

Witnesses in Jakarta trials testify to East Timor murders

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19 June 2002

The first prosecution witnesses in the trials of Indonesian military, police and civilian officials have provided chilling accounts of the violence unleashed in East Timor in 1999, leading up to and following the UN-organised plebiscite on independence. In all, 25 men have now been charged in a special human rights court in Jakarta for allowing or failing to prevent mass killings by the military, police and the militias they hired, organised and armed.

President Megawati Sukarnoputri only established the court in July 2001 under international pressure and then imposed tight restrictions. The UN estimates that pro-Indonesian militia groups or security forces murdered at least 1,000 people in 1999, while human rights groups put the figure even higher. But the court is restricted to investigating around 115 murders in three of East Timor's 13 districts and only those that occurred in April and September 1999.

None of the top-level armed forces (TNI) officers implicated in the attacks on independence supporters in East Timor have been charged. Moreover, the military's previous atrocities going back to the Indonesian invasion of the former Portuguese colony in 1975 have been completely omitted. Some estimates put the civilian death toll in East Timor during the protracted war as high as 200,000.

Many witnesses from East Timor have refused to give evidence out of concern for their lives. The military top brass has deliberately set out to heighten those fears by appearing in the courtroom when the trials began on March 14 and publicly supporting the accused. The Indonesian government has further discouraged witnesses from East Timor by refusing to pay their costs. A number of witnesses, however, have defied these attempts to block them and given evidence.

The first witness from East Timor was a 44-year-old housewife, Domingos dos Santos Mouzinho from Suai, who appeared in court on May 28 to give evidence in the trial of five police and army officers. She nervously explained how a militia group attacked her home on September 5, 1999. Mouzinho then took refuge in a church

that was stormed the following day by militia, who killed 24 civilians and three Catholic priests.

After the massacre in the church, Mouzinho and her family fled to the local military headquarters. There, militia members raped her daughter as soldiers watched on and did nothing. She told the court there was nowhere to go for help. "Who do we report to? We couldn't report to the military because we were too scared." Mouzinho said three of the accused were at the Ave Maria Catholic Church on the day of the massacre.

On June 5, former school teacher Pranoto, testifying at the trial of former East Timorese governor Abilio Soares, said he had assisted in the disposal of the bodies from the Suai church massacre. "There were 27 victims... we put them into three cars: one car for the three priests, another car for the 10 women and the other car for the men." Pranoto said three large graves were dug outside of Suai and the bodies were dumped there.

An uncooperative witness, Indonesian army Lieutenant-Colonel Asep Kuswani, confirmed that he was present at another massacre that occurred at a church in Liquica where 40 people died. Kuswani, who is himself awaiting trial, refused to answer questions from prosecutors about his own role, denying that he knew the massacre was to take place. "The refugees flocked to the church's compound and I did not think anything would happen," he told the court.

Jakarta has repeatedly denied any responsibility for the actions of pro-Indonesian militia groups in East Timor, blaming "rogue elements" of the military. But former provincial secretary Raja Karina Brahmana provided testimony, which demonstrated that the militia groups were not only officially sanctioned but organised and paid for. He explained that between 10 percent and 20 percent of the provincial government budget was set aside for anti-independence activities. "They [the militia groups] were not paid on a regular basis but only when they performed a task," he said.

Other evidence of high-level involvement was leaked to the Australian press in March as the first trials were opening

in Jakarta. Documents from the Australian government's electronic spying agency, the Defence Signals Directorate, detailed communications between the military in Jakarta and East Timor concerning the organisation of militia activities. Among the messages intercepted were orders from Lieutenant General A. M. Hendropriyono, the current armed forces (TNI) intelligence chief, and Major General Sjafrie Sjamsuddin, who is now the main TNI spokesman.

None of this evidence, which was kept secret for more than two years, has been presented to the Jakarta court nor is it likely to be. The Australian embassy in Jakarta refused to comment on the leaks in March and Indonesian Foreign Ministry spokesman Marty Natlegawa brushed the issue aside, declaring: "We can't base our policies on what's written in the *Sydney Morning Herald*."

The Australian government's silence on the issue is bound up with the manner in which it exploited the militia violence to justify its push to lead a UN-sponsored military intervention in East Timor in September 1999. Successive governments in Canberra had encouraged Indonesia's invasion of East Timor in 1975, formally recognised its annexation by Jakarta and turned a blind eye to the Indonesian military's atrocities—all with a view to monopolising oil and gas deposits in the Timor Sea.

After the fall of Suharto in 1998, however, the government of Prime Minister John Howard was preoccupied with preempting Australia's rivals for influence, in particular former colonial power Portugal, as calls for East Timorese independence gained in strength. Australian intelligence had detailed information about the preparations of the Indonesia military and militia groups but deliberately withheld the information from the East Timorese. After the violence was unleashed following the August 30, 1999 vote in favour of independence, Howard seized on the humanitarian disaster as the pretext for military intervention. Now Canberra, like Washington, is seeking to reestablish close relations with Jakarta, including the military, and so has no intention of providing incriminating evidence for the prosecution in the current trials.

Megawati authorised the establishment of a special court primarily to get around a US Congressional ban on assistance to the Indonesian military. Responding to public outrage at the militia violence in 1999, the US Congress imposed the embargo to force Jakarta to investigate and try those responsible. Those charged—mainly middle-level officials and figures like Aitarak (Thorn) militia leader Eurico Guterres—were convenient sacrifices to deflect attention from the responsibility of top generals and ministers.

With the installation of the Bush administration, and particularly following the September 11 terrorist attacks,

Washington has increasingly ignored the Congressional ban. The Pentagon has been pushing for the restoration of close ties to the Indonesian armed forces as part of its ambition to reestablish a strong US military presence in South East Asia. One of the Bush's latest initiatives has been to ask Congress for \$US8 million to help establish a military "peacekeeping" force in Indonesia, separate from the police, to be used for internal security.

As part of Bush's "global war on terrorism," a series of meetings have been held between top US military and intelligence officials and their Indonesian counterparts. In March FBI director Robert Mueller met with a group of Indonesian security chiefs during a visit to Jakarta. Among them were Hendropriyono and Sjamsuddin—two of the generals directly implicated by Australian intelligence intercepts in the East Timor violence.

Jakarta also established the special court in order to undermine calls for the UN to establish its own human rights tribunal into the East Timor atrocities. UN Secretary General Kofi Annan announced last month, after breakfasting in Jakarta with Foreign Minister Nur Hassan Wirajuda and Coordinating Security Minister Susilo Bambang Yudhoyono, that the UN was abandoning any plans for a separate tribunal. "I think the Indonesian government should focus on holding an effective and responsible trial of the case suspects," Annan told the media.

The Megawati administration cannot at this stage simply shut down the trials. But with the original reasons for setting up the special court rapidly losing their importance, it is increasingly unlikely that many of the accused are actually going to be found guilty—whatever the evidence against them.



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