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Dili Investigation

The recent incident in East Timor has sent shockwaves around the world from the horror of the alleged massacre of East Timorese in a cemetery at a memorial for a Timorese youth activist killed under mysterious circumstances in late October. Having lost almost half the population in this small region to the struggle over integration of what is known as Indonesia's 27th province, East Timor has been rocked by confrontation from the pervasive Indonesian military for sixteen years. The seemingly unprovoked opening of fire into a crowd of East Timorese mourners at the Santa Cruz cemetery in Dili, East Timor by the Indonesian Army on the morning of November 12th has sparked protest through the national and international communities. The reports of foreign journalists present at the shooting reveal a sequence of events that strikingly contrasts reports of the Indonesian Army sparking controversy.

The causes for the incident, the count of victims and wounded, and the events occurring after the incident have differed among international press, eye-witnesses, and the army representatives. The debate is particularly focussed on the extent and intentions of the involvement of the Indonesian Army (ABRI) in the incident. One view is that the ABRI was provoked and acted only in self-defense of the attack from the demonstrators. This is complimented by allegations that the event was arranged by the opposition guerilla *Fretilin* to expedite the self-determination of East Timor. This story implicates Community Aid Abroad or CAA, an Australian-based non-governmental international development group, and the Malaysian New Zealander who bled to death shortly after the shootings.

After investigation in Dili, the Indonesian Legal Aid Foundation fact-finding team, through eye-witness accounts and cross-checking of information has verified information which contradicts the claims of the Indonesian Army (ABRI) and the official government position.

The shootings at Santa Cruz have not received wide coverage by the national mass media. Most incoming information has come from the reports of foreign journalists saying that the incident began after an early morning service on November 12th in memory of the death of a young of East Timorese who was killed in

a strange incident on October 28th, 1991, at Church of Motael in Dili. The youth, Sebastio Gomez was seeking refuge (from the military) in the Motael Church in Dili.

After midnight on October 28th, an unrecognizable gang of motorcyclists surrounded Bishop's house next to the Motael Church. They threw stones violently at the Church, breaking windows, and forced their way into the yard of Motael. Another group entered through the back entrance to the Church armed with pistols. Gunshots resounded at 02.00 a.m. and a young man named Sebastio Gomez was subsequently found shot dead across the street about 18 meters from the Church. Another casualty from the incident, found approximately 23 meters from Sebastio, named Alfonso, apparently was an informer to the Indonesian ABRI.

November 12th, 1991

According to Father Charlos Filipe Ximenes Bello, the memorial began with a Catholic Requiem Mass at the Motael Church at 06.15 a.m. on November 12th. Between 07.00 and 07.15, a group of the youths left the mass to join demonstrators outside the church where over one thousand youths ranging in age from high school to university student age had gathered. Headed by a young girl bearing flowers to place on the grave of Sebastio, the group walked down the main road in Dili passing the Governors' office, and several police posts to the Santa Cruz Cemetery, three kilometers away.

The youths planned after prayers and reflection to head to the Hotel Turismo where was residing Pieter Kooijmans, the leader of the United Nations Delegation that had been scheduled for an official visit to East Timor weeks earlier prior to indefinite delay. The demonstration was intended to encourage the United Nations against further delay of their visit.

The demonstrators carried posters and banners proclaiming, "Viva East Timor!", "We Love Independence", "(UN) Secretary-General: We are Waiting For You!" In addition to these signs was a portrait of Xanana Gusmao, the Commander of the Fretilin forces and leader of the opposition movement.

Eyewitness reports indicate that the Indonesian military was not present when the demonstrators reached the cemetery. As the youths entered the cemetery gates, they climbed on the walls of the cemetery with their posters and cheered for independence. According to the military, the youths carried knives, but this was not apparent to bystanders who claimed there was no evidence of weapons among the demonstrators. With more than 2000 youths, the procession filled the road to the cemetery.

Eyewitnesses attest that the demonstration was disciplined and controlled. The demonstrators filled the streets singing and bearing posters, but made absolutely no reference toward the Army nor did they direct insults or any words that could be considered provocation of the Indonesian forces, according to witnesses. Furthermore, the demonstrators were hemmed in closely by police throughout the length of the procession. At a certain point, the police were joined by the military. Some eyewitnesses describe a brief incident of rock throwing between demonstrators and ABRI, but that was quickly contained.

The demonstrators had reached the edge of the cemetery around 08.00 a.m. and began to enter the cemetery. When 500 and 800 of the youths had already entered the cemetery, as the rest were concentrated into a tight crowd 20 meters thick and 25 meters wide as they poured in through the double gates of the cemetery. According to Robert Munze, an aid worker from CAA, it was at the moment the crowd was most concentrated that the military trucks pulled in, carrying 30 to 40 battalions of fully armed anti-riot military divisions. At that point at least 200 armed military descended and advanced until they reached a position of 20 meters from the youths entering the cemetery. Then the military opened fire without warning, shooting directly into the crowd.

Eye-witness Accounts

According to the accounts of Allan Nairn and Amy Goodman, two American journalists standing at the West gate, the first round of shots lasted at least two minutes. The crowd of demonstrators turned to see the military fall into a firing line across the width of the road. The crowd grew quiet as the troops continued to mount. Goodman describes that the crowd seemed at that tense moment to realize what was about to occur.

According to the two journalists, the shooting began just as the troops passed them. Military soldiers began to attack the two reporters, striking them with their bayonets, beating Alan Nairns on the head as the journalists screamed that they were Americans. As soon as they were able to break from the clash with the military, they ran away. As they ran, the last thing they saw, was dozens of apparently dead bodies lying in front of the entrance to the cemetery.

According to other eye-witnesses, many of the demonstrators attempted to run away from the shooting along the cemetery walls, or through the North side exit from the cemetery, and even along the road leading to the cemetery. Others were trapped in the cemetery. Eyewitnesses asserted that accusations that the demonstrators were carrying knives or other weapons were entirely false. "If we had weapons, why did not a single person bring out their knives when the troops opened fire on us?" asked a young kid named Yusuf who was involved in the demonstration and witness to the shootings. Other eye-witnesses added that the unlimited use of weapons by the military has resulted in countless murders of Timorese that basically have no recourse for self-defense.

Goodman said, "We actually decided to go with the demonstrators hoping that our presence would deter the military from firing their weapons." Instead, Goodman and Nairns were caught in a struggle as was the New Zealander translating for CAA. The young 20 year old, Kamal Ahmed Bamadhaj, a student from the University of New South Wales involved in Indonesian issues on campus, and respected for his commitment to human rights issues in Indonesia, bled to death from gunshot wounds.

Another foreign eye-witness, Chris Wenner, a British film producer, was trapped in the cemetery with almost half of the crowd. He was able to see wounded youths scrambling for the South exit, and over walls, struggling to escape their deaths. After the first opening of fire, in minutes the military had taken off around the sides of the cemetery and shooting at those escaping, as well as climbing the walls of the cemetery and opening fire on those running away from above. After that ABRI entered the cemetery.

According both to Wenner and to other eye-witnesses, the killing continued as they entered the cemetery,

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shooting over the thirty minutes following the first shots. The cemetery was littered with dead and wounded bodies. Shots could be heard across Dili for several hours after the incident began. There is no one who can say accurately exactly how many were wounded in the incident. The doctors and first aid workers can only confirm the eye-witness statements that the number was very large.

The exact number of youths killed remains unclear. Governor Mario Vegas Carrascalo of East Timor estimates at least 50 to 100 were killed. The Governor himself witnessed a truck pass him that was loaded with dead bodies from the cemetery. Seeing this truck has led Carrascalo to suspect that the number of casualties is far higher than those officially quoted. The initial response of the Indonesian Government to the incident is the need for a thorough investigation. Governor Carrascalo doubting the legitimacy of the government's investigation, has announced that he will resign if the results of the investigation do not clarify the facts and produce accurate figures of dead and wounded. The commission (Komisi Penyelidik Nasional) or KPN has sworn to produce an objective report.

Meanwhile other findings report that those killed figure as high as 180, and those wounded no less than 218 people. Not a single source of information confirms the ABRI claim of 19 killed and 91 wounded. Sources from East Timorese say "No less than 200 people died in the incident of November 12th." Reuters News Service holds that between 72 and 115 people were killed.

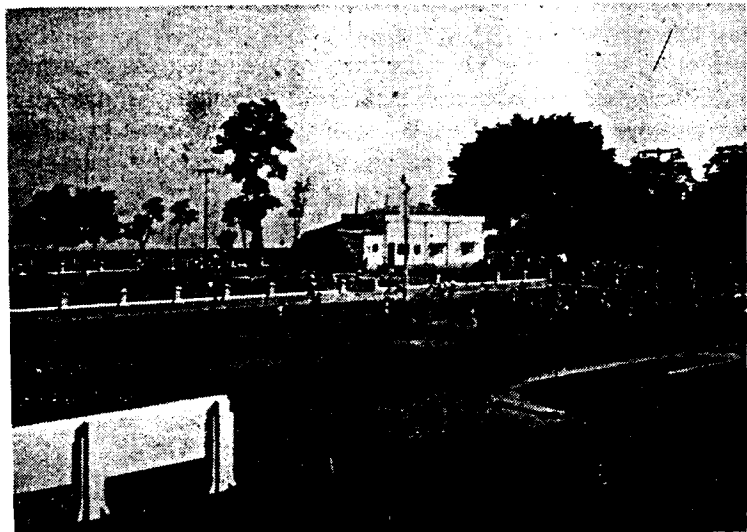
Government Position

General Sintong Panjaitan stated that the incident occurred because of differences in opinion between the people and the ABRI. According to him, from the reports he has read, 19 people were killed and 91 wounded.

According to the army, a group of brutal youths met outside the Motael Church, marched past the Governors office in the direction of the Hotel Turismo yelling and

screaming hysterically, and throwing things at stores and police posts. It was not an ordinary demonstration, according to ABRI, as the protestors were carrying Fretilin flags and weapons. Apparently, three hand grenades, a standard NATO issued G-3 pistol, and a knife were found among the dead. While the police tried to persuade the demonstrators to calm down, they only became more brutal, according to ABRI.

As far as he understands, the instigators of the incident were the remains of the *GPK (Gerakan Pengacuan Keamanan)* or underground resistance movement of East Timor. The Indonesian ABRI says that the incident be-



East Timorese demonstrator run away when the troop open fire on them.

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gan as an aggressive protest march following the early morning religious ceremony at the Motael Church. The military says that they attempted to break up the demonstration through persuasion, but the defiant youths continued and actually became more aggressive and attacked the Vice Commander of the Battalion wounding him with a knife. As things got out of hand, the soldiers responded as best they knew to protect themselves.

The government view holds that the incident was arranged by the resistance movement to attract international attention. They claim it was an organized attack. The choice for ABRI was "kill or be killed", from their perspective.

General Try Sutrisno said that in killing those 19, the

ABRI managed to save itself. According to his reports, the number of dead could not possibly be as high as 50 and rather less than 20. The General also continues to argue that there were no foreigners injured or killed by the military in the incident.

ABRI admits that a lot of people are apparently missing since the incident. ABRI has reports that the nineteen dead bodies were buried, and all of them are in Hera. In ABRI's opinion, any other the people are missing because the incident was out of control.

ABRI does admit the possibility that more than 91 people were injured and may even have died, but ABRI cannot guess how many that might be. ABRI prefers to wait for the investigation rather than conjecturing how many injuries occurred.

ABRI will continue its normal operations to develop East Timor pouring its resources, personell, and equipment into government development programs to improve problems such as rural water sanitation, and housing. According to ABRI, they are committed to giving the people freedom, and respecting their rights. ABRI claims it loves the people and wants them to prosper; only some "troublemakers" are hindering these efforts toward development.

Once the situation has calmed down. ABRI plans to hold dialogues with the people on their concerns, including the case of November 12th, so that issues or unrest do not spread. According to Warouw, it was an isolated incident in the city of Dili where protestors attempt to give the impression that the entire province wants independence.

ABRI welcomes the KPN (National Commission for Investigation) to determine the truth and has commanded all to openly discuss the events with the commission, according to Warouw. As leader of the East Timor ABRI forces, Warouw has said he will take full responsibility for the November 12th event, and will face any sanctions imposed after the KPN findings are released.

The Legal Aid Foundation Response

The Legal Aid Foundation has been the most vocal Indonesian group in condemning the incident and demanding an objective and thorough investigation. A subsequent protest of the killings by 70 Timorese students in Jakarta led to the temporary suspension of several other human rights groups. The case of these 70 students is also cause for international concern as 21 remain detained in Jakarta, six in Denpasar, in addition to possible others.

The Legal Aid Foundation fact-finding mission in particular lends support to YLBHI in demanding that the Indonesian military acknowledge the true events as they occurred with the following four demands:

First, the KPN Commission under the supervision of Supreme Court Justice Agung M. Djaelani which has reached conclusions that compliment the ABRI reports must deliver evidence that their investigation has been thorough and objective.

Second, the role of the military and the state must be reexamined and reshaped long term to ensure that an incident of the nature of the November 12th incident is not repeated.

Third, the hundreds of cases of "disappearances" in conjunction with the November 12th incident must be clarified, the government must resolve the issues by informing families of unreported deaths where relevant and revealing whereabouts or burial sites of these missing people. For those victims under care in a hospital, the freedom to locate their families must be guaranteed.

Fourth, those detained in relation to the event of November 12th must be given a fair trial by due process of law. This constitutional provision must be enforced in all circumstances and in particular the cases of the 21 East Timorese students held in Jakarta and the six in Denpasar charged with subversion and contempt of the state (Articles 154 and 155) under Indonesian Criminal Law (KUHAP). ■