editor], *The East Timor Problem and the Role of Europe*, International Platform of Jurists for East Timor, 1996.
- <sup>278</sup> Mário Carrascalão, João Carrascalão and Domingos Oliveira; Clementino Amaral; and Paul Freitas; testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003; see also José Martins of KOTA in an interview with Aboeprijadi Santoso published in *Jejak-jejak Darah: Tragedi & Pengkhianatan di Timor Timur*, Amsterdam dan Yogyakarta: Stichting Inham & Pijar, 1996, pp. 85-86 [*Traces of Blood: The Tragedy and Betrayal of East Timor*].
- <sup>279</sup> Mário Carrascalão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>280</sup> *East Timor and the International Community: Basic Documents*, Cambridge, Cambridge University Press, 1997, pp. 39-40.
- <sup>281</sup> United Nations Department of Political Affairs, *Trusteeship and Decolonisation, No. 7*, August 1976, p. 44.
- <sup>282</sup> CAVR Interview with Yusuf Wanandi, former CSIS researcher, Jakarta, 24 July 2003.
- <sup>283</sup> Soekanto, *Integrasi*, p. 276.
- <sup>284</sup> Soekanto, *Integrasi*, pp. 289-291.
- <sup>285</sup> “Malik Warns,” *The Canberra Times*, 3 December 1975, quoted in Jolliffe, *East Timor*, pp. 225-226.
- <sup>286</sup> See, for example, Document 206, Cablegram to Canberra, Kuala Lumpur, 2 September 1975, in DFAT, Wendy Way (ed.), *Australia and the Indonesian Incorporation of Portuguese East Timor*, pp. 468-470.
- <sup>287</sup> See Dunn, *East Timor: A Rough Passage to Independence*, 2003, p. 152, 155, 157; see also telegram American Embassy Surabaya to American Embassy Jakarta, 20 February 1975; memorandum 6362-x to

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Henry Kissinger from National Security Council, 30 December 1974; US Department of State Telegram, American Embassy Jakarta to Secretary of State Washington, 21 August 1975.

<sup>288</sup> *Decolonization*, p 30; see also Jolliffe, *East Timor*, p. 217.

<sup>289</sup> Dunn, *East Timor: A Rough Passage to Independence*, 2003, p. 276.

<sup>290</sup> Dunn, *ibid*, p. 236.

<sup>291</sup> Telegram from American Embassy Jakarta to Secretary State Washington, Ford-Suharto meeting, 6 December 1975.

<sup>292</sup> CAVR Interview with Francisco Xavier do Amaral, Dili, 18 June 2004; reiterated in Mari Alkatiri and Francisco Xavier do Amaral, testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>293</sup> Jolliffe, *East Timor*, p. 226.

<sup>294</sup> Jolliffe, *ibid*, p. 227.

<sup>295</sup> See David Scott, testimony to the CAVR National Public Hearing on Self Determination and the International Community, 15-17 March 2003.

<sup>296</sup> CAVR Interview with Mari Alkatiri, Dili, 25 June 2004.

<sup>297</sup> Jolliffe, *East Timor*, p 232.

<sup>298</sup> Dr Kenneth Chan, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, Dili, 15-17 March 2004.

<sup>299</sup> Telegram from Francisco Xavier do Amaral to US President Ford, Dili, December 5 1975.

<sup>300</sup> Telegram from American Embassy Jakarta to Secretary of State Washington, "Ford-Suharto Meeting", 6 December 1975.

<sup>301</sup> Drs Machmuddin Noor, Drs Slamet Moeljono, Ir Sujamto, Drs H. Soemarno, *Lahirnya Propinsi Timor Timur*, [*The Birth of the Province of East Timor*] Badan Penerbit Almanak Republik Indonesia, Jakarta, 1977, p. 83.

<sup>302</sup> Machmuddin Noor et al, *Lahirnya*, p 82.

<sup>303</sup> Dunn, *East Timor: A Rough Passage to Independence*, 2003, p. 251.

<sup>304</sup> Telegram from Mari Alkatiri to President of the UNSC, circulated to UNSC Oct 8, cited in telegram, US Mission UN New York to Secretary State Washington, *Cables to Security Council about Portuguese Timor from Fretilin*, 11 October 1975.

<sup>305</sup> Dunn, *East Timor: A Rough Passage to Independence*, 2003, p. 196.

<sup>306</sup> See Van Atta and Toohey, p. 15; see also Ken Conboy, *Kopassus*, Equinox Publishing, Jakarta, 2003, p. 231.

<sup>307</sup> Hendro Subroto, *Eyewitness to the Integration of East Timor*, Pustaka Sinar Harapan, Jakarta, 1997, p. 147.

<sup>308</sup> Dr Asvi Warman Adam, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

<sup>309</sup> See Subroto, *Eyewitness*, p. 137-138 and *Korps Marinir*, p. 190.

<sup>310</sup> Subroto, *Eyewitness*, p. 142.

<sup>311</sup> *Korps Marinir* p. 190; see also Subroto, *Eyewitness*, p. 137.

<sup>312</sup> Subroto, *Eyewitness*, p. 137, 150; see also M. Saleh Kamah, *Seroja*, p. 106; see also *Korps Marinir*, p. 191.

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- <sup>313</sup> Pour, *Murdani*, p. 398; see also James Dunn, *Timor: A People Betrayed*, 1996, p. 282.
- <sup>314</sup> Subroto, *Eyewitness*, p. 154.
- <sup>315</sup> Conboy, *Kopassus*, p. 243.
- <sup>316</sup> John G. Taylor, *East Timor: Indonesia's Forgotten War*, Zed Books, London, 1991, p. 70.
- <sup>317</sup> Subroto, *Eyewitness*, p. 170.
- <sup>318</sup> Subroto, *ibid*, p. 174.
- <sup>319</sup> CAVR Interview with Carlos Maria Soares, Dili, 27 December, 2003.
- <sup>320</sup> George Aditjondro, *In the Shadow of Mt Ramelau: The Impact of the Occupation of East Timor*. Leiden, INDOC, Netherlands, 1994, p. 87.
- <sup>321</sup> Pour, *Murdani*, p. 325.
- <sup>322</sup> National Security Council Memorandum for Brent Scowcroft, from Clinton E. Granger, *Indonesian Use of MAP Equipment in East Timor*, 12 December 1975.
- <sup>323</sup> José Ramos-Horta, "Timor Leste Amanha Em Dili", from *De regresso de Jacarta, a cupula da UDT*, p. 113.
- <sup>324</sup> *Pernyataan Pemerintah Tentang Timor Portugis*, Antara, 9 December 1975. [(Indonesian) Government statement on Portuguese Timor].
- <sup>325</sup> *Pernyataan Pemerintah Indonesia Tentang Timor Portugis*, Antara, 15 December, 1975. [Indonesian Government statement on Portuguese Timor].
- <sup>326</sup> See for example, M. S. Kamah, *Catatan dari Dili, [Notes from Dili]* Antara, 19 December 1975.
- <sup>327</sup> Dr Asvi Warman Adam, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>328</sup> CAVR Interview with Francisco Calsonha, 13 August, 2004, Dili; CAVR Interview with Kuo Nhen (Konneng) Lay (aka Mali Sera), Dili, 23 February 2004. See also Chapter 7.2: Unlawful Killings and Enforced Disappearances.
- <sup>329</sup> CAVR Interview with Alexandrino do Rego, former hospital worker, Dili, 4 February 2004.
- <sup>330</sup> CAVR Interview with Frederico dos Santos Almeida, Dili, 29 August 2003.
- <sup>331</sup> CAVR Interview with Kuon Nhen (Konneng) Lay (aka Mali Sera), Dili, 23 February 2004.
- <sup>332</sup> Subroto, *Eyewitness*, p. 182.
- <sup>333</sup> Felismina dos Santos Conceição, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003.
- <sup>334</sup> See CAVR Interview with Francisco Soriano, Dili, 3 July 2004; HRVD statement 25666; CAVR Interview with Francisco da Cunha, Dili, 3 February 2004.
- <sup>335</sup> HRVD Statement 9471-02; see also CAVR Interview with Domingos Freitas, Dili, 29 June 2004.
- <sup>336</sup> See for example testimonies of Xanana Gusmão and Francisco Xavier do Amaral to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>337</sup> Xanana Gusmão, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>338</sup> Tomás Gonçalves and Clementino Amaral (as representative of the KOTA party), testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>339</sup> Telegram, US Mission United Nations New York to Secretary of State Washington, *Portuguese Timor: Further Messages to United Nations from Fretilin*, 18 December 1975.

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<sup>340</sup> Pour, *Murdani*, p. 398-399.

<sup>341</sup> David Scott, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

<sup>342</sup> Telegram, US Mission UN New York to Secretary State Washington, *Portuguese Timor—Letter to President of UNSC from Fretilin*, 4 February 1976; see also Telegram, US Department of State circular, *Timor*, 29 January 1976; see also David Scott testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

<sup>343</sup> Telegram, US Mission UN New York to Secretary of State Washington, *Text of letter to President of UNSC from Fretilin*, 4 February 1976.

<sup>344</sup> See Francisc Vendrell, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2003.

<sup>345</sup> Machmuddin Noor et. al, *Lahirnya Propinsi Timor Timur*, Badan Penerbit Almanak Republik Indonesia, 1977, p. 26.

<sup>346</sup> *Ibid* p. 29.

<sup>347</sup> *Ibid* p. 52.

<sup>348</sup> Telegram from Provisional Government of East Timor (PGET) to President of UN Security Council, cited in telegram from US Mission UN NY to Secretary of State Washington, 23 December 1975; see also Machmuddin Noor et al, *Lahirnya*, p 56.

<sup>349</sup> CAVR Interview with Mário Viegas Carrascalão, Dili, 30 June 2004

<sup>350</sup> Machmuddin Noor et al, *Lahirnya*, p. 59.

<sup>351</sup> See David Scott, testimony to the CAVR National Public Haring on Self-Determination and the International Community, 15-17 March 2003; see also Carmel Budiardjo and Liem Soei Liong, *The War Against East Timor*, Zed Books, London, 1984, p 15, 23; Dunn 2004, p 244.

<sup>352</sup> See Conboy, *Kopassus*, p. 256.

<sup>353</sup> Antonio Serpa and Monis da Maia, testimonies to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>354</sup> CAVR Interview with Humberto Martins da Cruz, former prison chief Aileu, Dili, undated.

<sup>355</sup> *Ibid*

<sup>356</sup> *Ibid*; see also Alexandre da Costa Araújo, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003.

<sup>357</sup> Francisco Xavier do Amaral, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>358</sup> CAVR Interview with Tomás Gonçalves, former Partisan and Apodeti leader, Farol, Dili, 23 October 2003.

<sup>359</sup> CAVR Interview with João da Costa, former prisoner of UDT, Same, 24 June 2003.

<sup>360</sup> Monis da Maia, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>361</sup> Angelo Araújo Fernandes, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003.

<sup>362</sup> ABRI/TNI *25 Tahun Kodam XIV Hasanudin, 1957-1982 [25 years of Regional Military Command XIV Hasanudin, 1957-1982]* (no bibliographical information).

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<sup>363</sup> Dinas Penerangan TNI Angkatan Udara, *50 Tahun Emas Pengabdian TNI Angkatan Udara*, [Bureau of Information of Indonesian Air Force, *50 Golden Years' Service of Indonesian Air Force*], Jakarta, (undated), p. 134.

<sup>364</sup> Data in this paragraph is from ABRI/TNI *35 Tahun Darma Bakti Kostrad [35 Years Service of Kostrad]* (no bibliographical information available), p. 82.

<sup>365</sup> See, for example, Manuel Carceres da Costa (about the town of Lacleo in Manatuto District) and Fransisco Soares Pinto (about the town of Iliomar in Lautem District), testimonies to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.

<sup>366</sup> Report published in *The Canberra Times*, 27 November 1979, cited in Dunn, *East Timor: A Rough Passage to Independence*, 2003, p. 259.

<sup>367</sup> See, for example, Julio Alfaro and Maria José Franco Pereira testimonies to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.

<sup>368</sup> See testimonies of Mari Alkatiri as historical actor to the CAVR National Public Hearing in The Internal Political Conflict 1974-76, 15-18 December 2003, and Marito Reis to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.

<sup>369</sup> See Gusmão, Niner (Ed), *To Resist is to Win*, pp. 41-43.

<sup>370</sup> *Ibid*, p. 42.

<sup>371</sup> Father Leoneto do Rego, excerpts from an interview given in 1980, presented at CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.

<sup>372</sup> Manuel Carceres da Costa, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.

<sup>373</sup> See HRVD Statements 5028, 3160, 0160, 2056.

<sup>374</sup> Clementino Amaral testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>375</sup> CAVR Interview with Mário Viegas Carrascalão, Dili, 30 June 2004.

<sup>376</sup> Machmuddin Noor et al, *Lahirnya*, p. 18.

<sup>377</sup> See Mário Carrascalao, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>378</sup> *Tempo*, 36 June 1976, cited in Carmel Budiardjo and Liem Soei Liong, *The War Against East Timor*, p. 97.

<sup>379</sup> Report of the Government delegation of the Republic of Indonesia to East Timor. 26 June 1976, reprinted in Machmuddin Noor et al, *Lahirnya*, p. 111.

<sup>380</sup> Testimony of US Rear Admiral Gene R. La Roque, *US Congressional Hearings*, 10 June 1980; see also Budiardjo, p. 27; John Taylor, *East Timor: The Price of Freedom*, Zed Books, London and New York, 1999, p 84.

<sup>381</sup> CAVR Interview with Albino do Carmo, Former Falintil commander Suai, Covalima, 31 October 2003.

<sup>382</sup> CAVR Interview with José Pereira, Lolotoe, Bobonaro, 29 October 2003.

<sup>383</sup> Telegram, American Embassy Jakarta to Secretary of State Washington, *GOI request for help in Timor*, 29 April 1976.

<sup>384</sup> CAVR Interview with Taur Matan Ruak, former Falintil Commander, Part II, Dili, 14 June 2004.

<sup>385</sup> Dunn, *Timor: A People Betrayed*, 1983, p. 280; Conboy, *Kopassus*, p. 274.

<sup>386</sup> CAVR Interview with Xanana Gusmão, Dili, 7 July 2004; see also Part 5: Resistance: Structure and Strategy.



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- <sup>387</sup> Gilman dos Santos, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>388</sup> Departemen Pertahanan-Kecamatan, *Petunjuk Pelaksanaan Nomor JUKLAK/06/V/1976 tentang Kegiatan Dibidang Operasi Tempur Tahun 1976/1977*. [Department of Defence and Security, *Manual Instruction No. JUKLAK/06/V/1976 reg. Activities in Field of Combat Operation year 1976/77*].
- <sup>389</sup> Dinas Penerangan Korps Marinir, *Korps Marinir TNI AL 1970-2000*, [Bureau of Information of Marines Corps, *Marines Corps of Indonesian Armed Forces 1970-2000*] Jakarta, 2000, p. 233.
- <sup>390</sup> *East Timor News*, "Indonesian Withdrawal Way to Peace," 2 June, 1977, p. 1.
- <sup>391</sup> *East Timor News* "Fretilin Ready for Offensive," 16 June, 1977, p. 1.
- <sup>392</sup> *East Timor News*, 19 May, 1977, p. 4.
- <sup>393</sup> Telegram, Secretary State Washington to American Embassy Jakarta, *Report of Wolff Sub Committee on visit to Indonesia*, 28 June 77.
- <sup>394</sup> Memorandum, Mike Armacost to Zbigniew Brzezinski, *Initiatives to Deepen Relations with Indonesia*, 14 June 1977.
- <sup>395</sup> See Secretary State Washington to all East Asian and Pacific Diplomatic Posts, *Weekly Status Report—Thailand, Indonesia, Malaysia, Burma and Singapore*, 23 March 1978; see also telegram, US Embassy Jakarta to Secretary State Washington, *Preparation of Congressional Presentation Document (CPD) FOY 1979 Security Assistance Program*, 16 December 1977; see also telegram, American Embassy Jakarta to Secretary State Washington, *A4 sales to Indonesia*, 12 May 1978.
- <sup>396</sup> Taylor, *Indonesia's Forgotten War*, p. 78.
- <sup>397</sup> Budiardjo and Liem, *The War in East Timor*, p. 30.
- <sup>398</sup> Communique, Douglas J Bennet Jr, Assistant Secretary for Congress Relations to the Hon. Frank Church, Chairman, Committee on Foreign Relations, US Senate, 6 April 1979.
- <sup>399</sup> Taylor, *Indonesia's Forgotten War*, p. 95.
- <sup>400</sup> See Chamberlain, *The Struggle in Iliomar: Resistance in Rural East Timor*, Point Lonsdale, Australia 2003, p. 11.
- <sup>401</sup> See CAVR Interview with Xanana Gusmão, Dili, 7 July 2004; see also CAVR Interview with José da Conceição, Kupang, 24 August 2004; see also CAVR Interview with Sera Malik, Soe, West Timor (Indonesia), 28 August 2004.
- <sup>402</sup> Francisco Xavier do Amaral, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>403</sup> CAVR Interview with Xanana Gusmão, Dili, 7 July 2004; see also Gusmão, *To Resist*, pp. 130-131.
- <sup>404</sup> Budiardjo and Liem, *War Against East Timor*, p. 61.
- <sup>405</sup> Francisco Xavier do Amaral, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>406</sup> *Our Victory is just a Question of Time*, Communiqué from the Permanent Committee of the FRETILIN Central Committee, dated 14 September 1977, on the occasion/on Xavier do Amaral's treason, Lisbon, 1977, pp. 7-27.
- <sup>407</sup> See Domingos Maria Alves, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003, and Francisco Xavier do Amaral, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>408</sup> CAVR Interview with Xanana Gusmão, Dili, 10 August 2004; see also Gusmão, Niner (Ed), *To Resist is to Win*, p. 47.

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- <sup>409</sup> American Embassy Lisbon to Secretary of State Washington, “Fretilin Coup may postpone UNGA East Timor debate”, 20 September 1977.
- <sup>410</sup> Domingos Maria Alves, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003.
- <sup>411</sup> Antonio Amado J.R. Guterres, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003.
- <sup>412</sup> Carmel Budiardjo and Liem Soei Liong, *The War Against East Timor*, Zed Books, 1984, p. 27.
- <sup>413</sup> *East Timor News* “‘Victory is ours!’ Offensive Defeated”, 8 September 1977, p. 1, citing Radio Maubere broadcasts, *The Age*, 31 August 1977, Melbourne, Australia, and *The Australian*, 5 August, 1977.
- <sup>414</sup> *The Australian* “Foreign Affairs gag on Timor build-up,” 1 September 1977; see also James Dunn, *Timor: A People Betrayed*, 1983, p. 312.
- <sup>415</sup> See “Border Zone Offensive Meets Big Defeat,” *East Timor News*, 20 October, 1977, p. 1.
- <sup>416</sup> CAVR Interview with Carlos Tilman, Suai, 31 October 2003.
- <sup>417</sup> Marine Corps, TNI Navy 1970-2000, Official Department of Information, Marine Corps, Jakarta, 2000, pp. 236-237.
- <sup>418</sup> Manuel Carceres da Costa, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>419</sup> See Manuel Carceres da Costa of Manatuto District, João Sereno of Covalima District, Maria José da Costa of Manatuto and Manufahi Districts, testimonies to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>420</sup> *East Timor News*, “Suharto Gambles on Wet Season Offensive”, 15 December 1977, p. 1.
- <sup>421</sup> Ibid.
- <sup>422</sup> CAVR Interview with Duarte Gaspar Corte Real, Ainaro, 22 October 2003; CAVR Interview with Francisco Piedoso Martins, Ainaro, 22 October 2003.
- <sup>423</sup> CAVR Interview with Francisco Barros, Ainaro, 22 October 2003.
- <sup>424</sup> Maria José da Costa testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>425</sup> Budiardjo and Liem, *War Against East Timor*, p. 30.
- <sup>426</sup> Ibid, p 29.
- <sup>427</sup> CAVR Interview with Xanana Gusmão, Dili, 7 July 2004.
- <sup>428</sup> CAVR ABRI/TNI research file. CAVR Archive. See also Part 6: Profile of Human Rights Violations for statistical patterns of reported violations related to this period.
- <sup>429</sup> Douglas Kammen, Submission to CAVR, interview with former Kostrad officer who served in East Timor in 1977-1978, name withheld, *Indonesia*, [undated].
- <sup>430</sup> See, for example, CAVR Interview with Abilio Quintão Pinto, Iliomar, Lautém, 7 October 2003; see also CAVR Interview with Teotónio [no last name], Ossu, Viqueque, 2 October 2003.
- <sup>431</sup> HRVD Statement 3889.
- <sup>432</sup> CAVR Interview with Tomás Soares da Silva, Uatu-Lari, Viqueque, 4 October 2003.
- <sup>433</sup> Gusmão, Niner (ed), *To Resist is to Win*, p. 56.
- <sup>434</sup> Dunn, *Timor: A People Betrayed*, 1983, p. 280; Conboy, *Kopassus*, p. 274.

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- <sup>435</sup> See Pat Walsh, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
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- <sup>437</sup> *Korps Marinir TNI AL 1970-2000*, Dinas Penerangan Korps Marinir, Jakarta, 2000 *Marine Corps, TNI Navy 1970-2000*, Official Department of Information, Marine Corps, Jakarta, 2000, pp. 276-279.
- <sup>438</sup> See Edmundo da Cruz, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>439</sup> Taylor, *Indonesia's Forgotten War*, p. 96.
- <sup>440</sup> CAVR Interview with Taur Matan Ruak, former Falintil commander, Part II, Dili, 14 June 2004.
- <sup>441</sup> Gusmão, Niner (ed), *To Resist is to Win*, p. 59.
- <sup>442</sup> Association of Ex-Political Prisoners (Assepol), submission to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.
- <sup>443</sup> See Lennox, *Fighting Spirit of East Timor* p. 133 and pp. 155-157; see also Taylor, *Indonesia's Forgotten War*, p. 84.
- <sup>444</sup> Gilman dos Santos, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>445</sup> See ABRI/TNI Instruction Manual No. Juknis/05/1/1982 System of Security of towns and Resettlement Areas, reprinted in Budiardjo and Liem, *The War in East Timor*, p. 183; see also Chapter 7.3: Forced Displacement and Famine.
- <sup>446</sup> USAID, *East Timor-Indonesia, Displaced Persons*, Situation Report No 1, 9 October 1979, cited in Taylor, *Indonesia's Forgotten War*, p 88; see also CRS Final report, p. 3.
- <sup>447</sup> Taylor, *Indonesia's Forgotten War*, p. 89, 90.
- <sup>448</sup> ABRI/TNI Juknis/04-B/IV/1982 Tentang Cara Mengamankan Masyarakat dari Pengaruh Propaganda GPK; [Instruction Manual No: JUKNIS/04-B/IV/1982, Subject: How to Protect the Community from the Influence of GPK Propaganda], cited in Budiardjo and Liem, *The War in East Timor*, 216-17.
- <sup>449</sup> See for example Fransisco Soares Pinto of Iliomar Sub-district in Lautém, Manuel Carceres da Costa in relation to camps in Metinaro, and Abilio dos Santos Belo in relation to camps in Ainaro and the situation in the village of Mauchiga, testimonies to the CAVR, National Public Hearing on Forced Displacement and Famine, 28-29 July, 2003.
- <sup>450</sup> See Gusmão, Niner (Ed), *To Resist is to Win*, p. 59; see also HRVD Statements 9188-02, 0187-01, 7800-02, 8088-05.
- <sup>451</sup> HRVD Statement 8274-04.
- <sup>452</sup> Former CRS official Gilman dos Santos, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>453</sup> Pat Walsh, testimony to the CAVR, National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>454</sup> Ibid.
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- <sup>457</sup> Gilman dos Santos, testimony National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>458</sup> *Catholic Relief Services-USCC East Timor Emergency Program* , Final Report, June 1979-December 1980, pp. 11 & 19.
- <sup>459</sup> Pat Walsh, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
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- <sup>461</sup> See, for example, Joana Pereira of Quelicai Sub-district, Baucau District, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>462</sup> Bernado Villanova, testimony to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.
- <sup>463</sup> Rosalina da Costa of Manufahi, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>464</sup> Abilio dos Santos Belo, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>465</sup> Maria de Ceu Lopes Federer, testimony to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003
- <sup>466</sup> Ibid.
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- <sup>468</sup> See, for example, Abilio dos Santos Belo and Marito Reis, testimonies to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>469</sup> Department of Information, Republic of Indonesia [Republic of Indonesia], *East Timor After Integration*, 1983, p. 88.
- <sup>470</sup> Maria de Ceu Lopes Federer, testimony to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.
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- <sup>472</sup> “Berita Buana”, 14 July 1982, in *Pengungkapan Kebenaran Timor Leste* ; see also Mário Carrascalão testimony to the to CAVR National Public Hearing on Women and Conflict, 28-29 April 2003.
- <sup>473</sup> Taylor, *Indonesia’s Forgotten War*, p. 195
- <sup>474</sup> *Timor Timur Dalam Angka (East Timor in Figures)*, Office of Statistics of the Province of Timor Timur, 1981.
- <sup>475</sup> Costa Alves and Moreira Reis interview with Portuguese Catholic priest Father Leoneto do Rego, 1980, published in *Funu* magazine, Portugal, July 1980.
- <sup>476</sup> Ibid.
- <sup>477</sup> See Assepol Submission to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.
- <sup>478</sup> See for example Julio Alfaro, Maria da Silva and Maria José Franco Pereira, testimonies to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.
- <sup>479</sup> Telegram, American Embassy Jakarta to Secretary State Washington, *Reports of Fretilin attacks in East Timor capital*, 18 June 1980.
- <sup>480</sup> CAVR Interview with Bernardino Villanova, Ataúro, Dili, 7 March 2002.

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- <sup>481</sup> Telegram, US Embassy Jakarta to Secretary State Washington, [censored] *Impressions after June 10 attack in East Timor*, 25 June 1980.
- <sup>482</sup> See, for example, Bernardino Villanova, testimony to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.
- <sup>483</sup> HRVD Statements 2399 and 0663; CAVR Interview with João Rui, Dili, 20 June 2003, CAVR Interview with Francisco Soares, Dili, 5 August 2003.
- <sup>484</sup> See *Angkatan Bersenjata*, 26 February, 1982; See also Conboy, *Kopassus*, p. 297.
- <sup>485</sup> Komando Daerah Militer XVI/Udayana, Komando Resor Militer 164/Wira Dharma, Instruksi - Operasi No: INSOP/03/II/1982. [Regional Military Command XVI/Udayana, Sub-regional Command 164/Wira Dharma, Instruction for Operation No. INSOP/03/II/1982]
- <sup>486</sup> See Xanana Gusmão, letter dated 10 May 1983, p. 3.
- <sup>487</sup> See ABRI/TNI “Petunjuk Tehnis [sic] Nomor, *Sistem Keamanan Kota dan Daerah Pemukiman*, (Technical Guidelines number Juknis/05/I/1982, *Security system for the city and settled areas*. p. 3, which cites “Perintah Operasi Korem 164/WD: 08/Kikis-D.” “Orders for Korem Operation 164/WD: 08/Kikis-D Reprinted in Budiardjo and Liem, *War In East Timor*, p. 183.
- <sup>488</sup> ABRI/TNI Instruction Manual No. JUKNIS/06/IV/1982, *Babinsa/TPD Activity in Developing and Phasing out Trained People’s Resistance Forces*, reprinted in Budiardjo and Liem, p. 238.
- <sup>489</sup> ABRI/TNI “Instruksi – Operasi No: INSOP/03/II/1982,” p. 8.
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- <sup>491</sup> CAVR Interview with Anselmo Fernandes Xavier, Lospalos, Lautém, 10 October, 2003.
- <sup>492</sup> *Informação sobre a situação socio-humana nas zonas de Ossu, Viqueque, Uatu-Lari e Uatu-Carbau Abril 1982*, p. 4, Resistance document, dated 5 May 1982, Dili. [Information about the social-human situation in the zones of Ossu, Viqueque, Uatu-Lari and Uatu-Carbau in April 1982. Unpublished. CAVR Archive].
- <sup>493</sup> *The Age*, Melbourne, Australia, ‘Timor: Tales of Torture’, 14 may 1982, cited in Taylor, p. 111; see also Lennox, *Fighting Spirit*, p. 172; see also telegram, American Embassy Jakarta to Secretary of State Washington, *Briefing on the Military Situation in East Timor*, 17 November 1981.
- <sup>494</sup> “Is There Enough to Eat in East Timor?” *Asian Wall Street Journal*, 21 June 1982.
- <sup>495</sup> Xanana Gusmão, *Message to the 37<sup>th</sup> United Nations General Assembly*, in Sarah Niner (Ed ), *To Resist*, p. 81.
- <sup>496</sup> Telegram, American Embassy Jakarta to Secretary of State Washington, *Briefing on the Military Situation in East Timor*, 17 November 81.
- <sup>497</sup> Budiardjo and Liem, *The War in East Timor*, p. 174, Taylor, *Indonesia’s Forgotten War*, p. 101.
- <sup>498</sup> CAVR Interview with Albino da Costa, Dili, June 2003.
- <sup>499</sup> HRVD Statement 2092.
- <sup>500</sup> CAVR Interview with Albino da Costa, Dili, June 2003.
- <sup>501</sup> CAVR Interview with Antonio dos Santos, Mehara, Tutuala, Lautém, 10 October, 2003.
- <sup>502</sup> CAVR Interview with João Fuas de Carvalho, Tutuala, Lautém, 10 October, 2003.
- <sup>503</sup> Lennox, *Fighting Spirit of East Timor*, p. 175.
- <sup>504</sup> Alfredo Alves, testimony to the CAVR National Public Hearing on Children and Conflict, 29-30 March 2004.
- <sup>505</sup> Budiardjo and Liem, *The War in East Timor*, p. 174.

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- <sup>506</sup> Taylor, *Indonesia's Forgotten War*, p. 117.
- <sup>507</sup> Lennox, *Fighting Spirit of East Timor*, p. 180. see also Taylor, *Indonesia's Forgotten War*, p. 152
- <sup>508</sup> Lennox, *ibid*, p. 181.
- <sup>509</sup> Timor Information Service, no 38, Sept/Oct 1982, p. 7: *World Council of Churches Visit, June 3-6 1982*.
- <sup>510</sup> Telegram, 17 November 1981, American Embassy Jakarta to Secretary State Washington, Briefing on the military situation in East Timor.
- <sup>511</sup> See for example testimony Maria Ceu Federer Lopes to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.
- <sup>512</sup> See Joana Pereira of Quelicai, Manuel Carceres da Costa of Lacló and Edmundo da Cruz of Lautém, testimonies to the CAVR National Public Hearing on Forced Displacement and *Famine*, 28-29 July 2003.
- <sup>513</sup> Catholic Relief Services-USCC East Timor Emergency Program, Final Report, June 1979-December 1980, p. 3.
- <sup>514</sup> CAVR Interview with Xanana Gusmão, Dili, 7 July 2004.
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- <sup>518</sup> *Ibid*, p. 63.
- <sup>519</sup> CAVR Interview with Xanana Gusmão, Dili, 10 August 2004; see also Paulino Gama, "A Fretilin Commander Remembers", in Peter Carey (Ed), *East Timor at the Crossroads*, Cassell, New York, 1995, p. 101.
- <sup>520</sup> See Gusmão, Niner (ed), *To Resist is to Win*, p. 64; see also interview with Lere Anan Timor, Archive of the *Tuba Rai Metin* Oral History Project [radio], Taibessi, March 2002 [CD no.18].
- <sup>521</sup> CAVR Interview with Xanana Gusmão, Dili, 10 August 2004.
- <sup>522</sup> *Ibid*.
- <sup>523</sup> Francisco Guterres "Lú-Olo", testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>524</sup> CAVR Interview with Xanana Gusmão, Dili, 10 August 2004.
- <sup>525</sup> *Ibid*.
- <sup>526</sup> Chamberlain, *The Struggle in Illiomar*, p. 18.
- <sup>527</sup> Gusmão, Niner (ed), *To Resist is to Win*, p. 68
- <sup>528</sup> CAVR Interview with Justo Talenta, then information secretary of the Brigada Vermelha, Dili, 3 November 2003; see also testimony of Francisco Guterres "Lú-Olo" to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>529</sup> See CAVR Interview with Cornelio Gama (L-7), Baucau, 9 April 2003; CAVR Interview with Justo Talenta, Dili, November 2004; CAVR Interview with Xanana Gusmão, Dili, 10 June 2004; CAVR Interview with Francisco Guterres "Lú-Olo", Dili, 26 March 2003; and interview with Lere Anan Timor, Archive of the *Tuba Rai Metin* Oral History Project [radio], Taibessi, March 2002 [CD no. 18].
- <sup>530</sup> "Reajustamento Estrutural da Resistência e Proposta de Paz" [The Structural Readjustment of the Resistance and Proposal for Peace, CAVR Tetum translation, no publication information – original version in Portuguese in Xanana Gusmão, *Timor Leste – Um Povo, Uma Pátria*, Edições Colibri, Lisboa, p. 95-107]; see also interview with Lere Anan Timor, Archive of the *Tuba Rai Metin* Oral History Project [radio], Taibessi, March 2002 [CD. No.18]; see also Agio Pereira, *The National Council of Maubere Resistance*

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<sup>531</sup> See CAVR Interview with Cornelio Gama, Baucau, 9 April 2003; see also CAVR Interview with Francisco Guterres “Lú-Olo”, Dili, 26 March 2003.

<sup>532</sup> Message to the Nation of H.E. The President of the Republic Kay Rala Xanana Gusmão on the Occasion of Falintil Day Commemoration in Uaimori, 20 August 2003, at <http://www.etan.org/et2003/august/17-23/20fal.htm>. CAVR Archive.

<sup>533</sup> CAVR Interview with Julio Maria de Jesus, ex-Falintil, Lospalos, Lautém 29 May 2003; see also Budiardjo and Liem, *The War Against East Timor*, p. 70. See also Part 5: Resistance: Structure and Strategy.

<sup>534</sup> Budiardjo and Liem, *The War Against East Timor*, p. 170.

<sup>535</sup> ABRI/TNI Juknis/04-B/IV/1982 Tentang Cara Mengamankan Masyarakat dari Pengaruh Propaganda GPK; translation cited in Budiardjo and Liem, Instruction Manual No: JUKNIS/04-B/IV/1982, [Subject: How to Protect the Community from the Influence of GPK Propaganda], reprinted in Budiardjo and Liem, *The War Against East Timor*, pp. 216-17.

<sup>536</sup> HRVD Statements 7816-01, 3315-01, 7250-01; see also Aditjondro, *In the Shadow of Mt Ramelau*, p. 83; see also testimony of Olga da Silva Amaral to the CAVR National Public Hearing on Women and Conflict, 28-29 April, 2003.

<sup>537</sup> See CAVR Interviews with Horacio la Hakiduk, Dili, 2 June 2003; with Albino da Costa, Dili, June 2003; and with Antonio Amaral da Costa (Aitahan Matak), Dili, 28 April 2004.

<sup>538</sup> See ABRI/TNI Juknis Tentang Cara Babinsa/TPD dalam membongkar Jaringan Pendukung GPK, Korem 164, Seksi Intel, [date obscured, among a batch of documents captured by Falintil from ABRI/TNI in 1982; CAVR Archive].

<sup>539</sup> See Lennox, *Fighting Spirit of East Timor*, pp. 189-191.

<sup>540</sup> See Domingos Oliveira, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>541</sup> Agio Pereira, *The National Council of Maubere Resistance (CNRM), Overview of the History of the Struggle of East Timor*, ibid.

<sup>542</sup> “Fretilin Explains Why No Negotiations,” *East Timor News*, Australia, No. 36, 29 June 1978; see also Francisco Guterres “Lú-Olo”, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

<sup>543</sup> See CAVR Interview with Francisco Guterres “Lú-Olo”, 26 March 2004; CAVR Interview with Cornelio Gama, 9 April 2003; interview with Lere Anan Timor, Archive of the *Tuba Rai Metin* Oral History Project [radio], Taibessi, March 2002 [CD no. 18].

<sup>544</sup> See CAVR Interview with Cornelio Gama, Baucau, 9 April 2003; see also CAVR Interview with Taur Matan Ruak, Dili, 14 June 2004; CAVR Interview with Francisco Guterres “Lú-Olo”, Dili, 26 March 2003; and interview with Lere Anan Timor, *Archive of the Tuba Rai Metin Oral History Project* [radio], Taibessi, March 2002 [CD no.18].

<sup>545</sup> Patrick A. Smythe, “ *The Heaviest Blow*”—*The Catholic Church and the East Timor Issue*, LIT, Germany, 2004, p. 45.

<sup>546</sup> See José Ramos-Horta, closing address to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.

<sup>547</sup> Kohen, *The Place of the Dead*, p. 150.

<sup>548</sup> Dunn, *East Timor: A Rough Passage to Independence*, p. 40.

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- <sup>550</sup> International Documentation Centre [IDOC], Rome, Introduction, pp.1-2, *Pro Mundo Vita Dossier "East Timor"*, 1984, Brussels, pp.36-7, cited in Smythe, "The Heaviest Blow", p. 39.
- <sup>551</sup> See Ken Conboy, *Kopassus: Inside Indonesia's Special Forces*, Equinox Publishing, Jakarta and Singapore, 2002, p.298; see also "Record of Meeting with Governor of Timor Timur (East Timor) on 28 July 1983, to Government Office, Dili," in *Official Report of the Australian Parliamentary Delegation to Indonesia*, Led by The Honourable W. L. Morrison, M.P., July-August 1983," p. 152.
- <sup>552</sup> Peter A. Rohi, "Hanya Dengan 1 Pistol di Pinggang Kotak Suara Dikawal Ke Los Palos [sic]," *Sinar Harapan* newspaper, 1 June 1982.
- <sup>553</sup> CAVR Interview with Tomás Soares da Silva, Dili, 4 October 2003.
- <sup>554</sup> A. Goldstone, interview with Jacobs, Lisbon, 4 August 1982 [CAVR Archive].
- <sup>555</sup> Telegram, American Embassy Jakarta to Secretary State Washington, *East Timor Governor address to Jakarta political officers luncheon*, 29 April 1983.
- <sup>556</sup> Xanana Gusmão, Message to the 37<sup>th</sup> UN General Assembly, 14 October 1982, reprinted in Gusmão, Niner (Ed), *To Resist is to win*, p 82.
- <sup>557</sup> See Abilio dos Santos Belo, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.
- <sup>558</sup> See Budiardjo and Liem, *The War in East Timor*, pp. 146-7.
- <sup>559</sup> CAVR Interview with João Fuas de Carvalho, former Fretilin functionary, Tutuala, Lautém, 10 October 2003.
- <sup>560</sup> Ernest Chamberlain, *The Struggle in Iliomar*, 2003, footnote p. 22.
- <sup>561</sup> See Chamberlain; see also CAVR Interview with João Fuas de Carvalho, Tutuala, Lautém, 10 October 2003; see also CAVR Interview with Aleixo Ximenes, a former UDT member, Venilale, Baucau, 2 February 2004.
- <sup>562</sup> CAVR Interview with Aleixo Ximenes, Venilale, Baucau, 2 February 2004.
- <sup>563</sup> CAVR Interview with Daniel Amaral, former Hansip, Venilale, Baucau, 3 October 2003.
- <sup>564</sup> See Jill Jolliffe, *Timor: Terra Sangrenta*, O Jornal, Lisboa, 1989, pp. 163-170.
- <sup>565</sup> See CAVR Interview with Cornelio Gama (L-7), 9 April 2004; see also CAVR Interview with Antonio Tomás Amaral da Costa (Aitahan Matak), Dili, 29 March 2004.
- <sup>566</sup> Telegram, *Negotiations to End Insurgency in East Timor*, 11 June 1983, US Embassy Jakarta to Secretary State Washington.
- <sup>567</sup> *Official Report of the Australian Parliamentary Delegation to Indonesia*, Led by The Honourable W. L. Morrison, MP, July-August 1983.
- <sup>568</sup> CAVR Interview with Constantino dos Santos, former Falintil Macadique, 26 June 2003; See also Francisco Guterres "Lú-Olo", testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>569</sup> J. Jolliffe, ed., *Timor Newsletter*, Vol. II, No. 3, October 1983, p. 6, cited in Ernest Chamberlain, *The Struggle in Iliomar: Resistance in rural East Timor*, 2003, p. 23.
- <sup>570</sup> See CAVR Interview with Francisco Guterres "Lú-Olo", Dili, 26 March 2004; CAVR Interview with Albino da Costa, Dili, June 2003; and CAVR Interview with Taur Matan Ruak, part II, Dili, 14 June 2004.
- <sup>571</sup> See Budiardjo and Liem, *The War in East Timor*, pp. 131-5.
- <sup>572</sup> Lennox, *Fighting Spirit of East Timor*, p. 215.



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- <sup>575</sup> Ben Anderson, Arief Djati and Douglas Kammen, “Interview with Mário Carrascalão,” *Indonesia* 76, October 2003, pp. 7-8.
- <sup>576</sup> Carmel Budiardjo and Liem Soei Liong, *The War Against East Timor*, p. 139 and p. 47.
- <sup>577</sup> Telegram, American Embassy Jakarta to Secretary State Washington, *Current developments in East Timor [obscured] on renewed fighting, access by foreigners, etc*, 23 September 1983.
- <sup>578</sup> American Embassy Jakarta to Secretary State Washington, *Briefing on the military situation in East Timor*, 17 November 1981.
- <sup>579</sup> See Conboy, *Kopassus*, p. 310.
- <sup>580</sup> Ben Anderson, Arief Djati and Douglas Kammen, “Interview with Mário Carrascalão,” *Indonesia* 76 (October 2003), p. 8.
- <sup>581</sup> Telegram, US Embassy Jakarta to Secretary State Washington, *Negotiations to End Insurgency in East Timor*, 11 June 1983.
- <sup>582</sup> See “Translation of Letter from Fretilin by K. Reppter (Canberra), in *Official Report of the Australian Parliamentary Delegation to Indonesia, Led by The Honourable W. L. Morrison, M.P., July-August 1983*, pp. 169-170.
- <sup>583</sup> See HRVD Statements 6957-01; 5330-01; 2369-02; 6205-01; 39977-01; 5344-02.
- <sup>584</sup> 1983 US State Department Annual Report on Indonesia, p. 109.
- <sup>585</sup> Francisco Guterres “Lú-Olo”, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.
- <sup>586</sup> CAVR Interview with José Gomes, Village Head Bibileo-Lalerek Mutin, Lacluta, Viqueque, 13 December 2003.
- <sup>587</sup> Telegram, American Embassy Jakarta to Secretary State Washington, *Views on East Timor Developments*, 9 September 1983; see also CAVR Interview with José Gomes, Village Head Bibileo-Lalerek Mutin, Lacluta, Viqueque, 13 December 2003; see also Taylor, *Indonesia’s Forgotten War*, p. 142.
- <sup>588</sup> American Embassy Jakarta to Secretary State Washington, *Current developments in East Timor [obscured] on renewed fighting, access by foreigners, etc*, 23 September 1983.
- <sup>589</sup> Timor Information Service, *Gough Whitlam Fails to Convince*, March/April 1982, p. 10.
- <sup>590</sup> “Timor Bishop Accuses Military of Massacring 84 Villagers”, Peter Millership, Reuters, Dili, 1 March 1984, cited in Taylor, *East Timor*, p. 147.
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- <sup>592</sup> See also Olinda Pinto Martins, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003.
- <sup>593</sup> American Embassy Jakarta to Secretary State Washington, *Current developments in East Timor [obscured] on renewed fighting, access by foreigners, etc*, 23 September 1983.
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- <sup>595</sup> Budiardjo and Liem, *The War in East Timor*, p. 139.
- <sup>596</sup> Telegram, US Embassy Jakarta to Secretary State Washington, *[Obscured] Views on East Timor Developments*, 9 September 1983.

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- <sup>598</sup> “Letter To Belo From Indonesian Bishops Conference, 1983”, Reprinted In *Just Reading No 2., The Church And East Timor*, Catholic Commission For Justice, Development And Peace 1993, p. 18; see also Taylor, *Indonesia’s Forgotten War*, p. 154.
- <sup>599</sup> See Xanana Gusmão, Sarah Niner (Ed.), *To Resist is to Win*, pp. 85-126.
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- <sup>602</sup> Pinto and Jardine, *East Timor’s Unfinished Struggle: Inside the Timorese Resistance*, p. 123.
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- <sup>608</sup> CAVR Interviews with Aleixo da Silva Gama (“Cobra”), Dili, [undated]; CAVR Interview with Antonio Tomás Amaral da Costa (Aitahan Matak), Dili, 18 December 2003; CAVR Interview with José Manuel Fernandes, Dili, 31 October 2002; and CAVR Interview with Avelino Coelho, Dili, 17 July 2004.
- <sup>609</sup> CAVR Interview with Avelino Coelho, Dili, 17 July 2004; CAVR Interview with Gregório Saldanha, Dili, 6 May 2004; and CAVR Interview with Octávio da Conceição, Dili, 3 November 2002.
- <sup>610</sup> CAVR Interview with João Freitas da Câmara, Dili, 5 June 2004.
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- <sup>613</sup> *Ibid*, pp.151-152.
- <sup>614</sup> *Ibid*, p.166; see also Mário Carrascalão, testimony to the CAVR National Public Hearing on Women and Conflict, 28-29 April 2003.
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- <sup>616</sup> *Ibid*, p. 169.
- <sup>617</sup> *Ibid*. pp. 169-173.
- <sup>618</sup> UNGA Resolution no. 37/30, 1982.
- <sup>619</sup> Francesc Vendrell, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>620</sup> Ian Martin, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>621</sup> Francesc Vendrell, testimony to the CAVR National Public Hearing on Self-Determination and the International Community 15-17 March, 2004.
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<sup>624</sup> See Gregório Saldhana, testimony to the CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.

<sup>625</sup> Constâncio Pinto, “The Student Movement and The Independence Struggle in East Timor: An Interview,” in Richard Tanter, Mark Selden & Stephen R Shalom (Eds), *Bitter Flowers, Sweet Flowers, East Timor, Indonesia and The World Community*, London, Rowman & Littlefield Publishers Inc., p. 34.

<sup>626</sup> See, for example, CAVR Interview with José Manuel, Dili, 31 October 2002; and CAVR Interview with Fernanda Soares, Caicoli, Dili, 21 January 2003.

<sup>627</sup> CAVR Interview with Gregório Saldanha, Dili, 6 May 2004; see also CAVR Interview with Octávio da Conceição, Dili, 3 November 2002.

<sup>628</sup> CAVR Interview with Gregório Saldanha, Dili, 6 May 2004.

<sup>629</sup> Keputusan Presiden Republik Indonesia, Nomor 62 Tahun 1988 tentang Penyelenggaraan Pemerintahan dan Pembangunan di Propinsi Daerah Tingkat I Timor Timur [Decree of President of Republic of Indonesia No. 62/1988 reg. the Organization of Administration and Development in the Province of East Timor] published in *Himpunan Peraturan Negara* (Collected State Regulation) Triwulan IV, 1988, Sekretariat Negara Republik Indonesia, Jakarta, pp. 1103-05.

<sup>630</sup> ACFOA Development Dossier No 29, *East Timor: Keeping the Flame of Freedom Alive*, February 1991.

<sup>631</sup> See Rosa Yeni Damayanti and Nugroho Katjasungkana, testimonies to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

<sup>632</sup> “A Message to Catholic Youth in Timor-Leste and Students in Jakarta”, 20 May 1986, reprinted in Xanana Gusmão, Sarah Niner (Ed.), *To Resist is to Win*, pp. 109-110.

<sup>633</sup> Francesc Vendrell, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

<sup>634</sup> José Ramos-Horta, Closing Address to the CAVR National Public Hearing on Forced Displacement and Famine, 28-29 July 2003.

<sup>635</sup> Constâncio Pinto and Matthew Jardine, *East Timor’s Unfinished Struggle: Inside the Timorese Resistance*, Foreword.

<sup>636</sup> Simplicio Celestino de Deus, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003.

<sup>637</sup> Max Stahl, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003.

<sup>638</sup> Simplicio Celestino de Deus, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003.

<sup>639</sup> See Kohen, *From the Place of the Dead*, pp. 197-200.

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<sup>642</sup> CAVR Interview with Avelino Coelho Silva, Dili, 17 July 2004; CAVR Interview with João Freitas da Camara, Dili, 5 June 2004; see also Pinto & Jardine, *East Timor’s Unfinished Struggle*, pp. 196-197.

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- <sup>646</sup> Tony Parkinson, “Hawk Blasts Jakarta Over Sick Remarks”, *The Australian*, November 22, 1991; see also Pinto, testimony to Hearing Before The Subcommittee On International Operations And Human Rights Of The Committee On International Relations House Of Representatives, One Hundred Fifth Congress, Second Session; May 7, 1998.
- <sup>647</sup> HRVD Statement 02049.
- <sup>648</sup> Assepol, Submission to CAVR National Public Hearing on Political Imprisonment, 17-18 February 2003.
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- <sup>650</sup> See Geoffrey Robinson, *East Timor 1999: Crimes Against Humanity—A Report Commissioned by the UN Office of the High Commissioner for Human Rights*, July, 2003, p. 85 [Robinson, OHCHR Submission to the CAVR] CAVR Archive.
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- <sup>652</sup> Amnesty International, *East Timor—Continuing Human Rights Violations*, 2 February 1995.
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- <sup>681</sup> Dan Nicholson, "The Lorikeet Warriors: East Timor New Generation National Resistance 1989-1999", BA Thesis, University of Melbourne, October 2001, p. 38.
- <sup>682</sup> CAVR Interview with Basilio Dias Araújo, Kupang, West Timor, Indonesia, 26 July 2004.
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- <sup>684</sup> Komando Daerah Militer IX Udayana, Komando Resor Militer 164, *Rekapitulasi Kekuatan Personil Organik dan Penugasan*, July 1998 [Regional Military Command IX Udayana, Sub-regional Military Command 164, *Recapitulation of Capacity of Organic Personnel and its assignment allocation*]; see also Komando Daerah Militer IX Udayana, Komando Resor Militer 164, *Rekapitulasi Kekuatan Personil Organik dan Penugasan Posisi*, November 1997 [Regional Military Command IX Udayana, Sub-regional Military Command 164, *Recapitulation of the Capacity of Organic Personnel and its assignment allocation*].
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- <sup>686</sup> Report of the Indonesian commission of inquiry into atrocities committed in East Timor in 1999 (KPP HAM, *Report on East Timor*), 31 January 2000, para. 68.
- <sup>687</sup> See witness testimonies to the CAVR National Public Hearing *Rona Ami Nia Lian* (Hear our Voice) 11-12 November 2002.
- <sup>688</sup> Martinkus, *A Dirty Little War*, p. 106.
- <sup>689</sup> Ibid, p. 98.
- <sup>690</sup> Ibid, p. 105; see also KPP HAM, *Report on East Timor*, para 68.
- <sup>691</sup> See discussion in Geoffrey Robinson, "People's War: Militia in East Timor and Indonesia", *South East Asia Research*, 9, November 2001, p. 296.

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- <sup>692</sup> See KPP HAM, *Report on East Timor*, para. 39; see also Robinson, OHCHR Submission to the CAVR pp. 90-93.
- <sup>693</sup> See Samuel Moore, “The Indonesian Military’s Last Years in East Timor: An Analysis of its Documents”, *Indonesia 72*, Cornell South East Asia Program, October 2001, p 31.
- <sup>694</sup> KPP HAM, *Report on East Timor*, para 40 and 49.
- <sup>695</sup> Robinson, *People’s War*, p. 276.
- <sup>696</sup> KPP HAM, *Report on East Timor*, para 44; see also Moore, *Indonesian Military’s Last Years*, p. 30.
- <sup>697</sup> KPP HAM, *Report on East Timor*, para 48; see also Robinson, OHCHR Submission to the CAVR p. 106.
- <sup>698</sup> Louise Williams, “Separatists fear bloodshed as military arms integrationists”, *Sydney Morning Herald*, 28 January 1999; “Interview: Orders to Kill”, *Expresso*, Lisbon, September 17 1999.
- <sup>699</sup> KPP HAM, *Report on East Timor*, para 47.
- <sup>700</sup> Danrem 164/WD to Dandim 1627-1639. Secret telegram No TR/41/1999, Jan 28, cited in Robinson, *East Timor*, p. 110; see also KPP HAM, *Report*, para 50.
- <sup>701</sup> Robinson, OHCHR Submission to the CAVR, p. 98. KPP HAM, *Report on East Timor*, para 40.
- <sup>702</sup> *Ibid*, para 54.
- <sup>703</sup> *Ibid*, para 50.
- <sup>704</sup> Cited in Xanana Gusmão, Sarah Niner (Ed), *To Resist is to Win*, p. 233/4.
- <sup>705</sup> Cited in Ian Martin, *Self-Determination in East Timor: The United Nations, The Ballot, and International Intervention*, Boulder, Lynne Rienner, 2001, p. 21.
- <sup>706</sup> Alexander Downer, Press Conference, Adelaide, 12 January 1999.
- <sup>707</sup> Susan Sim, *The Straits Times* (Singapore) 2 February 1999, Quoted in Greenlees and Garran, *Deliverance-The Inside Story of East Timor’s Fight for Freedom*, Allen and Unwin, Sydney, 2002, p. 93.
- <sup>708</sup> Moore, *Indonesian Military’s Last Years*, p. 33.
- <sup>709</sup> Press briefing on East Timor, United Nations, New York, 9 February, 1999, cited in Martin, p. 24.
- <sup>710</sup> See Lansell Taudevin, *East Timor: To Little Too Late*, Duffy & Snellgrove, Sydney, 2000, p. 223.
- <sup>711</sup> Martinkus, *A Dirty Little War*, p. 119.
- <sup>712</sup> CNRT message to United Nations Secretary General and Australian Ambassador to Indonesia, 26 January 1999, signed by Leandro Isaac, cited in Taudevin, *East Timor*, p. 222.
- <sup>713</sup> CNRT press release “Falintil resumes their Mission in Defence of the People of East Timor”, 5 April 1999, partly cited in Martin, p. 30.
- <sup>714</sup> Robinson, OHCHR Submission to the CAVR, p. 193; see also KPP HAM, *Report on East Timor*, para 104-114.
- <sup>715</sup> McDonald, Ball (ed), *Masters of Terror: Indonesia’s Military and Violence in East Timor in 1999*, Australian National University, Canberra, 2002, <http://yayasanhak.minihub.org/mot/cons92z%20-%20Eurico%20Guterres.htm>, at January 2005.
- <sup>716</sup> KPP HAM, *Report on East Timor*, para 119-121.
- <sup>717</sup> See KPP HAM, *Report on East Timor*, para 86-191; see also generally Robinson, OHCHR Submission to CAVR, chapter 10.
- <sup>718</sup> Tono Suratman, *Untuk Negaraku*, Pustaka Sinar Harapan, Jakarta, 2002, p. 112, and p. 118.
- <sup>719</sup> See, for example, KPP HAM, *Report on East Timor*, para 108 and 119-121.

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- <sup>720</sup> Martin, *Self-Determination*, p. 70.
- <sup>721</sup> Ibid, p. 31.
- <sup>722</sup> Ibid, p. 33.
- <sup>723</sup> Article 2 of Annex 3 to the 5 May agreements, cited in Department of Foreign Affairs and Trade (DFAT), *East Timor in Transition 1998-2000—An Australian Policy Challenge*, Canberra, 2001.
- <sup>724</sup> José Ramos-Horta, letter to Kofi Annan, quoted in Greenlees and Garran, p.147.
- <sup>725</sup> Martin, *Self-Determination*, p. 33; see also Francesc Vendrell and Ian Martin, testimonies to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>726</sup> Moore, *Indonesian Military's Last Years*, p. 41.
- <sup>727</sup> Martin, *Self-Determination*, p. 60.
- <sup>728</sup> Annex II: Agreement Regarding the Modalities for the Popular Consultation of the East Timorese through a direct Ballot, 5 May Agreements, reprinted in Martin, *Self-Determination*, p. 144.
- <sup>729</sup> Martin, *Self-Determination*, p. 46.
- <sup>730</sup> Ibid, p. 93.
- <sup>731</sup> Ibid, p. 42.
- <sup>732</sup> Ibid, p. 88.
- <sup>733</sup> See Yeni Rosa Damayanti, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>734</sup> Martin, *Self-Determination*, p 71.
- <sup>735</sup> Robinson, OHCHR Submission to the CAVR, p. 216.
- <sup>736</sup> KPP HAM, *Report on East Timor* , para 124; see also Robinson, OHCHR Submission to the CAVR, p. 63.
- <sup>737</sup> Martin, *Self-Determination*, p 71.
- <sup>738</sup> Ibid, p. 71.
- <sup>739</sup> Ibid, p. 70.
- <sup>740</sup> See Robinson, OHCHR Submission to the CAVR, generally; see also KPP HAM *Report on East Timor* ; See Julieta Jesuirina dos Santos, testimony to the CAVR National Public Hearing on Children and Conflict, 29-30 March 2004; see also Part 9: Community Reconciliation, section on the background of the CRP mandate.
- <sup>741</sup> Surat Bupati Kepala Daerah Tk II Dili, Nomor 33 tahun 1999, tentang Pengamanan Swakarsa dan Ketertiban Kota Dili [Letter of Dili District Administrator, No.33 Year 1999, reg. Self-Initiate Security and Order in city of Dili].
- <sup>742</sup> KPP HAM, *Report on East Timor*, para 89; Moore, *Indonesian Military's Last Years*, p. 39.
- <sup>743</sup> Ross Coulthart, "Timor on the brink", *Sunday Programme*, Channel 9 Television, Sydney, Australia. Screened June 1999.
- <sup>744</sup> Ian Martin, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2003.
- <sup>745</sup> Robinson, OHCHR Submission to the CAVR, pp. 210-213.
- <sup>746</sup> Ian Martin, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2003.
- <sup>747</sup> Martin, *Self-Determination*, p. 48.

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- <sup>748</sup> Report of the Secretary-General, S/1999/803, 20 July 1999.
- <sup>749</sup> Ibid.
- <sup>750</sup> Martin, *Self-Determination*, p. 45.
- <sup>751</sup> Electoral Commission, East Timor Popular Consultation. Determination: Registration of Voters, 25 August 1999, cited by Martin, *Self-Determination*, p. 61.
- <sup>752</sup> KPP HAM, *Report on East Timor*, para 161.
- <sup>753</sup> See Geoffrey Robinson, "People's War: Militia in East Timor and Indonesia", *South East Asia Research*, 9, November 2001, p. 206.
- <sup>754</sup> Fernando de Araújo, "The CNRT Campaign for Independence" in James J. Fox and Dionisio Babo Soares (Eds), *East Timor: Out of the Ashes*, Crawford House Publishing, Adelaide, 2000, p. 111.
- <sup>755</sup> CAVR Interview with Agio Pereira, former Head of the CPCC National Department of Information, March 2005. CAVR Archive.
- <sup>756</sup> Martin, *Self-Determination*, p. 43.
- <sup>757</sup> Ibid, p. 47.
- <sup>758</sup> CAVR Interview with Basilio Dias Araújo, former spokesman for FPKD, Kupang, West Timor, Indonesia, 26 July 2004.
- <sup>759</sup> Surat Gubernur No 200/827/SOSPOL/V/1999, tentang Tindakan terhadap PNS yang terlibat organisasi/kegiatan yang menentang Pemerintah RI, Dili 28 May 1999 [Letter of Governor (of East Timor) No. 200/827/SOSPOL/V/1999, reg. Action to Civil Servant involved in organisation/activities against the Government of Republic of Indonesia].
- <sup>760</sup> Robinson, OHCHR Submission to the CAVR, p. 35.
- <sup>761</sup> Governor's letter to the Bupati of Liquiça, dated May 21, 1999, Yayasan Hak collection, cited in Robinson, OHCHR Submission to the CAVR, p. 115.
- <sup>762</sup> Governor's letter 461/e.09/BIDRAM II/99 to Bupati of Lautém, Approval of Proposal.
- <sup>763</sup> Martin, *Self-Determination*, p. 75.
- <sup>764</sup> Komando Resort Militer 164/Wira Dharma, *Rencana Operasi Wira Dharma-99*, [Operation Plan of Wira Dharma-99] Dili, July 1999. (Yayasan Hak document 34).
- <sup>765</sup> Tono Suratman, *Untuk Negaraku*, Pustaka Sinar Harapan, Jakarta, 2002, p. 51 [For My Country].
- <sup>766</sup> Martin, *Self-Determination*, p. 71.
- <sup>767</sup> Ibid, p. 73.
- <sup>768</sup> "Clash Mars East Timor Registration", *The Jakarta Post*, 17 July 1999; 'Fortilos: Situasi Dili 1/9/99 - 21:00', *SiaR*, 31 August 1999, cited in McDonald, Ball, et al, *Masters of Terror: Indonesia's Military and Violence in East Timor in 1999*, Canberra: Strategic and Defence Studies Centre, Australian National University (Canberra Paper #145), 2002, available at: [yayasanhak.minihub.org/mot/Timbul%20Silaen.htm](http://yayasanhak.minihub.org/mot/Timbul%20Silaen.htm); see also KPP HAM, *Report on East Timor*, para 172.
- <sup>769</sup> KPP HAM, *Report on East Timor*, para 48; see also Robinson, *East Timor*, p. 39.
- <sup>770</sup> Don Greenless and Robert Garran, *Deliverance-The Inside Story of East Timor's Fight for Freedom*, Allen and Unwin, Sydney, 2002, p. 187.
- <sup>771</sup> Martin, *Self-Determination*, p. 84.
- <sup>772</sup> Ibid, p. 90.
- <sup>773</sup> Ibid, p. 90.



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- <sup>774</sup> Ibid, p. 90.
- <sup>775</sup> Quoted in Greenlees, p. 191.
- <sup>776</sup> Report of the Electoral Commission, quoted by Martin, *Self-Determination*, p. 91.
- <sup>777</sup> Martin, *Self-Determination*, p. 90.
- <sup>778</sup> Ibid, p. 93.
- <sup>779</sup> Electoral Commission Determination, Dili 4 September 1999, and see Martin, *Self-Determination*, pp. 157-160.
- <sup>780</sup> Martin, *Self-Determination*, p. 93.
- <sup>781</sup> KPP HAM, *Report on East Timor*, para 72.
- <sup>782</sup> Ibid, para 161.
- <sup>783</sup> Ibid, para 181.
- <sup>784</sup> Ibid, para 81.
- <sup>785</sup> Ibid, para 84 and 85; see also Robinson, OHCHR Submission to the CAVR, p. 44.
- <sup>786</sup> Robinson, OHCHR Submission to CAVR, p. 221.
- <sup>787</sup> KPP HAM, *Report on East Timor*, para 131-135; see also Robinson, OHCHR Submission to the CAVR, p. 225.
- <sup>788</sup> Ibid, para 139.
- <sup>789</sup> Samuel Moore, “The Indonesian Military’s Last Years in East Timor: An Analysis of its Documents”, *Indonesia* 72, Cornell South East Asia Program, October 2001, p. 31.
- <sup>790</sup> Feliciano Cardoso, testimony to the CAVR National Public Hearing on Women and Conflict, 28-29 April 2003.
- <sup>791</sup> Greenlees and Garran, p. 231.
- <sup>792</sup> See HRVD Statements 3530-04; 6160; 6229; 6762; 6173-03; 4266; 8259; 2104-02; 8255; 1061-05; 0710; see also KPP HAM, Report, para 171.
- <sup>793</sup> Martin, *Self-Determination*, p. 97.
- <sup>794</sup> KPP HAM, *Report on East Timor*, VI.6.
- <sup>795</sup> Ibid, para 50.
- <sup>796</sup> Ibid, para 162.
- <sup>797</sup> Submission to the CAVR, interview with Virgilio Simith by David Hicks, Maxine Hicks and Phyllis Ferguson, 7 July 2005. CAVR Archive.
- <sup>798</sup> Ibid.
- <sup>799</sup> See discussion in Chapter 7.7: Sexual Violence and, for example, BM, testimony to the CAVR National Public Hearing *Rona Ami-Nia Lian* (Hear our Voice) 11-12 November 2002.
- <sup>800</sup> KPP HAM, *Report on East Timor*, para 142; see also Deputy General Prosecutor for Serious Crimes, Maliana Indictment, Case No. 2003/18, paragraphs 128-190.
- <sup>801</sup> Robinson, OHCHR Submission to the CAVR, p. 185.
- <sup>802</sup> Ian Martin, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>803</sup> Abel Guterres, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

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- <sup>804</sup> Martin, *Self-Determination*, pp. 104-105.
- <sup>805</sup> See Martin, *Self-Determination*, pp. 104-105; see also Ian Martin, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>806</sup> Ian Martin, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>807</sup> See KPP HAM, Report, para 87.
- <sup>808</sup> Martin, *Self-Determination*, p. 111.
- <sup>809</sup> Ian Martin, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.
- <sup>810</sup> Martin, *Self-Determination*, p. 101.
- <sup>811</sup> KPP HAM, *Report on East Timor*, para 98.
- <sup>812</sup> *Ibid*, para 83.
- <sup>813</sup> *Ibid*, para 164.
- <sup>814</sup> *Human Rights Watch*, Report on West Timor, 1999.
- <sup>815</sup> *Ibid*.
- <sup>816</sup> KPP HAM, *Report on East Timor*, para 151; see also Statement 2285. General Prosecutor of the UNTAET, Indictment against Joni Marques, et.al., Case No. 2000/9, para. 33-40. Special Panel for Serious Crimes, Judgement, 11 December 2001. Seven militia members including Joni Marques were found guilty by the Special Panel for Serious Crimes.
- <sup>817</sup> Martin, *Self-Determination*, p. 115.
- <sup>818</sup> Truk F [Tim Relawan Untuk Kemanusiaan, Voluntary Team for Humanity], Submission delivered to the CAVR National Public Hearing on Women and Conflict, 28-29 April 2003.
- <sup>819</sup> Human Rights Watch, *Report on West Timor*, 1999.
- <sup>820</sup> Martin, *Self-Determination*, p. 97.
- <sup>821</sup> KPP HAM, *Report on East Timor*, para 185.
- <sup>822</sup> Human Rights Watch, *World Report 2001*, East Timor, at <http://www.hrw.org/wr2k1/asia/etimor3.html>.
- <sup>823</sup> Martin, *Self-Determination*, p. 115.