

# **EAST TIMOR**

## **The Terror Continues**

As the multinational force arrives in East Timor this week, the situation of tens of thousands of displaced East Timorese outside the territory becomes more critical every day.

While there is now some prospect that peacekeeping and humanitarian operations may bring security and relief to internally displaced persons (IDPs) in East Timor itself, it is imperative that international agencies and humanitarian organizations are also granted access to the estimated 200,000 others who have fled or been forcibly displaced to West Timor and other parts of Indonesia including Jakarta, Yogyakarta, Surabaya, Malang, Flores and Bali. These refugees face not only dire humanitarian conditions, but are also extremely vulnerable to intimidation, threats and attacks by the Indonesian National Army (TNI) and militia groups, who continue to operate with impunity.

Over the past two weeks few people have witnessed the human rights tragedy that has unfolded in East Timor. Journalists, human rights workers and UN workers have been forced to leave East Timor, fearing for their safety. This report draws together information available to Amnesty International throughout this period, including eyewitness accounts and interviews with refugees, in an attempt to reconstruct patterns of mass human rights violations, forced displacement and flight, and to assess the continued risks faced by East Timorese people in West Timor and other parts of Indonesia. Given the difficulty in obtaining and confirming information, it does not purport to present more than part of the total picture. The report concludes with an outline of the responsibilities of the Indonesian Government and members of the international community to assist and protect these people and some recommendations for action.

### **Flight and forced displacement to West Timor**

Tens of thousands of East Timorese are living in a precarious situation in West Timor, both pro-independence and pro-integration supporters alike. They are housed in make-shift camps, including military and police installations, have sought sanctuary with relatives and friends, or are living out in the open. Local aid workers have reported serious sanitation problems, a lack of food and water and very little medical provision. The delivery of humanitarian aid has been hampered by official restrictions on access and the activities of the pro-integration militias. The United Nations High Commission for Refugees (UNHCR) and international humanitarian organizations have to date been given very limited access to the camps - their workers have faced harassment and attack. On 22 September, the UN High Commissioner for Refugees announced that she had received assurances from President Habibie and other senior officials that UNHCR will be given "security and access to all the people in need of assistance". UNHCR warned, however, that it remained to be seen how the commitments given in Jakarta would translate into practice on the ground, particularly in West Timor.

Many of these people left East Timor after being subjected to a systematic campaign of threats and intimidation by pro-integration militias, with the active support of Indonesian police and military forces. Throughout the popular consultation process, Amnesty International had documented a pattern of harassment and attacks against independence supporters<sup>1</sup>, but this reached new levels of intensity in the aftermath of the overwhelming majority vote rejecting the proposed autonomy model. As the United Nations Mission in East Timor (UNAMET) itself observed in its report to the Security Council, this process bore all the hallmarks of a well-prepared and orchestrated program aimed at massive displacement and relocation. Additional weight is given to this view by the Indonesian Government's announcement, within days, of a major new program for transmigration and resettlement of East Timorese people in West Timor and other parts of Indonesia.

Most of the testimonies Amnesty International has collected come from people who left Dili and the surrounding area. Little is known about what happened in other districts because of the lack of access for independent observers, but there are sufficient reports to suggest a similar pattern.

In Dili, threats and intimidation by militia groups grew increasingly intense in the aftermath of the ballot. People have been forced to leave their homes and find sanctuary elsewhere, often with the church or international agencies. In some cases, militia came to places of sanctuary and threatened people again, telling them to go to the Regional Police Command (POLDA) for their own security. A staff member from an orphanage in Dili described how he and 55 orphan children left after their building was fired on by the militia. He was quoted as saying, *"We started to feel threatened because of bullets which began to graze off the orphanage"*.

Throughout this period, police failed in their duty to protect people and often colluded in attacks. Several thousand people sought shelter at POLDA during this time, but police gave militia members free access to the compound. The authorities reinforced people's sense of insecurity by telling them that their safety could not be guaranteed if they remained. With no other choice, many people opted to leave East Timor by the military transport, ships and chartered aircrafts provided. There are some reports of people being forcibly transported against their will.

Reports from Aileu District indicate a well-organized plan to remove local residents from one area even before the ballot result was announced. On 31 August, Police Mobile Brigade

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<sup>1</sup>See AI Documents :

East Timor: Paramilitary Attacks Jeopardise East Timor's Future. AI Index ASA 21/26/99, 16 April 1999.

East Timor: Seize the Moment. AI Index ASA 21/49/99, 21 June 1999.

East Timor: Violence Erodes Prospects for Stability. AI Index ASA 21/91/99, 18 August 1999.

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(Brimob) personnel arrived in four villages in the Liquidoe Sub-district in Aileu District, and began firing into the air. Militiamen then arrived, ordering people to leave and burning houses down. They gathered people together and forced the people to state whether or not they had voted for independence. Those who had were told that they would have to stay in East Timor and that they would “die”. In the town of Aileu itself, an observer reported that local TNI officials ordered people to leave their homes, register their names and state which way they had voted in the ballot. They were then told to gather their belongings and move towards the police headquarters in Aileu. According to the observer, one group of people claimed they had been told they would be going to the towns of Atambua or Kupang in West Timor; if they refused to go they would be considered to have voted for independence and would die. The population began to be moved from Aileu in trucks on 3 September.

People fleeing both East Timor and Indonesia are reported to have been checked at border crossings and departure points by militias, and sometimes the TNI, apparently searching for independence supporters. These checks have been taking place in East Timor, West Timor and on the island of Bali. In West Timor there have been unconfirmed reports of militia using lists of names believed to be of independence supporters and others at risk. There have been several reports of people being registered by the police at checkpoints. Those in favour of independence have been singled out and in some cases detained.

One pro-independence activist told Amnesty International that he and his family were lucky to escape:

*“There were seven checkpoints between Dili and Atambua. They were manned by members of Besih Merah Putih (BMP). BMP was trusted to this job while the other militias focused on looting and the army was sent to the eastern parts of Timor to round up people there. My family was able to pass through the checkpoints by pretending we were part of the militia convoy ahead.”*

Letters of authorization to travel (*surat jalan*), signed by the Commander of the militia group Aitarak, have reportedly been issued to others to enable them to pass militia checkpoints.

### **Militia operations in West Timor**

*...The terror has not ended with their displacement. We have reliable and corroborated reports that the militia/TNI are at this moment combing the refugee camps with lists looking for students, intellectuals and activists, then taking these people away.<sup>2</sup>*

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<sup>2</sup>Destruction of East Timor since 4 September 1999: Report prepared by UNAMET on 11 September 1999

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An unknown number of militia are now operating with impunity in West Timor. These militias appear to exercise at least some degree of control over the refugees and are said to be conducting regular checks on camp residents and hotels in order to find pro-independence supporters. A member of the pro-independence group, the National Council of Timorese Resistance (*Conselho Nacional da Resistencia Timorese* - CNRT), who managed to leave Indonesia, has been told by his family who are in a camp in Kupang, that members of TNI visited the camp asking refugees if they have seen him. There are also reports of house searches by militia in Kupang and Atambua.

The majority of militiamen appear to belong to the group Aitarak and to be located in the border area of Atambua, in Kupang and in Kefamenanu District. Some have been seen driving around in vehicles known to have been stolen from East Timor - including UNAMET vehicles stolen from the UNAMET compound in Dili (though these have reportedly now been confiscated by police).

On 16 September, five men from the TNI and a militia group arrived at a religious compound in Kupang and demanded that all East Timorese and non-East Timorese religious workers who had worked in East Timor be handed over to them. They later left but threatened to return. Another witness reported seeing militia at a hotel in Kupang checking on who was staying at the hotel.

A woman who fled to West Timor described how she was hunted down from Dili to Kupang but managed to escape. As she boarded a ship out of Dili, she was stopped by a militia member, but persuaded him that she was not from East Timor. She had to hide on the boat during her passage while the militia continued to look for her. When she arrived in Atapupu, West Timor, she found that all the exits were guarded by police and militia, but succeeded in getting through a militia checkpoint by pretending to be from Atapupu. On arrival in Kupang, she had to leave the house where she was staying after militiamen came to search for her by name. Another man who fled to West Timor described how a knife was held to his throat by militia after he arrived in Atambua.

### **Reported abductions and killings**

Amnesty International has received many reports of militia abducting and then killing people believed to be pro-independence supporters in East and West Timor. The majority of reports are impossible to investigate and confirm because of the lack of access for independent monitors.

There is credible evidence that 35 East Timorese were killed on 11 September on board a ship, the Dobon Solo, which was leaving Dili for Kupang that day. The identities of those killed

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are not known but all are believed to be young men. According to an eyewitness account, the bodies of the victims were dumped overboard.

One man is also known to have been killed and another severely beaten on a boat travelling from Kupang to Bali on 13 September 1999. The two men were taken from their cabin by armed police officers wearing t-shirts of *Kontingen Lorosae* (a special police contingent sent to East Timor to oversee the popular consultation). A member of Aitarak later boasted to one of the victim's wives that he had killed her husband.

Amnesty International has received other reports of the unlawful killings of East Timorese refugees on boats, but has so far been unable to confirm them. Such reports, however, are contributing to the mounting fear of refugees inside Indonesia and are discouraging many from trying to leave.

There are also credible reports that unlawful killings have taken place in camps in Atambua and that some people have been abducted from the camps by militia or detained by the military. One refugee recounted to Amnesty International the detention of his cousin in Kefamenanu:

*"The next day my family were forced to leave Kefamenanu... When they were leaving, a civilian who works for the military in Atambua stopped my cousin Leonio Guterres from leaving with the rest of my family. I do not know why he was picked - whether it was because he is a young, strong man or whether there was some suspicion about his background. He was detained at Kodim [District Military Command] in Kefamenanu. I fear he may be dead or in grave danger."*

There has been no information on Leonio Guterres' whereabouts since his detention and Amnesty International has issued an Urgent Action appeal on his behalf.

There have been conflicting reports of the death of Marcus Lafaek, the head of CNRT in Manatuto on either 9 or 10 September. According to one account, he was arrested in Dili, taken to Atambua and there executed by the militia. Another report suggests he was killed by police in a shooting incident with militia.

### **Human rights and humanitarian workers at risk**

Many of those who have fled and remain at grave risk are human rights and humanitarian workers. One local humanitarian worker travelled to Atambua dressed as a member of a militia. When he arrived in Kupang he was told that the militia were searching for members of his organization.

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Some international humanitarian workers, including UNHCR staff, have been attacked during attempts to visit the displaced persons. Three East Timorese staff members of the International Committee of the Red Cross (ICRC) were abducted in Atambua on 11 September; two remain missing and Amnesty International has issued appeals on their behalf. Students helping with the distribution of food to refugees in Kupang were also reported to have been threatened by militia in Oesapa on 17 September. Several doctors working at the Atambua Hospital have reportedly left the hospital after they were threatened by militiamen. One doctor who stayed is reported to have said, *“How do you expect them to work when there’s someone with a cocked weapon standing by every time they operate?”*

Journalists in Kupang have also been faced with intimidation. One Indonesian journalist who tried to film the displaced persons was prevented by militia from gaining access to the camps and was threatened with a machete. His film was confiscated. An Italian journalist claimed that he was beaten up by members of Aitarak on the night of 16 September in Kupang.

### **East Timorese in other parts of Indonesia at risk**

In other parts of Indonesia, including Jakarta, Yogyakarta, Flores and Bali, East Timorese are facing serious threats and intimidation. Independence supporters have been forced into hiding, moving from safe house to safe house to avoid detection by the militia and security forces. Militia members and officials are checking identities at ports of entry and exit throughout the archipelago, some reportedly using lists of identified targets. In Jakarta, there have been reports of militia members conducting searches for people believed to be independence supporters. In Yogyakarta, East Timorese students have been subjected to intimidation and threats. In a climate of rising xenophobia, East Timorese are easily identifiable for discrimination and attack.

In Bali, which is the seat of the Indonesian military command for East Timor, the authorities have ordered local hotel owners and villages to report the presence of newly arrived East Timorese guests and the TNI frequently check the houses where East Timorese are staying. Military and police are believed to have also threatened East Timorese seeking refuge there that they will soon begin an operation to arrest or force out the displaced persons. On 17 September, TNI personnel reportedly fired their weapons in a military post adjacent to where some East Timorese had been staying.

### **Protection of refugees**

As the international community seeks to restore security and basic needs for people in East Timor, it must also urgently address the question of how to assist and protect those who have been displaced, many of them forcibly, to West Timor and other parts of Indonesia.

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Given the special legal status of East Timor as a non-self-governing territory, Amnesty International is of the view that the boundaries of the territory are effectively an international border, and therefore those people crossing it have the right to international protection as refugees.

While Indonesia has not signed the 1951 UN Refugee Convention, the Indonesian Government has duties under international law to provide assistance and protection to refugees and to ensure they are not forcibly returned to situations where they are at risk. In particular, the Indonesian Government should:

- cooperate fully with the UN-mandated multinational force and UNAMET in establishing safe conditions for voluntary return to East Timor, including disarming and disbanding militia groups;
- grant full, secure and unimpeded access to UNHCR and other humanitarian agencies, in line with the assurances given to the UN High Commissioner on 22 September;
- ensure the humanitarian and civilian character of refugee camps is maintained;
- not block flows of humanitarian assistance into Indonesian territory, including that from East Timor, and if necessary allow for safe corridors for such assistance under UN authority;
- permit those who wish to leave the country to do so, with the facilitation of UNHCR;
- ensure there is no further forcible displacement under “transmigration” programs, as this could compromise the ability of East Timorese to exercise their right to return.

In providing assistance and protection, the Indonesian Government and UNHCR should:

- respect the principle of family unity by making efforts to prevent the separation of families or facilitate their reunion;
- provide refugees with adequate information about their rights;
- ensure any return is voluntary and that return programs are designed with the participation of refugees;

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- grant all refugees identity documents so that they can prove their status and, when possible, exercise their right of return.

Given the complicity of the Indonesian authorities in the massive human rights violations in East Timor, and reports of continuing abuses, it is clear that the Indonesian Government cannot be relied on to fulfil these obligations. The international community must therefore accept its shared responsibility and obligations by:

- placing maximum pressure on the Indonesian Government to fulfil the obligations above, in particular access for UNHCR and humanitarian agencies;
- committing adequate financial resources to UNHCR and humanitarian operations for the assistance and protection of refugees;
- putting in place appropriate systems for receiving and ensuring protection and basic needs to East Timorese seeking asylum in their own territory.

<b>KEYWORDS:</b> DISPLACED PEOPLE1 / PEACE-KEEPING / CIVIL DEFENCE / EXTRAJUDICIAL EXECUTION / HARASSMENT / RELIEF WORKERS / HUMAN RIGHTS ACTIVISTS / TRANSPORTATION
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