

Incriminating documents looted in East Timor

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Amid lurid reports in the Australian and international media about the ransacking and burning taking place in the East Timorese capital of Dili, some key looting has gone virtually unreported. On at least two occasions, offices storing incriminating documents, including evidence of atrocities carried out by Indonesian forces between 1975 and 1999, and Australian complicity with them, have been raided without any intervention from UN or Australian forces.

On May 30, thieves ransacked the Serious Crimes Unit in the Attorney-General's office and carried away boxes of evidence from 1999, when pro-Indonesian militias rampaged through the country, killing 1,500 people. The unit was established by the UN to investigate acts of violence carried out before and after the UN-sponsored referendum on independence. Attorney-General Longuinhos Monteiro reported that files involving all the most prominent Indonesian defendants, including former General Wiranto, were stolen, after UN security guards ran away. A former UN official wrote to the WWSW posing a series of questions about the incident (see: "The looting of East Timor's Serious Crimes Unit").

A week later, on June 6, up to 100 looters raided the offices of the East Timor Commission for Reception, Truth and Reconciliation (CAVR). The commission late last year completed a 2,500-page report based on a five-year UN-sponsored investigation that indicted not only Indonesia, but also the US and Australia, for the oppression and deaths of at least 180,000 people under Indonesian rule between 1975 and 1999.

According to a brief report in the *Sydney Morning Herald*, a CAVR staff member telephoned the Australian military command in Dili pleading for help as the attackers cut their way through a high-wire fence to enter the former UN compound that houses the offices. "We were told the Australians could do nothing," a CAVR source said. While 32 motorbikes were stolen, none of the research material was taken. But it remains vulnerable as looters target buildings after dark, often returning on successive nights.

Canberra's refusal to protect the offices directly defies the CAVR report, handed to the UN in January, which emphasised that its archives were highly-sensitive and must be preserved. They contained 7,740 audio recordings of witness statements, over 1,000 research interviews, more than 1,541 community reconciliation statements, hundreds of hours of digital and audio recordings of public hearings and thousands of research reports and related materials. Extensive collections of photographs and video

recordings were also included.

Based on interviews with almost 8,000 witnesses across East Timor, as well as statements from refugees in West Timor, the CAVR report also relied on Indonesian military papers and intelligence from international sources. It documented a litany of massacres, summary executions and the torture of 8,500 people—with horrific details of public beheadings and mutilations. The violence culminated in the 1999 reprisals for the independence vote, when the Indonesian military and its militia proxies implemented a scorched earth program, destroying many towns (see: "UN-backed report indicts Indonesia, Australia and US for Timor atrocities").

Among CAVR's findings were that Australia, together with Indonesia and the US, should pay reparations to East Timor for violating international law by backing Indonesia's 1975 invasion and for giving Jakarta economic, military and diplomatic assistance throughout the 24-year occupation.

The CAVR report specifically condemned Australian Foreign Minister Alexander Downer for lobbying Indonesia to delay the 1999 independence poll because it was in Australia's interests for East Timor to remain part of Indonesia. The commission pointed to the vast oil and gas reserves beneath the Timor Sea:

"Australian policy towards Indonesia and Timor-Leste was influenced ... by an assessment that it would achieve a more favourable outcome to the negotiations on the maritime boundary in the Timor (Sea) if it was dealing with Indonesia, rather than with Portugal or an independent Timor-Leste on the issue."

The CAVR investigation—first mooted in 2000 by the former Fretilin-led East Timorese pro-independence front, the CNRT—was modelled on the "truth and reconciliation" process set up by the African National Congress under Nelson Mandela in order to bury the crimes of the apartheid regime and integrate itself fully into the South African state.

In part, the investigation constituted an attempt by Fretilin, led by its prime minister-elect Mari Alkatiri, to bridge differences between the CNRT's rival factions, some of which had fought against Fretilin in the 1970s. The CAVR report endorsed Fretilin's "national unity" strategy of bringing all political parties together in the establishment of an "independent" nation on the tiny half-island.

The CAVR model was also a bid by the CNRT leadership, particularly its presidential nominee Xanana Gusmao and foreign spokesman José Ramos-Horta, to smooth relations with Indonesia,

the US and Australia—all of which had mounted an international effort to bury the atrocities of the 1975-99 period.

Most importantly, the CAVR was an effort by the Dili leadership to assuage popular anger and head off demands for the Indonesian military commanders and their backers to be placed on trial. A UN Commission of Inquiry, sent to investigate the 1999 bloodbath, had proposed an international tribunal to try the perpetrators of the crimes. Instead, the UN established a toothless Serious Crimes process in East Timor, while promoting the sham trials that were conducted within Indonesia.

In the CAVR's "community reconciliation" process between 2002 and 2004, those accused of low-level crimes such as beatings and property destruction—mostly former militia members—were invited to admit their crimes, be confronted by the victims, and make amends. Public hearings and other consultations were convened, financed primarily by the former colonial ruler Portugal and other European powers, who collectively contributed more than \$US3 million. Japan supplied almost \$1 million, New Zealand \$764,000, while Australia and US each contributed around \$400,000 plus advisers.

Many of the victims complained, however, that the "big fish"—mostly senior Indonesian military officers—were getting away with their crimes of rape, torture and murder. The 339 suspects charged under the Serious Crimes process, which ran parallel with the CAVR, were shielded by Indonesia, which has refused to co-operate with extradition requests. Moreover, the ad hoc Human Rights Court in Jakarta exonerated all but one of its 18 defendants. Needless to say, the sole prisoner was freed, pending an appeal.

Although the CAVR was intended to dissipate the hostility among ordinary people, the very fact that it documented and catalogued the crimes committed against them became a threat to the calculations of the Dili leadership, as well as to those responsible in Jakarta, Washington and Canberra. Among the Indonesian officers named was President Susilo Bambang Yudhoyono, who commanded infantry battalion 744 in East Timor between 1986 and 1988. In a bid to pre-empt the report, Ramos-Horta last year negotiated with Indonesia to set up a Commission of Truth and Friendship that would recommend the granting of amnesties to war criminals.

When the CAVR presented its report to Gusmao last October, the Dili leadership blocked its public release, even though publication was required by the original regulations of the UN Transitional Administration in East Timor (UNTAET) that formally established the commission in 2001. In November, Gusmao told the Timorese parliament the call for reparations was "politically unrealistic". He insisted that because East Timor remained heavily dependent on foreign aid, it could not afford to be "ungrateful".

Alkatiri was more ambivalent, telling the Portuguese news agency Lusa that Fretilin had "no problem" with publishing the CAVR report, as long as it did not contradict the main priority of "reinforcing stability".

Gusmao was still obliged by the UN regulations to hand the report to UN Secretary-General Kofi Annan, which he did on January 20 this year. On the same day, the full report was leaked

and published on the Internet by a US human rights group that had been involved in the CAVR's work.

Gusmao and Ramos-Horta did their best to prevent any damage to their relations with the major powers, knowing that both the US and Australia had moved to restore full military relations with Jakarta, ending the 1999 rupture over East Timor.

Gusmao rejected the CAVR recommendations for reparations and a revival of the Serious Crime Unit, warning that any attempt to prosecute every crime committed between 1975 and 1999 would bring "political anarchy and social chaos". Ramos-Horta dismissed the report out of hand. "How in reality could a leader from East Timor, a foreign minister for example, go to Australia and ask for compensation?" he asked.

Even so, the report triggered denunciations in Jakarta and Canberra. Yudhoyono immediately cancelled a planned visit to Jakarta by Gusmao on his way back from the UN. Yudhoyono's spokesman Dino Patti Djalal declared: "We are unhappy with the report because it contains an untrue and questionable allegation. We also have no idea why the old wounds had to be re-opened."

Downer's office flatly denied the CAVR report, falsely claiming that the Australian government supported the 1999 act of self-determination. In fact, as the CAVR report partly documents, the record shows that in December 1998, Howard urged the Indonesian president, B.J. Habibie, to delay an autonomy vote for up to 10 years. Once the 1999 referendum date was fixed, Howard and Downer were fully aware of the Indonesian military's scorched earth preparations and cynically prepared to take advantage of the atrocities to intervene militarily. Their goal was not humanitarian assistance to the targets of the violence but securing Australia's strategic interests, particularly in the disputed Timor Sea.

Following Gusmao's report to the UN, the US and Australia moved quickly to end the UN mission in East Timor. Six months earlier, Washington and Canberra had already insisted on the downgrading of the mission to a small staff of some 120 officials, largely to sideline Portugal, whose civilian and police presence had been prominent. On January 23, 2006—three days after Gusmao had tabled the CAVR report—US official William Brenwick announced that the Bush administration opposed Gusmao's request for an extension of the UN mandate until planned elections in 2007.

Two weeks later, on February 8, the active destabilisation of the Alkatiri government began with the first public walkout and protest by "rebel" officers and soldiers. Within three months, the conflict between these "rebels" and the government provided the pretext for another Australian-led military intervention, accompanied by the Howard government's call for a stronger UN presence—under Australian command.



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