

The looting of East Timor's Serious Crimes Unit

6 June 2006

The following contribution was sent to the World Socialist Web Site on May 31 by a former United Nations official in East Timor concerned about the ransacking of East Timor's Serious Crimes Unit on May 30. The unit was established by the UN to investigate acts of violence carried out in 1999 by the Indonesian military and pro-Indonesian militia both before and after the UN-sponsored referendum on independence.

For those of us who believe in and respect the supremacy of national sovereignty, East Timor is now a sordid saga. In a blatant act of neo-colonialism, 1,300 Australian troops together with 500 support personnel have taken control of the capital Dili, all under the pretext of preventing civil war and helping the Timorese people. This intervention aims at installing a compliant regime and at protecting Australia's economic as well as its strategic interests.

While the Australian troops have already been installed, the situation does not seem to have calmed down. During the past week, approximately 27 Timorese have died and nearly 100 have been injured. Yesterday it was reported that ambulances were ferrying casualties on the streets of Dili but it is not clear how many more have been injured or died. Apart from the deaths and injuries, looting and arson have continued in Dili over the past two days.

UNOCHA (United Nations Office for the Coordination of Humanitarian Affairs) through its *ReliefWeb* site has reported that, out of an original population of 150,000 in Dili, as of now 65,000 have been displaced. It fears that the number may rise. Most of the expatriates have already fled, but the locals are facing an acute shortage of rations and drinking water together with medical and sanitation facilities, which ironically are regarded as luxuries in this crisis situation.

"Aid workers expressed frustration at the insecurity despite the presence of more than 1,300 foreign troops from Australia, New Zealand and Malaysia. The troops seemed unable to stop the machete-wielding gangs that

have terrorised the capital," CNN reports.

In another article, the *Jakarta Post* reports: "Machete-wielding mobs torched houses and ransacked government offices, including the attorney general's where they succeeded in breaking into the Serious Crimes Unit. Files involving all of the most prominent Indonesian defendants in the 1999 massacres that followed East Timor's bloody vote for independence, including former General Wiranto, were stolen, said Attorney General Longuinhos Monteiro."

Attorney-General Longuinhos Monteiro told the BBC on May 30 that his offices had been looted on several occasions and up to 15 percent of the criminal archive stolen. The *Australian NEWS.com.au* reported: "UN security guards fled when looting began. Attorney-General Longuinhos Monteiro confirmed at least 12 percent of all files had been stolen."

Although the extent of damage is still not very clear, it is certain that the records of both the Prosecutor General's Office and the *defunct* Serious Crimes Unit have been looted. For the sake of argument, one could ask, why would a mob be interested in looting the records of the *defunct* Serious Crimes Unit and particularly the case file of General Wiranto? I am afraid ordinary citizens in Timor-Leste [East Timor] may find it very difficult to answer.

The United Nations Transitional Authority in East Timor (UNTAET), following UN Security Council Resolution 1272, established the Serious Crimes Unit (SCU). UNTAET also set up the Special Panels of Judges at Dili District Court to hear cases of serious crimes. The United Nations spent millions of US dollars to establish and maintain the courts. In independent East Timor, the Serious Crimes Unit is a section of the Office of the General Prosecutor as established under the constitution of the Democratic Republic of East Timor (RDTL). The unit had concentrated on crimes against humanity in widespread or systematic attacks against civilians, as well

as individual offences of murder, rape, torture and other crimes committed in East Timor between 1 January and 25 October 1999.

Being a bit skeptical, I am trying to find an answer as to why the Prosecutor General, as well as his supervisor President Xanana Gusmao and the SRGS Hasegawa (UN representative in East Timor), did not make proper security arrangements. They had all the resources at hand—particularly 1,300 fully-armed Australian troops together with local and international police—in order to safeguard the assets of the *defunct* Serious Crimes Unit (SCU). Moreover, they know well the pattern of trouble in Dili.

To solve this puzzle is perhaps difficult at the moment. However, the following clues may point to the underlying factors behind the plot to loot and destroy the records.

* It is much easier for the Dili-based leadership, particularly for President Xanana Gusmao, to gain further sympathy from Indonesia if, instead of judicial trials of high-ranking Indonesian army officials, including General Wiranto, there is emphasis on his initiative for reconciliation. At the same time, it might work as a tactic for him to lessen the Indonesian government's anger following his invitation to the Australians to solve the internal problems of Timor-Leste.

* The incident may provide an opportunity for Longuinhos Monteiro, who is the Prosecutor General of the republic (and reports to President Xanana Gusmao), to shift his responsibilities and get a clean slate. If further investigative efforts were to be orchestrated by the international community, it would send a signal that Timor-Leste is not a safer place. Longuinhos Monteiro, who was once very enthusiastic in carrying out the task of the Serious Crimes Unit, later came under pressure from President Gusmao and initiated a court motion to withdraw the indictment against General Wiranto, thus undermining the efforts of the Unit. Nonetheless the Special Panel Judge rejected the court motion.

* Notwithstanding President Gusmao's initiative and eagerness for reconciliation through the Commission on Reception, Truth and Reconciliation (CVAR), there may be regional and strategic interests. The US, with the full backing of Australia, wanted to exert pressure on Indonesia under the pretext of seeking justice for crimes against humanity. The Serious Crimes Unit of the United Nations seemed to be a viable forum. However, after the Timorese policy shift towards Indonesia, a need has been felt by the US and its international allies to establish an International Tribunal either in East Timor or outside. The

incident of record looting may justify further efforts to regain the momentum and pave the way for the establishment of an International Tribunal.

The records and assets of SCU are not just simple bookkeeping. Rather, they consist of full investigations; an inventory of exhibits; statements from victims and witnesses; indictments; arrest warrants; court proceedings and court judgments. What bothers me more is that confidentiality, as well as trust in the system, has now been completely shattered. Victims and witnesses, not only in Timor-Leste but also in other parts of the world, might now use this shameful incident as an excuse not to cooperate.

Another underlying implication that needs urgent attention is the danger that the perpetrators, suspects and their accomplices, who committed the atrocities, may now be able to identify the witnesses and read their statements. If they seek revenge, more bloodshed is likely. There is also the possibility that the perpetrators, suspects and their accomplices, most of whom now live in Indonesia, may try to take care of those who gave evidence against them. If that is the case, the looting might have been a case of infiltration. Australia, perhaps, will not lose the opportunity to shift its responsibility for the destabilisation of the country onto Indonesia, because it might also like to see some bitterness develop in the relationship between Dili and Jakarta.

An act of prejudicial and *prima facie* sabotage against the Timorese and international community's efforts and resources has taken place. Both the national and international community will soon start raising its voice to demand that President Xanana Gusmao and SRSG Hasegawa equally accept full responsibility for this irreparable loss.

Therefore, I venture to suggest that all efforts be made to investigate the incident and strenuous efforts be exercised to recover the looted records as soon as possible.



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