

The Origins and Onset of the 2006 Crisis in Timor-Leste.

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This thesis is my own original work.

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I wish to dedicate this study to all those who were there, in Timor-Leste, in 2006.

Abstract

In the space of four weeks in April and May 2006, the newly independent country of Timor-Leste plunged from 'UN success story' into catastrophe. As hostilities grew, most of the inhabitants of the capital city fled their homes, and on 24 May, amidst armed conflict among police, army and irregular groups, Timor-Leste's leadership called in an international military intervention to restore the peace. Despite its gravity the crisis remains poorly understood both inside and outside the country, and many of its critical details have been lost to sight in the wake of subsequent events. The political nature of the crisis and the violence accompanying it exposed unresolved issues and deep divisions rooted in Timor's history. A returned Fretilin exile group under the leadership of Mari Alkatiri outmanoeuvred resistance hero Xanana Gusmão in the UN-managed political and constitutional processes leading to independence in 2002. After independence Prime Minister Mari Alkatiri pursued an autocratic style of government, favouring friends and excluding and persecuting opponents, built up paramilitary police forces and declared that Fretilin would rule for fifty years. By early 2006 Timor-Leste's first significant petroleum revenues had come on stream, its first parliamentary elections were due in 2007, and the UN mission (UNOTIL) was preparing to leave. Prime Minister Mari Alkatiri's appetite for power and authority, resisted by President Xanana Gusmão, made a confrontation of some kind inevitable. In early 2006 the political contest between Mari Alkatiri and Xanana Gusmão surfaced, over complaints of discrimination in the army. Over the following months, as tensions grew, the army fractured and the police force disintegrated. In May 2006 armed conflict among army, police, and irregular armed groups brought the country to the brink of civil war, halted only by the rapid deployment of Australian-led international forces on 25 May. Subsequent judicial investigations and prosecutions were pursued in dilatory fashion and left the impression that an understanding had been reached among the leadership to avoid mutual recrimination. The failure of the country's leadership to resolve pressing issues before the crisis, and their failure afterwards to account publicly for and to atone for what happened in 2006, sacrificed democratic and legal principle in the interest of political deal-making, and embedded undesirable precedents in Timor-Leste's political and judicial practice.

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A Note on Orthography and Names

Parallel spellings of place names remain in common use despite the promulgation of official guidelines, *Matadalan Ortografiku ba Tetun Ofisial*, in 2002.¹ To reduce confusion, and reflect correct pronunciation, I have adopted these modern standardized spellings as far as possible, except in direct quotations where the original spelling is preserved. However I have not used the diacritic accent markers recommended in *Matadalan*: while these markers are useful for foreign loan words, they are redundant for local languages and not in normal use in Timor-Leste, except occasionally for personal names. *Liquiçá* in Portuguese orthography, for example, becomes *Likisa* in Tetun, *Viqueque* becomes *Vikeke*, *Lautem* becomes *Lautein*, *Baucau* becomes *Baukau*. The maps provided in Figures 2 and 3 utilize the official orthography as far as possible. For the reader's ease I have rendered commonly used acronyms such as FRETILIN as Fretilin, APODETI as Apodeti, etc. A glossary of acronyms, abbreviations and frequently used terms is at Annex A.

East Timor:

In general I have referred to the territory of East Timor as follows:

Portuguese Timor up until 1975;

East Timor after the Indonesian occupation at the end of 1975 until 2002; and

Timor-Leste after independence in 2002.

Short-hand references to 'Timor' are to the eastern side of the island or the island as a whole: Indonesian Timor is specified when intended.

Personal Names:

The spellings of many Timorese personal names vary across sources. Some Timorese also have adopted a *nome de guerra* (pseudonym) and on occasion multiple variants. I have used consistent or corrected spellings to the extent possible. Selected *nomes de guerra* and principal variants are listed with baptismal names at Annex B. The spelling of Indonesian personal names is complicated by the change in Bahasa Indonesia spelling rules in 1972. I have used the form preferred by the owner where known, or the spelling consistent with the date of birth of the owner, e.g. Soeharto rather than Suharto.

¹ Instituto Nacional de Linguística, Universidade Nasional Timor Lorosa'e, *Matadalan Ortografiku Ba Tetun Ofisial*, 2nd ed., 2006.

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Figure 1: Timor-Leste in the Region (2006)



Figure 2: Timor-Leste: Districts and Principal Towns (2006)

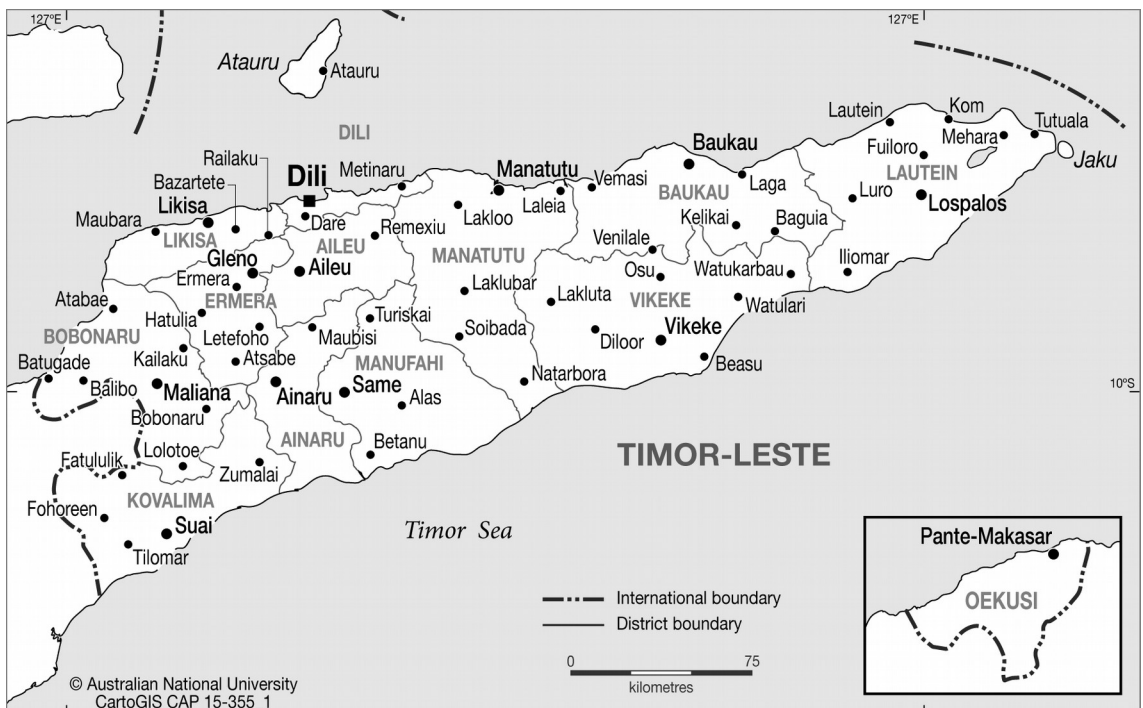


Figure 3: Timor-Leste: District Towns (2006)

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Introduction

In April and May 2006 a violent crisis erupted in Timor-Leste. What had begun in January 2006 as a petition, a little-noticed, grumbling protest against discrimination within the army, very slowly grew into a maelstrom that tore apart the fragile fabric of Timor-Leste politics. In March 2006 the military command and the government sacked the 'petitioners' and accumulated chronic absentees – almost half of the army. In the last week of April the government mobilized the army against a demonstration by the petitioners, the demonstration escalated into a riot, and a series of lethal clashes ensued. But it was unclear why the government had called out the army, or indeed exactly why the demonstration had turned into a riot. From late March, *loromonu-lorosa'e* (west-east) tensions in the army had begun to spread and infect communities in the capital city, Dili. But communal conflict had not previously featured in any significant way in Dili, even during 'the worst of times,' at the end of Indonesian rule in 1999. In the first week of May 2006 a number of *loromonu* (western) army and police officers deserted their posts, and many thousands of people left the city or sought refuge in churches and various locations in Dili. At the beginning of the fourth week of May, fighting broke out around the city, and on 24 May the president, prime minister and president of parliament requested an international intervention, urgently. The next day, on 25 May, soldiers massacred unarmed, surrendering, police on the street outside the Ministry of Justice. In April and May 2006 around 38 people were killed and 69 were wounded.¹ A worse bloodbath in Dili was averted only by the rapid deployment of an Australian-led intervention force late on 25 May 2006.

The precise causes and circumstances of the 2006 crisis have remained mysterious, brushed over and unresolved. The crisis is challenging to explain for a number of reasons. Above all, it remains a highly charged, political subject that people in Timor-Leste remain cautious about or afraid to discuss openly. In the decade since the onset of the crisis, little about it has been clarified beyond facts that emerged at the time. Yet understanding the crisis is crucial for understanding what can happen in Timor-Leste politics. The underlying causes have not necessarily been settled. But as time runs on, critical incidents have become blurred, confused and blotted out by subsequent events, and the causes of the crisis similarly obscured and on occasion the subject of disinformation.

1 United Nations, "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste" (Geneva, October 2, 2006), 42.

In early 2006, Dili was awash with conflicting and bewildering rumours, and it was difficult to know what to believe. Influential parties concealed their own actions and put the blame elsewhere. A few months later, in October, the report of the UN Independent Special Commission of Inquiry for Timor-Leste did much to identify starting points for judicial investigation and prosecutions. But these further actions were the responsibility of the Timor-Leste authorities and were pursued in a dilatory fashion. The slender results of the judicial processes left behind a sense of impunity and cover-up and shed little light on the dynamics and sequence of events. Most of the few who were convicted for 2006 crimes received presidential commutations or pardons. While most Timorese agree that the course of the crisis was politically manipulated, there is little consensus about who was responsible.

Under such circumstances, the reliability of information and sources can be problematic. I have made a close examination of multiple, parallel sources in an attempt to develop an accurate chronology, and to avoid false attribution of cause and effect. Nonetheless for every event there are seemingly conflicting accounts, which may reflect partial, incomplete views, individual or collective attempts to make sense of chaotic events, and attempts to conceal embarrassing facts. I have endeavoured to avoid giving undue weight to 'single source' versions of significant events, in favour of providing context and alternative versions where they exist. When I conducted most of my interviews in 2014, eight years after the onset of the crisis, and after elections in 2007 and 2012, I had not expected that so many people should still be distinctly circumspect in their comments. Nearly all believed that there was more to the story than had seen the light of day. Some of those I approached declined to talk at all. Some were willing to talk but only in terms of general background. Of those who were willing to talk, some expressed a preference not to be identified; most were best at ease confirming well-established facts. Others made the point that what they were telling me had already been stated in an open courtroom. Those who were willing to be named are acknowledged in the text.

The 2006 crisis in Timor-Leste came as a surprise to the outside world. In 1999 the territory had been the subject of an international military intervention by the International Force for East Timor (INTERFET), in the wake of the scorched-earth (*bumi hangus*) departure of the Indonesian army. Subsequently, under a UN Administrator, East Timor became the recipient of extensive international support and good-will, and was granted independence by the UN in May 2002. In 2004 the UN handed over responsibility for policing, defence and security. But the new state

effectively collapsed less than two years later. The outbreak of the crisis in 2006 belied a triumphalist narrative of Timor-Leste as a 'UN success story.' Barely three weeks before the violence broke out, on 9 April World Bank President Paul Wolfowitz had commended Timor-Leste's achievements and praised it as exceptional among post-conflict countries. And in New York on 20 April the UN Secretary-General had tabled a sanguine end-of-mandate report for the United Nations Office in Timor-Leste (UNOTIL), the fourth in a series of UN missions since 1999. But by the last week of May 2006, virtually the entire population of Timor-Leste's capital city, Dili, had abandoned their homes, and the government to all practical purposes had ceased to function.

When I started this study in 2013, I sought to understand the causes of the crisis by examining the relationship of the Timorese parties, the police, the military, and the leadership, and (to a lesser extent) their relationships with UN missions. I had been resident in Dili as New Zealand's first Ambassador to Timor-Leste from December 2005 to December 2008 and had observed the events at close hand, but I remained uncertain about many aspects of the crisis. I wanted to know more clearly: Why did the crisis happen and why had it not been predicted? What actually happened? And who was responsible? It had become clear that the government supplied the weapons and ammunition to the military, to the police, and covertly to irregular groups; and it was the leadership's loss of control of the armed conflict they had created, that caused them to request an international intervention. Unlike the circumstances of the INTERFET intervention in 1999, Indonesia was not involved: the crisis was entirely home-grown.

This study seeks to explain the significant turmoil that developed in Timor-Leste in 2006 and to analyze its historical roots. The study focuses on events from the end of the Portuguese colonial period through to July 2006, when José Ramos-Horta was appointed Prime Minister and Timor-Leste's Second Constitutional Government was formed. For a long time, much of the writing on East Timor/Timor-Leste focussed on international perspectives on the Indonesian incorporation and the independence struggle. Similarly, many books, articles and studies treated the scorched-earth end of Indonesian rule in 1999 as an historical Year Zero. Unfortunately such accounts tended to discount or obscure the complexity, intensity and dynamics of East Timor's own political forces and history.² Internal divisions were reduced to tensions between

2 Kammen similarly remarks on outsiders' post-1999 romanticization of the East Timorese nation, and the notion that 1999 marked a wholesale break from the past. Douglas Kammen, *Three Centuries of*

nationalists versus traitors; East Timorese were portrayed as victims, saints and heroes; and Indonesia as the source of conflict. Yet important internal conflicts had been evident, for example, in the 1975 UDT coup and the civil war, in ideological struggles, and in purges within the resistance. Furthermore, major differences evolved in the views and experience of members of the diaspora and those who remained in Timor after the Indonesian invasion in late 1975. While it was possible for the diaspora to retain a degree of ideological purity, and 'clean hands,' for most if not all Timorese who survived the years of Indonesian occupation, some level of compromise with the occupier was inevitable. Many Timorese men served at one point or another in the Indonesian armed forces (which until 1999 also included the police force), and by the late 1990s many Timorese were employed as Indonesian public servants, while others had businesses dependent on maintaining good relations with the Indonesian authorities. Neither Timorese nor Indonesians had the monopoly on virtue, and it was never a clear-cut matter of 'goodies and baddies,' although some individuals undoubtedly behaved more creditably than others.

Timor-Leste's history remains at many points poorly recorded and challenging to piece together, and in 2006 it was a history that was barely known to a youthful population, most of whom were born after the point of Indonesian occupation. The historic role of the Fretilin party, and of the Falintil armed resistance, and disputes over who had fought or sacrificed more in the resistance struggles, became persistent elements in the post-independence political narrative. During the 2006 crisis, Timor-Leste political leaders repeatedly conjured up the past to provide perspective and explanation for the crisis, and justification for their own positions. Because of their explanatory value in relation to the 2006 crisis, I have deliberately paid extra attention to relatively unknown and 'hard to understand' events, such as the 1975 'UDT coup,' Fretilin's own purges, the ideological conflicts of the resistance, and the series of post-independence conflicts between 2002 and 2005.

Since the Indonesian annexation in 1975, there has been a modest stream of publications analyzing East Timor politics. These works paid close attention to the international campaigns against Indonesian rule but they also endeavoured some serious analysis of East Timor politics and society. In the late 1970s and early 1980s, these notably included those by Jolliffe, *East Timor: Nationalism and Colonialism* (1978);

Conflict in East Timor (Singapore: NUS Press, 2015), 15-16.

Nicol, *Timor: The Stillborn Nation* (1978);³ Dunn, *Timor: A People Betrayed* (1983, 1996);⁴ and Budiardjo and Liem, *The War Against East Timor* (1984). In the late 1980s and early 1990s, important publications included Ramos-Horta, *Funu: the Unfinished Saga of East Timor* (1987); Taylor, *Indonesia's Forgotten War: The Hidden History of East Timor* (1991);⁵ Defert, *Timor Est Le Génocide Oublié: Droit d'un Peuple et Raison d'États* (1992); Lemos Pires, *Descolonização de Timor: Missão Impossível?* (1991, 1994); Cox and Carey, *Generations of Resistance: East Timor* (1995), Carey et al., *East Timor at the Crossroads* (1995). A rare example of work on East Timor under Indonesian rule is that by a Timorese economist, Saldanha, *The Political Economy of East Timor* (1994).

The prospect of political change in the late 1990s prompted another wave of publications: including Krieger (ed.), *East Timor and the International Community: Basic Documents* (1997); Pinto and Jardine, *East Timor's Unfinished Struggle* (1997); Kohen, *From the Place of the Dead* (1999); Niner (ed.), *To Resist is to Win* (2000); Fox and Babo Soares (eds.), *Out of the Ashes* (2001); and Tanter et al., *Bitter Flowers Sweet Flowers* (2001). Hill's *Stirrings of Nationalism in East Timor: FRETILIN 1974–78: The Origins, Ideologies and Strategies of a Nationalist Movement* (2002) published earlier close research on Fretilin. Important contributions dealing with the resistance years include Mattoso, *A Dignidade: Konis Santana e a Resistência Timorese* (2005); Chamberlain, *The Struggle in Iliomar* (2008); and Kammen, *Three Centuries of Conflict in East Timor* (2015). Van Klinken, *Making Them Indonesians: Child Transfers out of East Timor* (2012) picks up a part of the story of Indonesian occupation. A number of books examine the last stages of the independence struggle and transition to independence, including Martin, *Self-Determination in East Timor* (2001); Greenlees and Garran, *Deliverance: The Inside Story of East Timor's Fight For Freedom* (2002); Smith, *Peacekeeping in East Timor: The Path to Independence* (2003); Federer, *The UN in East Timor: Building Timor Leste, a Fragile State* (2005); while Alatas, *The Pebble in the Shoe: The Diplomatic Struggle for East Timor* (2006) tells the Indonesian side of the story. Robinson, *East Timor 1999: Crimes against Humanity* (2003) and *"If You Leave Us Here We Will Die": How Genocide Was Stopped in East Timor* (2010) provide important accounts and analysis of the mass violence in 1999. Cotton, *East Timor, Australia and the Regional Order* (2004) deals in detail with foreign policy issues pertaining to the INTERFET intervention and the implications for Australian policy in the region. Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas* (2006) utilizes historical information from a range

3 Later edition: *Timor: a Nation Reborn* (2002).

4 Later edition: *East Timor: a Rough Passage to Independence* (2003).

5 Later edition: *East Timor: the Price of Freedom* (1999).

of sources.

In addition to numerous studies on development issues and transitional justice, as well as personal memoirs, a number of publications deal with post-independence democracy and politics, including Kingsbury and Leach (eds.), *East Timor: Beyond Independence* (2007); Kingsbury, *East Timor: The Price of Liberty* (2009); Leach and Kingsbury (eds.), *The Politics of Timor-Leste: Democratic Consolidation after Intervention* (2013); Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste* (2013); Braithwaite, Charlesworth and Soares, *Networked Governance of Freedom and Tyranny: Peace in Timor-Leste* (2012); Wallis, *Constitution Making During State Building* (2014); and Feijo, *Dynamics of Democracy in Timor-Leste: the Birth of a Democratic Nation, 1999–2012* (2016). Conference proceedings include Shoemith (ed.), *The Crisis in Timor-Leste: Understanding the Past, Imagining the Future* (2007); Mearns (ed.), *Democratic Governance in Timor-Leste: Reconciling the Local and the National* (2008); and Kent et al., (eds.), *A New Era? Timor-Leste after the UN* (2015).

The CAVR (Commission for Reception, Truth and Reconciliation) report, *Chega!* (2005) contains a wealth of material on the history of the Timorese resistance and the experience of the Indonesian occupation. Also significant are releases of declassified diplomatic documents relevant to the period 1974–1976 by Australia,⁶ the U.S.⁷ and New Zealand.⁸ My triangulation of international responses to developments in East Timor in the period 1974–1976 has in some instances filled in gaps in the record and in others confirmed or replaced earlier sources that relied on leaked documents and conjecture. I have also made extensive use of the material and archives on the ETAN (East Timor and Indonesia Action Network) website (*etan.org*), established at the time of the 1991 Santa Cruz massacre. The CHART Timor Archives (1974–1999) (*timorarchives.wordpress.com*) provided access to digitized early activist newsletters (1974–1978), which yielded important insights into the resistance in this early period. Civil society organization La'o Hamutuk (*laohamutuk.org*) has maintained a valuable on-line archive of post-independence documents, commentary and analysis, particularly – but not restricted to – economic issues.

6 Wendy Way ed., *Australia and the Incorporation of Portuguese Timor, 1974–1976*. Documents on Australian Foreign Policy. (Melbourne: Department of Foreign Affairs and Trade/ Melbourne University Press, 2000).

7 U.S. Department of State Office of the Historian, “Documents on East and Southeast Asia, 1973–1976.” In *Foreign Relations of the United States, 1969–1976*, Vol. E-12 (2013).

8 New Zealand Ministry of Foreign Affairs and Trade, *Documents on East Timor 1974–1998*, released under the Official Information Act (unpublished compilation, 2004).

In documenting events particular to the 2006 crisis, the Report of the UN Independent Special Commission of Inquiry for Timor-Leste (2 October 2006) is an essential starting point, complemented by a report by the International Crisis Group.⁹ I have also used U.S. diplomatic reporting (published by Wikileaks in 2011), Australian Department of Foreign Affairs and Trade reports (disclosed in 2012 under the Freedom of Information Act), and contemporary New Zealand diplomatic reporting. Most of the New Zealand Embassy reporting cited here was written by me at the time (the Embassy operated out of a small, temporary office, staffed by two newly arrived seconded officers – myself and an aid/administration officer – supported by visits by a police liaison officer and a defence attaché based in Jakarta). Among cited source materials are my 'Author's Notebooks' in which I recorded working notes of meetings and telephone calls, from which I wrote official reports. I have occasionally reverted to these original notes for additional context and detail. I have also consulted a range of UNOTIL reports which have been invaluable in constructing precise context, chronology and analysis, in conjunction with local daily newspapers held by the National Library of Australia in Canberra. A number of interviewees both inside and outside Timor-Leste, who experienced the crisis at first hand, have added important insights.

Disclaimer

This study represents the views of the author in her personal capacity, and does not in any way represent the views or policies of the New Zealand Government.

⁹ International Crisis Group. "Resolving Timor-Leste's Crisis." Asia Report no 120. Jakarta/Brussels, 10 October 2006.

Chapter One

The End of Portuguese Rule in Timor

The island of Timor sits at the edge of Asia where it meets the Pacific, at the eastern end of the Lesser Sunda Islands that stretch southeast from Java. Timor-Leste is formed from the territory that was once colonial Portuguese Timor: the eastern half of that island together with the enclave of Oekusi, and the small islands of Atauro and Jaku. The island of Timor lies in the 'dry tropics' and receives rainfall on average between 1,000 and 2,000 mm per annum.¹ The land rises steeply from the sea to form rugged mountains in the interior, reaching almost 3,000 metres high. The land is for the most part arid and infertile and in most areas there is an annual 'hungry season.' Linguists identify about sixteen main language groups, twelve of which belong to the Austronesian language family and four others to the Papuan language family. These languages are further divided into numerous dialects.² Notwithstanding the significant dislocation, resettlement and urbanization of populations since 1975, personal and community identity for most Timorese remains profoundly connected to ancestral lands and traditions.

Portuguese contact with Timor goes back 500 years, but from Portugal's perspective Timor always sat at the periphery, a remote and unimportant outpost in what soon became a fragmented and declining empire. Portuguese seafarers were first attracted by the fragrant white sandalwood native to Timor when they reached the Spice Islands in pursuit of nutmeg, mace and cloves, soon after the Portuguese conquest of Melaka in 1511.³ From 1562 a small Dominican presence and later a fort was established on the island of Solor, to the west of Timor.⁴ A mestiço population grew around the fort at Solor and followed the Portuguese to Larantuka, at the eastern end of the island of Flores, after the Portuguese defeat at the hands of the Dutch in 1613. They became known as the 'Black Portuguese' or Topasses. There was a negligible Portuguese presence on Timor and the Topasses controlled the lucrative sandalwood trade from

1 Frédéric Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas* (Chiang Mai: Silkworm Books, 2006), 36–39. See also James J. Fox, "Diversity and Differential Development in East Timor: Potential Problems and Future Possibilities," in *East Timor: Development Challenges for the World's Newest Nation* (Singapore: ISEAS, 2001), 155–58.

2 Geoffrey Hull, *Mai Kolia Tetun*, 4th edition (Winston Hills, NSW: Sebastião Aparício da Silva Project, 2003), xi.

3 C. R. Boxer, "Portuguese Timor: A Rough Island Study 1515–1960," *History Today* 10, no. 5 (1960): 350.

4 Adolf Heuken, *Be My Witness to the Ends of the Earth!: The Catholic Church in Indonesia before the 19th Century* (Jakarta: Cipta Loka Caraka, 2002), 133.



Figure 4: Map of the Battle of Kailaku (1726)

Larantuka and Lifau (modern-day Oekusi) for about 200 years.⁵ Attempts by the Portuguese to assert formal authority, with the appointment of a series of governors in Lifau from 1702 ultimately failed in the face of hostility from the Topasses and their local allies. In 1769 Governor António José Telles de Menezes abandoned Lifau and moved east to establish a new settlement in Dili. In the nineteenth century the Dutch and Portuguese governments took a greater interest in the formal demarcation of the area. Their disputes and territorial claims took a century from 1816 to settle, eventually concluding in a determination in the Permanent Court of Arbitration in the Hague in 1914 and ratification in 1916, although during the nineteenth century neither fully controlled these territories: both the Dutch and the Portuguese led repeated armed expeditions to wage war in the interior on an almost annual basis in the dry season.⁶

Towards the end of the nineteenth century Portugal began some efforts to modernize its colony and to make it pay its way. It introduced cash crops (coffee and later copra), a poll tax, and road construction utilizing forced labour. The first mission school was established in Soibada in 1898, to train catechists.⁷ The economic impact of these innovations was insignificant, but the brutality of forced labour gave rise to widespread resentment and provoked the assassination of Governor Lacerda Maia in Dili in 1887.⁸ A simmering rebellion culminated in the disastrous Manufahi uprising led by Dom Boaventura, crushed in 1912 by Portuguese colonial forces, local allies and the gunboat *Pátria*, at the cost of 3,000 Timorese lives and 4,000 prisoners, according to a contemporary newspaper report.⁹ It was only after 1912 that the Portuguese for the first time established an administration in the interior.¹⁰

The corporatist *Estado Novo* (New State) dictatorship established in Portugal by António Salazar after a military coup in Lisbon in 1926 introduced a number of changes to Portugal's colonial 'civilizing mission' and curtailed already meagre constitutional rights in the colonies. The 1930 Colonial Act brought the colonies under direct rule from Lisbon and made the rights of natives subject to their assimilation

5 Boxer, "Portuguese Timor: A Rough Island Study 1515–1960," 340; F.J. Ormeling, *The Timor Problem: A Geographical Interpretation of an Underdeveloped Island* (Groningen: J.B. Wolters, 1956), 98–101.

6 James J. Fox, "Tracing the Path, Recounting the Past: Historical Perspectives on Timor," in *Out of the Ashes: Destruction and Reconstruction of East Timor* (Canberra: Australian National University E Press, 2003), 1–27.

7 Cardoso, *The Crossing: A Story of East Timor*, 4.

8 Jill Jolliffe, *East Timor: Nationalism and Colonialism* (St Lucia, Queensland: University of Queensland Press, 1978), 35.

9 Jolliffe, *East Timor: Nationalism and Colonialism*, 34–36; John G. Taylor, *East Timor: The Price of Freedom* (London: Zed Books, 1999), 11; Abílio de Araújo, *Timorese Elites*, ed. Jill Jolliffe and Bob Reece (Canberra, 1975), 3, 8.

10 Jolliffe, *East Timor: Nationalism and Colonialism*, 39; Taylor, *East Timor: The Price of Freedom*, 11–12.

status.¹¹ Two categories were created: 'natives' (*indígenas*) and others (*não indígenas*). Only natives who met the requirements of *assimilados* (to speak Portuguese, earn sufficient income, provide proof of good character) were exempt from the poll tax, forced labour, and compulsory military service. Natives also required a permit to travel outside designated areas, but those in business or appointed by the Portuguese authorities to the administration were eligible for exemption.¹² In the 1933 Portuguese Constitution establishing the *Estado Novo*, overseas provinces of Portugal, including Timor, were defined as integral parts of the Portuguese state.¹³ Following the Concordat between the Vatican and Portugal in 1940, after 1941 responsibility for the provision of education in the colonies was formally accorded to the Roman Catholic missions, giving the church an important role as educator of an emerging Timorese elite.¹⁴



Figure 5: "Portugal is not a small country" Henrique Galvão (1934)

11 Jolliffe, *East Timor: Nationalism and Colonialism*, 42–43.

12 *Não indígenas* also included *mestiços* and assimilated natives (*assimilados*). Taylor, *East Timor: The Price of Freedom*, 13.

13 Agência Geral do Ultramar, "Portugal – Província de Timor," 1973, 31.

14 Taylor, *East Timor: The Price of Freedom*, 13.

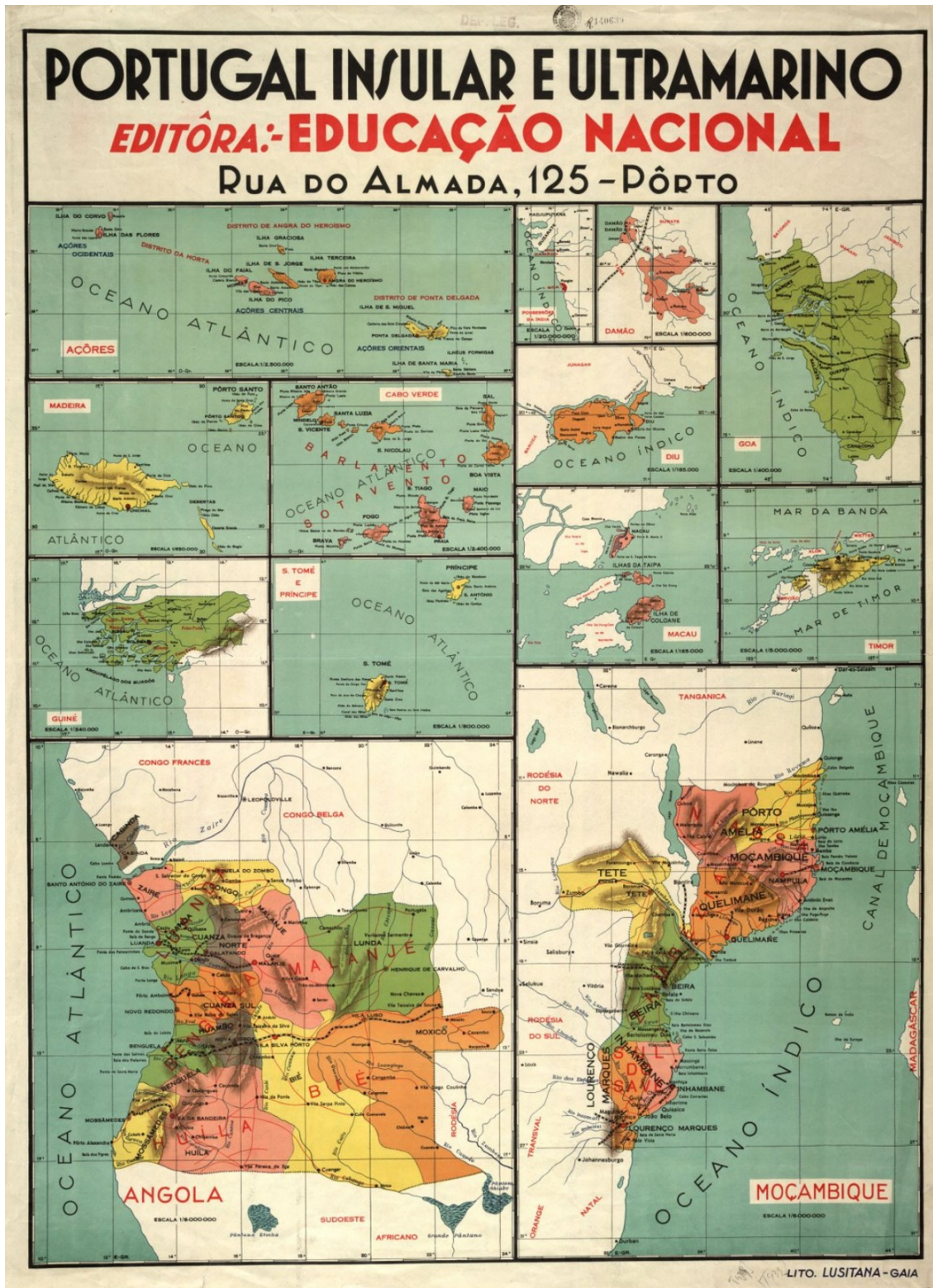


Figure 6: Island and Overseas Portugal (1939)

Timor was drawn into the Pacific War at the end of 1941, notwithstanding Portugal's neutrality, when the Allies landed 500 Australian and Dutch troops in an attempt to forestall Japanese occupation of the island. With local assistance (and against occasional local opposition) and with aerial bombing support, the Australian and Dutch forces maintained an effective guerrilla operation against a Japanese invasion force of 20,000, until forced by illness and exhaustion to evacuate to Australia in January and February 1943. By the end of the Pacific War, an estimated 60,000 Timorese, or 13 percent of the population, are believed to have died as a result of the conflict.¹⁵

In 1950, Timorese made up more than 98 percent of the population of 442,378, but only 1,542 (0.35 percent) qualified as 'civilized' or 'assimilated' (*civilizado* or *assimilado*), and adult illiteracy was estimated at 95–99 percent of the population.¹⁶ The few Timorese eligible for the privileges of the *assimilado* comprised principally a small mestiço elite and the families of traditional rulers (*liurai*). Colonial rule was harsh and after the Second World War a number of Timorese traditional leaders were executed or exiled for disobedience or for collaboration with the Japanese. Some suffered severe privation for many years, and some died, exiled on the island of Atauro or further afield, in Mozambique and Angola.¹⁷ A branch of the feared Portuguese secret police, PIDE, was established in 1961, following the Vikeke rebellion in 1959.¹⁸ Later known as the DGS, PIDE kept a tight rein on political activity in Portuguese Timor until 1974.¹⁹

In the 1970 official census the population of Portuguese Timor was recorded at 609,477.²⁰ The achievements of Portugal's 'civilizing mission' however remained slight.

15 Bernard J. Callinan, *Independent Company: The 2/2 and 2/4 Australian Independent Companies in Portuguese Timor, 1941–1943* (Melbourne: William Heinemann, 1953); Christopher Wray, *Timor 1942: Australian Commandos at War with the Japanese* (Hawthorn, Victoria: Hutchison, 1987); Archie Campbell, *The Double Reds of Timor* (A. Campbell, 1988).

16 United Nations General Assembly Special Committee on Territories under Portuguese Administration, "Timor: Background Paper Prepared by the Secretariat A/AC.108/L.13 3 December 1962," 1962, 11. In the 1927 and 1936 census data, no Timorese were deemed to meet the 'civilized' criteria.

17 Jill Jolliffe, *Run for Your Life: A Memoir* (Melbourne: Affirm Press, 2014), 139. Jolliffe records that the Portuguese colonial authorities 'were still torturing and jailing in the early 1960s.' Chamberlain records the repatriation in the 1990s from Angola, Mozambique and Portugal of some of those who had been exiled after the 1959 Viqueque uprising. Ernest Chamberlain, *The Struggle in Iliomar: Resistance in Rural East Timor* (Point Lonsdale, Victoria: Ernest Chamberlain, 2008), 41.

18 Ernest Chamberlain, *Faltering Steps: Independence Movements in East Timor–1940s to the early 1970s* (Point Lonsdale, Victoria: Ernest Chamberlain, 2010), 122.

19 PIDE (Policia Internacional e de Defesa do Estado) was renamed DGS, Direcção-Geral de Segurança in 1969. The DGS was abolished in the first batch of decree laws following the Carnation Revolution on 25 April 1974, after which overseas DGS intelligence functions and personnel were transferred to the military. *Dossier 2.ª República* (Lisboa: F Ribeiro de Mello/Edições Afrodite, 1976), 189–90.

20 Roman Catholic Church figures for 1974 put the population at 688,711. Carmel Budiardjo and Liem Soei Liong, *The War Against East Timor* (London: Zed Books, 1984), 50.

A small expansion of access to education was introduced in the 1960s and early 1970s, and Decree 547/22 of 22 December 1972 made some slight administrative changes: a legislative assembly under the authority of the governor was formed, comprising 20 representatives of whom 10 were to be directly elected and the remainder appointed.²¹ Timorese became recognized as Portuguese citizens and were no longer classified as *indígenas*.²² Traditional belief systems remained strong: the church claimed at most a quarter of the population as Christian. Notwithstanding slight improvements in the 1950s and 1960s, only a privileged few received any education: the official rate of adult illiteracy in 1970 was at least 93 percent.²³ At the end of the colonial era only two educated Timorese outside the church held senior positions in the administration: José Gonçalves (Director of Economics) and Mário Carrascalão (Director of Agriculture).²⁴ Ninety percent of the working population was engaged in subsistence agriculture, and there were only sixteen kilometres of surfaced road, all in Dili.²⁵

Portugal and the decolonization of Timor

On 25 April 1974, a military coup in Lisbon by the *Movimento das Forças Armadas* (MFA or Armed Forces Movement), which became known as the Carnation Revolution, overturned the fascist dictatorship that had ruled Portugal since 1926. The aims of the MFA were two-fold: paramount was the attainment of a 'political', that is, non-military, solution to Portugal's debilitating wars in its territories in Africa, through a rapid process of decolonization. Second was the restoration of democracy through free elections and the withdrawal of the army from direct involvement in domestic politics.²⁶ The MFA created a Junta (or Board) of National Salvation to oversee 'the purging of internal policies and institutions, transforming them by democratic means into institutions truly representative of the Portuguese people.'²⁷ The end of the dictatorship let loose a period of violent political upheaval in Portugal and for some time there was no organized political middle ground. In the two years until the

21 Agência Geral do Ultramar, "Portugal - Província de Timor," 34-36.

22 Mário Carrascalão, July 2014.

23 Stephen Ranck, "Timor-I: No Changes Overnight," *New Guinea and Australia, the Pacific and South-East Asia* 10, no. 1 (June 1975): 21.

24 Mário Carrascalão, July 2014.

25 Document 6: Annex to the Report of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: Chapter VIII, Territories Under Portuguese Administration, A/10023/Add.1, 20 November 1975-A/AC.109/L.1015. Heike Krieger, ed., *East Timor and the International Community: Basic Documents*, Cambridge International Documents Series (Cambridge: Cambridge University Press, 1997), 18-26.

26 António de Figueiredo, *Portugal: Fifty Years of Dictatorship* (Harmondsworth: Penguin, 1975), 235-36.

27 *Dossier 2.ª República*, 189-91; "Appendix III: The MFA Programme," in *The Portuguese Armed Forces and the Revolution* (London: Croom Helm, 1977), 244-47.

promulgation of a new Portuguese constitution in April 1976, a chaotic political environment prevailed, with coups, attempted coups and counter-coups, two presidents and six provisional governments.²⁸

Portugal's attention was focussed most urgently on extracting itself from the conflicts in its African colonies, and the fate of the colonies was a major source of disagreement in Lisbon in the First Provisional Government, between interim President, António de Spínola, and the MFA and its Programme Coordinating Committee. Spínola, a conservative, wanted a loose federation with the colonies, while the MFA wanted rapid decolonization.²⁹ In July 1974, the Portuguese government for the first time accepted United Nations decolonization principles of self-determination and independence for its territories.³⁰ Portugal formally announced proposals for Mozambique and São Tomé e Príncipe to become independent and for provisional governments to be established in Angola and Cape Verde in the course of 1975.³¹ Timor and Macao were left outside the July 1974 proposals. Timor was 'far, far away, remote and forgotten.'³² For a while after the Carnation Revolution in Lisbon:

Everything in Timor continued as before. The governor drove down in his official car from his residence at the top of Lahane, and was greeted by native guards at the entrance to the palace. The authorities continued to produce documents, and the civil servants awaited their salaries at the end of the month. No one ran out into the streets crying 'Freedom!', no one unfurled the old subversive flags. It was as if Timor were repaying Portugal in kind for all those long years of neglect and indifference.³³

However in July 1974 Governor Colonel Fernando Alves Aldeia was recalled to Lisbon, having made the grievous blunder of criticizing the MFA in a speech just weeks before the Carnation Revolution.³⁴ On the ground in Timor, after 25 April Alves Aldeia was no longer the symbol of Portuguese colonial authority and Major Arnão Metelo, the delegate of the MFA, for a few months became the most powerful figure in the

28 See chronology in Hugo Gil Ferreira and Michael W. Marshall, *Portugal's Revolution: Ten Years On* (Cambridge: Cambridge University Press, 1986), 32–63.

29 Ferreira and Marshall, *Portugal's Revolution: Ten Years On*, 33.

30 Document 13. Portuguese Council of State, Constitutional Law 7–74, 27 July 1974. *East Timor and the International Community*, 63. The former Portuguese colonial territories of Goa, Damão and Diu were annexed by India in 1961.

31 United Nations General Assembly, "United Nations General Assembly Resolution 3294 (XXIX): Question of Territories under Portuguese Domination," December 13, 1974.

32 Mário Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 3rd ed. (Lisboa: Publicações Dom Quixote, 1994), 27.

33 Luís Cardoso, *The Crossing: A Story of East Timor* (London: Granta, 2000), 91.

34 Alves Aldeia was possibly the colony's most capable Portuguese governor, who had previous military service in East Timor and had begun to introduce much-needed reforms, and displayed a genuine concern for people in the rural areas. Mário Carrascalão, July 2014.

colony.³⁵ After Alves Aldeia's departure, Lieutenant-Colonel Níveo Herdade acted, unpopularly, until the arrival of a new governor.³⁶ In October 1974 the Portuguese Minister for Inter-Territorial Coordination, António de Almeida Santos, responsible for Portugal's colonies and decolonization processes, visited Australia, Indonesia and Timor. In November 1974, a long six months after the Carnation Revolution, the new governor, Colonel Mário Lemos Pires, arrived in Timor without specific instruction or guidance from his government on Timor's decolonization. From the first Mário Lemos Pires felt that he lacked the necessary support from Lisbon either to define the task or to carry it out.³⁷ In Dili the new governor's authority was undermined by the political chaos in Lisbon and his perceived links to António de Spínola and political conservatives. From a Timorese perspective, compared with his predecessors Mário Lemos Pires was governor in name only, and it was really the MFA 'red majors' in Portuguese Timor, especially Francisco Mota and Costa Jonatas, who were in charge.³⁸

At the United Nations General Assembly in December 1974, António de Almeida Santos announced Portugal's intention to hold a referendum in Timor on decolonization, towards the middle of 1975.³⁹ In principle, the options for the colony were continued association with Portugal, incorporation into Indonesia, or independence. Almeida Santos noted that with Timor's undeveloped conditions 'it will be realised that total and immediate independence is a dream', and given Portugal's limited means, a collective effort would be necessary to promote Timor's economic self-sufficiency.⁴⁰ Underestimating the diplomatic effort required to gain support for its decolonization policy for Timor,⁴¹ and because above all it did not want the UN

35 James Dunn, *East Timor: A Rough Passage to Independence* (Double Bay, NSW: Longueville Books, 2003), 47.

36 Níveo Herdade was unable to control unrest in the army and also earned the hostility of the Timorese political associations. João Loff Barreto, *The Timor Drama: Portugal and East Timor: April 1974–December 1975* (Lisbon: Timor Newsletter, 1982), 15.

37 Lemos Pires, *Descolonização de Timor: Missão Impossível?*; Barreto, *The Timor Drama*, 21.

38 Antonio Sarmiento, August 2013. Sarmiento acted as the governor's interpreter as he undertook an intensive schedule of meetings and radio broadcasts all over the territory. According to Sarmiento, what was being said by the governor in the districts was not at all what was being said by the red majors in Dili, adding to the confusion. Nicol provides a similar view: Governor Lemos Pires was little more than a figurehead with no real power: the two men who controlled the administration in Dili in 1975 were MFA Majors Mota and Jonatas. *Timor: The Stillborn Nation*, 179–80.

39 Document 6: Annex to the Report of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: Chapter VIII, Territories Under Portuguese Administration, A/10023/Add.1, 20 November 1975–A/AC.109/L.1015. Krieger, *East Timor and the International Community*, 18–26.

40 Document 72. Memorandum to Canberra from New York, 15 January 1975. Wendy Way, ed., *Australia and the Incorporation of Portuguese Timor, 1974–76*, Documents on Australian Foreign Policy (Melbourne: Department of Foreign Affairs and Trade/Melbourne University Press, 2000), 161–62.

41 Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 37.

involved in its African decolonization process,⁴² early in 1975 the Portuguese National Committee for Decolonization decided against the internationalization of the Timor issue through the United Nations, deciding to use that path only as a last resort.⁴³

Not until July 1975 was legislative provision for the decolonization of Portuguese Timor promulgated in Lisbon, which legalized political parties and set out a compressed timetable. According to the plan, within 100 days (by late October 1975) a provisional government was to be formed consisting of a (Portuguese) High Commissioner and a government constituted by the High Commissioner, elected members from each regional council, and four members designated by each of the political associations. The election of a Popular Assembly was fixed for the third Sunday of October 1976. That assembly would be responsible for determining the political and administrative status of the territory. The formal termination of Portuguese sovereignty was to be signed in Dili on the third Sunday in October 1978.⁴⁴

Military and police in Portuguese Timor

In 1974 Portuguese Timor's colonial defence forces, equipped with modern NATO weapons,⁴⁵ stood at about 2,500 men. The forces comprised three metropolitan companies, six companies of Timorese garrison infantry (*caçadores de guarnição*), two cavalry squadrons at Bobonaru and Atabae near the western border, an instruction centre at Aileu, and supporting headquarters and technical maintenance elements. There were also about 52 companies of second line (*segunda linha*) Timorese auxiliaries (locals armed with antiquated weapons), and 70 police of whom 10 percent were metropolitan personnel.⁴⁶ After the Carnation Revolution in April 1974, the colonial authorities faced growing problems with morale and mutiny among conscripted metropolitan troops. The withdrawal of military police and rapid 'Timorization' of the military in 1974 were observed by Governor Lemos Pires to contribute to Timorese insecurity and anxiety about abandonment by Portugal.⁴⁷

A further decision by Lisbon in January 1975 to restructure the colony's defence force proceeded with 'inertia and denial'.⁴⁸ While Lisbon's eyes fell on the opportunity for

42 Testimony by Major-General Mário Lemos Pires, September 2003. "CAVR Update / Dec 2003 - Jan 2004" (CAVR, January 2004), 22.

43 Barreto, *The Timor Drama*, 25-26.

44 Document 14: Portuguese Council of the Revolution Constitutional Law 7/75 of 17 July 1975. Krieger, *East Timor and the International Community*, 34-36.

45 Portugal was a founding member of NATO (1949).

46 Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 148-49.

47 Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 35.

48 Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 150.

localization, it disastrously ignored the continuing need for qualified, metropolitan officers in the command structure and for technically trained specialist personnel. In early 1975 all three metropolitan companies, suffering from 'indiscipline' and deemed to be 'irrecoverable,' were returned to Portugal. The two cavalry squadrons in Bobonaru and Atabae were abolished, to be replaced by a smaller border cavalry group based in Bobonaru with detachments in 'various localities,' and the Timorese garrison company at Ermera was moved southeast to Maubisi.⁴⁹ These changes reduced the external defence capability and left the border area with Indonesia virtually undefended. Despite Governor Lemos Pires' concerns and pleas, Lisbon denied him further military support apart from two paratroop units (*páraquedistas*) for the defence of his administration, which arrived one in March and the second in July 1975.⁵⁰ Lemos Pires' request for a warship presence was denied on the curious grounds that it might constitute a 'provocation' to the Indonesians.⁵¹ By the beginning of August 1975 there remained only about 200 metropolitan troops in Timor, and just 70 of them – the paratroops – were combat forces.⁵²

Portuguese Timor 1974: the emergence of political parties

Political parties remained technically illegal in Timor until the passage of legislation in July 1975. But during May 1974, within a month of the Carnation Revolution, three significant Timorese political associations were allowed to form: UDT (União Democrática Timorese); ASDT (Associação Social Democrática Timor) – which in September 1974 was renamed Fretilin (Frente Revolucionária de Timor Leste Independente, the Revolutionary Front of Independent East Timor) – and the much smaller Apodeti (Associação Popular Democrática Timorese).⁵³

UDT's leadership included inner circle local elite, 'establishment' senior administrators, and plantation owners. Francisco Lopes da Cruz, a customs official, was appointed president, and Domingos Oliveira, a fellow customs official, secretary general. Other senior members included the Mayor of Dili, César Mousinho, Director of Agriculture Mário Viegas Carrascalão, and his younger brother João Viegas Carrascalão.

ASDT/Fretilin's founders were also from the local elite, but less 'establishment' in their

49 See Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 149–50; Frédéric Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas* (Chiang Mai: Silkworm Books, 2006), 68–69.

50 Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 156.

51 Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 84.

52 Dunn, *East Timor: A Rough Passage to Independence*, 35–37.

53 Other very small parties included KOTA, Trabalhista and ADITLA. Dunn, *East Timor: A Rough Passage to Independence*, 61–62.

prospects. They included Nicolau dos Reis Lobato, Mari Alkatiri, and José Ramos-Horta. José Ramos-Horta – whose sister Rosa was married to João Carrascalão⁵⁴ – had taken part in UDT's first meeting, but moved on to become a founder member of ASDT. A few days later ASDT appointed as its president Francisco Xavier do Amaral, who offered the party seniority, in age, gravitas and experience. Francisco Xavier do Amaral was a *liurai* from Turiskai, who had trained – but had not been ordained – as a Jesuit priest in Macao. The leaders of the third major association, Apodeti, favoured integration with Indonesia. Several of its founders were returned exiles associated with the 1959 'Vikeke rebellion'.⁵⁵ Apodeti's leaders also included influential traditional leaders from the western border area, among them Arnaldo dos Reis Araújo, Guilherme Gonçalves, and José Osório Soares.⁵⁶ MFA delegate Major Arnão Metelo was regarded by some Timorese as the Portuguese mentor and 'father' of Apodeti.⁵⁷ Whatever the original motivations of its founders, Apodeti early on became an Indonesian vehicle for integration, unofficially funded and facilitated by the Indonesian Consulate in Dili and the Indonesian military.⁵⁸

In September 1974 under the influence of student radicals returning from Lisbon,⁵⁹ ASDT re-badged itself Fretilin, taking its inspiration from the liberation movements in Portuguese Africa, particularly the PAIGC (Guinea-Bissau) and Frelimo (Mozambique).⁶⁰ Their revolutionary pretensions were mocked by a contemporary:

Then the Lisbon students returned to Timor for a well-deserved holiday. They had not finished their degrees, but they came with plenty of practical experience acquired in student canteens and associations. They were the new wave, bringing with them whatever was currently in vogue. They did not look like colonial administrators and they cultivated the dishevelled mien of revolutionaries.⁶¹

54 José Ramos-Horta, *Funu: The Unfinished Saga of East Timor* (Trenton, New Jersey: The Red Sea Press, Inc., 1987), 3.

55 Chamberlain, *Faltering Steps: Independence Movements in East Timor—1940s to the early 1970s*, 101–05.

56 Taylor, *East Timor: The Price of Freedom*, 27–28.

57 Mário Carrascalão, *Timor: Antes do Futuro* (Dili: Mau Huran Printing, 2006), 15–16.

58 J. Stephen Hoadley, "The Future of Portuguese Timor: Dilemmas and Opportunities: Occasional Paper No. 27" (Institute of Southeast Asian Studies, 1975), 5–6; *Chega! Part 3: The History of the Conflict*, 25; Wanandi later described Indonesian backing of Apodeti as a 'miscalculation' of its size. Jusuf Wanandi, *Shades of Grey: A Political Memoir of Modern Indonesia 1965–1998*, (Jakarta: Equinox, 2012), 205.

59 The student radicals involved were members of the Portuguese Marxist-Leninist Students Federation, the youth wing of the Maoist MRPP (Movimento Revolucionário do Proletariado Português). The key members of this returning group were Abílio Araújo, Guilhermina Araújo, António Carvarino, Vicente Manuel dos Reis and Venâncio Gomes da Silva. *Relatório Da Comissão de Análise E Esclarecimento Do Processo de Descolonização de Timor (CAEPDT)* (Lisboa: Presidência do Conselho de Ministros, 1981), 54.

60 Jolliffe, *East Timor: Nationalism and Colonialism*, 63; Dennis Shoosmith, "Timor-Leste: Divided Leadership in a Semi-Presidential System," *Asian Survey* 43, no. 2 (April 2003): 237.

61 Cardoso, *The Crossing: A Story of East Timor*, 106.

Roque Rodrigues played an important role in promoting the radicalization of ASDT/Fretilin, and would be among the Fretilin exile group returning to East Timor after 1999. Timor-born of Goan parents, Roque Rodrigues had served in Mozambique in the 1970s with the Portuguese army and developed strong sympathies with the Maoist ideology of Frelimo. In Lisbon in 1974 had become 'a sort of preacher' to the Timorese students, offering his African experience, and had returned to Dili in mid-1974 with António Carvarino.⁶² Fretilin brashly declared itself the sole legitimate representative of the Timorese people, following Frelimo's example,⁶³ but its ideological roots were shallow. In September 1975, Australian 'professional anti-communist' Michael Darby, on his return from a visit to Portuguese Timor, assured the U.S. Embassy in Canberra that the vast majority of Fretilin supporters 'couldn't tell Karl Marx from Harpo Marx.'⁶⁴

Both UDT and Fretilin sought to make the most of their opportunities and were not above using rent-a-crowd tactics to prove their popularity to visiting journalists and politicians. While Fretilin deployed its public speakers and revolutionary emblems, the UDT for its part exploited a strong traditional attachment to the Portuguese flag as a powerful, sacred, *lulik* object. The numbers of both UDT and Fretilin followers grew rapidly into the thousands, but Apodeti, which favoured autonomous integration with Indonesia, probably did not have more than 300 members in 1974.⁶⁵

Although the parties endeavoured to articulate different platforms and programmes, these were political parties still in their infancy, without the degree of political sophistication and coherence sometimes claimed. Traditional regional, family and personal affiliations – and differences – were more important than ostensible party policies or platforms. Party leaders were predominantly in their twenties, drawn from the same small assimilated elite, very well-known and often related to one another, across party lines, and most were educated in the religious colleges in Soibada, Maliana, Osu and at the Jesuit seminary at Dare.⁶⁶ There are numerous examples of close family connections among the political associations. By way of illustration, Antonio Sarmiento, a member of the UDT party Central Committee in 1975, was first cousin and close friends with Fretilin leader Nicolau Lobato. They had been

62 Nicol, *Timor: The Stillborn Nation*, 102–04.

63 Bill Nicol, *Timor: The Stillborn Nation* (Melbourne: VISA, 1978), 79–80.

64 Cable from U.S. Embassy Canberra 6046 to Secretary of State, Washington, 11 September 1975. *Wikileaks Public Library of U.S. Diplomacy*.

65 Taylor, *East Timor: The Price of Freedom*, 27–28.

66 *Chega! Part 3: The History of the Conflict*, 24–25; Araújo, *Timorese Elites*, 3–4; Jolliffe, *East Timor: Nationalism and Colonialism*, 8; Cardoso, *The Crossing: A Story of East Timor*, 100.

schoolmates at Soibada and had attended the Jesuit Seminary at Dare to train for the priesthood. Both served as conscripts in the army in 1967 and graduated as sergeants, Nicolau first in the class and Antonio second, and they maintained close contact by radio when they were on opposite sides during the short civil war, when Sarmiento served as a UDT commander in Ermera. Sarmiento's brother João Bosco served as a Fretilin commander.⁶⁷ Domingos Oliveira, Secretary General of UDT in 1975, later testified to his close friendship with Fretilin Secretary General Nicolau Lobato, and talked regularly about politics with his cousin José Osório Soares, Secretary General of Apodeti.⁶⁸ José Osório Soares was a brother-in-law of Xavier do Amaral. José Osório Soares, Nicolau and Rogério Lobato, Francisco Lopes da Cruz, and Antonio Sarmiento, were all sons of Soibada masters.⁶⁹ João Carrascalão and Mari Alkatiri were friends who had studied in Angola and both worked in the land office.⁷⁰

Political tensions in Portuguese Timor 1974–1975

During 1974 frictions grew between UDT and Fretilin, with a perception in Fretilin that the Portuguese authorities favoured UDT. On his arrival in late 1974, Governor Lemos Pires worked to defuse tensions between the political associations and to impose order on the political chaos in the colony.⁷¹ He banned Portuguese participation in the Timorese political associations and endeavoured to implement the MFA's policy of political neutrality or *apartidarismo*. *Apartidarismo* required military personnel to stand outside politics, but Roque Rodrigues – who was undertaking compulsory military service as an official on the education committee of the decolonization commission – remained an 'ardent and influential Fretilin supporter.'⁷² Lemos Pires commenced a dialogue with the three main political associations and pushed them to develop a common platform on the colony's political future. He offered government advisers to all three, which UDT accepted, Fretilin eventually agreed to and Apodeti refused.⁷³ With the governor's support, in late January 1975 UDT and Fretilin formed a coalition, preparing the way for decolonization and the transition government that Portugal envisaged.⁷⁴ But the UDT-Fretilin coalition was a fragile and unstable one, agreed to by the moderates in the two parties, and vulnerable to disruption. A coalition between

67 Antonio Sarmiento, August 2013.

68 *Chega! Part 3: The History of the Conflict*, 25–26.

69 Cardoso, *The Crossing: A Story of East Timor*, 97–105.

70 Cardoso, *The Crossing: A Story of East Timor*, 79.

71 Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 53, 55.

72 See Helen Hill, *Stirrings of Nationalism in East Timor: FRETILIN 1974–78: The Origins, Ideologies and Strategies of a Nationalist Movement*, (Sydney: Oxford Press, 2002), 119.

73 Ranck, "Timor-I: No Changes Overnight," 24–25.

74 "CAVR Update / Dec 2003 – Jan 2004," 22.

UDT and Fretilin in support of independence was not in Indonesian interests. An Indonesian charm offensive courted the moderates in both Fretilin (including José Ramos-Horta and Alarico Fernandes) and UDT, and sought out weak links, finding at least one in Francisco Lopes da Cruz in UDT.⁷⁵

Secret talks between Portugal and Indonesia in London in March 1975 led Portugal, at the first decolonization talks in Dili on 7 May, to argue to UDT and Fretilin that Apodeti should be allowed to participate in summit negotiations in Macao in June, and in a transitional government – or at least take part in an election. In May 1975 political tensions rose alongside a Fretilin initiative to form 'revolutionary brigades' to work in the countryside. An anonymous (probably UDT) leaflet circulated in Dili condemned members of Fretilin (Carapinha, Roque Rodrigues, António Carvarino and Vicente dos Reis) as 'communist-maoist extremists' and 'traitors'.⁷⁶ The UDT-Fretilin coalition collapsed acrimoniously when UDT withdrew in late May.⁷⁷ According to Dunn:

The leftward lurch of the government in Lisbon effectively weakened the capacity of the Decolonisation Commission to arrest the growing rift between Fretilin and UDT. Fretilin's nationalism was taking on a revolutionary fervour, while UDT's position shifted to the right after Lopes Da Cruz and Mousinho returned from their visits to Australia.⁷⁸

Portugal went ahead with its decolonization summit in Macao, 26–28 June 1975, despite a Fretilin boycott because of the participation of Apodeti and Indonesia.⁷⁹ In April 1975 Fretilin secretary general Nicolau Lobato had left on 'a grand diplomatic tour of Africa and then to Lisbon.' He attended the independence celebrations in Mozambique on 25 June, as a guest of honour of President Samora Machel, along with Francisco Xavier do Amaral and Mari Alkatiri.⁸⁰ In June and July, in the absence of senior leaders overseas, Fretilin's left wing became more aggressive and vociferous. In mid-June Fretilin forces under Timorese sergeant Hermenegildo Alves seized control of the enclave of Oekusi. The colonial authorities regained control after sending a negotiating force from Dili, which resulted in Hermenegildo Alves being gaoled for 20 days and UDT and Fretilin agreeing to a power-sharing arrangement in Oekusi.⁸¹ According to Nicol, matters nearly reached a flashpoint in Dili on 27 July when UDT

75 James Dunn, *Timor: A People Betrayed* (Milton QLD: Jacaranda Press, 1983), 94–95.

76 Dunn, *Timor: A People Betrayed*, 94–95; Jolliffe, *East Timor: Nationalism and Colonialism*, 114–15.

77 *Chega! Part 3: The History of the Conflict*, 31.

78 Dunn, *Timor: A People Betrayed*, 95.

79 Legislative provision for the decolonization of Portuguese Timor was promulgated in Lisbon in July 1975. Document 14: Portuguese Council of the Revolution Constitutional Law 7/75 of 17 July 1975. Krieger, *East Timor and the International Community*, 34–36.

80 Jolliffe, *East Timor: Nationalism and Colonialism*, 111, 153.

81 Jolliffe, *East Timor: Nationalism and Colonialism*, 273.

held a demonstration and called for the expulsion of a number of 'communists,' including Rodrigues, Carvarino, and Majors Mota and Jonatas. The next day Fretilin responded with 50 men with Portuguese G3 rifles on the streets of Dili. Nicol was later told by Portuguese army intelligence officer Major Cadete that it had become increasingly obvious to the Portuguese authorities that either Fretilin or UDT would resort to violence, and from the end of June, intelligence briefings warned: 'We, the army, must do nothing.'⁸²

Indonesian destabilization: *Operasi Komodo* and *Operasi Flamboyan*

The Republic of Indonesia claimed the borders of its territory as those of the former Netherlands East Indies. This principle provided the basis for Indonesia's claim on West New Guinea, which it prosecuted with vigour in the face of Dutch reluctance to cede the territory. Indonesia had achieved a handover to an interim UN administration in 1962, culminating in the UN-sanctioned 'Act of Free Choice' in 1969 which passed West New Guinea to Indonesia.⁸³ Portuguese Timor had never been part of the Netherlands East Indies and was technically outside Indonesian claims of sovereignty.⁸⁴ However, as a small half-island in the Indonesian archipelago, in the hands of a recalcitrant colonial power, Portuguese Timor was of interest to Indonesia:

Even before India had extinguished Goa's colonial existence, a move that highlighted the egregious presence of the Portuguese in Timor, the Vice Chairman of Sukarno's Supreme Advisory Council called on the people of Indonesia to "fill your hearts with hatred not only for Portuguese colonialism, but for all colonialism still existing on Asian and African soil," threateningly adding that Indonesia's "eyes and heart are directed toward Portuguese Timor and Goa," which, "are still under the power of colonialism."⁸⁵

Donald Weatherbee's assessment in 1966 was:

It is doubtful . . . that Portugal would be able to resist . . . an Indonesian policy actively working for the ending of Portuguese rule on Timor. Timor is not Angola or Mozambique. There is no great economic value to Portuguese Timor. There is no large European settler community to complicate a transfer of sovereignty. Timor is not defensible by Portugal. An Indonesian advance would probably meet the kind of resistance that the Indian army met in Goa. . . . In conclusion we can say that in a sense Portuguese Timor is a trust territory, the Portuguese holding it in trust for Indonesia.⁸⁶

82 Nicol, *Timor: The Stillborn Nation*, 301–03.

83 M.C. Ricklefs, *A History of Modern Indonesia since c.1300*, 2nd ed. (London: Macmillan, 1994), 271.

84 According to Foreign Minister Subandrio in 1962, 'We have no claims on Portuguese Timor, nor on North Borneo or on any other territory outside of the former Dutch East Indies,' cited in Donald E. Weatherbee, "Portuguese Timor: An Indonesian Dilemma," *Asian Survey* 6, no. 12 (1966): 690.

85 Roeslan Abdulgani, speech at a protest rally on Angola, Jakarta, 1961, cited in Weatherbee, "Portuguese Timor: An Indonesian Dilemma," *Asian Survey* 6, no. 12 (1966): 689.

86 Weatherbee, "Portuguese Timor: An Indonesian Dilemma," *Asian Survey* 6, no. 12 (1966): 695.

In April 1974, Indonesia took a close interest in Portugal's intentions for the decolonization of Portuguese Timor. Indonesian leaders early on reached the view that the eventual annexation of East Timor was the only acceptable outcome for Indonesia.⁸⁷ The trick would be how and when to incorporate the territory. President Soeharto was closely involved from the outset. Indonesian operations were initially placed under the guiding hand of Major-General Ali Moertopo, Deputy Head of the Indonesian State Intelligence Agency (BAKIN). Moertopo was a member of the small military circle closest to President Soeharto and responsible for dirty tricks 'special operations' (OPSUS) and intelligence matters.⁸⁸ The Centre for Strategic and International Studies (CSIS)⁸⁹ provided the 'strategic vision'⁹⁰ and managed the 'international aspect': Harry Tjan (Silalahi) was responsible for managing the relationship with Australia while Lim Bian Kie (Jusuf Wanandi) focussed on Portugal 'to a certain extent' and the U.S.⁹¹ CSIS's view was that Portuguese Timor could be delivered successfully into Indonesian hands by means of subversion coupled with diplomacy, without the need for military involvement.⁹² They were confident and expected the action to incorporate Portuguese Timor to be along the lines that Indonesia had used to wrest West New Guinea from the Dutch. 'We considered Papua a success and were keen to replicate it in Timor.'⁹³ In 1974 the Indonesians assessed that 'in today's world such an event would attract little attention and, even if it did, would not be recalled later with any emotion.'⁹⁴ The Indonesians were conscious of the precedent of India's annexation of Goa in 1961, which went unsanctioned by the UN. Indonesia might also have known that Portuguese recognition of India's sovereignty over Goa was imminent: a treaty between Portugal and India was signed on 31 December 1974 and published in April

87 Hoadley, "The Future of Portuguese Timor: Dilemmas and Opportunities: Occasional Paper No. 27," 20-21.

88 David Jenkins describes the innermost circle closest to Soeharto in 1975, as BAKIN Head Lieutenant General Yoga Soegama, Major-General Ali Moertopo, Major-General Benny Moerdani and Admiral Soedomo, among whom Soeharto cultivated complex rivalries. David Jenkins, *Suharto and His Generals: Indonesian Military Politics 1975-1983* (Ithaca: Cornell Modern Indonesia Project, 1984), 23-25. Benny Moerdani was a former Moertopo protégé now in the ascendant, who in 1975 was appointed [Presidential] Assistant for Intelligence in the Department of Defence and Security.

89 Jenkins, *Suharto and His Generals: Indonesian Military Politics 1975-1983*, 21. CSIS was set up in 1971 on the model of the U.S. RAND Corporation, which also provided it with guidance.

90 Wanandi notes that the Indonesian foreign ministry had just been purged by Soeharto and so 'the [Indonesian] embassies and the [Indonesian] Foreign Ministry and were sidelined on East Timor, right up until the war.' *Shades of Grey*, 202.

91 Wanandi, *Shades of Grey*, 198; in contemporary Australian reporting Lim Bian Kie was referred to as Ali Moertopo's private secretary.

92 Wanandi, *Shades of Grey*, 199-203.

93 Wanandi, *Shades of Grey*, 197.

94 Document 67. Submission to Willesee. Canberra, 13 December 1974. *Australia and the Incorporation of Portuguese Timor*, 148-53.

1975.⁹⁵

Under Moertopo's command, a 'civilian'⁹⁶ intelligence operation, *Operasi Komodo*, was put in place in Atambua, just west of the border in Indonesian Timor, around the middle of 1974, soon after the Carnation Revolution. In July 1974, Australian Embassy staff in Jakarta reported a significant OPSUS presence on the ground in Kupang, in Indonesian Timor.⁹⁷ A delegation from Portuguese Timor visiting Kupang around July 1974 was told by Indonesian Governor El Tari that there were three conditions to avoid invasion by Indonesia: no communist government in Portugal, no communist government in East Timor, and no instability in East Timor.⁹⁸ The launch of *Operasi Komodo* marked the point at which Indonesia moved from lower-level intelligence-gathering 'to creating inroads into East Timor's political parties.'⁹⁹ *Operasi Komodo* was intended to drive Timorese public opinion in the direction of 'a peaceful, diplomatically driven act of self-determination that would favour absorption by Indonesia.'¹⁰⁰ Towards the end of 1974, *Komodo* was overlaid with a competing, more muscular operation, *Operasi Flamboyan*,¹⁰¹ under the command of Major-General Benny Moerdani.¹⁰² During frequent visits to Portuguese Timor, Indonesian agents courted, compromised and sowed discord within and among Timorese political parties and invited selected leaders of UDT, Fretilin and Apodeti to Jakarta.¹⁰³ Under *Operasi Komodo* a barrage of menacing propaganda was broadcast into Portuguese Timor from Indonesian Timor, and the Indonesian official news agency Antara carried intimidating propaganda from its 'special correspondent' in the border area.¹⁰⁴

95 Finngeir Hiorth, *Timor: Past and Present*, South East Asian Monographs 17 (Townsville: James Cook University of North Queensland, 1985), 40.

96 'Civilian' in Indonesian army parlance appears to mean 'covert.'

97 Document 18. Report by Fisher. Jakarta, [July 1974] *Australia and the Incorporation of Portuguese Timor*, 74–76. Apodeti member Tomás Gonçalves, son of the *liurai* of Atsabe, Guilherme Gonçalves, testified in 2003 that he received military training in West Timor in August 1974 and met Indonesian Commander in Chief General Panggabean in Jakarta in September 1974. *Chega! Part 3: The History of the Conflict*, 25.

98 Mário Carrascalão, July 2014.

99 Wanandi, *Shades of Grey*, 197.

100 Wanandi, *Shades of Grey*, 197.

101 Ken Conboy, *Kopassus: Inside Indonesia's Special Forces* (Jakarta: Equinox, 2003), 205.

102 Document 54. Minute from Arriens to Furlonger. Jakarta, 26 October 1974. *Australia and the Incorporation of Portuguese Timor*, 128–29.

103 *Chega! Part 3: The History of the Conflict*, 31.

104 Hamish McDonald, *Suharto's Indonesia* (Blackburn, Victoria: Fontana/Collins, 1980), 199–200. In February 1975 Apodeti broadcasts had been suspended by the Portuguese authorities for 45 days 'for inciting violence.' The broadcasts regularly commenced with bursts of machine-gun fire. Radio Kupang broadcasts denounced Fretilin as communist and UDT as neo-fascist. In mid-1975 Radio Kupang and the Jakarta official news agency *Antara* gave voice to stories of Fretilin atrocities against Apodeti supporters and of China providing military training to Fretilin. Jolliffe, *East Timor: Nationalism and Colonialism*, 84.

From early 1975 Indonesian small-scale military incursions into Portuguese Timor began. The incursions continued with increasing intensity, into Oekusi (June and August), Kovalima (September) and Bobonaru (September, October and November).¹⁰⁵ In parallel, during 1974 and 1975, Indonesia carefully sounded out U.S. and Australian views at the highest levels and also engaged with Portugal in a series of diplomatic meetings: in Lisbon in October 1974, London in March 1975, Macao in June 1975, and Rome in November 1975.

UDT 'coup' and civil war: August 1975

By the beginning of August 1975 rumours were rife in Dili of the intentions of either Fretilin or UDT to conduct a coup. Two of the UDT leaders (João Carrascalão and Domingos Oliveira), after a visit to Indonesia hosted by Jakarta, decided to launch a coup.¹⁰⁶ They had returned to Dili on 6 August deeply affected by what they had been told in Indonesia: there would be no independence for East Timor under Fretilin, and independence even under an anti-communist UDT was doubtful.¹⁰⁷ They had also been told by the Indonesians that Fretilin planned a coup for 15 August.¹⁰⁸ Timorese distrust extended to the Portuguese administration: some UDT members believed that Portugal intended to hand over power directly to Fretilin, as it just had to Frelimo in Mozambique,¹⁰⁹ which would result in invasion by Indonesia. In UDT eyes, the problem with the radical elements in Fretilin could be solved with the expulsion of the Timorese radical students and the red majors on the governor's staff. Major Cadete promised UDT central committee members that he would find a way to expel the red majors, Francisco Mota and Costa Jonatas, after he (Cadete) returned from a month's leave.¹¹⁰ On 9 and 10 August UDT staged a series of anti-communist demonstrations and demanded the expulsion of five Portuguese 'communists.' And without waiting to consult the UDT central committee,¹¹¹ or for Major Cadete's return from Portugal, late on 10 August, João Carrascalão and Domingos Oliveira launched a coup – because it

105 Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas*, 71; Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 433; Wanandi, *Shades of Grey*, 203.

106 Dunn, *East Timor: A Rough Passage to Independence*, 141.

107 Jolliffe, *East Timor: Nationalism and Colonialism*, 117–18.

108 *Chega! Part 3: The History of the Conflict*, 41.

109 António Costa Pinto, "The Transition to Democracy and Portugal's Decolonization," in *The Last Empire: Thirty Years of Portuguese Decolonization* (EBSCO Publishing, 2003), 26.

110 Antonio Sarmiento, August 2013.

111 Antonio Sarmiento, August 2013; Mário Carrascalão was on the south coast at the time as head of the Department of Agriculture and Forestry. Although he was head of the UDT political committee he heard about the coup only on the radio on 12 August. "Interview with Mario Carrascalao," *Indonesia, Cornell Southeast Asia Program*, no. 76 (2003): 2.

was João Carrascalão's birthday (on 11 August).¹¹² They placed UDT President Francisco Lopes da Cruz under house arrest, on suspicion that he had sold out to Indonesia. Lopes da Cruz later managed to escape with assistance from Apodeti and the Indonesian consulate.¹¹³

Governor Lemos Pires could have put down the 'coup' with his paratroops, but he had no appetite to become embroiled in bloody conflict. Instead he ordered the Timorese army units to stay in their barracks and sought to engage the parties in dialogue.¹¹⁴ On 13 August Lisbon despatched a Presidential Envoy (Major João Soares), who failed to reach Dili after being serially blocked in transit in Indonesia.¹¹⁵ The logic of the 'UDT coup' was unclear, and has been described variously as a hastily planned and naïve operation intended to force moderate Fretilin leaders to act against their left wing,¹¹⁶ inept,¹¹⁷ foolish,¹¹⁸ and from an Indonesian perspective, premature.¹¹⁹ Canberra officials observed: 'Very delicate sources . . . suggest that UDT acted with at least some fore-knowledge of the [Indonesian] State Intelligence Coordination Body (BAKIN),' and that UDT broadcasts appealing to 'all nations of the South East Asia region' to send help provided 'the pretext for Indonesian intervention. All this stops well short of proof of Indonesian collusion with UDT. But if the Indonesians were intending to intervene, they could hardly have stage-managed the scene any better.'¹²⁰

The UDT coup depended on the armed support of the Dili police unit, whose Portuguese Police Chief, Lieutenant-Colonel Maggiolo Gouveia, was seen as a UDT sympathizer. Maggiolo Gouveia was initially detained by UDT as a hostage. But on 14 August Maggiolo Gouveia publicly declared himself for UDT and took command of the police troops for UDT, and led police actions in Dili against Fretilin. On 15 August

112 Antonio Sarmiento, August 2013. Almost a year later in 1976, Cadete visited Dili with General Morais e Silva, in negotiations with the Indonesians for the return of the 23 Portuguese hostages, and quietly asked Sarmiento, 'Why didn't you wait?'

113 Dunn, *East Timor: A Rough Passage to Independence*, 144.

114 *Chega! Part 3: The History of the Conflict*, 41; Lemos Pires explained in testimony to the CAVR in 2003 that his aim had been 'to prevent bloodshed between Timorese and Portuguese.' "CAVR Update/Dec 2003 - Jan 2004," 22.

115 The Indonesians later boasted about photographing the documents that Soares was prevented from delivering to Lemos Pires. Ken Conboy, *Intel: Inside Indonesia's Intelligence Service* (Jakarta: Equinox, 2004), 90–94; Julius Pour, *Benny - Tragedi Seorang Loyalis* (Jakarta: Kata Hasta Pustaka, 2007), 183.

116 James Dunn, "Portuguese Timor: The Independence Movement from Coalition to Conflict. Dyason House Papers 2 (1975) no.1," in *East Timor and Australia: AIA Contributions to the Policy Debate* (Canberra: Australian Defence Studies Centre, 1999), 79. In later testimony to the CAVR, João Carrascalão took responsibility for victims of the civil war. *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 29.

117 Michael Liefer, *Indonesia's Foreign Policy* (London: George Allen & Unwin, 1983), 156.

118 Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 38.

119 'tanpa persiapan matang,' Pour, *Benny - Tragedi Seorang Loyalis*, 190.

120 Document 164. Submission to Willesee, 12 August 1975. *Australia and the Incorporation of Portuguese Timor*, 302–04.

Captain Vasco Lino da Silva, the commander of the 14th Infantry Company at Lospalos, married to a Carrascalão, also declared for UDT, and took his troops to Baukau, collecting second line troops there, and arrived in Dili on 17 August.¹²¹ In the days after the coup, UDT forces detained hundreds of Fretilin members throughout the territory, including several of the party's leaders at its headquarters at Palapaso, Dili, where they were ill-treated and some died in circumstances that are still disputed.¹²²

Governor Lemos Pires' attempts on 11 August to convene talks between UDT and Fretilin foundered, as the senior Fretilin leadership had decamped from Dili. Exhausting their efforts to contact the Fretilin leadership, the colonial authorities eventually asked Rogério Lobato, an *aspirante* (officer cadet) based at Army Headquarters at Taibesi (Dili), to act as messenger to his brother, Fretilin Secretary General Nicolau Lobato. Rogério Lobato was reluctant to undertake the task as he was distrustful of the Portuguese, but eventually did so, returning on 12 August with Fretilin's reply: a list of conditions preliminary to negotiation.¹²³ On 15 August, Fretilin proclaimed a general armed insurrection.¹²⁴ On 17 August, the governor put the red majors, Costa Jonatas and Francisco Mota, on a plane to Portugal via Darwin; and sent Rogério Lobato by helicopter to Maubisi, to bring Fretilin President Xavier do Amaral back to Dili.¹²⁵ Unknown to the Portuguese, Rogério Lobato and Fretilin central committee members instead persuaded Timorese army personnel in Aileu and Maubisi to side with Fretilin.¹²⁶ On 18 August the army units made their decision and took 50 Portuguese metropolitan military personnel prisoner.¹²⁷

On 20 August Rogério Lobato and Hermenegildo Alves took control of army headquarters at Taibesi and launched a Fretilin counter-offensive against UDT. On the same day Rogério Lobato reported the capture of Portuguese Police Chief Maggiolo

121 Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 433; The Portuguese commission of enquiry later observed that the only operationally capable forces in Dili were ultimately under the command of Maggiolo Gouveia, and concluded that his personal partisan action 'provoked grave disequilibrium' in the military, 'constituting a starting point for others;' and Lino da Silva's actions in bringing in two companies of Timorese troops aggravated the problem. *CAEPDT*, 298-300.

122 *Chega! Part 3: The History of the Conflict*, 41. Xanana Gusmão was among those 'arrested and imprisoned' by UDT at Palapaso on 17 August. Xanana Gusmão, *To Resist Is to Win! The Autobiography of Xanana Gusmão* ed. Sarah Niner (Richmond, Victoria: Aurora Books, 2000), xii.

123 Jolliffe, *East Timor: Nationalism and Colonialism*, 121-22; Lemos Pires, *Descolonização de Timor: Missão Impossível?*, 205.

124 Gusmão, *To Resist Is to Win! The Autobiography of Xanana Gusmão*, xii.

125 Jolliffe, *East Timor: Nationalism and Colonialism*, 130.

126 Jolliffe, *East Timor: Nationalism and Colonialism*, 129-31. According to Jolliffe, Fretilin disliked what they saw as Portuguese attempts to deal through moderates and to side-step the party central committee in favour of individuals. See also President's Speech at Uaimori on 20 August 2003, in *Timor Lives! Speeches of Freedom and Independence* (Alexandria, NSW: Longueville Books, 2005), 236.

127 Document 176. Cablegram to Canberra. Lisbon, 21 August 1975. *Australia and the Incorporation of Portuguese Timor*, 324-26.

Gouveia, the surrender of some UDT fighters, and the release of Fretilin prisoners in Dili.¹²⁸ For two weeks there was fierce fighting in Dili, using the government's arsenals of weapons, freely handed out by both Fretilin and UDT.¹²⁹ Fretilin forces soon gained the upper hand. By 31 August most of the fighting was over and by the middle of September Fretilin had effective control of most of the territory apart from the western border, where around 20,000 people, mainly UDT supporters, had taken refuge.¹³⁰ On 24 September the majority of the UDT forces, about 900 men, crossed the border into Indonesian Timor at Batugade. Another 200 UDT troops decided to surrender to Fretilin, at Maliana.¹³¹ On 24 September the Indonesian authorities required UDT and its allies to sign a pro-integration petition to President Soeharto, as a condition of crossing the border.¹³² UDT forces took with them 23 Portuguese officers and 3 civilians¹³³ from the Bobonaru garrison, whom they had taken prisoner on 27 August as they made their way to the north coast to evacuate to Atauro.¹³⁴ These prisoners, to the delight of the Indonesians and to the humiliation of the Portuguese, included the conscripted nephew of a Portuguese prime minister.¹³⁵ The 23 Portuguese officers became hostages for almost a year, until their negotiated release and repatriation to Portugal after the incorporation of East Timor into Indonesia in July 1976, along with 113 civilians – including João Carrascalão, the instigator of the UDT coup.¹³⁶

The short civil war was a vicious affair, where personal enmities, envy and grudges surfaced. Political parties allied with each other in every combination and permutation. Mário Carrascalão observed in 2003: 'In Atsabe we saw Fretilin together with UDT against Apodeti. Apodeti in Same was different, it was with UDT against Fretilin. In Dili it was Fretilin and Apodeti against UDT.'¹³⁷ Killings and massacres of political prisoners were committed by both sides. The highest death tolls were in rural

128 Jolliffe, *East Timor: Nationalism and Colonialism*, 132–33.

129 *Chega! Part 3: The History of the Conflict*, 42.

130 *Chega! Part 3: The History of the Conflict*, 40.

131 Jolliffe, *East Timor: Nationalism and Colonialism*, 145–46.

132 Taylor, *East Timor: The Price of Freedom*, 51.

133 Frédéric B. Durand, *History of Timor-Leste* (Chiang Mai: Silkworm Books, 2016), 106–07. The three Portuguese civilians were soon released, but the remainder became hostages.

134 The Portuguese commission of enquiry later singled out the cavalry groups in Bobonaru and the Timorese company in Oekusi for commendation, for maintaining their political neutrality (*apartidarismo*) and maintaining the structure of command and order in their areas of responsibility. CAEPDT, 300.

135 Major Rui Batista da Palma Carlos, nephew of Prime Minister Adelino da Palma Carlos in the short-lived first provisional government in Portugal, May–July 1974.

136 Hendro Subroto, *Eyewitness to Integration of East Timor* (Jakarta: Pustaka Sinar Harapan, 1997), 41–42; The repatriation of the hostages is referred to as *Operasi Flamingo* by Benny Moerdani's biographer: Pour, *Benny – Tragedi Seorang Loyalis*, 200–01. Jolliffe records that by 3 October 1976, 929 Portuguese nationals (mainly Timorese) had been 'repatriated' to Portugal, mostly from Atambua. Jolliffe, *East Timor: Nationalism and Colonialism*, 151, 291–92.

137 *Chega! Part 3: The History of the Conflict*, 42.

areas, particularly in the districts of Likisa, Ermera, Ainaru, Manufahi and Manatutu. Portuguese Police Chief Maggiolo Gouveia was among those executed by Fretilin at Asirimou in Aileu on 26 December 1975,¹³⁸ amidst mass executions of prisoners by Fretilin in December 1975 and January 1976.¹³⁹ The death toll for the civil war is believed to have reached between 1,500 and 3,000 persons.¹⁴⁰ Regular and systematic Fretilin executions of UDT prisoners continued in some places for some two or three years,¹⁴¹ and many Timorese believe the death toll may be higher as the story has yet to be fully told.

The end of Portuguese rule

In Dili on 18 August 1975 the Portuguese administration withdrew to the waterfront suburb of Farol, protected by the Portuguese paratroop units.¹⁴² The opportunity for the Portuguese administration to assert control had been lost. In Lisbon the political turmoil worsened, later becoming known as the 'hot summer,' during which Portugal itself teetered on the brink of civil war.¹⁴³ In Lisbon a fifth provisional government was formed on 8 August¹⁴⁴ and a sixth on 15 September.¹⁴⁵ In Dili, as the conflict intensified, Lemos Pires informed Lisbon that he was 'weary of seeing people die' and that he was at risk of being taken hostage by one of the forces in the struggle. The beleaguered governor, having received no reply to his previous eighteen messages to Lisbon, was told that he would receive no military or diplomatic support from Lisbon, or from international bodies, and that he should at all costs avoid being taken hostage, and should try to go to the nearby island of Atauro.¹⁴⁶ On the night of 26–27 August, Governor Lemos Pires and the remnants of his administration evacuated by boat to Atauro, and other members of the Portuguese administration followed from the enclave of Oekusi on 30 August,¹⁴⁷ an ignominious end to 450 years of Portuguese rule.

138 *Chega! Part 3: The History of the Conflict*, 69. Fretilin blamed Maggiolo Gouveia for siding with UDT. He is thought to be the only Portuguese to be executed in the conflict.

139 *Chega! Part 7: Human Rights Violations: Chapter 7.2 Unlawful Killings and Enforced Disappearances*, 54.

140 *Chega! Part 3: The History of the Conflict*, 43.

141 Madre Guilhermina Marçal, July 2014.

142 *Chega! Part 3: The History of the Conflict*, 42.

143 Jolliffe, *Run for Your Life*, 222.

144 Document 164. Submission to Willesee. Canberra, 12 August 1975. On 8 August most of those associated with Portugal's 'moderate' line on Timor, including Minister for Inter-Territorial Coordination, Almeida Santos, were removed from power. Almeida Santos however continued to act as a special envoy and was reappointed to Cabinet (as Minister for Social Communications) in September 1975. *Australia and the Incorporation of Portuguese Timor*, 302–04.

145 Ferreira and Marshall, *Portugal's Revolution: Ten Years on*, 32–56. The sixth provisional government itself went on strike in November 1975 in protest against the continuing chaos and unrest in the country.

146 Barreto, *The Timor Drama*, 47–48.

147 Jolliffe, *East Timor: Nationalism and Colonialism*, 273.

On 27 August, evidently aware of the departure of the Portuguese governor and his staff to Atauro during the night, an Indonesian military team quietly landed in Dili from the frigate *KRI Monginsidi*, and through the offices of the Indonesian Consul had separate meetings with Apodeti, Fretilin and UDT, before returning to their ship.¹⁴⁸

On 22 August 1975 a Portuguese special mission headed by former Minister for Inter-Territorial Coordination Almeida Santos left Lisbon for Timor, Indonesia and Australia, via New York.¹⁴⁹ In New York he received a cool reception to his request for a UN 'good offices' mission, mainly because it was felt that Portugal was trying to fob off its responsibilities, but also because it was unclear whether Indonesia would be willing to participate in the proposed mission.¹⁵⁰ In Jakarta on 28 August the Indonesian authorities presented Almeida Santos with a proposal for the despatch of Indonesian troops to Portuguese Timor to act 'as the embryo of an international force to maintain peace.' Almeida Santos declined as he did not trust Indonesia, and proposed instead a multinational force composed of Portuguese, Indonesian, Malaysian and Australian troops, to which neither Malaysia nor Australia was agreeable.¹⁵¹ Indonesia claimed to Australia and the U.S. that Portugal was using 'stalling tactics'¹⁵² and that it was not willing to participate in a multilateral action.¹⁵³

On 2 September Almeida Santos reached the remnants of the colonial administration on Atauro, by which time the civil war in Portuguese Timor was virtually over. Almeida Santos shuttled from Atauro to Jakarta to Darwin and back again, but his efforts to bring together the Timorese parties and to free the 23 Portuguese prisoners held near the border proved fruitless, frustrated by Indonesia.¹⁵⁴ To add to Portuguese woes, the governor's aircraft was detained by the Indonesians at Atambua as part of an OPSUS plan, obliging Almeida Santos to seek Australian assistance to get back to Atauro from Darwin.¹⁵⁵ Almeida Santos eventually left Atauro on 11 September. In Lisbon, Portuguese officials blasted Australian Embassy officials over both the lack of

148 Subroto, *Eyewitness to Integration of East Timor*, 50–51.

149 Jolliffe, *East Timor: Nationalism and Colonialism*, 253; Documents 18 and 19: Letters from the Minister of Foreign Affairs of Portugal to the Secretary General, 22 and 23 August 1975. Krieger, *East Timor and the International Community*, 38.

150 Submission on Portuguese Timor to the Prime Minister, 27 August 1975. New Zealand Ministry of Foreign Affairs and Trade, *Documents on East Timor Released under the Official Information Act* (Wellington, 2004), hereafter referred to as *New Zealand OIA Documents*.

151 Jolliffe, *East Timor: Nationalism and Colonialism*, 253.

152 Document 217. Cablegram to Canberra. Jakarta, 6 September 1975. *Australia and the Incorporation of Portuguese Timor*, 391–93.

153 Document 133. Memorandum of Conversation [Malik/Kissinger], September 5, 1975. U.S. Department of State Office of the Historian, "Documents on East and Southeast Asia, 1973–1976," in *Foreign Relations of the United States, 1969–1976, vol. E-12*, 2013.

154 Barreto, *The Timor Drama*, 51. The Indonesians spuriously claimed that the hostages were held by UDT.

support and the hypocrisy of the international community towards Portugal's decolonization efforts.¹⁵⁶ Portugal's refusal to invite Indonesian intervention, it was explained, was grounded in the deaths of as many as 300,000 people in the 1965–1966 killings in Indonesia, and Portugal believed that if Indonesia intervened, there would be a bloodbath unless Indonesian actions were supervised on the ground.¹⁵⁷

Fretilin in the interregnum

Fretilin had not expected the Portuguese administration to abandon Timor so easily and was not prepared for government. Fretilin requested talks with Portugal with a view to re-establishing a skeleton Portuguese administration in Dili¹⁵⁸ and on 8 September released the 50 Portuguese prisoners taken in Maubisi and Aileu on 18 August, as an earnest of good faith.¹⁵⁹ In early September a number of international aid agencies, journalists and visitors returned to Timor and for the most part reported favourably on Fretilin's efforts. Fretilin was willing for the Portuguese authorities to resume sovereignty and continue the interrupted decolonization process: the flag was kept flying and the governor's office was left unoccupied.¹⁶⁰ Fretilin complained to visitors that the principal administrators, UDT supporters, had gone and that all the currency had been taken from the central bank.¹⁶¹ Fretilin President Xavier do Amaral blamed Governor Lemos Pires for not exercising control over Police Chief Maggiolo Gouveia, for ignoring Fretilin's warnings about UDT, for evacuating to Atauro, and for taking away the only surgeon from the hospital and the two helicopter pilots. Xavier do Amaral was adamant that they would not accept Lemos Pires back as governor.¹⁶² However no-one else seemed to be on offer. Fretilin's growing barrage of messages

155 Document 215. Cablegram to Jakarta. Canberra, 5 September 1975. Document 217. Cablegram to Canberra. Jakarta 6 September 1975. *Australia and the Incorporation of Portuguese Timor*, 387–89.

156 Document 201. Cablegram to Canberra. Lisbon, 29 August 1975. *Australia and the Incorporation of Portuguese Timor*, 360–62.

157 Document 188. Cablegram to Canberra, Lisbon, 25 August 1975. *Australia and the Incorporation of Portuguese Timor*, 342–43; Document 209. Record of Conversation between Feakes and Matias. Canberra, 3 September 1975. *Australia and the Incorporation of Portuguese Timor*, 373–75.

158 President Xavier do Amaral told visitors on 18 September that there was an urgent need for talks with Portuguese representatives. He had received no response for his request for talks in Baukau on 20 September. "Report on a Visit to East Timor by Senator Gietzelt and K.L. Fry 16–18 September 1975 in 'Lest We Forget East Timor,'" in *Free East Timor: Australia's Culpability in East Timor's Genocide* (Sydney: Vintage, 1998), 38.

159 See photograph between pages 386–87, *Australia and the Incorporation of Portuguese Timor*.

160 *Chega! Part 3: The History of the Conflict*, 46.

161 "Report on a Visit to East Timor by Senator Gietzelt and K.L. Fry 16–18 September 1975 in 'Lest We Forget East Timor,'" in *Free East Timor: Australia's Culpability in East Timor's Genocide*, 33–34. Hendro Subroto later recorded that [in August?] João Carrascalão abandoned his UDT troops in Maubara and used a speedboat to get to Motaain, bringing with him seven sacks of worthless paper *escudo*. Subroto, *Eyewitness to Integration of East Timor*, 38–39.

162 "Report on a Visit to East Timor by Senator Gietzelt and K.L. Fry 16–18 September 1975 in 'Lest We Forget East Timor,'" in *Free East Timor: Australia's Culpability in East Timor's Genocide*, 32–38.

and appeals to various governments and the UN made little impact.¹⁶³ In Lisbon the National Commission on Decolonization met on 24 September in the presence of Governor Lemos Pires, who concluded that the government would make no commitments to Timor before Angola's independence on 11 November, for fear of jeopardizing the fragile Angolan process.¹⁶⁴ In the absence of a response from Portugal to Fretilin's requests for talks,¹⁶⁵ the Timorese concluded that Portugal had reached a deal with Indonesia:¹⁶⁶ they had been abandoned and the mother country had 'now turned wicked stepmother and bearer of orphans.'¹⁶⁷

It was clear that the power and decision-making in Fretilin sat with Secretary General Nicolau Lobato, rather than President Xavier do Amaral, although the latter had a substantial personal following.¹⁶⁸ Nicolau Lobato was known as a reserved and meticulous man who kept his own counsel. He had a characteristic 'insistence on discipline, unbending self-reliance, [and a] reluctance to negotiate.'¹⁶⁹ Lobato's contemporary, Luís Cardoso, observed:

The severe introverted ex-seminarian, Nicolau Lobato, who dressed almost monastically, read voraciously and wrote in a firm hand with a fountain pen. Accustomed in earlier life to carrying around the prayer book and the bible, he always walked through Dili with a book under his arm As the son of a catechism teacher, Nicolau grew up with the creed on his lips and a rosary in his hands and went straight to the seminary, pre-programmed for great sacrifices and the renunciation of the temporal world. Even now I cannot understand how the church threw away such talent and religious feeling yet kept others who were mere celebrants of the liturgy.¹⁷⁰

Strains between military and political factions in Fretilin existed from the outset. The military faction was seen as a 'conservative' force, attached to the concept of political neutrality (*apartidarismo*) and a brake on revolutionary radicalism in Fretilin. But some concessions had to be made to acknowledge the crucial role of professional soldiers such as Hermenegildo Alves, Fernando Carmo and Guido Soares (none of whom were members of the Fretilin central committee) in Fretilin's victory over UDT. The armed forces were reorganized after August 1975 and named *Forças Armadas de Libertação*

163 *Australia and the Incorporation of Portuguese Timor, 1974–76*, 450.

164 Barreto, *The Timor Drama*, 54; Lemos Pires testimony, "CAVR Update / Dec 2003 – Jan 2004," 22.

165 Jolliffe, *East Timor: Nationalism and Colonialism*, 180.

166 Antonio Sarmiento, August 2013.

167 Cardoso, *The Crossing: A Story of East Timor*, 99.

168 Hill, *Stirrings of Nationalism in East Timor: FRETILIN 1974–78: The Origins, Ideologies and Strategies of a Nationalist Movement*, 172; Nicol, *Timor: The Stillborn Nation*, 98–100.

169 Jolliffe, *East Timor: Nationalism and Colonialism*, 296.

170 Cardoso, *The Crossing: A Story of East Timor*, 97–98.

Nacional de Timor Leste (Falintil), the armed forces of Fretilin.¹⁷¹ But in line with the slogan *político no comando* (putting politics in command), Rogério Lobato, Nicolau Lobato's brother and the Fretilin central committee member with the highest military rank, was appointed Commander of Falintil above more experienced soldiers. Sergeant Hermenegildo Alves, who had 'a reputation as a clever strategist, perhaps the real brain behind the Fretilin success' was appointed Rogério Lobato's second-in-command, and Guido Soares was appointed Falintil Chief of Staff.¹⁷² In fragmentary references to tensions between the factions, Jolliffe records that António Carvarino (Mau Lear) wrote in October 1975 of Fretilin's success in having broken down colonialist *apartidarismo* (political neutrality) in Falintil. But a confrontation between Fretilin political and military commanders was observed in Dili on 4 November when a group of military police 'rumoured to be under the influence of the Bishop of Dili' placed a cordon around Dili and demanded the arrest of Fretilin militants 'active' in Maubisi.¹⁷³

In 1975 Mari Alkatiri emerged as a spokesperson for the left wing of Fretilin,¹⁷⁴ and by December he had attained third rank in the Fretilin party, after President Francisco Xavier do Amaral and Secretary General Nicolau Lobato. Born in the small Muslim community in Dili, Alkatiri was a member of a large family descended from Yemeni (Hadrami) traders married to Timorese women, with prominent branches of the family in various parts of the archipelago. Alkatiri had trained as a land surveyor in Angola in 1970–1971, and on his return worked for the Portuguese administration in the *Serviços Geográficos e Cadastrais* where in 1975 João Carrascalão was the head.¹⁷⁵ In October and November 1975, Mari Alkatiri and Mau Laka (César Correia) toured Africa and attended the Angola independence celebrations in Luanda on 11 November

171 The conservative faction of Falintil was sometimes referred to as the sergeants' movement, and later contrasted to the ideological radical *brigadas vermelhas* (red brigades). Agio Pereira, "Putting an End to the Politics of Political Party Cards," in *It's Time to Lead the Way* (Collingwood: ETRA, 1996), 154.

172 Jill Jolliffe, typescripts of filed news reports, September 1975, Box N237-7, Butlin Archive, The Australian National University; Jolliffe, *East Timor: Nationalism and Colonialism*, 153–54. In the government sworn in on 1 December 1975, all three were named vice ministers. Fernando Carmo was killed in Dili on 7 December, Hermenegildo Alves in 1978, and Guido Soares in early 1979.

173 Jolliffe, *East Timor: Nationalism and Colonialism*, 134–35, 185–87. According to a news report filed by Jolliffe on 17 September 1975, President Xavier do Amaral was taking steps to restore order to Fretilin troops in the Maubisi area, where 'various Fretilin delegates have taken advantage of the present situation to exact personal vengeance, in the name of Fretilin, and have been tempted to exploit the people.' Box N237-7, Butlin Archive, The Australian National University.

174 Jolliffe, *East Timor: Nationalism and Colonialism*, 153. An Australian report in October 1975 commented: 'There are several extreme left ideologues in and around the central committee, the most important of whom is Alkat[i]ri.' Document 284: Telegraph message to Canberra. Darwin, 22 October 1975. *Australia and the Incorporation of Portuguese Timor*, 500.

175 Anthony Goldstone, June 2015.

as special guests of the MPLA (Popular Movement for the Liberation of Angola).¹⁷⁶ They had taken soundings and sought pledges of diplomatic support for an independent East Timor, and believed that the prospects for international recognition were good.¹⁷⁷ A week after their return, on 28 November the Fretilin stronghold of Atabae fell to the Indonesians.¹⁷⁸

Unilateral declaration of independence

On 28 November 1975, with the fall of Atabae, invasion was inevitable. Grasping at straws, in Dili the Portuguese flag was lowered and Fretilin President Francisco Xavier do Amaral unilaterally declared the independence of the Democratic Republic of East Timor [Timor Leste].¹⁷⁹ The ceremony had been scheduled at short notice, catching José Ramos-Horta and Alarico Fernandes still off-shore, on a visit to Australia.¹⁸⁰ Only four countries, all former Portuguese colonies, accorded Timor Leste formal recognition: Mozambique, Angola, Guinea-Bissau and Cape Verde.¹⁸¹ The constitution promulgated on 28 November 1975 provided for an anti-colonialist, anti-neocolonialist and anti-imperialist one party state under the direction of Fretilin, 'the sole and legitimate vanguard of the Maubere People.' The state would be 'guided by the political orientation of Fretilin, with the purpose of wiping out the obsolete colonial structures in order to create a new society liberated from any forms of domination and exploitation.' The President of the Republic was the President of Fretilin; and the Popular Assembly comprised the Central Committee of Fretilin, the Ministers and Vice-Ministers of Government, regional administrators, representatives of the military units and two representatives of each (Fretilin) regional sub-committee. The 'rights and obligations' of citizens were to be regulated in accordance with the law (yet to be drafted), and those who erred by act or omission would be deprived of their political rights. 'Collaboration with the enemy' was a crime of high treason. All acts of a counter-revolutionary character and considered to be opposed to the interests of the people would be 'severely punished.' Provisions for a general election, to take place a year after the first Congress of Fretilin, were yet to be defined, but any deviation from

176 News report filed by Jill Jolliffe. Box N237, Butlin Archive, The Australian National University.

177 Jolliffe, *East Timor: Nationalism and Colonialism*, 215.

178 Jolliffe, *East Timor: Nationalism and Colonialism*, 207.

179 The Portuguese colony of Guinea-Bissau had resorted to a unilateral declaration of independence in 1973, and subsequently received recognition in the form of its admission to the UN in 1974. UN General Assembly Resolution 3205 (XXIX) 17 September 1974.

180 Ramos-Horta and Fernandes made it back in time for the swearing in of the government on 1 December. Ramos-Horta was on the 'last flight out of Dili' but Alarico Fernandes, as a radio operator, found himself against his will stranded in the war zone.

181 Jill Jolliffe, *East Timor: Nationalism and Colonialism* (St Lucia, Queensland: University of Queensland Press, 1978), 217. Fretilin had hoped for recognition by as many as 25 countries.

the path set by the party would be considered counter-revolutionary.¹⁸² A government was sworn in three days later, on 1 December 1975.¹⁸³

Strategic context: Indonesia, the United States and Australia

In 1974 and 1975 it was Timor's misfortune to remain, for Portugal, as unimportant as it had been throughout its colonial history. Portugal's domestic problems had amplified as it sought to extract itself from wars in its African colonies and create a new polity, amidst economic bankruptcy and an influx of hundreds of thousands of Portuguese *retornados* (returning settlers) who were unwelcome in Africa. In Timor the weakened colonial administration had lost control and lacked the will to resume it even when invited back in September 1975. It was Timor's redoubled misfortune for its fate to be equally unimportant to the outside world. Once abandoned by Portugal, it was left wide open to Indonesian annexation.

Indonesia wove a diplomatic web enmeshing Portugal, Australia and the U.S., appropriating support, and disabling voices of concern. After the overthrow of President Soekarno and ascent of Soeharto, Indonesia had become a potentially powerful ally and protector of U.S. and, by extension, Australian interests in the region. With the humiliating defeat of the U.S. in Vietnam, the rabid anti-communism of Soeharto's *Orde Baru* (New Order) was a balm to U.S. sentiments. U.S. policy articulated in the 1969 Guam (or Nixon) doctrine opened the way for significant U.S. military assistance to be provided to regional allies, designed to allow the U.S. to fall back from direct combat roles in regional conflicts.¹⁸⁴ U.S. military ties with Indonesia – at a relatively modest level since 1967 – were expanded. Military funding rose from US\$6.3 million in 1970 to \$33.3 million in 1971, to an average of \$21 million per annum in the following three years, and in 1975 increased to \$28.9 million with a further \$37.2 million out of Indonesia's own pocket to purchase U.S. equipment.¹⁸⁵ Indonesia's importance to the U.S. as a supplier of high quality petroleum and as an OPEC member came into focus with the 1973–1974 oil shock.¹⁸⁶ Indonesia also bordered strategic international waterways (Melaka, Sunda, Wetar/Ombai Straits) and rights of

182 Fretilin, "Constituição Da República Democrática de Timor Leste, 28 November 1975" (Edições Comité 28 de Novembro, Lisboa, 1976). (Author's translation.)

183 Jolliffe, *East Timor: Nationalism and Colonialism*, 219–20. See Annex D.

184 Michael T. Klare, "Indonesia and The Nixon Doctrine," in *Ten Years Military Terror in Indonesia* (Nottingham: Spokesman Books, 1975), 266.

185 Klare, "Indonesia and The Nixon Doctrine," 268; See also Harold Crouch, *The Army and Politics in Indonesia*, 2nd ed. (Ithaca: Cornell University Press, 1988), 337–38.

186 Document 105. Telegram 1100 from the Embassy in Indonesia to the Department of State, January 26, 1974. U.S. Department of State Office of the Historian, "Documents on East and Southeast Asia, 1973–1976."

navigation and high seas freedoms were at stake in the Law of the Sea Conference in 1974.¹⁸⁷ Neither did the U.S. care for the prospect of East Timor becoming a 'Cuba' on the Wetar/Ombai Straits (see Figure 2), from where a Soviet base could monitor U.S. submarine movements between the Pacific and Indian Oceans.¹⁸⁸

Australia

In May 1974, through the CSIS, Indonesia initiated discussions with Australia on the future of Portuguese Timor and pushed it on to the agenda for Whitlam-Soeharto talks. CSIS interlocutor Harry Tjan's ideas for the agenda item was a heady, creative and unnerving mix, comprising gratuitous concession (Soeharto would not embarrass Whitlam by mentioning covert operations), blandishment (Soeharto might discuss with Whitlam the scope for international initiatives to pave the way for the integration of Portuguese Timor into Indonesia), alarm (time might be running out in Portuguese Timor: the Portuguese might 'unilaterally' grant it independence), and menace (while Soeharto implicitly trusted Australia, Foreign Minister Malik did not).¹⁸⁹ In the talks in Yogyakarta and Wonosobo on 6 September 1974, Whitlam departed from the cautious line provided in his brief¹⁹⁰ and told Soeharto that there were two things 'basic to his own thinking on Portuguese Timor. First, he believed that Portuguese Timor should become part of Indonesia. Second, this should happen in accordance with the properly expressed wishes of the people of Portuguese Timor.'¹⁹¹ Both Whitlam and Soeharto appeared to feel that there was a meeting of minds. The talks provided Soeharto with the understanding he had sought, but it was one that turned Australian policy on its head and created an irresolvable contradiction for Canberra, between the acceptance of Indonesia's intention to incorporate Portuguese Timor, and Australian policy on self-determination.¹⁹² Whitlam's words were selectively appropriated to Indonesian purposes: they focussed on the first part of his statement and ignored the second.

187 Document 106. Letter from President Nixon to Indonesian President Soeharto, Washington, February 1, 1974. "Documents on East and Southeast Asia, 1973–1976."

188 Interviewee 5.

189 See Document 20. Minute from Arriens to Furlonger. Jakarta, 14 August 1974, *Australia and the Incorporation of Portuguese Timor*, 79–80; and Document 22. Record of Meeting with Tjan. Canberra, 21 August 1974. *Australia and the Incorporation of Portuguese Timor*, 85–87.

190 Document 24. Brief for Whitlam. Canberra, 2 September 1974. *Australia and the Incorporation of Portuguese Timor*, 90–93.

191 Document 26. Record of Meeting between Whitlam and Soeharto. State Guest House, Yogyakarta, 6 September 1974, 10 a.m. *Australia and the Incorporation of Portuguese Timor*, 95–98.

192 Document 81. Letter from Barnard to Willesee. Canberra, 11 February 1975 argued that Australia's interests did not require a stated preference for either an independent or an incorporated Portuguese Timor. 'Future military potentialities – such as strategic tension in Australian relations with Indonesia, or with some third power – are not such as to override our present policies. . . . What will be important to Australia . . . will be that the final settlement not develop into a 'running sore' in our neighbourhood.' *Australia and the Incorporation of Portuguese Timor*, 176.

Although Indonesian activities under *Operasi Komodo* had been underway for several months, in October 1974 General Ali Moertopo claimed to the Australian Ambassador in Lisbon that 'until Mr Whitlam's visit to Djakarta they had been undecided about Timor. However the Prime Minister's support for the idea of incorporation into Indonesia had helped them to crystallise their own thinking and they were now firmly convinced of the wisdom of this course.'¹⁹³ Portuguese Timor was again discussed by Whitlam and Soeharto at a meeting in Townsville on 4 April 1975. In a defensive and rambling exposition Whitlam criticized those in Australia who sought to disturb the good relations he had tried to develop with Indonesia. Soeharto responded that he was aware that there were those in Australia who had cast doubts on the real intentions of Indonesia towards Portuguese Timor, and who had speculated about an Indonesian invasion. Soeharto provided Whitlam with assurances that Indonesia would never contemplate such a course of action and had no ambitions to include the territory of Portuguese Timor in Indonesia.¹⁹⁴

Australian officials made repeated efforts to reinforce to the Indonesians the importance of a genuine act of self-determination, but to no effect. On one occasion, in response to Australian insistence that the Australian Government might be forced to react quite sharply if Indonesian intervention in Portuguese Timor became too blatant, Harry Tjan responded bluntly that he doubted that the reaction in Australia would be as strong as suggested. In any case the Liberal Party would win the next election, and it would do nothing about Timor.¹⁹⁵ Cutting to the chase, Australian Ambassador Richard Woolcott influentially and repeatedly advocated a 'pragmatic and realistic' policy, of disengagement and allowing events to take their course.¹⁹⁶

In the course of 1975, Australian policy makers found themselves increasingly entangled in confusing and conflicting Indonesian confidences, but with unmistakable evidence of Indonesia's preparation for invasion in parallel with its diplomatic dialogue. Indonesian assurances were at times deeply unnerving if not outright humiliating: on 24 August 1975 Ambassador Woolcott was assured by General Moerdani that if Indonesia did decide to invade, Australia would be informed in advance, and given at least two hours' notice.¹⁹⁷ Prime Minister Gough Whitlam's

193 Document 45. Cablegram to Canberra. Lisbon, 14 October 1974. *Australia and the Incorporation of Portuguese Timor*, 119.

194 Document 123. Record of Conversation between Whitlam and Soeharto. Townsville, 4 April 1975. *Australia and the Incorporation of Portuguese Timor*, 244–48.

195 Document 160. Record of Conversation between Tjan and Taylor. Jakarta, 1 August 1975. *Australia and the Incorporation of Portuguese Timor*, 297–98.

196 James Cotton, *East Timor, Australia and the Regional Order* (London: Routledge Curzon, 2004), 9–10.

197 Document 182. Cablegram to Canberra. Jakarta, 24 August 1975. *Australia and the Incorporation of Portuguese Timor*, 334–36.

statement to the Australian House of Representatives on 26 August 1975 placed the blame for the conflict in Portuguese Timor firmly on Portugal and the Timorese political parties, and cast Indonesia in a benevolent role and as a potential saviour. This was a gift gratefully received by President Soeharto.¹⁹⁸ Whitlam had his own preoccupations, not only with the burgeoning political crisis in Canberra, but with the forthcoming independence celebrations for Papua New Guinea on 16 September. In a conversation in Canberra on 12 September, the UN Under Secretary-General for Political Affairs, Trusteeship and Decolonisation, Tang Ming-chao, asked Whitlam about the latest developments in Portuguese Timor.

Whitlam replied that it was not easy to be sure of the situation there – but one thing that was clear was that Portugal, preoccupied with Angola, wanted to relieve itself of its responsibilities in Timor. It had dropped its bundle. Timor was in fact, he added, in the middle of the Indonesian archipelago. . . . It now looked as if the party that started the fighting (UDT) would not be able to regain control. Mr Whitlam added that he suspected that the Indonesians were now providing arms to the other two parties. As long as arms were available, civil war would continue. Australia suspected that Portugal had wanted to embroil Australia in this situation, but Australia did not want any further colonial responsibilities, particularly at this time. Portugal had been very suspicious of and also very offensive to the Indonesians. The Indonesians had offered food supplies to Portuguese Timor, but the Portuguese had refused to accept them and had also rejected Indonesian attempts to evacuate refugees. Australia, said Mr Whitlam, as a member of the region could not condone Portugal's attempts to create the impression that Australians were the natural custodians of Portuguese Timor and that the Indonesians were not.¹⁹⁹

On 11 November 1975 – Angola's independence day – the constitutional crisis in Canberra came to a head. The Whitlam Government was dismissed and a Liberal-National Country Party coalition government was appointed pending elections on 13 December, which the latter won in a landslide victory. As predicted by the Indonesians, there was no perceptible change in Australian policy under its new government.

United States

In February 1975 the U.S. Embassy in Jakarta assessed that the Government of Indonesia had made a 'basic decision' that an independent Timor, susceptible to

198 Cablegram JA 1474 (27 August) reported Moerdani informing Woolcott that Soeharto was 'very grateful' for this statement, which he had read in full. Document 191. Cablegram to Jakarta, Lisbon and New York. Canberra, 27 August 1975, and footnote, *Australia and the Incorporation of Portuguese Timor*, 347–48.

199 Document 227. Record of Conversation between Whitlam and Tang. Canberra, 12 September 1975. *Australia and the Incorporation of Portuguese Timor*, 406–08. This conversation reveals not only Whitlam's views but also the efficacy of Indonesian disinformation about Portuguese 'obstructiveness.'

communist influence, would be an unacceptable threat to Indonesia's security, and that integration of Timor into Indonesia was the only acceptable long-term solution.²⁰⁰ On 4 March the Embassy conveyed a report to Washington that Soeharto had ordered the incorporation of East Timor by no later than August 1975, using force if necessary. Portuguese officials had also told the U.S. that Portugal would not resist any Indonesian use of force.²⁰¹ Later in March 1975, U.S. officials assessed that the Timor issue was peripheral to U.S. interests as a whole.²⁰²

At meetings with President Gerald Ford and Secretary of State Henry Kissinger at Camp David on 5 July 1975, President Soeharto emphasized the importance of national stability and regional resilience, and Indonesia's need to keep out communism and to be able to 'squellch' subversion, for which U.S. military equipment was needed. Ford agreed to Soeharto's proposal of a joint committee to determine Indonesia's requirements. Soeharto then raised the subject of Portuguese Timor, and stated that Indonesia would not use force and would support decolonization through a process of self-determination, but that independence was not a viable prospect for Timor. While Indonesia did not want to interject itself into the process, he said, the problem was how to manage self-determination so that the majority would favour unity with Indonesia.²⁰³ Returning from the Camp David meeting, Soeharto was confident enough of U.S. acquiescence to make his first public statement ruling out the feasibility of independence for East Timor.²⁰⁴

Following the UDT coup on 11 August 1975, the U.S. State Department saw significant risk of Indonesian overt military intervention in Portuguese Timor. On 16 August the U.S. Embassy in Jakarta was asked to convey to the Indonesian leadership the legal and congressional problems that would arise if Indonesia were to use U.S.-supplied military equipment, which in the case of forceful seizure would oblige the termination

200 Document 118. Telegram 1731 from the Embassy in Indonesia to the Department of State, February 10, 1975. "Documents on East and Southeast Asia, 1973-1976."

201 Document 120. Memorandum From W.R. Smyser of the National Security Council Staff to Secretary of State Kissinger, Washington, March 4, 1975. "Documents on East and Southeast Asia, 1973-1976." Portuguese consular officials in Jakarta seem to have made no secret of this view. In February 1975 one official commented to Australian journalist Bill Nicol that Portugal would not fight Indonesia if it sent troops across the border. Portugal 'is so far away,' he said. Nicol, *Timor: The Stillborn Nation*, 237.

202 Document 114. Memorandum to Canberra, Washington, 21 March 1975. *Australia and the Incorporation of Portuguese Timor*, 229.

203 Cable from Secretary of State Washington DC 161472 to U.S. Embassy Jakarta, 9 July 1975. "Public Library of U.S. Diplomacy"; Document 126. Memorandum of Conversation, Camp David, Maryland, July 5, 1975. U.S. Department of State Office of the Historian, "Documents on East and Southeast Asia, 1973-1976."

204 McDonald, *Suharto's Indonesia*, 204.

of all U.S. security assistance to Indonesia.²⁰⁵ The U.S. Ambassador responded to Washington that the Indonesians were aware of the issue and apprehension over the U.S. reaction had been the major factor in President Soeharto's 'current posture of restraint'.²⁰⁶ The following day the Australian Ambassador reported that the U.S. Ambassador had received instructions personally from Secretary of State Henry Kissinger not to involve himself in discussions with the Indonesians, and the U.S. Embassy had been instructed to cut down its reporting on Timor. If Indonesia were to intervene, the U.S. would hope they would do so 'effectively, quickly and not use [U.S.] equipment'.²⁰⁷ A few days later action was taken in Washington to prepare for the visit of an Indonesian military team, arising out of the Camp David talks in July, to discuss the transfer of Indochina-extracted military equipment.²⁰⁸ A civilian delegation led by Indonesian Foreign Minister Adam Malik followed on 5 September.²⁰⁹ Later in September in Washington, confirming arrangements for the supply of U.S. equipment, Major-General Moerdani left U.S. officials with the impression of 'a rather skillful, patient strategy' of avoidance of large-scale military actions, use of covert actions to force Fretilin to come to terms with Indonesia in about a year, and contingency plans for a quick surgical military action to take over if the situation necessitated.²¹⁰

Operasi Seroja and the Indonesian incorporation of East Timor

At the end of August 1975, Indonesia moved *Operasi Flamboyan* to 'Phase Two' and placed it under a Combined Task Force Command.²¹¹ The military build-up in preparation for the invasion stepped up. With growing confidence in U.S. support, in early October, maintaining the fiction that Indonesia was not party to the conflict, Indonesian special forces units dressed in civilian clothes (in Indonesian parlance, 'blue jeans' soldiers) undertook military actions across the border with the assistance of local 'partisans'.²¹² According to a report by the New Zealand Defence Attaché, on 8 October

205 Document 128. 16 August 1975. U.S. Department of State Office of the Historian, "Documents on East and Southeast Asia, 1973-1976."

206 Document 129. Telegram 10044 from the Embassy in Indonesia to the Department of State, August 16, 1975. "Documents on East and Southeast Asia, 1973-1976."

207 Document 169. Cablegram to Canberra from Jakarta, 17 August 1975. *Australia and the Incorporation of Portuguese Timor*, 313-14.

208 Document 130. Memorandum from John J. Taylor of the National Security Council Staff to Secretary of State Kissinger, Washington, August 25, 1975. U.S. Department of State Office of the Historian, "Documents on East and Southeast Asia, 1973-1976."

209 Document 133. Memorandum of Conversation, September 5, 1975. "Documents on East and Southeast Asia, 1973-1976."

210 Document 135. Telegram 225061 From the Department of State to the Embassy in Indonesia, September 20, 1975. "Documents on East and Southeast Asia, 1973-1976."

211 Conboy, *Kopassus: Inside Indonesia's Special Forces*, 223.

212 Subroto, *Eyewitness to Integration of East Timor*, 60.

1975 about 2,500 Indonesian troops embarked in Surabaya for Timor. Indonesian troop deployments involved at least two regular army battalions including parachutists, possibly a battalion of marines, special forces groups, one or two battalions of air force quick reaction forces, two battalions of paramilitary police, and other military and intelligence units. In addition, a mixed jet strike force (MIG-17s and Sabres) had been readied and a 'modest' naval task force with submarines and destroyers, codenamed Jayawijaya, had been in position since early August. Heavy weapons and armoured vehicles had already been shipped to Timor.²¹³ The Australian Embassy in Jakarta also reported on the plans for a significant escalation of Indonesian operations in Portuguese Timor²¹⁴ and Soeharto's approval of a special budget, and advised Canberra that the main thrust of the operation would begin on 15 October 'through Balibo and Maliana/Atsabe.'²¹⁵ On 15 October further details of the operation were personally confirmed to Woolcott by Moerdani. The Indonesians were confident of their success.²¹⁶ On 16 October the Indonesian military took Balibo, killing five journalists covering the conflict for Australian television networks.²¹⁷ Fretilin forces initially provided unexpectedly stiff resistance. Indonesian equipment failures were problematic, and the terrain and the onset of the rainy season made matters more difficult.²¹⁸ There was a lull while reinforcements were brought in, and the Indonesian offensive restarted on 21 November, now concentrated on the Fretilin stronghold of Atabae.²¹⁹

In October, Portugal once again proposed talks. Indonesia flexed its diplomatic muscle and counter-proposed the exclusion of the Timorese parties and the UN. Portugal agreed to Indonesia's conditions and dropped its demand for the prior release of the 23 Portuguese hostages.²²⁰ The joint statement following the Rome talks 1–2 November 1975 made no mention of Indonesia's military incursions into Portuguese Timor, and

213 Attache Report 24/75: Military Situation in Timor. Jakarta, 8 October 1975. New Zealand Ministry of Foreign Affairs and Trade, *New Zealand OIA Documents*. Jayawijaya is the Indonesian name for the principal mountain range in west New Guinea (Irian Jaya).

214 Document 246. Cablegram to Canberra. Jakarta, 30 September 1975; *Australia and the Incorporation of Portuguese Timor*, 439–40.

215 Document 258. Cablegram to Canberra. Jakarta, 13 October 1975. *Australia and the Incorporation of Portuguese Timor*, 462.

216 Document 262. Cablegram to Canberra. Jakarta, 15 October 1975, *Australia and the Incorporation of Portuguese Timor*, 468–70; Document 265. Cablegram to Canberra. Jakarta, 16 October 1975. *Australia and the Incorporation of Portuguese Timor*, 472–76.

217 See comprehensive accounts in Jill Jolliffe, *Cover-Up: The inside Story of the Balibo Five* (Melbourne: Scribe, 2001); Jill Jolliffe, *Balibo* (Melbourne: Scribe, 2009); Desmond Ball and Hamish McDonald, *Death in Balibo Lies in Canberra* (St Leonards, NSW: Allen & Unwin, 2000).

218 Telegram from Canberra to Wellington, 7 November 1975. *New Zealand OIA Documents*.

219 Conboy, *Kopassus: Inside Indonesia's Special Forces*, 231.

220 Barreto, *The Timor Drama*, 54; "Decolonization: Issue on East Timor No.7" (UN Department of Political Affairs, Trusteeship and Decolonization, August 1976), 36.

also appeared to endorse Indonesia's claim to be a party principal in the territory's decolonization.²²¹ With Fretilin's unilateral declaration of independence on 28 November 1975, a key piece of a detailed OPSUS plan, first aired by Harry Tjan to the Australian Embassy in September, fell into place.²²² Around this time the green light for *Operasi Seroja* was given, which President Soeharto had delayed since August.²²³ A diplomatic flurry followed in which Portugal repudiated Fretilin's unilateral declaration of independence,²²⁴ and under Indonesian direction, Timorese parties opposed to Fretilin issued a counter-proclamation.²²⁵ On 1 December, Indonesia gave Australia warning that all Australians should leave Timor, and an evacuation of foreign nationals was promptly carried out.²²⁶ On 4 December on the last flight out of Dili were three of the Fretilin leaders designated by the party to continue the struggle in exile: Mari Alkatiri, José Ramos-Horta and Rogério Lobato.²²⁷

The military build-up in Timor had taken place over several months with U.S. equipment and U.S. knowledge of invasion plans. On 2 December 1975 the U.S. State Department confirmed to the New Zealand Embassy in Washington that the Indonesians were in a position to move in 'any time they want;' but that the Fretilin unilateral declaration of independence had not yet 'goaded' the Indonesians into the 'fourth phase'.²²⁸ On 6 December 1975, President Gerald Ford and Secretary of State

221 Michael Liefer, *Indonesia's Foreign Policy* (London: George Allen & Unwin, 1983), 156; Document 20: Joint Press Statement Concerning Talks Between the Foreign Minister of Portugal and Indonesia, Held at Rome on 1 and 2 November 1975, 3 November 1975. *East Timor and the International Community*.

222 Document 207. Record of Conversation between Tjan, Lim and Taylor. Jakarta, 2 September 1975, *Australia and the Incorporation of Portuguese Timor*, 371-72; Document 347. Cablegram to Canberra. Jakarta, 28 November 1975, *Australia and the Incorporation of Portuguese Timor*, 586; and Document 349. Cablegram to Canberra. Jakarta, 29 November 1975. *Australia and the Incorporation of Portuguese Timor*, 588-89.

223 Conboy, *Kopassus: Inside Indonesia's Special Forces*, 240; Pour, *Benny – Tragedi Seorang Loyalis*, 196; Wanandi, *Shades of Grey*, 211.

224 Document 21: Letter from the Charge d'affaires a.i. of the Permanent Mission of Portugal to the United Nations Addressed to the Secretary-General, 28 November 1975. *East Timor and the International Community*.

225 Document 23: Joint Proclamation by Apodeti, UDT, KOTA and the Partido Trabalhista, Issued at Batugade, 30 November 1975. *East Timor and the International Community*. This document is also known as the Balibo Proclamation. Mário Carrascalão notes that it was actually drafted in Bali and the –bo was cynically added to make it seem more local. "Mario Viegas Carrascalao: 'I'm Not a Traitor,'" *Tempo* [Jakarta], September 24, 2001.

226 Document 354. Cablegram to Jakarta. Canberra, 2 December 1975, and footnotes. *Australia and the Incorporation of Portuguese Timor*, 593.

227 Jolliffe, *East Timor: Nationalism and Colonialism*, 230; David Scott, *Last Flight out of Dili: Memoirs of an Accidental Activist in the Triumph of East Timor* (Melbourne: Pluto Press, 2005), 25-26. Scott records that lobbying of the Australian Government by social welfare and advocacy organization Community Aid Abroad resulted in one last flight from Dili to Darwin carrying these passengers. According to Ramos-Horta, it was decided by a meeting of cabinet chaired by Nicolau Lobato that Mari Alkatiri, Rogério Lobato 'our quixotic defense minister' and José Ramos-Horta should leave. The group arrived in Lisbon on 8 December; and then Ramos-Horta and Abílio Araújo travelled on to New York for UN meetings, arriving on 11 December 1975. Ramos-Horta, *Funu: The Unfinished Saga of East Timor*, 100-02.

228 Telegram 4074 from Washington to Wellington, 2 December 1975. New Zealand Ministry of Foreign Affairs and Trade, *New Zealand OIA Documents*.

Henry Kissinger met President Soeharto in Jakarta. At the end of the meeting Soeharto raised the issue of Portuguese Timor. Portugal, he said, had failed to secure an orderly process of decolonization. Fretilin had unilaterally declared independence and caused the other parties to declare their intention of integration with Indonesia. Portugal had reported the situation to the UN and did not extend recognition to Fretilin, but was unable to control the situation. It was now important for Indonesia to do what it could to establish peace and order in the interest of the security of the area and for Indonesia. Soeharto asked for Ford's understanding if Indonesia deemed it necessary to take rapid or drastic action. Ford responded: 'We understand and will not press you on the issue. We understand the problem you have and the intentions you have.' Kissinger raised the problems posed by use of U.S.-made arms, but added that it would depend on how the situation was construed, whether it was in self-defence or a foreign operation. 'It is important that whatever you do succeeds quickly,' he said. Kissinger pointed out that President Ford would be back in the U.S. at 2 p.m. on Monday, Jakarta time. 'We understand your problem and your need to move quickly but . . . it would be better done after we returned.'²²⁹ On 7 December, after the briefest of pauses to allow the U.S. visitors to depart, Indonesia launched a full-scale military attack on Dili, using naval, air and land forces. Major-General Benny Moerdani visited Dili the following day.²³⁰

Rather than beginning on 7 December after getting a 'green light' from Ford and Kissinger, as is often suggested, the evidence shows that the first phase of the full-scale invasion began on 4 December, and was well underway by 6 December. On 11 December the New Zealand Defence Attaché confirmed that the invasion had begun on 4 December, two days before the Ford/Kissinger visit, largely in accordance with a battle plan that he had previously reported.²³¹ Phase One, a large scale penetration across the border, had commenced at 0600 on 4 December. Phase Two, the joint parachute-marine assault on Dili, had been planned for no later than 10 December and no earlier than President Ford's departure from Jakarta, and Phase Three drives on Baukau and Aileu for no later than 21 December. In the event, the Phase Two and Phase Three operations had been brought forward (to 7 and 9 December respectively) as 'almost no resistance' had been encountered.²³² Inside the Indonesian military,

229 Document 141, 6 December 1975. U.S. Department of State Office of the Historian, "Documents on East and Southeast Asia, 1973-1976."

230 Subroto, *Eyewitness to Integration of East Timor*, 182; Pour, *Benny - Tragedi Seorang Loyalis*, 198.

231 Telegram from Jakarta to Wellington 1225, 4 December 1975. New Zealand Ministry of Foreign Affairs and Trade, *New Zealand OIA Documents*.

232 Telegram from Jakarta to Wellington 1247, 11 December 1975. New Zealand Ministry of Foreign Affairs and Trade, *New Zealand OIA Documents*.

recriminations began almost immediately. The New Zealand Defence Attaché reported with disgust that the operation was poorly carried out; with ad hoc command and control outside normal lines of authority.²³³ Significant casualties were inflicted by Indonesian forces on their own troops and there was 'indiscipline and looting by troops acting more as conquerors than liberators.'²³⁴ The Indonesians had neatly sandwiched the Ford/Soeharto meeting between two phases of the battle plan, and thus made U.S. complicity irrefutable. Indeed it was Foreign Minister Adam Malik who soon after leaked details of the Ford/Soeharto meeting to the press.²³⁵

The international response

On 4 December 1975 in New York, the question of Portuguese Timor was still before the UN Fourth Committee on decolonization. Australia had been working behind the scenes on behalf of Indonesia (as it had done previously) and had provided draft texts on Portuguese Timor 'to help keep the Fourth Committee debate within bounds.'²³⁶ An alternative draft provided by Indonesia was also in discussion. But suddenly on 4 December, Indonesia conveyed a qualitatively different, formal statement in a letter to the UN Secretary-General. The letter constructed a lengthy and sophisticated justification for an Indonesian military offensive – by this time already underway, although not widely known in New York. In the new document, the Indonesian Government marked out Portugal's failure to carry out decolonization of the territory in an 'appropriate manner,' and the measures that Indonesia was obliged to take to defend its territory and people.²³⁷

Following the assault on Dili, visible to the remnant Portuguese administration on Atauru, on 7 December Portugal requested an urgent meeting of the UN Security Council.²³⁸ On 12 December 1975 the UN General Assembly passed Resolution 3485 which, in a divided vote with many abstentions, strongly deplored the military

233 The invasion plans were widely believed to have been drawn up by Major-General Benny Moerdani without the knowledge or participation of key members of the ABRI operational command. Jenkins, *Suharto and His Generals: Indonesian Military Politics 1975–1983*, 24, note 22.

234 Quarterly Report by the New Zealand Defence Attache Indonesia, October–December 1975. 10 January 1976. *New Zealand OIA Documents*.

235 Some parts of the text not released. Document 143. Memorandum from Thomas J. Barnes of the National Security Council Staff to the President's Assistant for National Security Affairs (Scowcroft), Washington, December 9, 1975. "Documents on East and Southeast Asia, 1973–1976."

236 Document 332. Cablegram to New York. Canberra, 10 November 1975; and Document 333. Cablegram to Canberra. New York, 10 November 1975. *Australia and the Incorporation of Portuguese Timor*, 559–62.

237 See Document 24: Statement of the Government of Indonesia on the Current Developments in Portuguese Timor, 4 December 1975. Krieger, *East Timor and the International Community*, 41–42.

238 Document 25. Letter from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council, 7 December 1975. Krieger, *East Timor and the International Community*, 42–43.

intervention of Indonesia in Portuguese Timor and called for Indonesia to withdraw without delay. On 22 December the UN Security Council unanimously passed Resolution 384 (1975) which reiterated the calls for Indonesian withdrawal and requested the appointment of a UN special representative. UN Special Envoy Vittorio Winspeare-Guicciardi duly visited East Timor from 20 to 22 January 1976, but his attempts to meet Fretilin leaders were frustrated by Indonesian bombardments in the locations designated for meetings. A further Security Council resolution was passed on 22 April 1976, but after that no real efforts to visit East Timor were made by the UN.²³⁹ Over the succeeding years the issue continued to be the subject of General Assembly resolutions, but in the early 1980s international support dwindled.

In Portugal the failure of the government to protect the territory from Indonesian invasion or to engage effectively with the international community was seen by many as shameful, and its protest at the Indonesian invasion and breaking of diplomatic relations with Indonesia on 7 December 1975 as merely face-saving gestures.²⁴⁰ On 8 December the Portuguese governor and his staff departed from the island of Atauro. Two Portuguese corvettes were deployed from Lisbon on 11 December,²⁴¹ which waited near Atauro and departed again soon after.²⁴² U.S. Permanent Representative to the UN, Daniel Patrick Moynihan, dryly recorded in his memoir: 'The United States wished things to turn out as they did and worked to bring this about. The Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook. This task was given to me, and I carried it forward with no inconsiderable success.'²⁴³ Indonesia was subject to the obligatory administrative cut-off of U.S. military supplies and a document leaked in 1990 revealed Secretary of State Henry Kissinger's direction to cut off supplies while 'studying the issue,' in the expectation that the situation would be 'resolved' within a few weeks.²⁴⁴ In January 1976, in line with congressional requirements, the State Department halted approvals of military equipment,²⁴⁵ but because approved orders were already in the pipeline, there was no interruption of supply and the Indonesians were not informed nor indeed

239 *Chega! Part 3: The History of the Conflict*, 66–67.

240 Barreto, *The Timor Drama*, 55.

241 Jill Jolliffe, draft newspaper article, 11 December 1975. Box N237, Butlin Archive, The Australian National University.

242 Jolliffe, *East Timor: Nationalism and Colonialism*, 290.

243 Daniel Patrick Moynihan, *A Dangerous Place* (Boston: Little, Brown and Company, 1978), 245–47.

244 Mark Hertsgaard and Janet Williamson, "Arms and the Man," *New Statesman & Society*, November 2, 1990.

245 Document 156. Memorandum from Thomas J. Barnes of the National Security Council Staff to the President's Assistant for National Security Affairs (Scowcroft), Washington, May 17, 1976. U.S. Department of State Office of the Historian, "Documents on East and Southeast Asia, 1973–1976."

aware of any stoppage.²⁴⁶ In June 1976, the U.S. Congress abandoned its opposition to the supply of military equipment to Indonesia.²⁴⁷

On 29 November 1975 Australia rejected Fretilin's unilateral declaration of independence. Two years later, in January 1978, Australia recognised *de facto* Indonesian sovereignty over Timor. On 15 December 1978 Australia announced that it would accord *de jure* recognition of Indonesian sovereignty, which it regarded as an unavoidable step in advance of negotiations with Indonesia on the delineation of the seabed to the south of Timor. The delineation talks commenced in February 1979.²⁴⁸ In 1985 Australia became the only western country formally to recognise Indonesian sovereignty over East Timor.²⁴⁹

246 Document 157. Minutes of the Secretary of State's Staff Meeting, Washington, June 1, 1976. "Documents on East and Southeast Asia, 1973-1976."

247 Document 158. Memorandum from Thomas J. Barnes of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Hyland), Washington, June 2, 1976. "Documents on East and Southeast Asia, 1973-1976."

248 See Submission to Peacock. Canberra, 26 April 1978 and footnote. *Australia and the Incorporation of Portuguese Timor*, 839-40.

249 In an article in 1997 defending Australia's position, Richard Woolcott (now retired Australian Secretary of Foreign Affairs and Trade) claimed: 'The assertion that only Australia has recognised East Timor as part of Indonesia is quite false. More than 31 countries have explicitly or implicitly recognised Indonesia's sovereignty over East Timor.' Richard Woolcott, "East Timor: Time to Be Tough-Minded," *New Zealand Defence Quarterly*, no. 19 (1997): 4.

Chapter Two

East Timor under Indonesian Rule

At the end of the Salazar/Caetano dictatorship, the legacy of Portugal's 'civilizing mission' in Timor was slight. More than 90 percent of the population was illiterate, and the infrastructure and economy were undeveloped. Portugal under the dictatorship had staunchly resisted all UN and international pressures towards decolonization. Despite the introduction of a small 20-member legislative assembly in 1972, politics were tightly constrained by the bounds of the one party state and its feared security service (PIDE/DGS) until the Carnation Revolution in Lisbon on 25 April 1974. The colonial administration was dominated by the military, and maintained thousands of conscripted metropolitan and local forces in the territory. The training given by Portugal to its colonial conscripts, and its modern armouries of NATO small arms and light weapons, would become crucial to the armed resistance fighting Indonesian invasion forces from late 1975. But the legacy of the colonial power's military mindset also played a fateful role in escalating the political tensions between UDT and Fretilin in 1975, in the context of Portuguese political chaos after the Carnation Revolution, and amidst Indonesian destabilization operations on the ground.

In 1974 Timor was unprepared for the rapid political change that was thrust upon it, following the Carnation Revolution. Members of a very small, modestly educated, 'assimilated' elite in Portuguese Timor, well-known and often closely related to each other, dominated the political associations that were formed in the middle of 1974. In the middle of 1975, immature political contestation among the Timorese parties escalated into armed conflict, using the weapons and forces of the colonial administration. The conflict precipitated a short and vicious civil war in August and September 1975, sparked by UDT, using colonial police troops and weapons, against Fretilin, who responded with colonial military troops and weapons. The use and opposition of police and army in Timorese political contestation would be replicated in the 2006 crisis in East Timor. In the short civil war in 1975, Fretilin soon prevailed, and UDT forces were pushed over the border into Indonesian hands. A few Fretilin leaders left to form a resistance in exile, but most remained behind to fight; while UDT and Apodeti leaders were co-opted into the Indonesian administration. Many of the same political leaders who were involved in the 1975 conflicts would reassert themselves at independence and eventually play critical roles in the 2006 crisis.

Provisional government and formal incorporation

In December 1975 Indonesia began without delay to put in place the trappings of legitimate government in East Timor. Already on 7 December, the day of the Indonesian assault on Dili, 'statements of integration' for the enclave of Oekusi were signed by the Oekusi military commander, civil administrator and local representatives of Apodeti, Fretilin and UDT. On 12 December 1975 these statements were 'accepted' by Nusa Tenggara Timur Governor El Tari,¹ and an official ceremony in Kupang incorporated Oekusi into Indonesia.² The incorporation was also notified to the UN in New York, clumsily by-passing any pretence of a UN-recognized self-determination process. A provisional government for East Timor – described by the Portuguese as 'a bunch of Indonesian stooges'³ – was set up in Dili and notified to the UN Secretary-General on 30 December 1975.⁴ Placed at its head was Apodeti chairman Arnaldo dos Reis Araújo,⁵ released from a Fretilin prison in Dili on 7 December, with UDT President Francisco Xavier Lopes da Cruz as his deputy.⁶

Aileu fell to Indonesian troops on 29 December and Fretilin forces retreated further into the mountains. On 30 December Indonesian troops occupied the island of Atauru, three weeks after the departure of the Portuguese governor.⁷ In January 1976 further offensives focussed on towns in the south, followed in March and April by assaults on Same and Lospalos.⁸ In the middle of February 1976 Indonesia declared the territory to be under its effective control. In the early months of 1976, Timorese were appointed to the thirteen district administrator positions.⁹ On 31 May 1976 a newly created East Timor Peoples' Representative Council in Dili resolved to integrate the territory into Indonesia and petitioned President Soeharto. President Soeharto duly obliged on 17

1 Soekanto, ed., *Integrasi: Kebulatan Tekad Rakyat Timor Timur* (Jakarta: Yayasan Parikesit, 1976), 370–79.

2 See also Robert Lawless, "The Indonesian Takeover of East Timor," *Asian Survey* 16, no. 10 (October 1976): 955; United Nations Department of Political Affairs, Trusteeship and Decolonization, "Decolonization: Issue on East Timor No.7" (UN Department of Political Affairs, Trusteeship and Decolonization, August 1976), 31–32.

3 Document 427. Cablegram to Canberra. Lisbon, 16 February 1976. *Australia and the Incorporation of Portuguese Timor*, 713–14.

4 Document 26. Declaration on the Establishment of a Provisional Government of the Territory of East Timor, 17 December 1975. Krieger, *East Timor and the International Community*, 44.

5 However Apodeti Secretary General José Osório Soares was among prisoners executed by Fretilin in Hatu-Nipa near Same, in January 1976. Hendro Subroto, *Eyewitness to Integration of East Timor* (Jakarta: Pustaka Sinar Harapan, 1997), 53.

6 J. Stephen Hoadley, "Indonesia's Annexation of East Timor: Political, Administrative, and Developmental Initiatives," *Southeast Asian Affairs*, no. 4 (1977): 134–35.

7 United Nations Department of Political Affairs, Trusteeship and Decolonization, "Decolonization: Issue on East Timor No.7," 32.

8 Lawless, "The Indonesian Takeover of East Timor," 956.

9 Most were from Apodeti, a few from UDT and one was a former Fretilin leader. Hoadley, "Indonesia's Annexation of East Timor: Political, Administrative, and Developmental Initiatives," 137.

July 1976, creating *Timor Timur* (East Timor) Indonesia's 27th province.¹⁰ Arnaldo dos Reis Araújo and Francisco Lopes da Cruz were appointed Governor and Deputy Governor of the province, and the *liurai* of Atsabe, Apodeti leader Guilherme Gonçalves, Chair of the Provincial Assembly.¹¹ Observers from seven embassies in Jakarta attended the ceremony in Dili on 31 May. The New Zealand Deputy Head of Mission reported a highly stage-managed event for which observers were in Dili for less than two hours.¹² Eyewitness reports on the violence of the invasion and occupation emerged early in 1976, but all too quickly East Timor slipped back out of international view. After April 1976 'there was no visible Portuguese participation' on the issue in the UN.¹³ The incorporation of East Timor into Indonesia soon was being referred to as a *fait accompli*,¹⁴ irreversible,¹⁵ or irrevocable.¹⁶ Australian and U.S. military cooperation with Indonesia continued 'as usual' and indeed expanded.¹⁷ Training, equipment and sophisticated weapons for the war in East Timor were supplied to Indonesia by numerous western countries.¹⁸

***Operasi Seroja* continues: encirclement and annihilation 1977–1979**

Despite Indonesian confidence in a quick victory, by late 1976 only areas near the major roads were controlled by Indonesian forces. The Indonesian army (ABRI) occupied most of the north coast, but large areas of the interior remained outside its control.¹⁹ In August 1976 an ABRI regional command was established under Colonel Dading Kalbuadi, who had served as Benny Moerdani's operational commander for *Operasi Komodo*.²⁰ Two 'Timorese' ABRI battalions, 744 and 745, were formed with a

10 Michael Liefer, *Indonesia's Foreign Policy* (London: George Allen & Unwin, 1983), 158.

11 Hoadley, "Indonesia's Annexation of East Timor: Political, Administrative, and Developmental Initiatives," 134–35.

12 Telegram from Jakarta to Wellington, 1 June 1976, *New Zealand OIA Documents*. Iran, India, Saudi Arabia and Nigeria were represented by Ambassadors or Chargés d'Affaires; and Thailand and New Zealand were more cautiously represented by Deputy Heads of Mission. Notably absent were the U.S., Australia, Japan, the Philippines, Singapore and UN representatives. Australia and the U.S. appeared to know most about the situation, and seemed to be keeping their distance, while New Zealand was curious to know more. Privately critical of what it had witnessed, in June the New Zealand Government publicly declined an invitation to join an Indonesian parliamentary visit to East Timor on 24 June. N.B. *Chega!* erroneously conflates the 31 May ceremonies and the 24 June 'fact-finding' mission. See *Chega! Part 3: The History of the Conflict*, 72.

13 José Ramos-Horta, *Funu: The Unfinished Saga of East Timor* (Trenton, New Jersey: The Red Sea Press, Inc., 1987), 125. See also United Nations Department of Political Affairs, Trusteeship and Decolonization, "Decolonization: Issue on East Timor No.7"; John G. Taylor, *East Timor: The Price of Freedom* (London: Zed Books, 1999), 79.

14 Document 418. Comments by Southeast Asia Branch. Canberra, 4 February 1976. *Australia and the Incorporation of Portuguese Timor*, 696–99.

15 Memorandum for Cabinet. Wellington, 8 February 1978, *New Zealand OIA Documents*.

16 Memorandum to Wellington. Jakarta, 9 June 1983, *New Zealand OIA Documents*.

17 *Australia and the Incorporation of Portuguese Timor*, 699.

18 Taylor, *East Timor: The Price of Freedom*, 133–34.

19 *Chega! Part 3: The History of the Conflict*, 73–74.

20 "Current Data on the Indonesian Military Elite 1982," *Indonesia*, no. 33 (1982): 134.

few Apodeti volunteers and a large number of Timorese conscripts. Apodeti and UDT remnants were also conscripted into *Hansip* ('civil defence') units.²¹ From August 1977, ABRI launched major 'encirclement and annihilation' campaigns under *Operasi Seroja*. The operations aimed to eliminate the Fretilin leadership and, using anti-guerrilla measures similar to those deployed in Malaya and Vietnam, force the civilian population to lowland areas and into resettlement camps under Indonesian control.²² The Indonesian force was built up to between 30,000 and 35,000 troops with armoured vehicle, artillery and air support, reminiscent of U.S. operations in Vietnam. Aerial bombing of villages and defoliants were commonly used to deny food and cover to Fretilin forces.²³ Around this time, an amnesty for the population in the resistance zones was announced by President Soeharto, but it proved unreliable and many who surrendered were killed. From August 1977, ABRI's first phase of operations was concentrated in the western border and northwest sectors. In May 1978 under the command of General Mohamad Yusuf, newly appointed Minister of Defence and Commander in Chief of ABRI, a second phase of operations commenced in the area south of Dili. In September 1978 a third stage of the campaign began with the intense bombardment of the mountainous area around Matebian in the east²⁴ as well as parts of Ermera and Suai, resulting in large-scale killings and the surrender of tens of thousands of civilians.²⁵ In March 1979 the Indonesian Government declared the territory 'pacified' and *Operasi Seroja* formally ended.²⁶

The population of East Timor was subjected to a ferocious pattern of killing, starvation, torture, and mass resettlement, with a particularly high death toll between the years 1975 and 1980. Major military operations continued into the 1980s and a climate of terror was maintained by routine human rights violations and atrocities. The statistics of death in those years has been the subject of much conjecture.²⁷ Age structure pyramids clearly show the severe impact of war and famine on the cohorts of those born between 1972 and 1987.²⁸ In 2005 the Commission for Reception, Truth and

21 Carmel Budiardjo and Liem Soei Liong, *The War Against East Timor* (London: Zed Books, 1984), 40; James Dunn, *East Timor: A Rough Passage to Independence* (Double Bay, NSW: Longueville Books, 2003), 262; Hoadley, "Indonesia's Annexation of East Timor: Political, Administrative, and Developmental Initiatives," 141.

22 Budiardjo and Liem, *The War Against East Timor*, 27.

23 Budiardjo and Liem, *The War Against East Timor*, 27; *Chega! Executive Summary*, 78.

24 Budiardjo and Liem, *The War Against East Timor*, 28–30.

25 *Chega! Part 3: The History of the Conflict*, 75, 78, 81.

26 *Chega! Part 3: The History of the Conflict*, 75, 82.

27 See discussion in Robert Cribb, "How Many Deaths? Problems in the Statistics of Massacre in Indonesia (1965–1966) and East Timor (1975–1980)," in *Violence in Indonesia* (Hamburg: Abera Verlag, 2001), 82–98.

28 See Figures 70 and 72 in Frédéric Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas* (Chiang Mai: Silkworm Books, 2006), 89, 91.

Reconciliation in Timor-Leste (CAVR) published a rigorous analysis of the figures for conflict-related deaths, and put these for the period 1974 to 1999 at a minimum of 102,800 (+/- 12,000). This figure is based on an estimated 18,600 total killings (+/- 1,000) and 84,200 (+/- 11,000) deaths due to hunger and illness in excess of those normally expected.²⁹ Indonesian military losses during the 24 years of occupation were published in a newspaper report in 1999: some 3,700 dead and 2,400 wounded, with 3,000 buried in Indonesian military cemeteries in East Timor, of whom 1,800 were members of locally recruited militias.³⁰

It has been estimated that from December 1975 perhaps half of the population, as many as 300,000 people, fled to the interior to escape the Indonesian invasion forces.³¹ By late 1978 famine conditions forced many of those who had fled to the mountains to come down and surrender. Much of the population was detained by Indonesian forces in harshly controlled resettlement camps, with inadequate food and medical supplies. People were unable to grow sufficient food, which resulted in further starvation, misery and death on a massive scale.³² Those who were deemed to have any kind of links with Fretilin were routinely separated out, for execution, interrogation, torture, imprisonment or exile. Certain places became notorious as killing grounds used by the Indonesian military, such as Kelikai after the Matebian surrenders, and Tasitolu and Areia Branca on the outskirts of Dili.³³ By late 1979 the population in the resettlement camps controlled by the Indonesian military had reportedly reached over 300,000.³⁴

The visits of the few outsiders permitted to enter East Timor were tightly controlled and stage-managed.³⁵ The humanitarian crisis did come to international attention with the 1978 visit to Remexio by a group of Jakarta diplomats and journalists with Indonesian Foreign Minister Mochtar Kusumaatmadja, soon after a visit by President

29 *Chega: Executive Summary*, 44. These figures include deaths attributable to Timorese parties as well as the Indonesian military and their associated militias. CAVR's upper-bound estimate of total conflict-related mortality is 183,000.

30 *Kompas*, 20 September 1999, cited in Gerry van Klinken, "Indonesian Casualties in East Timor, 1975-1999: Analysis of an Official List," *Indonesia*, no. 80 (2005): 110-13. Van Klinken's own analysis suggests about 3,600 deaths and 10,800 wounded.

31 *Chega! Part 3: The History of the Conflict*, 70.

32 *Chega! Part 3: The History of the Conflict*, 83.

33 *Chega! Part 3: The History of the Conflict*, 85.

34 USAID report cited in Taylor, *East Timor: The Price of Freedom*, 88. These numbers are not possible to verify, and it is conceivable that the Indonesian army exaggerated numbers for pecuniary or political purposes. Nonetheless the point remains that population displacement and suffering was of catastrophic proportions.

35 The New Zealand Ambassador visited East Timor twice in 1978 without appearing to register the depths of the humanitarian crisis or to understand Indonesia's role in causing it. Memorandum to Wellington: "East Timor: Ambassador's Visit," Jakarta, 13 January 1978; Telegram to Wellington 1029, "East Timor," 11 September 1978, *New Zealand OIA Documents*.

Soeharto.³⁶ The New Zealand Ambassador reported that the Remexio visit was very poorly organized and 'as a public relations exercise . . . it was very nearly a ghastly failure, being saved largely by the fact that journalists were able to talk to Ramos Horta's 26 year old brother Arsenio (news of his escape from Fretilin and that of ex-President Francisco Xavier do Amaral broke in Jakarta on 6 Sept), and three ex-members of the Fretilin politbureau.³⁷ A number of governments responded with aid assistance through the Indonesian Red Cross (Palang Merah), but most of that was appropriated and sold to profit the military.³⁸ Almost twelve months after the Remexio visit, in October 1979 the continuing humanitarian disaster came to global prominence with photographs taken by Australian journalist Peter Rodgers. An International Committee of the Red Cross (ICRC) delegate, surveying the Hatulia camp where 80 percent of its 8,000 inhabitants were suffering from severe malnutrition, commented that the situation was 'as bad as Biafra and potentially as serious as Kampuchea.³⁹ Despite the catastrophic conditions, the ICRC and U.S.-based Catholic Relief Services (CRS) were not permitted to recommence emergency relief operations until late 1979.⁴⁰ In 1980 the ICRC invited East Timorese in Dili who wished to leave for Portugal to register their interest. Such was the surge of demand that the ICRC suspended registration when the list had reached 17,000.⁴¹

The resistance 1975–1979

The principal members of the Fretilin leadership remaining in Timor in December 1975 were Francisco Xavier do Amaral, Nicolau Lobato, Hermenegildo Alves, Alarico Fernandes, Vicente dos Reis (Sa'he), and António Carvarino (Mau Lear). Fretilin's armed forces, Falintil, had weapons and ammunition consisting of the remains of the

36 Budiardjo and Liem, *The War Against East Timor*, 31; Taylor, *East Timor: The Price of Freedom*, 89.

37 Telegram 1029 from Jakarta to Wellington, 11 September 1978, *New Zealand OIA Documents*. Arsenio Ramos-Horta's colourful eyewitness account of life as a Fretilin prisoner was published under Indonesian auspices in 1982. Regarded by some at the time as crude Indonesian propaganda, much of his account was borne out in later testimony to the CAVR. Arsenio Ramos-Horta, *The Eyewitness: Bitter Moments in East Timor Jungles* (Singapore: Usaha Quality Printers, 1982).

38 Taylor, *East Timor: The Price of Freedom*, 97–98.

39 cited in Taylor, *East Timor: The Price of Freedom*, 97.

40 The New Zealand Government among others lobbied Indonesia for the readmission of the ICRC in early 1979. On 19 June an agreement was signed between the ICRC and the Indonesian Government setting up a joint relief programme. An ICRC international appeal in August 1979 highlighted the desperate plight of 20,000 people facing death from starvation and the need for food and medical assistance for 60,000 people for six months. Submission to the Minister of Foreign Affairs "East Timor: ICRC Appeal for Emergency Food Aid," Wellington, 22 August 1979, *New Zealand OIA Documents*. José Ramos-Horta records that the ICRC worked in East Timor under considerable constraints imposed by the Indonesian authorities. It did not have access between December 1975 until mid-1979; and was pulled out again in 1981 prior to the *pagar betis* operations, returning in 1982 to undertake relief programmes in Atauru. ICRC activities were again suspended in 1983. *Funu: The Unfinished Saga of East Timor*, 195–96.

41 Budiardjo and Liem, *The War Against East Timor*, 101.

Portuguese arsenal, estimated by the Portuguese in mid-1975 at about 15,000 Mauser and G3 rifles of Belgian or German manufacture, 12 to 15 each of 81mm and 61mm mortars, a small number of bazookas and a substantial stock of artillery ammunition.⁴²

From May to early June 1976, Fretilin held a national conference in the mountains at Soibada (Manatutu). Under pressure from the Indonesian military and the problem of feeding large numbers of displaced people, at this meeting the Fretilin central committee adopted radical, Maoist doctrines for a protracted people's war,⁴³ with slogans such as 'politics commands the gun' (*a política comanda fuzil*).⁴⁴ The territory was divided into sectors each under the command of political commissar (*comissário político*) who was a member of the party central committee, assisted by a military commander.⁴⁵ As the pressure on the resistance intensified, the poisons of Mao's Little Red Book worked havoc. Differences between Fretilin political and military leaders had been in play in 1975, and at the 1976 conference came to the fore in disputes over ideology, military tactics and strategy, the control of civilian population in resistance areas, and over the party's insistence on a harsh ideology of social revolution.⁴⁶

Traditional leadership and power, of the kind exemplified by Fretilin President Xavier do Amaral, also conflicted with the revolutionary and anti-feudal aspirations of some of Fretilin's political leaders, and Xavier do Amaral left the Soibada meeting in protest after a few days. Fretilin announced an amnesty for its surviving UDT prisoners, but imprisonment and killings continued and extended to internal purges within Fretilin.⁴⁷ The internal political conflict and the killings of many hundreds of people, including important traditional and military leaders and their extended families, as well as others unconnected with politics, profoundly sapped and damaged the resistance and bequeathed enduring and bitter divisions between individuals and political parties that continue into the present. Some of the resistance's most capable and experienced

42 Document 213. Cablegram to Canberra. Lisbon, 4 September 1975. *Australia and the Incorporation of Portuguese Timor*, 384–85.

43 *Chega! Part 5: Resistance: Structure and Strategy*, 16; Budiardjo and Liem, *The War Against East Timor*, 57–58.

44 *Chega! Part 5: Resistance: Structure and Strategy*, 5; c.f. Every Communist must grasp the truth, 'Political power grows out of the barrel of a gun.' *Quotations from Chairman Mao Tse-Tung* (Peking: Foreign Languages Press, 1966), 61.

45 Ramos-Horta, *The Eyewitness: Bitter Moments in East Timor Jungles*, 17; *Chega! Part 5: Resistance: Structure and Strategy*, 5.

46 *Chega! Part 5: Resistance: Structure and Strategy*, 21. According to the CAVR 'a number of resistance leaders believed that the war they were fighting was not only about the expulsion of foreign aggressors, but also a revolution to erase the old social order. . . . For them the war was a revolutionary war.' *Chega! Part 5: Resistance: Structure and Strategy*, 2.

47 See testimony in *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 123–24; Ramos-Horta, *The Eyewitness: Bitter Moments in East Timor Jungles*, 17.

military leaders were purged. In 1976 and early 1977, Aquiles Freitas Soares⁴⁸ and a number of his supporters, including Ponciano dos Santos, Antonio Freitas and João Teodosio de Lima were killed in Vemasi and Baguia; and in November 1976 Francisco Ruas Hornay⁴⁹ and numbers of his men were executed in Iliomar.⁵⁰ Aquiles and Francisco were both experienced and competent commanders (sergeants) in the Portuguese army, and traditional leaders (*liurai*) of some standing. Both had led and fought with distinction against the Indonesian incursions into the western border area in late 1975.⁵¹ In a separate internal dispute in Ermera district in October 1976, another important military commander, Falintil Deputy Chief of Staff José da Silva,⁵² and about forty of his supporters were captured, and killed by Fretilin over the following twelve months.⁵³

From March 1977 atrocities and executions took place in Fretilin strongholds in Aileu district, notably at Aikurus and Herluli.⁵⁴ The principle of no compromise, *negociação não e nunca* (negotiations, no and never), was declared by Fretilin's Supreme Command of the Struggle in April 1977.⁵⁵ Fretilin President Xavier do Amaral disagreed with the radical direction of the party and declined to take part in a meeting of the Fretilin central committee in Lalini⁵⁶ in May and June 1977, which led to a major split in the party.⁵⁷ Xavier do Amaral supported the military commanders⁵⁸ and also believed that civilian populations should be permitted to surrender if they wished. The Fretilin political leadership rejected any softening of its doctrines and instead reaffirmed its

48 From Letemumu, Kelikai, in Baukai district.

49 From Iliomar in Lautein district.

50 *Chega! Executive Summary*, 60; Two of Aquiles' supporters, *liurai* from Viqueque district, Fernando da Sousa from Watukarbau and Adelino de Carvalho from Watulari were arrested and sent for political education. Fernando da Sousa was executed in 1977. *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 126, 135.

51 Taylor, *East Timor: The Price of Freedom*, 95; Aquiles had commanded the Atabae garrison until its fall on 28 November 1975. Ramos-Horta, *Funu: The Unfinished Saga of East Timor*, 97; *Chega! Part 3: The History of the Conflict*, 77; *Part 5: Resistance: Structure and Strategy*, 18–22; *Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 126–29.

52 From Fatubesi, Hatulia.

53 *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 128; *Executive Summary*, 60–61.

54 Remexio, in Aileu district. *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 130; Gusmão, *To Resist Is to Win! The Autobiography of Xanana Gusmão*, 50.

55 Ernest Chamberlain, *The Struggle in Iliomar: Resistance in Rural East Timor* (Point Lonsdale, Victoria: Ernest Chamberlain, 2008), 85. This slogan also appears in a statement published in *East Timor News* no. 3 in March 1977. A question exists around the role of external parties in Fretilin's radical policies. The only channel of communication between 1975 and 1978 was the radio link between Alarico Fernandes through Darwin to the Sydney office of the Australian Communist Party, Denis Freney. Freney's control of this sole channel of information gave rise to tensions in East Timor support groups in Australia, described by David Scott, *Last Flight out of Dili: Memoirs of an Accidental Activist in the Triumph of East Timor* (Melbourne: Pluto Press, 2005), Chapter 10.

56 Lakluta, in Vikeke district.

57 *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 130.

58 *Chega! Part 5: Resistance: Structure and Strategy*, 21.

1976 decisions and endorsed further radical principles of self-reliance.⁵⁹ In late July 1977 a further meeting of the Fretilin central committee in Herluli decided to expel President Xavier do Amaral from the party, and in August 1977 a purge of his supporters began. By late August, in Herluli alone several hundred prisoners were being held in a hastily constructed prison which consisted of earthen pits covered by logs.⁶⁰ According to testimony to the CAVR, public executions in Herluli became a weekly event at this time.⁶¹

In September 1977, Fretilin President Xavier do Amaral was accused of high treason, deposed, tortured and imprisoned.⁶² A Fretilin communiqué on 19 September 1977 called Xavier do Amaral 'the vilest traitor that our history has known.'⁶³ The allegations against him included the planned elimination of the leadership of the party central committee and deviations from Fretilin ideology, including trying to 'separate the civil from the military tasks.' The purges against Xavier do Amaral's supporters concentrated on his home district of Manufahi and further east, and included two other members of the Fretilin central committee and several middle-level cadres.⁶⁴ Several hundred of his followers or suspected followers, including members of their families, women and children alike, were executed or died as a result of torture and ill-treatment in detention, many dying in horrible ways.⁶⁵ Accusations of treason, by being in contact with the enemy, became common, particularly in Aileu and Manatutu districts.⁶⁶ In 1977 several more military commanders were replaced and some were executed, including Martinho Soares, Augustinho Espirito Santo and eastern region commanders Adão Amaral and José dos Santos.⁶⁷ According to an eyewitness, military commander Martinho Soares was tortured in a particularly gruesome manner, half

59 *Chega! Part 5: Resistance: Structure and Strategy*, 21.

60 *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 129–30.

61 *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 131–32.

62 Extracts of Nicolau Lobato's denunciation of Xavier do Amaral are published in *East Timor News* no. 16, 22 September 1977. Xavier was tortured by Alarico Fernandes, see *Chega! Part 5: Resistance: Structure and Strategy*, 26 fn. In testimony for the Living Memory Project, Xavier do Amaral later told Jill Jolliffe that Alarico Fernandes had kept him in an earthen pit in chains and had branded him on the shoulder with a hot iron, like an animal. An even nastier account is provided by Arsenio Ramos-Horta, *The Eyewitness: Bitter Moments in East Timor Jungles*, 38–39. Alarico Fernandes is also identified in CAVR testimony for his direct involvement in a number of cases of torture, beating and execution. *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 129–33; Dunn, *East Timor: A Rough Passage to Independence*, 263.

63 *East Timor News* no. 16, 22 September 1977.

64 *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 128–29.

65 *Chega! Executive Summary*, 60.

66 *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 130.

67 *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 129, 135; Chamberlain, *The Struggle in Iliomar*, 65.

buried in the ground, standing upright, and his upper body ringed with burning tyres.⁶⁸ According to the CAVR:

Those targeted included members of the Fretilin central committee, senior military commanders and middle level cadres of Fretilin and its affiliate organisations as well as ordinary Fretilin members, Falintil troops and members of the civilian population living in the Fretilin bases.

Many of the victims of these purges died in horrific circumstances including:

- In mass public executions conducted with the utmost brutality
- As a result of severe deprivation in extremely primitive detention centres . . . where food, shelter, sanitation and medical treatment that prisoners were given were grossly inadequate
- As a result of severe torture in detention, involving such methods as burning with hot irons, repeated heavy beatings, hanging a victim from a tree and the cutting of a victim's body.

The CAVR's findings were particularly damning of the Fretilin leadership:

The Commission finds that senior Fretilin leaders not only knew of and approved these practices, which generally occurred at or near places where the Fretilin Central Committee and the Sectoral and Zone administrations had their bases, but in many instances were themselves direct perpetrators.⁶⁹

In December 1977 killings in some of the eastern areas, unlike in other parts of the country, were stopped as a result of the intervention of senior Fretilin officials, in particular Xanana Gusmão.⁷⁰ Xanana Gusmão was also personally responsible around this time for persuading some Fretilin cadres to put an end to the systematic, nightly executions of captive 'UDT,' children from UDT families, who were instead trained with firearms and put to work as resistance fighters.⁷¹

Nicolau Lobato replaced Xavier do Amaral as Fretilin president in October 1977. António Carvarino (Mau Lear) was appointed vice president and prime minister, and Vicente dos Reis (Sa'he) became national political commissar.⁷² As Indonesian encirclement and annihilation operations gained ground, Fretilin was constantly forced to retreat, and it forced civilian populations to move with it. Famine conditions resulted as people were unable to stay in one place long enough to plant and harvest

68 *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 129; Ramos-Horta, *The Eyewitness: Bitter Moments in East Timor Jungles*.

69 *Chega! Executive Summary*, 60–61. Xanana Gusmão later commented that among the Fretilin leadership, 'Alarico Fernandes and, later, Hermenegildo Alves were real executioners with a frenzied thirst for vengeance.' Gusmão, *To Resist Is to Win! The Autobiography of Xanana Gusmão*, 32.

70 *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 135. In 1977 Xanana Gusmão had risen from a Falintil platoon commander in 1976 to become the political representative to Fretilin/Falintil Unit One, based near Lospalos. See below.

71 Madre Guilhermina Marçal, Dili, July 2014. Madre Guilhermina, from age 13, was herself among these prisoners, along with her younger brothers.

72 Chamberlain, *The Struggle in Iliomar*, 65.

crops. In particular the elderly and children died in large numbers.⁷³ In August 1978 Xavier do Amaral escaped Fretilin captivity during an Indonesian attack, near the Diloor River (Vikeke), surrendered to Indonesian forces, and became for many years the personal servant and hostage of Colonel (later General) Dading Kalbuadi.⁷⁴ After the fall of Fretilin's last base, at Matebian on 22 November 1978, the Indonesian forces recommenced operations in the west.⁷⁵

In a further disaster for the resistance, in late 1978 senior party member and radio operator Alarico Fernandes surrendered to the Indonesian military along with four other members of the party central committee. Fernandes took with him Fretilin's only radio equipment, leaving the resistance without internal or external radio communications.⁷⁶ It appears that from September 1978 Alarico Fernandes – willingly or by coercion – collaborated in an Indonesian intelligence operation, Operation Skylight,⁷⁷ while continuing to broadcast the staunch messages of the resistance.⁷⁸ The event put the cat among the pigeons, as the radio link operated by Alarico Fernandes was the main channel of communication between the resistance and the Fretilin party in exile, and Fernandes was also a primary source of the stories published in activist newsletters. Fretilin's announcement of Alarico Fernandes' 'Great Betrayal' was eventually published on 14 December 1978.⁷⁹ These developments would also give rise to a violent dispute in the Fretilin exile group in Mozambique in late 1978. The deaths of Fretilin leader Nicolau Lobato, killed near Maubisi on 31 December 1978,⁸⁰ Guido Soares (Falintil chief of staff) and Mau Laka (César Correia) followed soon after. Hata

73 *Chega! Part 3: The History of the Conflict*, 79.

74 Arsenio Ramos-Horta also escaped at this time. See *East Timor News* no. 41, 14 September 1978; Budiardjo and Liem, *The War Against East Timor*, 35; Chamberlain, *The Struggle in Iliomar*, 72.

75 Chamberlain, *The Struggle in Iliomar*, 67–69.

76 The exact circumstances of Alarico Fernandes' surrender remain unclear. See *Chega! Part 5: Resistance: Structure and Strategy*, 26 fn. Alarico Fernandes was subsequently exiled by the Indonesians to Sumba, but those who surrendered with him were killed. Budiardjo and Liem, *The War Against East Timor*, 36, 61. Alarico Fernandes returned to Timor in 2013, reportedly sponsored by members of his family including erstwhile Fretilin Minister José Teixeira, but subsequently went back to Indonesia.

77 Taylor, *East Timor: The Price of Freedom*, 181.

78 'Independence or death! To resist is to win! The victory is certain and inevitable and only a matter of time! Armed struggle continues! Armed struggle continues! Down with imperialism! Down with Javanese colonial expansionism! Negotiations never!' *East Timor News* no. 41, 14 September 1978.

79 *East Timor News* no. 46, 14 December 1978.

80 According to Hendro Subroto, Nicolau Lobato was killed on 30 December 1978, by the 744th battalion under the command of infantry Major Yunus Yosfiah. The infantry battalion, mostly consisting of East Timorese, had been in hot pursuit for the previous two weeks. Among those in pursuit were the combat intelligence command under Captain Prabowo Subianto, as well as the 700th parachute infantry battalion from South Sulawesi and the 401st parachute infantry battalion from Central Java. In the fighting between Fretilin and the 1st platoon of B Company of Battalion 744, under the temporary command of Sergeant Maudobe, an East Timorese, Nicolau Lobato was among a number killed. *Eyewitness to Integration of East Timor*, 239–41. José Ramos-Horta later wrote, 'Nicolau's death had been caused as much by Fretilin's internal divisions as by Indonesia's firepower.' *Funu: The Unfinished Saga of East Timor*, 157.

(Hamis Bassarewan)⁸¹ and Hermenegildo Alves⁸² were also killed some time in 1978. On 7 February 1979, Fretilin leaders Filomeno Paixão, Abel 'Larisina' Ximenes, Ali Alkatiri, and Pedro Gonçalves surrendered from the northern border sector (*Fronteira Norte*) to the Indonesian military, bringing with them some 200 or 300 weapons.⁸³ António Carvarino (Mau Lear) and Vicente dos Reis (Sa'he) were killed in January or February 1979,⁸⁴ and Hélio Pina (Mau Kruma) was killed around March 1979.⁸⁵ Three years after the Indonesian invasion, nearly all of Fretilin's senior political leaders and military commanders who had remained in East Timor were dead, captured or had surrendered to the Indonesian military. The one survivor, Juvenal Inácio (Sera Key), was killed later in 1979, after which only three members of the original Fretilin central committee survived in East Timor.⁸⁶

Fretilin in exile

At the end of 1975 some of the Fretilin leaders in exile settled in Mozambique and Angola, where some had lived previously. The Mozambique Government extended diplomatic recognition to East Timor and acknowledged them as members of the East Timor government in exile. By December 1975, Mari Alkatiri had become third-ranked leader in the Fretilin party in East Timor.⁸⁷ In Mozambique and Angola he presided over a tight group of exiled Timorese.⁸⁸ Others at the core of this group at various times included Abílio Araújo, Rogério Lobato, Roque Rodrigues, José Ramos-Horta, Ana Pessoa, José-Luís Guterres, Madalena Boavida and Estanislau da Silva. In September 1977, Mari Alkatiri announced a reallocation of the positions held by the exile group. Mari Alkatiri assigned himself the title of Minister for External Relations and stripped his colleagues of their 1975 ministerial titles, returning these to Timor. Rogério Lobato became Mari Alkatiri's military adviser, José Ramos-Horta became

81 Subroto, *Eyewitness to Integration of East Timor*, 238.

82 Peter Carey, "Historical Introduction," in *Generations of Resistance* (London: Cassell, 1995), 18.

83 They later insisted, credibly, that this was because their comrades were intending to kill them, not from cowardice. Twenty-five years later Xanana Gusmão still held a grudge against Filomeno Paixão for surrendering with such a large number of weapons.

84 Taylor, *East Timor: The Price of Freedom*, 97. A similar account is provided in *Chega! Part 3: The History of the Conflict*, 80. Arsenio Ramos-Horta attributes the deaths of Carvarino and Vicente dos Reis (Sa'he) to a Timorese soldier who had defected to the Indonesian forces in revenge for their cruel killing of his brother, Mano-Rogo [sic]. Ramos-Horta, *The Eyewitness: Bitter Moments in East Timor Jungles*, 52–53. Hendro Subroto, apparently relying on the same source, places the deaths of Vicente Sa'he in Natarbora and Carvarino near Venilale in October 1978. Subroto, *Eyewitness to Integration of East Timor*, 238–39. According to a more recent account by dos Reis' brother, Marito, Vicente Sa'he died in late January 1979 of a leg wound incurred in Fatuberliu (Alas). See Chamberlain for a further discussion of the various accounts, *The Struggle in Iliomar*, 72.

85 *Chega! Part 5: Resistance: Structure and Strategy*, 22, 26.

86 *Chega! Part 5: Resistance: Structure and Strategy*, 26.

87 See Annex D.

88 Scott, *Last Flight out of Dili*, 222 fn 6.

Fretilin Permanent Representative at the UN, and Abílio Araújo was designated a roving Ambassador.⁸⁹ During 1975, Roque Rodrigues had left Portuguese Timor to take up a position as Fretilin representative in Mozambique. In late 1978 Roque Rodrigues moved to Angola as Ambassador of the Democratic Republic of East Timor, and José-Luís Guterres ('Lugu') took on the role of Ambassador in Mozambique.⁹⁰ Between 1976 and 1982 Fretilin was virtually alone in its lobbying efforts in New York at the UN and relied on friendly countries such as Angola, Cape Verde, Guinea-Bissau, Mozambique, São Tomé e Príncipe, Vanuatu, Zimbabwe and Benin to approach other countries when necessary. Lobbying work was usually split between José Ramos-Horta (western Europe and Scandinavia), Roque Rodrigues (Asian, socialist bloc and Latin America) and José-Luís Guterres (Africa).⁹¹

José Ramos-Horta had worked in Mozambique as a journalist before the Carnation Revolution. Afterwards, he had made a name for himself as a skilled publicist and external liaison officer for Fretilin. A charming but ambiguous character, José Ramos-Horta was no ideologue, and he was energetic and ambitious for himself and his country.⁹² Ramos-Horta had already begun to embroider a personal mythology.⁹³ Had his two years in Mozambique had been as a journalist, or as a propagandist in the Portuguese military service?⁹⁴ Had he plagiarized (Soekarno's) Marhaenism to come up with Maubereism?⁹⁵ Confusion was generated by the proliferation of titles that Ramos-Horta laid claim to, leading some outsiders to believe him to be the leader of Fretilin.⁹⁶ Ramos-Horta also claimed radical political credentials as the son of a Portuguese deportee who had come to Timor in 1931, but it appears that Ramos-Horta's father probably was an informer to the Portuguese Special Information Police, convicted and deported for falsely implicating two others in a bomb plot.⁹⁷ In the late 1970s José Ramos-Horta and Mari Alkatiri regularly travelled between Maputo and

89 *East Timor News* no. 16, 22 September 1977.

90 Scott, *Last Flight out of Dili*, 222; Helen Hill, *Stirrings of Nationalism in East Timor: FRETILIN 1974–78: The Origins, Ideologies and Strategies of a Nationalist Movement* (Sydney: Oxford Press, 2002), 172; Ramos-Horta, *Funu: The Unfinished Saga of East Timor*, 128.

91 Ramos-Horta, *Funu: The Unfinished Saga of East Timor*, 128.

92 Bill Nicol, *Timor: The Stillborn Nation* (Melbourne: VISA, 1978), Chapter 12.

93 Jolliffe later wrote 'It could be said that the person known as José Manuel Ramos-Horta was a myth which he had woven himself, much as John le Carré's spies created a 'legend' or alternative personality before they went into the field.' Jill Jolliffe, *Run for Your Life: A Memoir* (Melbourne: Affirm Press, 2014), 141.

94 Nicol, *Timor: The Stillborn Nation*, 111.

95 Nicol, *Timor: The Stillborn Nation*, 134. In fairness to José Ramos-Horta, Soekarno himself was not averse to lifting ideas and had been accused of taking the term 'Marhaen' from popular use. J.D. Legge, *Sukarno: A Political Biography* (London: Allen Lane The Penguin Press, 1972), 73 fn 63.

96 Nicol, *Timor: The Stillborn Nation*, 145.

97 Jolliffe, *Run for Your Life*, 141–42.

New York to make representations at the UN. In 1977 José Ramos-Horta was reportedly a salaried officer of the Mozambique mission in New York with a Mozambique diplomatic passport, in charge of Timor affairs.⁹⁸ In Maputo he married another of the Timorese diaspora, Ana Pessoa, and had a son born in late 1978. In 1978 journalist Bill Nicol drew a pen portrait of José Ramos-Horta, a 'pragmatist':

A man of no little charm, when he wants. A moderator and manipulator. Nifty in the back rooms as a political broker. Not shy doing PR, tuning his words for the diverse ears of the various foreign observers with whom he is confronted. Strong legged for trudging the corridors of power in Canberra and Jakarta. A propagandist – first for fascists, then socialists. Puzzling but rarely puzzled. Loved by some Timorese, hated by others. A man with many cards up his sleeves.⁹⁹

The Fretilin group in Mozambique strongly endorsed Nicolau Lobato's revolutionary fervour and the party's condemnation of Xavier do Amaral as a traitor.¹⁰⁰ As the conflict within Fretilin intensified in Timor, so also did rivalries and conflict in the group in Maputo, resulting in a particularly murky episode in late 1978. In early 1978 differences had emerged over the doctrine of no compromise, *negociação não e nunca*, an issue at the centre of the denunciation of President Xavier do Amaral in 1977. Rogério Lobato made much of this slogan in an interview given early in 1978,¹⁰¹ yet on 12 April, Mari Alkatiri contradicted it: 'Negotiations between the conflicting sides can be a means to create conditions so that the State of East Timor and Indonesia may develop good neighbourly relations and even fruitful cooperation beneficial for both sides. The Fretilin Central Committee as the sole legitimate representative of the people of East Timor, alone has the authority to accept or reject any negotiations.'¹⁰²

Some time in September 1978, around the time of 'Operation Skylight,' radio operator Alarico Fernandes reportedly sent a message to his friend José Ramos-Horta in Maputo, seeking his support to overthrow Nicolau Lobato and open negotiations with Indonesia.¹⁰³ It is not known if this message was Alarico Fernandes' or if it was an Indonesian concoction, but both Alarico Fernandes and José Ramos-Horta were regarded in the party as ideologically soft, and the message provoked a strong reaction in Maputo. When Mari Alkatiri, José Ramos-Horta and Olympio Branco were in New York for the annual UN General Assembly debate, in Maputo members of the exile

98 Scott, *Last Flight out of Dili*, 198–99.

99 Nicol, *Timor: The Stillborn Nation*, 110.

100 *East Timor News* no. 16, 22 September 1977; Scott, *Last Flight out of Dili*, 196–202.

101 *East Timor News* no. 27–28, 9 March 1978.

102 *East Timor News* no. 33, 18 May 1978.

103 Scott, *Last Flight out of Dili*, 196–202.

Fretilin group, including Marina Ribeiro Alkatiri, Ana Pessoa, Leonel Andrade and some others were detained, injured and held hostage by Abílio Araújo and Rogério Lobato.¹⁰⁴ When Mari Alkatiri and José Ramos-Horta returned from New York, José Ramos-Horta was accused of being a traitor, and of collaborating with Alarico Fernandes. Mari Alkatiri and Roque Rodrigues rejected the accusations against José Ramos-Horta, but decided that he should be detained in Maputo until communications were restored with the central committee in East Timor.¹⁰⁵ Ramos-Horta was subjected to violence: 'physical mistreatment with the intention to kill him.'¹⁰⁶ Ramos-Horta later recorded:

The handful of Fretilin senior cadres overseas did not escape the infantile spasms of sectarianism and we found ourselves bitterly divided. Accused of 'treason,' 'capitulation' and 'connivance with the CIA,' I was abruptly pulled out of the UN on the eve of the Fourth Committee's discussions on East Timor.¹⁰⁷

Ramos-Horta's humiliating and violent detention in Maputo put paid to months of planning for a 'private' visit to New Zealand in November 1978, for which the New Zealand Government had already issued him a visa, stamped in his passport, notwithstanding Indonesia's discomfort and Australia's refusal.¹⁰⁸ In December 1978, in response to requests for help from among Ramos-Horta's international activist friends, the Frelimo Government in Mozambique rescued the hostages and placed them under government protection. According to activist David Scott, this unseemly episode led some important international supporters to withdraw, concluding that an ideological struggle had poisoned and factionalized Fretilin.¹⁰⁹

After leaving East Timor, in late 1975 and in 1976 Rogério Lobato made visits to socialist fraternal countries including China, Vietnam, Cambodia, and Cuba as well as Mozambique and Angola.¹¹⁰ He was unsuccessful in gaining weapons for the struggle but his efforts helped gain socialist support in the UN, including that of Pol Pot during

104 According to Scott's account, Leonel Andrade was badly injured with a machete; Ramos-Horta's wife Ana Pessoa, who was due to give birth imminently, was imprisoned in a room for four days; and Mari Alkatiri's wife Marina Ribeiro was taken to a hospital from where she was able to contact Frelimo officials. Scott, *Last Flight out of Dili*, 250; see also Taylor, *East Timor: The Price of Freedom*, 181.

105 Scott, *Last Flight out of Dili*, 249–62.

106 Juan Federer, *The UN in East Timor: Building Timor Leste, a Fragile State* (Darwin: Charles Darwin University Press, 2005), 48.

107 Ramos-Horta, *Funu: The Unfinished Saga of East Timor*, 156. Xanana Gusmão revived memories of this incident in his speech on 22 June 2006, observing that it was Mozambique President (then Foreign Minister) Joaquim Chissano who helped rescue the hostages.

108 *New Zealand OIA Documents*, January–November 1978. Ramos-Horta erroneously claimed that he was denied entry to New Zealand at this time. See Ramos-Horta, *Funu: The Unfinished Saga of East Timor*, 156.

109 Scott, *Last Flight out of Dili*, 250, 258, 262.

110 *Australian Left Review* No. 57, 1977.

a visit to Beijing in 1977.¹¹¹ In Mozambique and Angola, Rogério Lobato took up fundraising for Fretilin, running gangs that smuggled diamonds. Matters got out of hand when Lobato skimmed off too much from the takings, and eventually his comrade (and Ambassador in Luanda) Roque Rodrigues denounced him to the Angolan authorities. Rogério Lobato was convicted of diamond smuggling in 1983,¹¹² and during his six years in prison in Angola, Roque Rodrigues provided him with the consolation of readings of corrective revolutionary thinking from Chairman Mao's Little Red Book.¹¹³

Indonesian military control

During the 1980s General Benny Moerdani retained virtual single-handed control of Indonesia's East Timor policy.¹¹⁴ By 1982 Moerdani had come to be described as arguably the second most powerful man in Indonesia, with General Dading Kalbuadi as his pro-consul for occupied Timor.¹¹⁵ In 1983 Moerdani was appointed Commander-in-Chief of the Indonesian Armed Forces (ABRI), as well as Commander of Kopkamtib, and he also retained the position he had held since 1974 as presidential Assistant for Intelligence.¹¹⁶ In appointing Moerdani to fill these powerful roles, President Soeharto was seen to dispose of the last of the group of military leaders who had helped him to power. As a Christian, Benny Moerdani was unlikely to be able to challenge Soeharto for the presidency. Despite the formal end of *Operasi Seroja* in 1979, East Timor remained under military control and, unusually, both combat and territorial military commands were retained. East Timor came to be seen as a key training ground for Indonesian special forces.¹¹⁷ The closed nature of the province also facilitated the rise of military and 'palace' business monopolies. East Timor was run as a virtual apanage for Soeharto family members and loyal subordinates who profited from the monopoly control of businesses and commodities (such as coffee and sandalwood), import-export businesses, Indonesian Government development funds and infrastructure projects,

111 *East Timor News* no. 21, 1 December 1977.

112 Dennis Shoemith, "Timor-Leste: Divided Leadership in a Semi-Presidential System," *Asian Survey* 43, no. 2 (April 2003): 238.

113 Ray Murray, July 2014.

114 The Editors, "Current Data on the Indonesian Military Elite: January 1, 1992–August 31, 1993," *Indonesia*, no. 56 (1993): 126; The Editors, "Current Data on the Indonesian Military Elite 1978," *Indonesia*, no. 26 (1978): 159–77; The Editors, "Current Data in the Indonesian Military Elite 1980," *Indonesia*, no. 29 (1980): 155–75.

115 "Current Data on the Indonesian Military Elite 1982," 134.

116 "Current Data on the Indonesian Military Elite (Continued) 1984," *Indonesia*, no. 37 (1984): 151–52.

117 See Jusuf Wanandi, *Shades of Grey: A Political Memoir of Modern Indonesia 1965–1998* (Jakarta: Equinox, 2012), 215.

and from appropriating humanitarian relief.¹¹⁸

On 10 June 1980 Falintil launched an attack on the new television transmitter at Marabia (on the southern outskirts of Dili) and showed that Fretilin was not a completely spent force.¹¹⁹ Indonesian military retribution was harsh: hundreds were detained, at least 121 people disappeared, were executed, or died in detention in the weeks following, and others were transported and detained on Atauro.¹²⁰ The Indonesian army embarked on new offensives, utilizing *pagar betis* (fence of legs) operations, which forced unarmed civilians to participate in Indonesian military operations and to sweep through rebel positions.¹²¹ In 1981 *Operasi Keamanan*¹²² aimed to drive Fretilin guerrillas from east and west towards the central sector, Manatutu,¹²³ and involved a massacre of civilians near Lakluta in September 1981.¹²⁴ In some areas virtually the entire civilian population was compelled to take part in these operations. Not only did they suffer from exhaustion and starvation, but their crops were abandoned untended, resulting in a resurgence of widespread famine and death from starvation. But the Indonesian operations were considered a military failure as they did not succeed in capturing Fretilin targets.¹²⁵

The beginnings of change: 1982

In 1982 at the behest of General Benny Moerdani, President Soeharto appointed Mário Carrascalão Governor, in succession to Arnaldo dos Reis Araújo and Guilherme Gonçalves.¹²⁶ Mário Carrascalão presented a more acceptable face to the outside world than his much-disliked and ill-used predecessors. Mário Carrascalão was well-

118 Douglas Kammen, "Notes on the Transformation of the East Timor Military Command and Its Implications for Indonesia," *Indonesia*, no. 67 (1999): 64. PT Denok, owned by Generals Moerdani, Dading Kalbuadi and Sahala Rajagukguk monopolized coffee exports from 1976 and in the 1980s established subsidiaries monopolizing exports of sandalwood and controlling the cultivation of new export crops such as cumin, copra and cloves. PT Batara Indra was involved in entertainment and Toko Marina controlled the distribution of staple foods and household goods. PT Astakona dealt in agricultural supplies. Other prominent businesses included PT Nusa Bhakti, owned by President Soeharto's wife and PT Lianbau, owned by President Soeharto's son-in-law, Prabowo Subianto. Taylor, *East Timor: The Price of Freedom*, 125–27.

119 *Chega! Part 3: The History of the Conflict*, 90; Taylor, *East Timor: The Price of Freedom*, 114.

120 *Chega! Executive Summary*, 65–66. Among those detained and subsequently tortured was David Dias Ximenes, an officer cadet in the Portuguese forces. David Dias Ximenes had still been wearing his Portuguese uniform in mid-1976 on Atauro, when Benny Moerdani offered him an ABRI emblem to wear. Dias Ximenes accepted and was sent to Malang military academy, and after that he was in the Indonesian army, until he participated in the attack on Marabia in 1980. Mário Carrascalão, July 2014.

121 Budiardjo and Liem, *The War Against East Timor*, 41; The *pagar betis* method was familiar to the Indonesians and had been used against Darul Islam in West Java. Robert Lowry, *The Armed Forces of Indonesia* (St Leonards, NSW: Allen & Unwin, 1996), 154.

122 Also called *Operasi Ganesha* or *Operasi Kikis* [Erase]. Taylor, *East Timor: The Price of Freedom*, 117.

123 Budiardjo and Liem, *The War Against East Timor*, 41.

124 *Chega! Part 3: The History of the Conflict*, 92.

125 Budiardjo and Liem, *The War Against East Timor*, 43.

126 "Interview with Mario Carrascalao," *Indonesia*, Cornell Southeast Asia Program, no. 76 (2003): 4–5.

educated, youthful and a senior founding member of UDT. The son of a Portuguese political *deportado* and a Timorese mother from a Venilale *liurai* family, he was one of very few Timorese to complete an education in Portugal, graduating as an engineer in forestry. In 1975 prior to the UDT coup Mário Carrascalão served in the colonial administration as head of the Department of Agriculture and Forestry. After the Indonesian incorporation of East Timor he served for a number of years in the Indonesian mission to the UN in New York.¹²⁷ Mário Carrascalão, however, found that to be governor was to be 'like a puppet': it was the military commanders who had the power. At Mário Carrascalão's request, President Soeharto eventually issued a new decree that gave him a little more power to improve the desperate conditions in the province.¹²⁸ By 1982–1983 most Timorese were allowed to leave the detention camps and some development efforts were beginning. Some people were allowed to return to their villages, but many moved to urban areas (the population of Dili grew from about 28,000 in 1975 to around 67,000 in 1980) and others were placed in *desa pemukiman* (resettlement villages).¹²⁹

The conservative role of the Roman Catholic church in East Timor, formerly part of the corporatist state, began to change with the appointment in 1977 of Monsignor Martinho da Costa Lopes as Apostolic Administrator.¹³⁰ After the Indonesian authorities banned the use of Portuguese language in church services in 1981, the church gained agreement for the use of Tetun as the vernacular. Prior to 1975 at most a quarter of the population had been baptized: most retained traditional animist faiths. But by 1990, under compulsion from the Indonesian authorities to adopt a recognized religion, about 80 percent of the population professed Roman Catholicism.¹³¹ Monsignor da Costa Lopes bravely spoke out against human rights abuses when he could,¹³² allowing letters describing the 1981 Lakluta massacre and the famine produced by the 1981–1982 fence of legs operations to be published overseas.¹³³

127 "Interview with Mario Carrascalao," 1–2.

128 "Interview with Mario Carrascalao," 5–6.

129 *Chega! Part 3: The History of the Conflict*, 88.

130 In 1978 it was reported that the number of priests in East Timor had fallen from 54 to 22, of whom 10 were in Dili, 4 in Fatumaka, 6 with Fretilin in the mountains and 2 working in the kabupaten (districts). Memorandum from Jakarta to Wellington 330/1/1. "East Timor: Ambassador's visit," 13 January 1978, *New Zealand OIA Documents*.

131 Robert Archer, "The Catholic Church in East Timor," in *East Timor at the Crossroads: The Forging of a Nation* (Honolulu: University of Hawai'i Press, 1995), 127.

132 Memorandum from Jakarta to Wellington 330/1/1. "East Timor: Ambassador's visit" 13 January 1978, *New Zealand OIA Documents*.

133 In response to media reporting of military operations and impending famine, Gough Whitlam visited East Timor in March 1982 and subsequently slandered da Costa Lopes for his claims. See Rowena Lennox, *Fighting Spirit of East Timor: The Life of Martinho da Costa Lopes* (Annandale, NSW: Pluto Press, 2000), 178–85.

Nonetheless, even visitors sympathetic to humanitarian concerns and familiar with Indonesian Government window-dressing appeared susceptible to the charms of their Indonesian hosts. In 1978 the New Zealand Ambassador recorded: 'only members of the Roman Catholic hierarchy, from the Bishop [sic] down, were openly critical of the administration, but as time went on we found ourselves placing less and less reliance on their views.' On the question of whether the Indonesian Government would change its stance on the integration of East Timor, he reported: 'the Roman Catholic priests affected a curious neutrality, saying rather slyly that they were not at all sure what the outcome would be. "Who can say?"' Noticing the collective sullen countenance of the Timorese, the Ambassador commented: 'Wherever they are [in East Timor] they are desperately poor – and the poor are seldom very cheerful.'¹³⁴ And on the prison island of Atauro five years later, his successor observed: 'the people seemed to be suffering, more than anything else, from apathy.'¹³⁵ In an echo of the Whitlam incident in 1982, in late 1984 Monsignor Belo told the visiting New Zealand Ambassador that the situation was serious in eastern areas, in Vikeke and Lospalos. Belo's information was discounted as 'he did not seem to have an accurate view of the security and food situation.' The Ambassador took it on himself to check the situation out, and 'at less than 12 hours' notice went to Vikeke and drove around in and out of the town without any security escort. There was no sign of stepped up local security,' he wrote, 'and the people showed no sign of malnutrition – quite unlike Raifuso which we visited in 1983.'¹³⁶

The resistance and the rise of Xanana Gusmão

With the loss of radio contact at the end of 1978, for the following four years the leaders of Fretilin in East Timor were unknown to the party in exile.¹³⁷ In January 1983, José Ramos-Horta and Abílio Araújo announced in Lisbon that they had resumed contact with the resistance. Documents that had been smuggled out revealed the name of Xanana Gusmão as the new Fretilin leader in East Timor.¹³⁸ Xanana Gusmão was born

134 Memorandum from Jakarta to Wellington 330/1/1. "East Timor: Ambassador's visit," 13 January 1978, *New Zealand OIA Documents*.

135 Memorandum from Jakarta to Wellington. "Indonesia: East Timor," 9 June 1983, *New Zealand OIA Documents*.

136 Memorandum from Jakarta to Wellington. "East Timor," 3 December 1984, *New Zealand OIA Documents*.

137 Radio contacts were not re-established for six years, until January 1985. Juan Federer, who was married to a Timorese, Maria do Céu, smuggled in a radio at the end of 1984, and messages were transmitted to Darwin 'for a couple of years' until a plastic button on the radio set broke. Federer, *The UN in East Timor*, 43.

138 Hiorth, *Timor: Past and Present*, 51.

José Alexandre Gusmão in Laleia, Manatutu in 1946.¹³⁹ Xanana Gusmão was the son of an *assimilado* school teacher, but by his own account he was not a diligent student. After attending primary school in Osu, he went to the *Nossa Senhora de Fátima* Jesuit seminary at Dare, but did not complete his studies. He subsequently worked in various jobs (typist, draftsman, wharf-side worker and fisherman) and took night classes to complete his junior high school education. He undertook three years of compulsory military service from 1968, rising to the rank of corporal. In 1974 Xanana Gusmão left for Australia (Darwin) to find work and save up money and on returning to Dili worked as a builder's labourer and an apprentice electrical mechanic.¹⁴⁰ Xanana Gusmão joined Fretilin in September 1975¹⁴¹ and became a junior member of the 52-member¹⁴² Fretilin party central committee.

In 1976 Xanana Gusmão was a platoon commander in Falintil until the first reorganization of the resistance in May 1976, when he became a political cadre,¹⁴³ and began his political education. At the end of 1976 he obtained a copy of Mao Zedong's Little Red Book, which became 'the only personal property' he carried.¹⁴⁴ In mid-1977 Xanana Gusmão was assigned to Fretilin/Falintil Unit One as the political representative and established his base in the jungle southeast of Lospalos. Around this time many of Xavier do Amaral's supporters were killed, including eastern region commanders.¹⁴⁵ In 1978 Xanana Gusmão had risen to become Falintil eastern region Commander and political *ajunto* (secretary) to Sera Key (Juvenal Inácio) in Matebian, with Falintil Commanders Olo Kasa (Lino Monteiro), Kilik Wae Gae (Reinaldo Correia Freitas Belo), and Mauk Moruk (Paulino Gama).¹⁴⁶ The fall of the last of the Fretilin bases (*bases de apoio*), at Matebian on 22 November 1978 was a disaster for the

139 His nickname, Xanana, was acquired as a pseudonym, a cross between the middle syllable of Alexandre and the 1974 hit song by Danish glam rock band *Walkers*, 'Sha La La La La.' He later adopted his maternal grandfather's name, Kay Rala, to become formally known as Kay Rala Xanana Gusmão. Sara Niner, *Xanana: Leader of the Struggle for an Independent Timor-Leste*, (North Melbourne, Victoria: Australian Scholarly Publishing, 2009), xix.

140 Gusmão, *To Resist Is to Win! The Autobiography of Xanana Gusmão*, 18.

141 "Update / Dec 2003 – Jan 2004" (CAVR, January 2004), 14.

142 Jolliffe, *East Timor: Nationalism and Colonialism*, 270.

143 Xanana Gusmão, "Falintil Day Message, Uaimori, 20 August 2003."

144 Xanana Gusmão's autobiography refers to this book as the Thoughts of Chairman Mao. *To Resist Is to Win! The Autobiography of Xanana Gusmão*, xii, 47. However as that is a multi-volume work, the reference is most likely to the very portable 'Little Red Book', *Quotations from Chairman Mao Tse-Tung*. The Little Red Book was compiled by Chinese military strategist Lin Biao in 1963 and became a runaway success for Mao as portable indoctrination for the People's Liberation Army, and then for the Red Guards when Mao launched the Cultural Revolution in 1966. The little red book exhorted self-sacrifice, self-reliance and the maintenance of revolutionary impetus and ongoing struggle. It was held up as an international guide to revolution and was translated into scores of languages [including Portuguese] with millions of copies distributed around the world. Jonathan D. Spence, *The Search for Modern China*, 2nd ed. (New York: W W Norton, 1990), 565–71, 596.

145 Chamberlain, *The Struggle in Iliomar*, 65.

146 Chamberlain, *The Struggle in Iliomar*, 69.

resistance. Falintil forces divided into small, mobile guerrilla units of three to four people.¹⁴⁷ Xanana Gusmão moved with one group towards the eastern region, initially to Iliomar and then, together with Kilik Wae Gae and Fernando Txay, to Tutuala (Mt Paixou).¹⁴⁸ In 1979 the scattered remnants of Fretilin regrouped in the east and endeavoured to re-establish links with other fragments of the resistance in central and western areas, in Baukau, Ermera and Bazartete.¹⁴⁹ The most senior among them, Sera Key (Juvenal Inácio), was killed in one such attempt in 1979.¹⁵⁰ The resistance later assessed that 80 percent of Falintil personnel and 90 percent of its weapons had been lost, along with all of its support bases and radio communications.¹⁵¹ The disasters of 1978 and 1979 left only three members of the original Fretilin central committee still alive in the resistance: Mau Huno Bulerek Karatainu (António Manuel Gomes da Costa), Kay Rala Xanana (Gusmão) and Fernando Txay, all in the east.

A Fretilin national conference 1–8 March 1981 near Maubai, Mt Aitana,¹⁵² organized by Xanana Gusmão and Mau Huno Bulerek Karataianu, marked an important reorganization point for the resistance and for the rise of a new leadership under Xanana Gusmão, who was appointed both National Political Commissar and Falintil Commander.¹⁵³ Nine new members were appointed to the Fretilin central committee.¹⁵⁴ For reasons that remain unclear, the 1981 meeting ratified the radical political decisions of the party's 1977 meeting at Lalini, set up a Revolutionary Council of National Resistance (CRRN), changed its name to the Fretilin Marxist-Leninist Party (PMLF) and adopted Marxism-Leninism as the party's official ideology.¹⁵⁵ In practice,

147 *Chega! Part 5: Resistance: Structure and Strategy*, 27. According to Durand, Falintil numbered between 6,200 men at this time, comprising 1,200 Falintil and 5,000 people's militia. However these numbers are based on Falintil information (propaganda?) and appear to be greatly inflated and inconsistent with the battered state of the resistance at this time. See Frédéric Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas*, 78, 81; also Frédéric Durand, *History of Timor-Leste* (Chiang Mai: Silkworm Press, 2016), 119.

148 Chamberlain, *The Struggle in Iliomar*, 67–69.

149 Taylor, *East Timor: The Price of Freedom*, 115.

150 Niner, *Xanana: Leader of the Struggle for an Independent Timor-Leste*, 39, 48.

151 Budiardjo and Liem, *The War Against East Timor*, 67.

152 Lakluta sub-district, Vikeke. *Chega! Part 5: Resistance: Structure and Strategy*, 27.

153 Budiardjo and Liem, *The War Against East Timor*, 62. The position of National Political Commissar was abolished in 1982.

154 The new members were Mau Hodu Ran Kadalak, Bere Malae Laka, Kilik Wae Gae, Nelo Kadomi Timor, Sakin Nere Ulas Timor Lemo Rai, Holy Natxa, Lere Anan Timor, Hari Nere and Mauk Moruk Teki Timor Ran Nakali Lemo Rai. *Chega! Part 5: Resistance: Structure and Strategy*, 27–30. Outside East Timor the central committee remained: Abílio Araújo (Secretary General), Mari Alkatiri, Roque Rodrigues, José-Luís Guterres, Guilhermina Araújo, José Ramos-Horta and Rogério Lobato.

155 *Chega! Part 5: Resistance: Structure and Strategy*, 27. See also Budiardjo and Liem, *The War Against East Timor*, 69–71. Shoemith notes that Fretilin chose the same path as Frelimo in Mozambique, which had declared itself a Marxist-Leninist party [in a one-party state] in February 1977. Shoemith, "Timor-Leste: Divided Leadership in a Semi-Presidential System," 239 Note 20. In 1990 Frelimo abandoned this ideology and drew up a new party constitution allowing for a multi-party political system.

however, the new generation of Fretilin leaders adopted new and more flexible tactics and abandoned Fretilin's radical doctrines. The revolutionary political agenda was dropped, and the armed wing, Falintil, came to the fore.¹⁵⁶ Falintil's new tactics included the use of mobile units instead of fixed bases, and the development of new 'clandestine'¹⁵⁷ networks based on traditional linkages. The resistance also loosened its rigid policy of no contact with political opponents, and began to make contact with the Roman Catholic Church, and through the church, with the Indonesian military. In 1983 the PMLF declared a politically inclusive policy of national unity. In 1984 Xanana Gusmão dissolved the PMLF, which reverted to plain 'Fretilin,' and restructured Falintil. These changes resulted in an upheaval in the resistance leadership.¹⁵⁸ The ideological split in Fretilin at this time, between those who wanted to maintain the primacy of Fretilin revolutionary ideology, and those who wanted to adopt more flexible and pragmatic tactics, was never fully resolved but rather was overtaken by events.¹⁵⁹

In September 1982 Xanana Gusmão and head of the Roman Catholic Church in East Timor, Monsignor Martinho da Costa Lopes, secretly met in Mehara, Lautein. At this meeting Monsignor Lopes highlighted the need for 'national unity' between Fretilin and UDT. This meeting also presaged a softening of Fretilin's principle of no compromise, *negociação não e nunca*.¹⁶⁰ Further contacts mediated by the Church led to a number of other meetings¹⁶¹ and high level secret talks with ABRI between Indonesian Colonel Purwanto and with Governor Mário Carrascalão at Larigutu in

156 Paulino (Mauk Muruk) Gama, "The War in the Hills, 1975–85: A Fretilin Commander Remembers," in *East Timor at the Crossroads: The Forging of a Nation* (Honolulu: University of Hawai'i Press, 1995), 101–03; *Chega! Part 5: Resistance: Structure and Strategy*, 29.

157 The term 'clandestine' (Portuguese: *clandestino*) appears to have been used to differentiate between armed (Falintil) and unarmed (clandestine) elements of the resistance.

158 *Chega! Part 3: The History of the Conflict*, 98; *Chega! Part 5: Resistance: Structure and Strategy*, 32–34. There was opposition within the leadership, giving rise to a split between Xanana Gusmão, and Falintil Chief of Staff Kilik Wae Gae and Red Brigade Commander Mauk Moruk, both of whom had been demoted in the restructure. Both were expelled from the central committee. In his 1995 account, Mauk Moruk recorded that in January 1985 following differences with his resistance comrades over the 'correct strategy,' he decided to surrender to the Indonesians, and spent four and a half years in a psychiatric ward of the Indonesian army hospital in Jakarta, before gaining refugee status. Gama, "The War in the Hills, 1975–85: A Fretilin Commander Remembers," 103. Jill Jolliffe helped extract Mauk Moruk from the hospital in Jakarta, and into asylum in the Netherlands. Jill Jolliffe, March 2013. Mauk Moruk at other times inconsistently claimed that Xanana Gusmão had a part in Kilik's demise, although according to the CAVR, Kilik Wae Gae was killed in action against the Indonesians. Contention over the events in 1984–1985 persists, and featured in a speech by Xanana Gusmão in 2003 and subsequently. Xanana Gusmão, "Falintil Day Message, Uaimori, 20 August 2003." See also Chamberlain, *The Struggle in Iliomar*, 97–98.

159 *Chega! Part 5: Resistance: Structure and Strategy*, 22.

160 *Chega! Part 3: The History of the Conflict*, 98.

161 See Douglas Kammen, "A Tape Recorder and a Wink? Transcript of the May 29, 1983, Meeting between Governor Carrascalão and Xanana Gusmão," *Indonesia* No. 87 (2009) for a discussion of these meetings and the political context.

March 1983.¹⁶² Agreement was reached on an unofficial ceasefire from March to August 1983 with the knowledge – if not support – of General Moerdani.¹⁶³ Copies of Indonesian tape recordings and photographs of the meetings were smuggled out to Portugal¹⁶⁴ and published to the great embarrassment of the Indonesian authorities.¹⁶⁵ Colonel Purwanto was recalled to Jakarta, the ceasefire ended, and a new military operation, *Persatuan*¹⁶⁶ (also known as *Sapu Bersih*)¹⁶⁷ was launched in August 1983.¹⁶⁸ In retaliation for a Falintil attack on an ABRI combat engineer unit at Bibileu, massacres in the area of Kraras (Vikeke) in August and September 1983 by Indonesian forces accounted for some 200–300 deaths.¹⁶⁹ From the end of 1985 to December 1986, Falintil claimed to have made about fifty attacks on Indonesian positions. Little detail is recorded but most appear to have been small harassing actions, but with symbolic importance, including the capture of Vikeke town for three days in 1986.¹⁷⁰ In response, the Indonesian military launched further major offensives with *Operasi Kikis* ('Erase') operations in 1986 and 1987.¹⁷¹ Further Indonesian military operations resulted in the deaths of Fretilin commanders Bere Malae Laka (Frederico Raimundo) and Oan Timor in 1988.¹⁷²

Opening up: 1983–1989

In May 1983 under pressure from the Indonesian authorities, the Vatican forcibly retired the increasingly outspoken Monsignor da Costa Lopes to Portugal, and replaced him with the young and inexperienced Monsignor Carlos Filipe Ximenes Belo.¹⁷³ Monsignor Belo proved to be less tractable than the Indonesian military

162 *Chega! Part 3: The History of the Conflict*, 101.

163 "Interview with Mario Carrascalao," 8.

164 The tapes and photographs were carried by Antonio Sarmento, who had just been given permission by the Indonesian authorities to join his family in Portugal as part of the ICRC family reunification programme, after eight years' enforced separation. With his life at risk during searches in transit, Sarmento was miraculously assisted at every point by Timorese of every political persuasion 'even Apodeti.' Antonio Sarmento, August 2013. Curiously, according to Jill Jolliffe, the Fretilin leadership in Lisbon already knew about the ceasefire but had not made it public. Lennox attributes the smuggled material to Monsignor da Costa Lopes, a story that appears fabricated to protect Sarmento's relatives remaining in East Timor. See Lennox, *Fighting Spirit of East Timor*, 198–99.

165 Lennox, *Fighting Spirit of East Timor*, 205.

166 *Operasi Persatuan: Operation Unity*.

167 *Operasi Sapu Bersih: Operation Clean Sweep*.

168 Budiardjo and Liem, *The War Against East Timor*, 47, 139.

169 In connection with these actions, on 10 August 1983 Falur Rate Laek and his ABRI Ratih company comprising 96 personnel with 79 weapons defected to Falintil. Chamberlain, *The Struggle in Iliomar*, 91–92.

170 Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas*, 78, 81–82; Durand, *History of Timor-Leste*, Map 43, 120.

171 Taylor, *East Timor: The Price of Freedom*, 160–61.

172 Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas*, 82.

173 "Interview with Mario Carrascalao," 10, note 10. *Chega!* attributes the sacking of da Costa Lopes to Benny Moerdani. *Part 3: The History of the Conflict*, 103.

expected and in the 1980s the Roman Catholic Church became firmly identified as a defender of the people. In a sermon in 1983, Monsignor Belo spoke out against *Operasi Persatuan*, and the following year he dispatched from Dili a list of names of the victims of the Kraras massacre. The resulting uproar led to the cancellation of a papal visit to Indonesia, and the Indonesian intimidation of Belo and the church in Timor intensified.¹⁷⁴ In 1988 Belo was ordained bishop¹⁷⁵ and in February 1989 bravely wrote a letter to the UN Secretary-General asking him to 'initiate a genuine and democratic process of decolonization in East Timor to be recognized through a referendum. The people of Timor,' he wrote, 'ought to be heard through a plebiscite on their future.' It was some years before there was any reply to this letter, but its content leaked out and it became regarded in international circles as a decisive document, recasting the terms of debate on the issue of East Timor.¹⁷⁶

From December 1975 until 1989 East Timor was administered by Indonesia as a closed province under military control. Mário Carrascalão later described East Timor in those years as a concentration camp.¹⁷⁷ Mário Carrascalão's tenure as governor brought a marked improvement in conditions including the establishment of basic education and health systems. Widely respected for his integrity and capability as an administrator, Mário Carrascalão was able to gain President Soeharto's ear and argued, with limited but significant success, for the administration of East Timor to be normalized. By 1985 primary schools had been opened in almost every village, although enrolment was low and illiteracy rates remained high.¹⁷⁸ A polytechnic was established at Hera, near Dili, and from 1985 the award of tertiary scholarships allowed many East Timorese to seek higher education in Indonesia.¹⁷⁹ In 1986 the first university in East Timor was opened. In 1988 Mário Carrascalão asked President Soeharto for East Timor to be 'opened up' to bring it in line with other provinces. After a visit in November 1988, his first since 1978,¹⁸⁰ President Soeharto promulgated Decree no. 62 (1988) which in theory accorded

174 Taylor, *East Timor: The Price of Freedom*, 155. Like da Costa Lopes before him, Belo believed with good reason that he was at risk of assassination by the Indonesian military.

175 In 1988 Belo was ordained titular bishop of the defunct diocese of Lorium (in Italy), thus avoiding the issue of Timor's political status. Arnold S. Kohen, *From the Place of the Dead: The Epic Struggles of Bishop Belo of East Timor* (New York: St Martin's Press, 1999), 130.

176 Kohen, *From the Place of the Dead*, 137-38.

177 "Mário Viegas Carrascalão: 'I'm Not a Traitor'," *Tempo* [Jakarta], September 24, 2001.

178 Gavin W. Jones, "Social Policy Issues in East Timor: Education and Health," in *East Timor: Development Challenges for the World's Newest Nation* (Singapore: ISEAS, 2001), 256-57.

179 "Interview with Mario Carrascalao," 21. Carrascalão told Soeharto that he was happy for East Timor to be part of Indonesia but not if it was killing people or torturing them, and Soeharto had provided 3,000 scholarships to Timorese students. Mário Carrascalão, July 2014.

180 Kohen, *From the Place of the Dead: The Epic Struggles of Bishop Belo of East Timor*, 134.

the territory equal status with other Indonesian provinces.¹⁸¹ The opening-up abolished the requirement for travel passes (*surat jalan*) and allowed Timorese to move around more freely. It also freed up controls on the import and export of goods. A third expected benefit, the inflow of investment, did not occur.¹⁸² The opening up allowed other Indonesians access to East Timor, and a trickle of tourists were permitted entry. But according to Mário Carrascalão the conditions remained oppressive and painful 'with no employment and murders every day.'¹⁸³ By 1989 East Timor's development gains were slight: since 1975 only a further 100 kilometres of roads had been asphalted and the illiteracy rate remained 92 percent.¹⁸⁴ A courageous Indonesian study published in March 1990, by Prof Dr Mubyarto and a team from Gadjah Mada University, *East Timor: The Impact of Integration*, made a number of delicately phrased but pointed recommendations on action required to address the 'trauma' in East Timor.¹⁸⁵

The resistance in the late 1980s

By the late 1980s Falintil was much reduced and, according to a later claim by Xanana Gusmão, comprised fewer than 100 troops.¹⁸⁶ Xanana Gusmão was both Falintil commander and chief of staff; Taur Matan Ruak was his deputy chief of staff; Mau Hodu was his political adviser; and Mau Huno was his military adviser. Guerrilla fighters operated in small units of four to eight people, under three regional commanders.¹⁸⁷ By this time the resistance accepted that the war could not be won by military means alone, and began to give greater emphasis to popular and diplomatic resistance efforts.¹⁸⁸ At Xanana Gusmão's instigation, in line with efforts towards

181 Joao M. Saldanha, *The Political Economy of East Timor*. (Jakarta: Pustaka Sinar Harapan, 1994), 173. According to Durand, five districts remained closed as they were not sufficiently 'safe:' Lautein, Baukau, Vikeke, Manufahi and Bobonaru. Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas*, 82.

182 Saldanha, *The Political Economy of East Timor*, 172-74.

183 "Interview with Mario Carrascalao," 11.

184 Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas*, 98.

185 Mubyarto et al., *East Timor: The Impact of Integration: An Indonesian Socio-Anthropological Study* (Yogyakarta: IRIP, 1991), 65-68. The first recommendation was to end the war conditions in the province and reduce the number of military personnel; the second was to streamline governance processes and reduce the interference by government departments other than the Department of Home Affairs; third, to empower the Catholic Church as an advisory agency on behalf of the community; and fourth, for central government to devolve authority to the provincial government to form village administrations compatible with local customs. Other recommendations touched on business; employment; the coffee monopoly; land; ending the forced resettlement programme; opening an air link with Darwin; and allowing the existence of youth organizations outside the two officially-sanctioned ones.

186 Xanana Gusmão, "Transition Ceremony Of Falintil, Aileu, 1 February 2001."

187 *Chega! Part 5: Resistance: Structure and Strategy*, 39. The three Falintil regions at this time were commanded by David Alex (Ponta Leste), Lere Anan Timor (Centro), Ernesto Fernandes 'Dudu' (Fronteira).

188 *Chega! Part 5: Resistance: Structure and Strategy*, 3.

'national unity' inside Timor, in March 1986, UDT (led by João Carrascalão) and Fretilin diaspora leaders in Lisbon signed a 'national convergence pact,' an agreement to work together. But under the weight of mutual distrust and suspicion, nothing came of it.¹⁸⁹ On 7 December 1987, at a meeting of the resistance in Aitana,¹⁹⁰ Xanana Gusmão made a crucial statement, as President of the CRRN (Revolutionary Council of National Resistance) and Falintil Commander in Chief, that marked an 'ideological turnaround' in the resistance.¹⁹¹ Xanana Gusmão explained how he had come to believe that political ideology should be secondary to the cause of national independence and political freedom of choice, and set the scene for the *Reajustamento Estrutural da Resistência* (structural readjustment of the resistance) a year later, in December 1988.¹⁹² Xanana Gusmão delivered a withering critique of the Fretilin party and the resistance, alluding to his own part in its violent history:

Right from the very beginning, the Fretilin Directorate displayed a notable political infantilism that tried to defy the world. . . . This political infantilism and thoughtless adventurism has driven the movement since 1974. This political infantilism has, since 1974, allowed no margin of disagreement, but rather, all the political extremism which would be, from that time on, our very death sentence. This senseless radicalism . . . made us intolerably overbearing and led us to put many compatriots on the same footing as the criminal aggressor. We have committed crimes against our own brothers and, during this difficult war, we have spent more time in arresting and assassinating compatriots than thinking effectively about capable defence of the homeland, the results of which were evident in the events of 1978. . . . Like many up until a certain time, and even more so as a member of the Central Committee of Fretilin, I participated in the struggle. . . . Since the beginning of 1976 the purging waves of massacres of nationalists – purgings that have continued since 1978 – have placed many in a dilemma. They could either challenge the situation and be arrested and assassinated as reactionaries and traitors of the homeland. The other option was to assume the politics of *seguidismo* (following). . . . The suppression of any other political choice has created . . . a fatal divisiveness. . . . Being condemned to make a revolution, during a war we could not sustain, is a clear demonstration of political blindness.¹⁹³

Xanana Gusmão then stated:

1. I publicly declare my total and wholehearted rejection of those doctrines that promote suppression of democratic freedoms in East Timor.
2. I publicly declare that the Falintil *as[u]wain* [warriors] will not permit the installation of a leftist regime that not only intends to provoke internal disintegration, but also to destabilise the whole area in which East Timor is

189 *Chega! Part 5: Resistance: Structure and Strategy*, 34–46; Gusmão, “Falintil Day Message, Uaimori, 20 August 2003.”

190 Lakluta, Vikeke.

191 Gusmão, *To Resist Is to Win! The Autobiography of Xanana Gusmão*, 129–36.

192 Gusmão, *To Resist Is to Win! The Autobiography of Xanana Gusmão*, 129.

193 Gusmão, *To Resist Is to Win! The Autobiography of Xanana Gusmão*, 131–34.

situated.¹⁹⁴

The 1987 Aitana meeting, in line with Xanana Gusmão's proposals, decided to detach Falintil from the Fretilin party, and to recast Falintil as the armed forces of the resistance as a whole, retaining Xanana Gusmão as its commander. The meeting also determined that Xanana Gusmão would resign from Fretilin.¹⁹⁵ A year later, in December 1988, these changes were formalized in the restructuring of the resistance: Xanana Gusmão dissolved the 1981 Revolutionary Council of National Resistance (CRRN) and established the National Council of Maubere Resistance (CNRM), and became CNRM President.¹⁹⁶ Under the command of Xanana Gusmão, Falintil was placed at the vanguard of the resistance, inverting the Fretilin doctrine that asserted political command of the military, *político no comando*. The presidency of the Fretilin party in East Timor was taken on by a troika, which in 1993 comprised Mau Huno (secretary) and Nino Konis Santana and Lu'Olo (deputy secretaries).¹⁹⁷

Xanana Gusmão sought with the creation of the CNRM to create a 'convergent' resistance that put aside the political party divisions of the past. He also intended to revitalize the moribund external delegation (DFSE) and place it under the CNRM. However the idea was rejected by the Fretilin leadership in exile, which instead turned the DFSE into the Fretilin External Delegation (DEF), with Abílio Araújo (in Lisbon) as president and Mari Alkatiri (in Maputo) as deputy.¹⁹⁸ After 1975 Abílio Araújo had for a time been president of the external Fretilin committee in Maputo. He and his wife Guilhermina had moved on to become wealthy business people in Lisbon, reputedly appropriating a business funded by donors for the resistance.¹⁹⁹ The Fretilin external delegation underwent a protracted upheaval between 1991 and 1993, during which time Abílio Araújo aligned himself with President Soeharto's eldest daughter Siti Hardiyanti Rukmana (Tutut), organizing Indonesian-sponsored talks on East Timor in London, in December 1993 and October 1994.²⁰⁰ In August 1993 the Fretilin External Delegation (DEF) central council removed Abílio Araújo from office and dissolved the Fretilin committee in Portugal, which had supported him in 'insubordination' and

194 Gusmão, *To Resist Is to Win! The Autobiography of Xanana Gusmão*, 135.

195 *Chega! Part 5: Resistance: Structure and Strategy*, 35.

196 *Chega! Part 3: The History of the Conflict*, 107; *Chega! Part 5: Resistance: Structure and Strategy*, 34–36. The CNRM had ten members: three Falintil Commanders, five from the clandestine resistance and two Fretilin members.

197 Communique from the Conselho Central da Delegação Externa da Fretilin (CCDEF), 20 August 1993.

198 See *Chega! Part 5: Resistance: Structure and Strategy*, 36.

199 Federer, *The UN in East Timor*, 47.

200 Scott, *Last Flight out of Dili*, note 1, 384. Abílio Araújo was friends with B.J. Habibie's brother Fanny, Indonesian Ambassador in London 1993–1997. Interviewee 12.

'rebellion.' Araújo was replaced by a 'collective leadership' of Mari Alkatiri, Roque Rodrigues, José-Luís Guterres and Alfredo Borges Ferreira, and two new Fretilin committees were to be set up, in Lisbon and Setúbal.²⁰¹ The party's communique thanked solidarity groups around the world for their support and specified that all donations must be channelled to Fretilin's Maputo bank account.²⁰² In the view of CNRM member Juan Federer, apart from the unremitting efforts of José Ramos-Horta, in the 1980s and 1990s there was little evidence of any practical support for the resistance by the Fretilin external delegations in Mozambique and Lisbon, which were plagued with in-fighting and rife with stories of the misuse of funds donated to the cause.²⁰³

By the end of the 1980s the resistance leadership in East Timor under Xanana Gusmão, and Fretilin in exile under Mari Alkatiri, had parted ways, although inside East Timor, the Fretilin party remained an active component of the CNRM. In 1989 Xanana Gusmão appointed José Ramos-Horta to be CNRM's special representative, and Xanana Gusmão's personal representative, abroad. José Ramos-Horta also resigned from Fretilin.²⁰⁴ Xanana Gusmão also appointed non-political CNRM representatives in a number of countries. Marking the CNRM's significant ideological break with Fretilin, in October 1989 Xanana Gusmão put a peace plan to the UN Secretary-General. The plan proposed the establishment of a 'peace force;' the staged withdrawal of Indonesian armed forces; the disarmament of local forces; the organization of the army under the responsibility of Portugal; the formation of a transitional administration under a Portuguese High Commissioner for a period not exceeding five years; followed by the formation of a government of national unity for five to fifteen years, by Portugal and East Timor representatives. The proposal also promised a general amnesty to 'all the faithful collaborators of the occupier, whether they have contributed directly or indirectly to the constant violation of human rights.'²⁰⁵

201 About 50 km south of Lisbon.

202 Communique of the Conselho Central da Delegação Externa da Fretilin (CCDEF), 20 August 1993.

According to Aditjondro, Abílio Araújo was formally expelled from Fretilin in April 1994. Aditjondro, *Timor Lorosa'e on the Crossroads: Timor Lorosa'e's Transformation from Jakarta's Colony to a Global Capitalist Outpost*, 8.

203 Federer, *The UN in East Timor*, 47; *Chega! Part 5: Resistance: Structure and Strategy*, 36.

204 *Chega! Part 5: Resistance: Structure and Strategy*, 36. A Fretilin website chronology (dated 1 August 2007) claims José Ramos-Horta left Fretilin in 1983.

205 Document 77. "Peace Plan" presented by the 'Leadership of the Resistance,' Xanana Gusmão, 5 October 1989. Krieger, *East Timor and the International Community*, 280–81.

The Indonesian military and the Santa Cruz massacre, 12 November 1991

In 1988 General Moerdani, the dominant force in Indonesia's Timor policy since 1975, was abruptly removed by President Soeharto from his position as Commander-in-Chief of ABRI and replaced by Try Soetrisno. General Moerdani was given the face-saving but relatively powerless position of Minister of Defence and Security.²⁰⁶ Soeharto's ambitious son-in-law Prabowo Subianto was widely viewed as contributing to Moerdani's downfall.²⁰⁷ Prabowo maintained strong personal and business attachments to East Timor, where his own military career had begun, and he visited East Timor regularly even when not assigned to formal duties.²⁰⁸ After Moerdani was deposed, Prabowo and his sister-in-law, Soeharto's eldest daughter, Tutut, took control of Moerdani's business interests in Timor, through Tutut's company PT Citra Inskopindo Persada, which replaced PT Denok.²⁰⁹

The opening up of East Timor in 1989 put the ABRI territorial and combat commands under increased scrutiny from a flow of visitors and tourists. Military methods of terror were modified to more covert means and hooded gangsters appeared. Initially known locally in Portuguese parlance as *bufo* (informers or spies) and later in Indonesian terms as *preman* and *ninja*, they were considered by some to be successors of the notorious *nanggala*²¹⁰ of the 1970s and 1980s – East Timorese trained by the

206 The dismissal occurred at the point at which Moerdani was being publicly touted for the position of Vice President. Ben Anderson, "Current Data on the Indonesian Military Elite," *Indonesia*, no. 45 (1988): 145.

207 Prabowo was well-connected as the son of New Order Minister Dr Sumitro Djojohadikusumo and brother of Hasyim Djojohadikusumo, Indonesia's only steel manufacturer. The Editors, "Current Data on the Indonesian Military Elite 1992," *Indonesia*, no. 53 (1992): 99; Wanandi suggests that Prabowo was Moerdani's 'biggest nemesis,'[sic] responsible for sowing seeds of distrust in Soeharto's mind. *Shades of Grey*, 240.

208 Prabowo liked to take credit for being in the Nanggala special forces unit commanded by Yunus Yosfiah that had killed Fretilin President Nicolau Lobato in 1978 (when not falsely claiming personal credit for the actual killing). Prabowo is believed to have served two rotations in East Timor before returning in 1983 in charge of a new Kopassandha counter-terrorism unit, Detachment 81. Kammen, "Notes on the Transformation of the East Timor Military Command and Its Implications for Indonesia," 65. Some commentators link Prabowo to the 1983 Kraras massacres, but as yet the evidence remains circumstantial.

209 Lansell Taudevin, "The Economic Viability of East Timor Using Indonesian Achievements as a Benchmark," in *East Timor: Making Amends? Analysing Australia's Role in Reconstructing East Timor*. (Sydney: Otford Press, 2000), 114; Aditjondro records that important business interests in East Timor in the 1990s were controlled by Oscar Lima, Francisco 'Chico' Kalbuadi [Lay] and Ahmed Alkatiri. Kalbuadi represented Tutut's 'charity,' the Tiara Foundation, which recruited labour for Indonesian factories owned by 'members and cronies' of the Soeharto family, and some of whom ended up in a 'military-backed gang' in Jakarta. Ahmed Alkatiri, a younger brother of Mari Alkatiri, was head of the East Timorese branch of the pro-Jakarta 'organization of thugs,' *Pemuda Pancasila* (Pancasila Youth). George Aditjondro, *Timor Lorosa'e on the Crossroads: Timor Lorosa'e's Transformation from Jakarta's Colony to a Global Capitalist Outpost* (Jakarta: Center for Democracy and Social Justice Studies, 2001), 39–40.

210 "Current Data on the Indonesian Military Elite 1992," 99; Conboy details the use of Kopassandha detachments called *nanggala* in the October 1975 incursions into Portuguese Timor. *Elite: The Special Forces of Indonesia 1950–2008* (Jakarta: Equinox, 2008), 24. A photograph of Nanggala commander Captain Hendropriyono with officers of his Timorese partisan group in 1977 is reproduced in Ken Conboy, *Elite: The Special Forces of Indonesia 1950–2008: Illustrated Supplement* (Jakarta: Equinox, 2008),

Indonesian special forces for intelligence, interrogation and assassination work.²¹¹

By 1991 a new generation of urban East Timorese was being educated in Bahasa Indonesia and had access to Indonesian news media. They were influenced by television images of mass protest and opening up at the end of the Cold War.²¹² Many had become involved in clandestine resistance groups,²¹³ and some had made connections and found common cause with a nascent student democracy movement in Indonesia. A protest during a visit by Pope John Paul II to East Timor on 12 October 1989 received a violent response from the Indonesian authorities,²¹⁴ as did demonstrations during a visit by U.S. Ambassador John Monjo on 17 January 1990. By late 1990, a significant deterioration in the political and security situation in Dili was evident. Large numbers of unemployed youth expressed opposition to Indonesian rule more or less openly, and there was a corresponding crackdown by security forces. In October 1990 Governor Mário Carrascalão told visiting diplomats that a proposed visit by a Portuguese parliamentary delegation would turn into a disaster for Jakarta, as it would bring on to the streets a wide cross-section of Timorese opposed to Indonesian rule.²¹⁵

In late 1991 the long-awaited Portuguese parliamentary visit was cancelled at short notice, by Portugal, due to disagreement with the Indonesian authorities over the composition of the delegation.²¹⁶ The cancellation increased public frustration and led to clashes with the military, who killed a student, Sebastião Gomes Rangel, at Motael church on 28 October. On 12 November 1991, an early morning memorial mass at Motael church was attended by about 3,500 people. The procession from the church to the Santa Cruz cemetery, about three kilometres away, turned into a political demonstration, in which an image of resistance leader Xanana Gusmão was publicly displayed²¹⁷ along with the Falintil flag. The protest was infiltrated by both Indonesian intelligence officers and the resistance. At the cemetery, demonstrators were shot

16. Informers were also a familiar feature of the Portuguese administration.

211 "Current Data on the Indonesian Military Elite 1992," 99 note 5.

212 Televised coverage of the fall of the Berlin Wall, the end of the Soviet Union and the first Gulf War had a significant impact on the youth in Dili, according to Kohen. *From the Place of the Dead: The Epic Struggles of Bishop Belo of East Timor*, 156.

213 See Constâncio Pinto and Matthew Jardine, *East Timor's Unfinished Struggle: Inside the Timorese Resistance* (Boston: South End Press, 1997).

214 Kohen, *From the Place of the Dead: The Epic Struggles of Bishop Belo of East Timor*, 146–47.

215 Memorandum from Jakarta to Wellington: "East Timor," 25 October 1990, *New Zealand OIA Documents*.

216 The Indonesian authorities objected to the inclusion in the delegation of journalist and Fretilin supporter Jill Jolliffe, and Portugal refused to compromise. Alatas, *The Pebble in the Shoe*, 53–54.

217 Jolliffe, *Run for Your Life*, 198.

down by a number of military units²¹⁸ which had moved in from the nearby Taibesi barracks. Many survivors were subsequently hunted down in Dili and elsewhere and murdered.²¹⁹ It remains unclear how many victims there were: the CAVR has estimated as many as 271 killed and about 200 missing.²²⁰ The dead included a New Zealand citizen, Kamal Bamadhaj,²²¹ and a number of other foreign witnesses were severely beaten. Video footage of the atrocity was smuggled out and broadcast around the world, later in the form of a powerful documentary which galvanized international outrage against the excesses of the Indonesian military.²²²

In 1994 a UN Special Rapporteur found serious shortcomings in the Indonesian enquiry into the Santa Cruz massacre, and grounds to believe that the actions of the security forces were part of a planned military operation.²²³ Some evidence suggested intention by elements of the Indonesian military to discredit Moerdani-appointed reformers and proponents of the opening-up policy, especially Brigadier General Rudolf Warouw and Governor Mário Carrascalão.²²⁴ In April 1989 Brigadier General Warouw had been appointed to the territorial command (Korem 164) and in May 1990 was transferred to the combat command (Kolakops). When Warouw began to address irregularities and abuses particularly in the combat forces, resistance both to Warouw and to the new command structure were seen to emerge in the Indonesian military.²²⁵ In 1992 after the Santa Cruz massacre, Warouw and his commanding officer, Sintong Panjaitan, were dismissed by President Soeharto and replaced by a hard-liner, Brigadier General Theo Syafei.²²⁶ Syafei proceeded to launch military operations (*Operasi Tuntas*) across the province and initiated an upgrading of ABRI's

218 Including troops from Brimob 5486, Battalion 303, and Battalion 744. *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 199–200.

219 *Chega! Part 7: Human Rights Violations: Chapter 7.2: Unlawful Killings and Enforced Disappearances*, 203.

220 "Interview with Mario Carrascalao," 18; The CAVR recommended more comprehensive investigation of the death toll. *Chega! Part 3: The History of the Conflict*, 117.

221 Bamadhaj's mother, Helen Todd, subsequently prosecuted General Sintong Panjaitan in a U.S. court and was awarded punitive damages of US\$16 million. The judgement put Sintong Panjaitan at risk of arrest if he visited the U.S. See Annie Goldson, *Punitive Damage*, Documentary, (1999).

222 John Pilger and Max Stahl, *Death of a Nation: The Timor Conspiracy*, Documentary, (1994). Photographs were published in Cox and Carey, *Generations of Resistance* (1995).

223 Document 74. Report by the Special Rapporteur, Mr Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994, 1 November 1994. Krieger, *East Timor and the International Community*, 261–73.

224 "Interview with Mario Carrascalao," 19. In late 1989 Carrascalão had come perilously close to losing his job after Prabowo complained to Soeharto that Carrascalão was sympathetic to separatist elements in East Timor. Michael R.J. Vatikiotis, *Indonesian Politics under Suharto: The Rise and Fall of the New Order*, 3rd ed. (London: Routledge, 1998), 153.

225 Kammen, "Notes on the Transformation of the East Timor Military Command and Its Implications for Indonesia," 65.

226 Significantly they were not dismissed by the Commander in Chief of the armed forces, Try Sutrisno, which suggests that Try Sutrisno disagreed. See "Current Data on the Indonesian Military Elite 1992," 99, 133.

paramilitaries (*milsas*).²²⁷ Governor Mário Carrascalão was replaced in 1992 by a close associate of Prabowo Subianto, Abílio Soares, brother of the Fretilin-executed Apodeti Secretary General, José Osório Soares.

The resistance in the 1990s

In the early 1990s one observer saw the resistance in East Timor as divided into four main factions, three of which had their origins in Fretilin. The first, CNRM, was led by Xanana Gusmão, José Ramos-Horta and Nino Konis Santana; the second was the Fretilin External Delegation (DEF), led by José-Luís Guterres in Mozambique; the third was a UDT faction led by João Carrascalão in Sydney; and the fourth was led by Abílio Araújo, who had aligned himself with Indonesian 'reconciliation' efforts.²²⁸

In 1990 the CNRM operated on three fronts: Falintil, with Xanana Gusmão as Commander in Chief; the external, diplomatic front, led by José Ramos-Horta; and the clandestine front, led by Constâncio Pinto.²²⁹ Still an enigmatic figure to the outside world, Xanana Gusmão shot to international fame after he was interviewed by Australian Robert Domm in September 1990, at his guerrilla headquarters in the mountains in Ainaru.²³⁰ In mid-February 1991, after near-capture in Ainaru following the Domm interview, Xanana Gusmão moved to Dili and secretly lived in the southern suburb of Lahane, and from there reportedly travelled widely throughout East Timor.²³¹ On 20 November 1992, a year after the Santa Cruz massacre, Xanana Gusmão was captured in Lahane, after some months of speculation that he intended to surrender, and following the capture in January 1992 of ill and wounded political adviser Mau Hodu, in Bairro Pite (Dili).²³² Xanana Gusmão was tried in Dili in May 1993, sentenced to life imprisonment and subsequently transferred to Jakarta to serve his sentence in Cipinang prison.²³³ Mau Huno briefly took charge of Falintil until he in turn was captured in April 1993. Some confusion exists around subsequent commands: a troika ostensibly took on the leadership of the resistance until Xanana Gusmão was reinstated, from his prison cell, in May 1994.²³⁴ Nino Konis Santana took

227 See Chamberlain, *The Struggle in Iliomar*, 110–11.

228 Saldanha, *The Political Economy of East Timor*, 379–80.

229 Pinto and Jardine, *East Timor's Unfinished Struggle*, 127.

230 Robert Domm, "East Timor: 'To Resist Is to Win'," in *Free East Timor: Australia's Culpability in East Timor's Genocide* (Sydney: Vintage, 1998), 123–43.

231 See Chamberlain, citing Pinto and Jardine, *The Struggle in Iliomar*, 111.

232 See press report in ETAN archive January 1992, vol 9, 9–10; Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific: A Geo-Historical Atlas*, 82; see also Chamberlain, *The Struggle in Iliomar*, 112.

233 "Current Data on the Indonesian Military Elite: January 1, 1992–August 31, 1993," 126.

234 Chamberlain records that the CNRM suspended Xanana Gusmão's functions after his arrest because of concerns about orders or statements that he might make under duress. Chamberlain, *The Struggle in*

over operational command of Falintil from 1993 until his death in March 1998, when he was succeeded by Taur Matan Ruak.²³⁵

In the late 1980s CNRM president Xanana Gusmão sought to coordinate proliferating groups of youths that were forming as clandestine resistance groups or cells (*kaixa*), outside the armed resistance (Falintil). By 1986 clandestine cells had been formed in Dili, Aileu, Manatutu, Baukau, Same and in all the towns along the main roads, and in the enclave of Oekusi.²³⁶ After a meeting in Baukau in June 1990 several clandestine leaders formed the CNRM Executive Committee of the Clandestine Front.²³⁷ The clandestine resistance liaised closely with the CNRM leadership in making the arrangements for the Domm interview and organizing the Santa Cruz demonstration. Major clandestine student and youth groups at this time included Renetil (Resistência Nacional dos Estudantes de Timor-Leste) – outside East Timor – and Ojetil (Organização de Juventude de Timor-Leste), as well as many formal and informal groups across East Timor and in major towns and cities in Indonesia.²³⁸ Members of the clandestine resistance often led complex lives. Constâncio Pinto (Terus) was employed as a public servant teaching religious studies in schools, but after he was found out and tortured for his involvement in the Robert Domm visit, he was forced in February 1991 to become an informer for the Indonesian intelligence authorities. From then on he worked precariously as a double agent for the Indonesians and the clandestine resistance, until he went underground at the beginning of November 1991.²³⁹

In November 1991 following the Santa Cruz massacre, a number of Timorese student leaders in Indonesia, including Fernando Lasama, Aniceto Guterres and João Freitas da Camara were also arrested, detained and tortured. Publicity for the East Timor cause

Iliomar, 113.

235 Nino Konis Santana died in hiding in Mirtutu, near Letefoho, on 11 March 1998 from wounds incurred in a clash with ABRI in 1996. Chamberlain, *The Struggle in Iliomar*, 114. See also Jolliffe, *Finding Santana*, 155; Kammen, “Notes on the Transformation of the East Timor Military Command and Its Implications for Indonesia,” 74. Ponta Leste commander David Alex was killed in 1997.

236 Pinto and Jardine, *East Timor’s Unfinished Struggle*, 98.

237 Pinto and Jardine, *East Timor’s Unfinished Struggle*, 97–99; *Chega! Part 5: Resistance: Structure and Strategy*, 44. In 1990 Constâncio Pinto was elected secretary, and Donaciano Gomes and José Manuel Fernandes, deputies, of the CNRM clandestine movement executive committee. António Tomas Amaral da Costa (Aitahan Matak) later joined the executive.

238 Geoffrey Robinson, *East Timor 1999: Crimes against Humanity: A Report Commissioned by the United Nations Office of the High Commissioner for Human Rights (OHCHR)* (Dili: HAK Association, 2006), 11; See also *Chega! Part 5: Resistance: Structure and Strategy*, 5.3, 43; Aditjondro, *Timor Lorosa’e on the Crossroads: Timor Lorosa’e’s Transformation from Jakarta’s Colony to a Global Capitalist Outpost*, 8–9; and Dan Nicholson, *The Lorikeet Warriors*, (BA Hons dissertation, The University of Melbourne 2001).

239 Pinto and Jardine, *East Timor’s Unfinished Struggle*, 158–74. Constâncio Pinto was succeeded as head of the clandestine movement by Pedro Nunes (Keri Laran Sabalae). Pedro Nunes was captured by ABRI in June 1995 and later killed. Chamberlain, *The Struggle in Iliomar*, 113–14.

was maintained through a CNRM campaign of asylum-seeking in Jakarta embassies by young East Timorese (some of whom were survivors of the Santa Cruz massacre), notably in U.S. Embassy grounds during the 1994 APEC meeting in Jakarta.²⁴⁰ Between 1993 and 1998, these high-profile Jakarta protests resulted in over 200 asylum departures.²⁴¹

After Santa Cruz: from 'pebble in the shoe' to 'veritable boulder'

The Santa Cruz massacre²⁴² came to be seen as the turning point in East Timor's independence struggles, placing East Timor firmly on the international human rights agenda. The formation of the CNRM and the Santa Cruz massacre also brought together the political parties in East Timor, to work in common cause. According to Mário Carrascalão: 'After the Santa Cruz massacre, Apodeti started to side with the resistance. When Xanana said he wasn't Fretilin, only the commander of Falintil, that's when the war started to be won.'²⁴³ Indonesian Foreign Minister Ali Alatas conceded that East Timor had become 'like a sharp piece of gravel in our shoes' and President Soeharto reportedly said that East Timor was 'a pimple on [Indonesia's] face.'²⁴⁴ As Alatas later wrote, 'in its final years, the East Timor problem was no longer a mere pebble in the shoe but had become a veritable boulder, dragging down Indonesia's reputation to one of its lowest points.'²⁴⁵

Between 1976 and 1982 the UN General Assembly had adopted an annual resolution calling for Indonesia's withdrawal from East Timor,²⁴⁶ but otherwise the issue gained little traction. As international support seeped away, in December 1982 UN Secretary-General Javier Perez de Cuellar offered his good offices to Indonesia and Portugal, with a view to the removal of the question from the UN General Assembly agenda, and finding an 'honourable way out for both Portugal and Indonesia.'²⁴⁷ Negotiations proceeded in a dilatory fashion: agreement on a tripartite dialogue, between Portugal, Indonesia and the UN, was reached in 1984. Further meetings followed in 1985 and 1986 on a proposal for a UN team to observe elections. But around the time of its

240 "Timor's Opportunity," *Economist*, November 19, 1994.

241 Federer, *The UN in East Timor*, 51–52.

242 At the time also known as the 'Dili massacre.'

243 "Interview with Mario Carrascalao," 21–22.

244 Ben Anderson, *The Spectre of Comparisons: Nationalism, Southeast Asia, and the World* (London: Verso, 1998), 137.

245 Ali Alatas, *The Pebble in the Shoe: The Diplomatic Struggle for East Timor* (Jakarta: Aksara Karunia, 2006), 241.

246 UN General Assembly, Resolutions Adopted on the reports of the Fourth Committee. "Question of [East] Timor" A/RES/31/53 (1976), A/RES/32/34 (1977), A/RES/33/39 (1978), A/RES/34/40 (1979), A/RES/35/27 (1980), A/RES/36/50 (1981), A/RES/37/50 (1982).

247 Alatas, *The Pebble in the Shoe: The Diplomatic Struggle for East Timor*, 303–04.

accession to the European Economic Community in 1986, Portugal changed tack – in Indonesia's view – and instead of quietly letting the issue slide into oblivion, on 9 July 1986 in an address to the European Parliament, Portuguese President Mário Soares 'made reference to East Timor couched in language that was totally unacceptable to the Government and people of Indonesia.'²⁴⁸ Soares stated: 'Portugal is not disposed to abandon East Timor to its fate and Portugal expects the Community institutions, particularly this parliament, to demonstrate the attention and interest that a problem of this gravity requires.'²⁴⁹ In 1987 Portugal sought an invitation for a Portuguese parliamentary delegation to visit East Timor, which Indonesia provided in 1988, the terms of which were eventually settled in August 1991. It was the cancellation of this visit that set in train the events that culminated in the Santa Cruz massacre on 12 November 1991.

In January 1992, two months after the Santa Cruz massacre, the Portuguese Foreign Minister proposed a resumption and elevation of the tripartite talks. Talks took place in December 1992, with further rounds in following years, but without tangible result. Ali Alatas records that in 1994 he gained the support of cabinet colleagues to put up a proposal to grant special autonomy to East Timor, but this was rejected by President Soeharto.²⁵⁰ The Indonesian-sponsored 'reconciliation' talks in December 1993 and October 1994 were roundly criticized by Xanana Gusmão: 'Abílio Araújo and his bevy of politicians and intellectuals are a "garuda" egg hatched by Ali Alatas.'²⁵¹

A UN special envoy visited East Timor in February 1992 and again in April 1993, and in November 1994 the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions published a scathing report.²⁵² Further attention was drawn to East Timor's plight in a case taken by Portugal against Australia in the International Court of Justice in The Hague in February 1991, which asserted Portugal's rights as the administering power of East Timor and contested Australia's ability to reach an agreement with Indonesia in respect of a joint development zone in the Timor Sea.²⁵³

248 Alatas, *The Pebble in the Shoe: The Diplomatic Struggle for East Timor*, 39.

249 Alatas, *The Pebble in the Shoe: The Diplomatic Struggle for East Timor*, 38–39. Portugal appears not to have registered any protest against Australia's 1978 recognition of Indonesian sovereignty over East Timor until 1985. See Jean-Pierre L. Fonteyne, "The Portuguese Timor Gap Litigation before the International Court of Justice," in *East Timor and Australia: AIIA Contributions to the Policy Debate* (Canberra: Australian Defence Studies Centre/Australian Institute of International Affairs, 1999), 223.

250 Alatas, *The Pebble in the Shoe: The Diplomatic Struggle for East Timor*, 99–104.

251 *To Resist Is to Win! The Autobiography of Xanana Gusmão*, 197.

252 Document 74. Report by the Special Rapporteur, Mr Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994, 1 November 1994. Krieger, *East Timor and the International Community*, 261–73.

253 Document 131. Krieger, *East Timor and the International Community*, 371–76.

Although in 1995 the Court found 14–2 that it could not adjudicate on the issue or determine the merits of Portugal's claims,²⁵⁴ the publicity and comprehensive arguments provided further momentum to East Timor's cause. The joint award of the Nobel Peace Prize to Bishop Belo and José Ramos-Horta in 1996 further elevated East Timor in the international eye.²⁵⁵

The UN also worked to bring together East Timorese leaders and an 'All-inclusive Intra-East Timorese Dialogue' (AIETD) first met in 1995.²⁵⁶ In February 1997, soon after he took office, UN Secretary-General Kofi Annan decided to try to revitalize the tripartite process. Kofi Annan appointed Ambassador Jamsheed Marker as his Personal Representative for East Timor and the UN became more active, making visits to Indonesia, Portugal and East Timor.²⁵⁷ The AIETD collapsed in acrimony in late 1998,²⁵⁸ by which time President Soeharto had been deposed and a fundamental shift in Indonesian politics was underway.

254 Document 133. Krieger, *East Timor and the International Community*, 399–475.

255 Federer records that CNRM lobbied for a Nobel Peace Prize for Bishop Belo but missed out in 1995. In 1996 José Ramos-Horta was added by Icelandic parliamentarians and the prize was awarded jointly. Federer, *The UN in East Timor*, 58–59.

256 Ian Martin, *Self-Determination in East Timor: The United Nations, the Ballot, and International Intervention*, International Peace Academy Occasional Paper Series (Boulder: Lynne Rienner Publishers, 2001), 18.

257 Martin, *Self-Determination in East Timor: The United Nations, the Ballot, and International Intervention*, 18.

258 The demise of the AIETD, at Krumbach, Austria, is captured in a documentary: Tom Zubrycki, *The Diplomat* (1999).

Chapter Three

The End of Indonesian Rule and UN Transition

Between 1975 and 1980 the population of East Timor was subjected to great trauma, to a ferocious pattern of killing, starvation, torture, and mass resettlement at the hands of the Indonesian army, but also at the hands of the Fretilin resistance. In 1976 and 1977, Fretilin turned on itself, and purged a number of its best military commanders and their followers, and brutalized, tortured, starved and executed large numbers of men, women and children, whom it chose to regard as traitors. Fretilin's first president, Francisco Xavier do Amaral was among its victims, denounced, tortured and imprisoned as a traitor to the cause. By early 1979, the armed resistance was burnt out and crushed, and most of its original leaders were dead. Despite the ostensible end of Indonesian combat operations (*Operasi Seroja*) in March 1979, military operations continued, and throughout East Timor's 24 years under Indonesian military occupation a climate of terror was maintained by routine human rights violations and atrocities.

In 1981, the resistance re-emerged under an 'unknown' new Fretilin leader, Xanana Gusmão, who in 1975 had been a low-ranked member of the Fretilin central party committee. In 1981, under Xanana Gusmão's nascent leadership, the party set up a revolutionary council of the national resistance (CRRN) and renamed itself the PMLF, confirming Fretilin's 1977 decision to formally adopt Marxist-Leninist ideology. But in practice the revolutionary political agenda was dropped and Fretilin's armed wing, Falintil, came to the fore. Over a period of several years, (during which he dissolved the PMLF, in 1984) Xanana Gusmão consolidated his power and pulled together a resistance of 'national unity' that sought to abandon Fretilin's rigid doctrines and put aside the enmities among the political parties. In 1987 and 1988 Xanana Gusmão restructured the resistance in Timor-Leste. He detached Falintil – which he had commanded since 1981 – from Fretilin and resigned from the party, and created a new organization for the resistance, the National Council for the Maubere Resistance (CNRM), replacing the CRRN. The formation of the CNRM marked a definitive break by Xanana Gusmão with the Fretilin resistance in exile and from Mari Alkatiri in particular. From this point the leadership of the resistance lay under Xanana Gusmão's command. The inclusive CNRM gave impetus to a national resistance for the first time, and helped to breathe new life into an international campaign. But the contestation of leadership, between Mari Alkatiri and Xanana Gusmão, would re-emerge after 1998 and at independence in 2002 and come to a head during the 2006

crisis in Timor-Leste.

From December 1975 until 1989 East Timor was administered as a closed province under Indonesian military control. President Soeharto's choice of former senior UDT member Mário Carrascalão, as Governor (1982-1992), proved to be inspired.

Carrascalão pushed for 'normalization' of the administration and his political and technical skills enabled him to bring significant if limited improvements to the parlous situation in East Timor. Basic public health and education systems were established across the territory for the first time, and from 1985 scholarships allowed many Timorese to seek tertiary education in Indonesia. By 1991 a new generation of urban Timorese were educated in Bahasa Indonesia, had access to Indonesian news media and were influenced by television images of mass protest and opening up at the end of Cold War. Many became involved in 'clandestine' resistance groups associated with the CNRM, and some found common cause with nascent student democracy groups in Indonesia. From the late 1980s the unarmed clandestine resistance took on a role of growing importance, involving a younger generation of Timorese. However this 'younger generation' would find themselves sidelined in the political processes at independence and afterwards.

The Roman Catholic Church came to play a central role in East Timor during the 1980s and 1990s as a lonely defender of human rights, as a mediator of contacts between the resistance and the Indonesian authorities, as a moderating influence on resistance politics, and in the provision of Indonesian-language education. The church also played a vital role in conveying credible reports of human rights violations to the outside world. Bishop Belo's letter to the UN Secretary-General in 1989 came to be regarded as a decisive document, recasting the terms of debate on the issue of East Timor.

The Santa Cruz massacre in November 1991, Xanana Gusmão's capture and trial in 1992 and 1993, and the award of the Nobel Peace Prize to Bishop Belo and José Ramos-Horta in 1996 further focussed an international spotlight on East Timor's plight.

The end of the Soeharto regime

In the second half of 1997 the Asian financial crisis hit Indonesia and its economy collapsed, taking with it a few months later the sclerotic and corrupt Soeharto regime. On 21 May 1998 President Soeharto resigned and was succeeded by his idiosyncratic deputy B.J. Habibie. With Soeharto's downfall a window of opportunity opened for

change in East Timor's political status.¹ To Habibie, East Timor was an illogical and unnecessary financial and foreign policy drain at a time when Indonesia was in dire straits. In early June 1998, Foreign Minister Ali Alatas raised with President Habibie a proposal of special autonomy for East Timor. Views within the Indonesian military were divided, but objections were not voiced in cabinet, possibly because some of the strongest proponents in the military of retaining East Timor, such as Soeharto's son-in-law Prabowo Subianto, had fallen out of favour.² With the assent of Habibie and the cabinet, Alatas flew to New York and on 18 June conveyed to the UN Secretary-General Indonesia's proposal for special autonomy for East Timor within the unitary Republic of Indonesia.³

UN-sponsored negotiations gathered speed and a ministerial tripartite meeting between the UN, Portugal and Indonesia was convened in New York 4–5 August 1998, followed by a Senior Officials' Meeting in October. In December 1998 a 'fateful letter' from Australian Prime Minister John Howard to President Habibie suggested that a review mechanism 'along the lines of the Matignon Accords' be built into the process.⁴ The intent of John Howard's letter was that Indonesia might temporize and avoid an 'early and final decision' on East Timor's political status, as France had done in New Caledonia in 1988. But the letter provoked an unexpected response from Habibie, who took exception to what he saw as an analogy being made between Indonesia's relationship with East Timor, and France's colonial relationship with New Caledonia. Habibie also rejected the idea of deferring a decision on East Timor:

Why should we continue to carry the political and financial burden of governing and developing East Timor, continue to be responsible and be blamed by the world whenever something goes wrong and then, after five to ten years, only to be told by the East Timorese: 'thank you, but now we want to be independent'?⁵

1 This unravelling was not inevitable. In 1997, for example, Richard Woolcott (retired Australian Secretary of Foreign Affairs and Trade), argued: 'After 21 years of Indonesian administration it is now highly unlikely that the situation can be reversed. . . . Even after President Soeharto's Government has been replaced it is unlikely that Indonesia will abandon East Timor.' Richard Woolcott, "East Timor: Time to Be Tough-Minded," *New Zealand Defence Quarterly*, no. 19 (1997): 4–5.

2 Ali Alatas, *The Pebble in the Shoe: the Diplomatic Struggle for East Timor* (Jakarta: Aksara Karunia, 2006), 134. There also appeared to be in Jakarta a belief that a majority of Timorese would opt – or could be induced – to remain with Indonesia.

3 Alatas, *The Pebble in the Shoe*, 135–36.

4 Alatas, *The Pebble in the Shoe*, 148. In New Caledonia, the Oudinot and Matignon Accords were signed in 1988 as a result of which Kanak and Caldoche (French settler) leaders agreed to defer the issue of independence to a referendum on self-determination after ten years, in 1998. The successor Noumea Accord in 1998 effectively put off decisions on New Caledonia's future political status for a further twenty years.

5 Alatas, *The Pebble in the Shoe*, 149.

On 21 January 1999 President Habibie 'scrawled on the margins of . . . [Howard's] letter his views on how best to resolve the impasse on East Timor and sent photocopies to six Cabinet Ministers.' Habibie proposed to his ministers that if 'the people of East Timor cannot become united with us, then . . . East Timor [should] be allowed to separate honourably from the unitary Republic of Indonesia.'⁶ Foreign Minister Ali Alatas observed: 'In the ensuing discussions, I was surprised that almost everyone reacted in such a laid-back manner to this proposed radical change in policy. Questions were asked, some doubts were raised but . . . no objections were recorded.'⁷ Ali Alatas felt that the Indonesian proposal under discussion at the tripartite talks, to retain East Timor under an arrangement for special autonomy, would be undermined by Habibie's articulation of the possibility of separation. But a plenary cabinet session in Jakarta on 27 January over-ruled Alatas and endorsed the president's approach 'by consensus.'⁸ The policy shift was announced at a press conference immediately following the cabinet meeting, along with a decision to move Xanana Gusmão from Cipinang prison to house arrest.⁹ As Alatas feared, the surprise 'second option,' the opportunity for East Timor to express its wish to separate from Indonesia, overshadowed its proposal for special autonomy.¹⁰

Conditions in East Timor in 1998

Between 1976 and 1992 Indonesia had spent an estimated US\$750 million on development projects in East Timor.¹¹ By 1997, Indonesian investment was reflected in the expansion of the network of roads of which over 2,000 kilometres had been asphalted (compared with 127 kilometres in 1989), illiteracy was significantly reduced,¹² and improvements had been made in health services and electric power, although these services were seen as weighted towards the interests of the occupying power. Sealed roads, for example, assisted military access, and birth control was a

6 Alatas, *The Pebble in the Shoe*, 150–51.

7 Alatas, *The Pebble in the Shoe*, 151.

8 Alatas, *The Pebble in the Shoe*, 152–53.

9 The UN for some time had pressed Indonesia to release Xanana Gusmao. The Indonesian authorities had allowed Nelson Mandela to visit Xanana Gusmão in prison in July 1997, which had raised Gusmão's profile and encouraged other diplomatic visitors. Martin, *Self-Determination in East Timor*, 74.

10 Alatas, *The Pebble in the Shoe*, 152–55.

11 Peter Carey, "Historical Introduction," in *Generations of Resistance* (London: Cassell, 1995), 45–46.

12 However, according to Indonesian statistics in 1995, 52.9 percent of the male population aged between 15–19, who had all been born under the Indonesian administration, reported receiving no schooling or only incomplete primary schooling. Over all age groups 15–69 years old, 31.3 percent of males and 20.6 percent of females had completed primary school or a higher level of education, and only 0.4 percent of males and 0.2 percent of females had completed tertiary education. Gavin W. Jones, "Social Policy Issues in East Timor: Education and Health," in *East Timor: Development Challenges for the World's Newest Nation* (Singapore: ISEAS, 2001), 257–58.

major focus of the health services.¹³ During the 1980s and 1990s, an estimated 32,000 people had been brought into East Timor from other parts of the archipelago under government transmigration programmes, along with 10,000 public servants and 6,000 'spontaneous' (self-funded) transmigrants.¹⁴ The population of Dili had grown to 145,000 in 1998 (from 17,000 in 1974), but rural poverty levels remained very high even by Indonesian standards: in 1993, 77 percent of subdistricts in East Timor were classified *miskin* (destitute) compared with 28 percent in West Timor, itself an impoverished area. In 1997, after Indonesian poverty criteria were revised, all of the 442 subdistricts of East Timor were designated *miskin*.¹⁵ In East Timor there was little employment available outside the administration or the army. Most paid employment was in a bloated government administration, subordinate to the military, and in 1997 comprised more than 33,000 public servants. Non-Timorese generally held the more senior positions in the administration and East Timorese were usually regarded by the government with some suspicion.¹⁶ In the districts, the administrator (Bupati) was usually East Timorese (generally ex-Apodeti or ex-UDT), and with the sub-regional military commander (Danrem) and police chief (Kapolres) formed a district leadership council (Muspida).¹⁷

The total number of Indonesian military personnel and police in East Timor in late 1998 was estimated at 17,914, or 21,260 if armed and trained personnel from the ranks of civil servants and *wanra* ('people's resistance') units were included.¹⁸ In 1999 around 6,000 East Timorese were members of the Indonesian army, according to Major-General Zacky Anwar Makarim.¹⁹ Indonesia continued to maintain both territorial and combat troops in East Timor. About 350 Timorese were included in the territorial command's two infantry battalions, 744 and 745 (less than one-third of their total strength). All of the officers in these two battalions were Indonesian (i.e. non-

13 Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific*, 98.

14 Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific*, 102.

15 Durand, *East Timor: A Country at the Crossroads of Asia and the Pacific*, 112.

16 *Chega! Part 4: The Regime of Occupation*, 48.

17 *Chega! Part 4: The Regime of Occupation*, 44–45.

18 Carmel Budiardjo and Liem Soei Liong, "East Timor Under the Indonesian Jackboot: An Analysis of Indonesian Army Documents," *Tapol Occasional Report*, no. 26 (October 1998). Chamberlain's study of Iliomar includes a guide to the complex structure of ABRI/TNI and its welter of 'non-ABRI' associated forces and units in Timor. See Ernest Chamberlain, *The Struggle in Iliomar: Resistance in Rural East Timor* (Point Lonsdale, Victoria: Ernest Chamberlain, 2008), Annex E.

19 Ian Martin, *Self-Determination in East Timor: The United Nations, the Ballot, and International Intervention*, International Peace Academy Occasional Paper Series (Boulder: Lynne Rienner Publishers, 2001), 84. This is consistent with the TAPOL analysis of 6,095 East Timorese soldiers in ABRI in 1998. Most of these (5,505) were at the lowest ranks of private and corporal. No Timorese ranked above captain were serving in Timor. Budiardjo and Liem, "East Timor Under the Indonesian Jackboot: An Analysis of Indonesian Army Documents."

Timorese).²⁰ Kostrad and Kopassus combat forces continued to operate outside the territorial command.²¹ The Indonesian police force, POLRI, was a subordinate part of the Indonesian armed forces (ABRI) until formally separated in a structural change in April 1999, when ABRI also reverted to its earlier name, *Tentara Nasional Indonesia* (TNI). In 1999 in East Timor, however, the police remained under the military command of General Wiranto. The police forces were highly militarized: in August 1999 almost half of the police in East Timor were paramilitary Brimob forces.²² In late 1998 and early 1999, long-established paramilitary groups such as Halilintar (Bobonaru), Tim Saka (Baukau), Tim Alfa (Lautein) were joined by new ones, including Besi Merah Putih (Likisa), Mahidi (Ainaru), Laksaur (Kovalima), and Aitarak (Dili). Militia groups were mobilized in all of East Timor's districts, with the close involvement of ABRI/TNI in their recruitment, training and operations.²³

Timor Sea petroleum and economic viability

In the 1970s the Timor Sea, to the south between Timor and northern Australia, was seen as a potential, but commercially unproven, petroliferous zone. Further exploration involved significant cost which companies were reluctant to incur without certainty of legal rights to exploitation, which needed to be underwritten by international agreements on maritime boundaries in the Timor Sea. The Australia-Indonesia maritime border treaty in 1972 agreed a delineation closer to the island of Timor than Australia, and left a gap (the 'Timor Gap') subject to negotiations between Australia and Portugal, which had not been settled by 1975. In the early 1970s Portugal issued some Timor Sea exploration licences, as did Australia, some of which overlapped.²⁴ In the late 1970s Australia's interest in pursuing petroleum exploration in the Timor Gap required resolution of maritime boundary issues, and drove

20 In 1998, Battalion 744 comprised 609 men of whom 181 were East Timorese, and in which there were no Timorese officers, 39 East Timorese non-commissioned officers (NCOs), 20 Indonesian officers and 70 Indonesian NCOs. Battalion 745 comprised 663 men of whom 171 were East Timorese, with no East Timorese officers, 32 East Timorese NCOs, 27 Indonesian officers and 94 Indonesian NCOs. Budiardjo and Liem, "East Timor Under the Indonesian Jackboot."

21 Geoffrey Robinson, *East Timor 1999: Crimes against Humanity: A Report Commissioned by the United Nations Office of the High Commissioner for Human Rights* (Dili: HAK Association, 2006), 21.

22 Robinson, *East Timor 1999*, 26.

23 Martin, *Self-Determination in East Timor*, 24–25. Contemporary reports reflected suspicions, but not certainties, about the surge of atrocities in 1999, committed by 'pro-integrationists' armed and organized by the local military, 'widely rumoured to be connected with Prabowo and his associates Zacky Anwar Ibrahim [Makarim] and Kiki Syahnakri,' The Editors, "Current Data on the Indonesian Military Elite: January 1, 1998–January 31, 1999," *Indonesia*, no. 67 (1999): 142–43. See also *Chega! Part 4: The Regime of Occupation*, 28–36.

24 Australia had issued two exploration licences in the early 1970s and Portugal had issued overlapping licences held by a Denver-based company, Oceanic Exploration, in December 1974. Geoffrey A. McKee, "The New Timor Gap: Will Australia Break with the Past?," in *East Timor: Making Amends? Analysing Australia's Role in Reconstructing East Timor*. (Oxford, NSW: Oxford Press, 2000), 98–99.

Australia's recognition of *de jure* Indonesian sovereignty over East Timor on 15 December 1978, ahead of the commencement of bilateral negotiations with Indonesia in February 1979.²⁵ Mari Alkatiri, who had trained in Angola as a land surveyor, had long paid attention to the potential for commercially viable petroleum resources to be found in East Timor's domain. In a speech to the UN in New York in 1977, Mari Alkatiri stated: 'while Indonesia claimed that an independent East Timor would be 'unviable' Indonesia has rushed to establish agreements with Australian, American and British oil firms for the exploitation of oil and natural gas in the maritime platform and within our economic zone.'²⁶

The negotiations launched between Australia and Indonesia in February 1979 concluded almost nine years later in the Timor Gap 'Zone of Cooperation' Agreement on 11 December 1987, famously signed by Australian Foreign Minister Gareth Evans and Indonesian Foreign Minister Ali Alatas aloft in an aircraft over the Timor Sea. The agreement enabled the further exploration and exploitation of hydrocarbon reserves by creating a three-part 'zone of cooperation,' and kept the question of the permanent delimitation of the seabed in abeyance.²⁷ On 9 February 1991 the agreement between Australia and Indonesia entered into force, and on 22 February 1991 Portugal initiated its proceedings against Australia before the International Court of Justice (ICJ).²⁸ In 1991 exploration licences began to be issued and by 1998 the discovery of modest but commercially viable oil and gas reserves in the Timor Gap indicated the potential 'to make a major contribution to the economic self-sufficiency and prosperity of East Timor.'²⁹

Peniche and the formation of the CNRT

In the early 1990s the Timorese diaspora consisted of an estimated 15,000–18,000 people, about two-thirds of whom were living in Australia, about 2,000 in Portugal, and the remainder in Mozambique and scattered around the world.³⁰ In April 1998, a month before President Soeharto was deposed in Indonesia, 200 East Timorese

25 See Submission to Peacock. Canberra, 26 April 1978 and footnote. *Australia and the Incorporation of Portuguese Timor, 1974–76*, 839–40.

26 *East Timor News*, no. 20, 17 November 1977.

27 Jean-Pierre L Fonteyne, "The Portuguese Timor Gap Litigation before the International Court of Justice," in *East Timor and Australia: AIIA Contributions to the Policy Debate* (Canberra: Australian Defence Studies Centre/ Australian Institute of International Affairs, 1999), 119.

28 As noted above, in 1995 the Court found 14–2 that because of the lack of its jurisdiction in respect of Indonesia (Indonesia not being a party to the ICJ) it could not adjudicate on the issue or determine the merits of Portugal's claims. Document 133, Krieger, *East Timor and the International Community*, 399–475.

29 Australian Labor Party Statement, 16 September 1998, cited in McKee, "The New Timor Gap: Will Australia Break with the Past?," 100.

30 Federer, *The UN in East Timor*, 44.

delegates met in Peniche, Portugal, with Portuguese Government support, and created a new umbrella organization, the National Council of the Timorese Resistance (CNRT), replacing the National Council for the Maubere Resistance (CNRM) established by Xanana Gusmão in 1988. The new name disposed of the Fretilin-tainted term 'Maubere' that had dogged the CNRM.³¹ In addition to political parties, the CNRT included participants from civil society, cultural and sports organizations and the Roman Catholic Church.³² Xanana Gusmão – still in prison in Jakarta – was appointed the CNRT's president and 'supreme leader,' and maintained supreme command of Falintil, the armed forces of the resistance. Nobel Peace Prize co-laureate José Ramos-Horta was appointed CNRT vice president.³³ Mário Carrascalão, well-regarded for the economic development he had brought to East Timor as governor between 1982 and 1992, was secretly appointed CNRT vice president inside East Timor. Three commissions (political, executive and judiciary) were also set up.³⁴ Twelve CNRT representatives were appointed in East Timor in September 1998.³⁵ The Peniche meeting adopted by acclamation on 25 April 1998 a charter, a 'Magna Carta,' which *inter alia* committed a future independent East Timor to uphold the principal UN human rights instruments, and to 'uphold a democratic and multi-party, law-abiding state' with 'unyielding support and strict respect for the fundamental freedoms and duties of every citizen.' The document also specified that East Timor's official language would be Portuguese.³⁶ A CNRT 'unity' flag based on the green, blue and white Falintil

31 According to Anthony Goldstone, in the early 1990s with pressure mainly from Xanana Gusmão, Konis Santana and Ramos-Horta, efforts were made to persuade the 'notoriously stubborn and cantankerous' João Carrascalão (Ramos-Horta's brother-in-law) to back the CNRM and its peace plan. This effort met partial success in the so-called Sydney Declaration of April 1993, signed by João Carrascalão, Ramos-Horta and Mari Alkatiri, and in the subsequent creation of the Comissão Coordenadora da Frente Diplomática (CCFD). However the Declaration produced little in the way of concrete results and in 1996 João Carrascalão resigned from the CCFD 'in a huff.' As late as 1997 João Carrascalão continued to pursue his own peace plan based on the Portuguese decolonization programme of 1975, and in 1998 turned the Peniche 'Magna Carta' into a cliff-hanger by obstructing unanimous agreement on key elements until the last minute. Anthony Goldstone, e-mail, 22 June 2015.

32 *Chega! Part 5: Resistance: Structure and Strategy*, 37; Aditjondro, *Timor Lorosa'e on the Crossroads: Timor Lorosa'e's Transformation from Jakarta's Colony to a Global Capitalist Outpost*, 40.

33 Pat Walsh, "From Opposition to Proposition – CNRT in Transition," 1999.

34 The CNRT National Political Commission comprised Xanana Gusmão, José Ramos-Horta, João Carrascalão, Padre Francisco Fernandes, Mari Alkatiri, Ana Pessoa, Alberto Araújo, and Domingos Oliveira and four alternate members: Estanislau da Silva, Agio Pereira, Vicente Guterres and Zacarias da Costa. The CNRT Executive Commission comprised José Ramos-Horta, José-Luís Guterres, Manuel Tilman, Roque Rodrigues, Emilia Pires, Pascoela Barreto and Lucas da Costa. The CNRT Judiciary Commission comprised technical experts: Carlos Alberto Barbosa, Jeronimo Henriques, Alfredo Borges Ferreira and Filomeno Andrade. *Chega! Part 5: Resistance: Structure and Strategy*, 37–38.

35 The CNRT representatives appointed in East Timor were Abel da Costa Belo, David Dias Ximenes, Domingos F J Sousa, Leandro Isaac, João Baptista Fernandes Alves, Leão dos Reis Amaral, Lu'Olo, Taur Matan Ruak, Lucas da Costa (based in Indonesia), Paulo Freitas da Silva, Francisco Lopes Carvalho and Manuel Viegas Carrascalão. *Chega! Part 5: Resistance: Structure and Strategy*, 37.

36 East Timorese National Convention in the Diaspora. "East Timor's Magna Carta: Concerning the Freedoms, Rights, Duties and Guarantees for the People of East Timor: Peniche 25 April 1998."

flag – not the red, black and yellow Fretilin flag – was adopted.³⁷ In April 1999 a CNRT conference in Melbourne, focussed on development policy, proposed a process of constitution-making based on wide public consultation.³⁸ The creation of the CNRT as a united political front, and the adoption of its Magna Carta, was done with an eye to reassuring the international community that East Timor was politically mature enough for independence.³⁹ But as inspiring as the Peniche Magna Carta was, after independence it rapidly disappeared into obscurity. Despite the illusion of unity produced at the Peniche meeting, very deep political divisions and differences existed among and within the groups in exile, as well as unresolved blood debts and crimes resulting from the civil war and internal political contestations. The ideology of the resistance in East Timor and that of the exile groups had also diverged. But exile groups had a number of important advantages. The Maputo group had Fretilin's party structure and rules, they had the opportunity of superior education and academic qualification, they had been able to maintain ideological purity and self-confidence, and had been able to observe politics in independent countries. Notwithstanding internal rivalries, they formed a small and very cohesive group that was able to produce focussed political strategy and objectives.

Mari Alkatiri was not among the top CNRT office-holders appointed in Peniche, but he was appointed to CNRT's senior ranks as a member of its politburo, the National Political Commission, and he laid claim to a significant role in formulating the Magna Carta.⁴⁰ The CNRT, like its predecessor the CNRM, allowed component political parties to retain their own identities. Four months after the Peniche meeting, in August 1998 a Fretilin Extraordinary Congress convened in Sydney and adopted a draft constitution for an independent East Timor.⁴¹ Whereas the 1975 constitution

Bulletin of Concerned Asian Scholars 32, no. 1 and 2 (2000): 130–32.

37 Walsh, "From Opposition to Proposition – CNRT in Transition." The CNRT flag was used to significant effect during the popular consultation in 1999.

38 Walsh, "From Opposition to Proposition – CNRT in Transition;" Louis Aucoin and Michele Brandt, "East Timor's Constitutional Passage to Independence," in *Framing the State in Times of Transition: Case Studies in Constitution Making* (Washington, D.C.: United States Institute of Peace Press, 2010), 251.

39 Pat Walsh, *At the Scene of the Crime: Essays, Reflections and Poetry on East Timor, 1999–2010* (Preston, Victoria: Mosaic Press, 2011), 98.

40 According to Helen Hill, 'In 1998 it was Alkatiri who did most of the thinking that led the multi-party CNRT to adopt its 'Magna Carta.' Helen Hill, "Stand Up, the Real Mr Alkatiri – Opinion," *The Age*, May 31, 2006. According to Aditjondro, the Fretilin draft Magna Carta incorporated parts of a draft from Luis Cardoso, CNRM representative for Portugal and Spain. *Timor Lorosa'e on the Crossroads: Timor Lorosa'e's Transformation from Jakarta's Colony to a Global Capitalist Outpost*, 42. According to another source close to the process, the Magna Carta was started by Claudio Ximenes and Manuel Tilman with major inputs from independent Timorese groups and in particular the church. Interviewee 3.

41 Anthony J. Regan, "Constitution Making in East Timor: Missed Opportunities?" in *Elections and Constitution Making in East Timor* (Canberra: Australian National University, 2003), 39. According to a contemporary news report from Sydney, about 50 participants in Fretilin's national conference

declared a one-party state under Fretilin, the 1998 draft had among its fundamental principles multi-party democracy and the protection of the rights and liberties of citizens.⁴² At the Sydney meeting Mari Alkatiri was elected First Vice-General Coordinator of Fretilin's Presidential Council, displacing José-Luís Guterres who had held the role as head of the Fretilin External Delegation since the party's falling out with Abílio Araújo years earlier.⁴³

5 May 1999 agreements

In 1999 negotiations in the UN-sponsored tripartite framework proceeded with difficulty and the Indonesian Government appeared to retreat from positions it had previously agreed.⁴⁴ Alatas records that President Habibie began to change his mind after his announcement at the end of January. Habibie did not think that the East Timorese people would want to separate from Indonesia, but he became concerned that a generous autonomy package could create an expensive precedent for other Indonesian provinces.⁴⁵ Martin records that in March and April, Alatas was under pressure to conclude an agreement, as the timetable for the popular consultation was of crucial importance to Habibie. Indonesia's elections were to be held on 7 June and the new MPR was expected to convene at the end of August and to elect a new president. Alatas was therefore required to specify a ballot by mid-August.⁴⁶

The agreements eventually signed in New York on 5 May 1999, between Indonesia and Portugal, provided for the UN to conduct a 'direct, secret and universal ballot' through a popular consultation (Indonesia rejected the term 'referendum')⁴⁷ on the results of which the Governments of Indonesia or Portugal would take appropriate constitutional action. If special autonomy were rejected, Indonesia would be required to 'take the constitutional steps necessary to terminate its links with East Timor . . . and the Governments of Indonesia and Portugal and the [UN] Secretary-General [would]

discussed a political programme proposed by Mari Alkatiri, which would cover the 'creation and consolidation of national unity and the foundation of the sovereign, independent and democratic State of East Timor.' "Fretilin Congress Debates Political Programme," *Lusa*, 17 August 1998.

42 Fretilin, "Constituição Da República Democrática de Timor Leste, 28 November 1975" (Edições Comité 28 de Novembro, Lisboa, 1976); Fretilin, "Projecto de Constituição (Draft Constitution) Adopted at the Extraordinary National Conference of Fretilin. Sydney, August 14-20 1998."

43 At the 1998 Sydney Fretilin meeting, Lu'Olo became General Coordinator of Fretilin's Presidential Council, Mau Huno became second Vice-General Coordinator, Mau Hudo Political Secretary of the Central Committee, and Ana Pessoa Cabinet Member for Internal Administration. Pat Walsh, "East Timor's Political Parties and Groupings" (Australian Council for Overseas Aid, April 2001), 11-12.

44 Michael Green, *My Year of East Timor* (unpublished manuscript, 2012), 24.

45 Alatas, *The Pebble in the Shoe*, 164.

46 Martin, *Self-Determination in East Timor*, 29.

47 Indonesia's stated arguments for a mechanism 'short of a referendum' are difficult to untangle, but ultimately seem to be a defence of its sovereignty in relation to East Timor. See Alatas, *The Pebble in the Shoe*, 164-67.

agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations.⁴⁸ At Indonesian insistence the responsibility for the critical issue of security was vested solely in the Indonesian authorities, specifically in the Indonesian police force (in East Timor still part of the armed forces, TNI). The security arrangements were considered by many to be a major flaw in the agreements, given evidence of TNI complicity in militia intimidation and in massacres and killings at Likisa, Kailaku, and Dili in April 1999. UN secretariat officials were privately critical of Portugal's failure to challenge the security arrangements, and late in the proceedings the UN Secretary-General intervened, unsuccessfully, in an endeavour to provide better security guarantees.⁴⁹

Following the 5 May Agreements, the United Nations Mission in East Timor (UNAMET) was established by UN Security Council Resolution 1246 (1999) on 11 June 1999, which left little time to prepare for the registration of voters due to start on 22 June. The resolution provided for up to 280 unarmed civilian police and 50 military liaison officers, and an electoral assistance team that included 400 UN volunteers. Eventually UNAMET's international staffing would include more than 1,000 people, and some 4,000 local staff.⁵⁰ Ian Martin, who would be appointed the Special Representative of the UN Secretary-General for UNAMET, reached Dili on 1 June, in advance of the passage of the resolution. Violence and intimidation by the militias were in immediate evidence and conditions were such that the opening of voter registration and the ballot had to be delayed. Ian Martin notes that the UN Secretary-General was never able to provide the security assurances required by the 5 May Agreements,⁵¹ but it was felt imperative to take advantage of the narrow window of political opportunity that remained in Indonesia and conduct the popular consultation by the end of August 1999.⁵² As Martin writes:

The outcome of the Indonesian elections in June [1999] made it highly uncertain that Habibie would win his own mandate when the MPR voted for a new president after August. The likely president appeared to be Megawati Sukarnoputri. Advised by former generals who were hard-liners on East Timor, she had been highly critical of of Habibie's offer of the second option and his

48 "5 May Agreements," Appendix 3 in Martin, *Self-Determination in East Timor*, 141–48. The Annexes set the date for Sunday 8 August 1999, the wording to be put before the voters, the eligibility to vote, laid out a tight timetable, and set out responsibility for the maintenance of law and order.

49 Green, *My Year of East Timor*, 33; see also Martin, *Self-Determination in East Timor*, 29–34.

50 Martin, *Self-Determination in East Timor*, 39.

51 'to ascertain . . . that the necessary security situation exists for the peaceful implementation of the consultation process,' Ian Martin and Alexander Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," *International Peacekeeping* 12, no. 1 (Spring 2005): 128.

52 Martin, *Self-Determination in East Timor*, 49–50.

right to make it.⁵³

Despite international pressure, the promises of Indonesian military and police commanders, and the best efforts of UNAMET, and meetings, agreements and reconciliation ceremonies between Falintil and militia representatives, the violence escalated as the day of the popular consultation approached.⁵⁴

The ballot and scorched earth

In 1998 the territorial structure of the armed resistance, Falintil, was overhauled and four regions were created.⁵⁵ A Falintil attack in Alas (Manufahi) in November 1998 gave rise to harsh Indonesian military retaliation on civilians, and in late 1998, from prison in Jakarta, Xanana Gusmão ordered Falintil to refrain from action lest conflict between Falintil and the Indonesian-supported militias be presented as civil war, and provide a pretext for overt TNI engagement.⁵⁶ Falintil guerrilla action virtually ceased from this time, but it was a difficult decision and left Falintil unable to retaliate or to defend civilians despite the growing aggression of militias. In the face of a growing number of killings, after the massacre on 6 April 1999 of 60 people at the church in Likisa by the Besi Merah Putih militia assisted by Indonesian forces, Xanana Gusmão felt compelled to speak out.⁵⁷ He declared from house arrest in Jakarta that the situation had reached an intolerable limit in East Timor and authorized 'a general popular insurrection against the armed militia groups who have been killing the population with impunity under the indifferent eye of the international community.'⁵⁸ In July 1999 Xanana Gusmão decided to proceed with a unilateral cantonment of Falintil forces, which was completed by 12 August.⁵⁹ By late August, Falintil's numbers in the cantonments were estimated at 1,500, of whom about 900 were seasoned fighters,

53 Martin, *Self-Determination in East Timor*, 123.

54 Martin, *Self-Determination in East Timor*, 75–81.

55 Under the supreme command of Xanana Gusmão in prison in Jakarta, Falintil was under the operational command of Taur Matan Ruak (following the death of Nino Konis Santana in March 1998). The regional commanders were Lere Anan Timor, Sabika Besi Kulit, Falur Rate Laek, and Ular Rihik. *Chega! Part 5: Resistance: Structure and Strategy*, 39.

56 Martin, *Self-Determination in East Timor*, 19–20, 30; *Chega! Part 3: The History of the Conflict*, 127–28; and *Chega! Part 7.2: Unlawful Killings and Enforced Disappearances*, 231–32. According to TLAVA, "Dealing with the Kilat," Timor-Leste Armed Violence Assessment Issue Brief, no. 1 (October 2008): note 20, the Alas attack was organized by members of Falintil who would reappear in the 2006 crisis: Commander L-7 (Cornelio Gama), and led by Amaro 'Susar' da Costa. Greenlees and Garran observe that initial reports of the Alas incident turned out to be much exaggerated, but had a significant impact on the diplomatic negotiations between Portugal and Indonesia. Don Greenlees and Robert Garran, *Deliverance: The Inside Story of East Timor's Fight For Freedom* (Crows Nest, NSW: Allen & Unwin, 2002), 50–53.

57 *Chega! Part 3: The History of the Conflict*, 131; Robinson, *East Timor 1999*, 159–63.

58 Press statement 5 April 1999, cited in Martin, *Self-Determination in East Timor*, 30. The language calling for a popular insurrection echoes that used by Fretilin in its Talitu declaration on 15 August 1975.

59 Martin, *Self-Determination in East Timor*, 71–73. 670 Falintil troops were cantoned in Atalari (Baukau), Uaimori (Vikeke), Poetete (Ermera) and Aiasa (Bobonaru).

and the remaining 600 had joined since 1998, according to Falintil Commander Taur Matan Ruak.⁶⁰

On 30 August 1999 voter turnout for the popular consultation exceeded expectations and 98.6 percent of the 446,666 who had registered, voted. The result was announced on the morning of Saturday 4 September in Dili, and simultaneously in New York: 21.5 percent had voted for autonomy and 78.5 percent had rejected it, indicating an overwhelming preference for independence.⁶¹ That announcement was also the signal for the outbreak of violence throughout East Timor at the hands of the Indonesian army and the militias.⁶² In September and October 1999 the scorched-earth tactics used by the departing Indonesian military and the militias destroyed much of the infrastructure (buildings, houses, bridges, drainage and utilities) and displaced large numbers of people, including more than 250,000 to Indonesian west Timor.⁶³ The CAVR estimated that in the order of 2,635 (+/- 626) people were killed in the violence associated with the popular consultation, thought to exceed the toll of direct killings in any other year of the Indonesian occupation.⁶⁴ Timorese auxiliaries of the Indonesian army were deemed responsible for a much greater proportion of the killings than previously. Of a subset of 838 documented killings and disappearances of civilians in 1999, 83.9 percent of the killings involved Timorese auxiliaries, either alone or in conjunction with the Indonesian army.⁶⁵ The killings were concentrated in two main periods: in April 1999, before the signing of the 5 May agreements, and in a second

60 Samuel Moore, "The Indonesian Military's Last Years in East Timor: An Analysis of Its Secret Documents," *Indonesia*, no. 72 (October 2001): 13; Chamberlain, *The Struggle in Iliomar*, 129. Also among the 1,500 were about 100 TNI who had deserted to join Falintil in 1999. "East Timor Defence Force," NZ Defence Attache report, NCE DILI, 16 November 2000.

61 Martin, *Self-Determination in East Timor*, 90-94. A total of 446,666 people had registered: 433,576 in East Timor and the remainder at external registration centres in Indonesia, Portugal, Australia and elsewhere, 'which exceeded all expectations.' Ian Martin, "The Popular Consultation and the United Nations Mission in East Timor – First Reflections," in *Out of the Ashes: Destruction and Reconstruction of East Timor*, 2nd ed. (Canberra: ANU E Press, 2003), 130.

62 Martin, *Self-Determination in East Timor*, 95-96.

63 Robinson, *East Timor 1999*, 34. In his briefing to the Security Council on 3 February 2000, the UN SRSG put the total displacement figure at 750,000. UNSC, "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council, 14th Supplement (2000-2003) Chapter VIII," 2003, 468.

64 *Chega! Executive Summary*, 44.

65 According to *Chega!*, in 1999 the patterns of killings attributable to the Indonesian army and militias were inverted from the previous pattern. In 1999, of the 838 documented killings of civilians, Indonesian military and police acting together with Timorese auxiliaries were deemed responsible for 41.4 percent of the killings, and Timorese auxiliaries acting alone for 42.5 percent of the killings. By contrast, in the period 1975-1984 Timorese auxiliaries acting alone had been deemed responsible for only 9.1 percent of killings and in 1985-1998 for 7.4 percent. In 1999 the Indonesian police and military acting alone were deemed responsible for only 8.5 percent of the killings, whereas in the period 1975-1984 the Indonesian police and military acting alone were responsible for 46.3 percent of killings and in 1985-1998, 43.3 percent. *Chega! Part 6: The Profile of Human Rights Violations in Timor-Leste*, 17-19.

rampage, after the results of the popular consultation, in September and October 1999.⁶⁶ The pressure on Falintil to act was immense as civilians seeking refuge flocked into its cantonments. Under great pressure, Xanana Gusmão stood firm with his orders that Falintil was not to engage in military action, and his relationships with his commanders as they spoke by satellite phone were tested almost to the limit.⁶⁷

INTERFET, UNTAET and the World Bank

With U.S. backing, the international response to the atrocities was decisive, if late. UNSC Resolution 1264 adopted on 15 September 1999 authorized a multinational intervention force, which became the International Force for East Timor (INTERFET), with a robust mandate under Chapter VII of the UN Charter to restore peace and security in East Timor, to protect and support UNAMET and, within force capabilities, to facilitate humanitarian assistance operations. On 20 September, under Australian command, INTERFET established its presence in Dili and began to restore order.⁶⁸ Australia provided the largest contingent to INTERFET and was responsible for securing the western border, including Bobonaru and Oekusi districts. The Australian battalion was strongly supported by New Zealand forces, which took responsibility for the volatile southern half of the border, in Kovalima district.⁶⁹ The intervention was a major operation involving a force of over 8,200 troops throughout the territory by November 1999, and at its height involved around 11,000 troops.⁷⁰ In December 2000 the peacekeeping operation included contributions from 31 countries.⁷¹

Under international pressure, on 19 October Indonesia took the constitutional steps necessary to annul the integration of East Timor.⁷² Xanana Gusmão had been released from house arrest in Jakarta on 7 September (but the UN declined a cynical Indonesian proposal to release him into the besieged UNAMET compound in Dili). On 22 October

66 The principal massacres in 1999 are summarized in *Chega! Executive Summary*, 68; detailed accounts and analysis of the killings and the role of the Indonesian military and the militias are provided in Robinson, *East Timor 1999*; and Geoffrey Robinson, *"If You Leave Us Here We Will Die": How Genocide Was Stopped in East Timor* (Princeton: Princeton University Press, 2010).

67 Martin, *Self-Determination in East Timor*, 97.

68 Martin, *Self-Determination in East Timor*, 114.

69 Damien Kingsbury, *East Timor: The Price of Liberty* (New York: Palgrave Macmillan, 2009), 79.

70 Michael G. Smith and Moreen Dee, *Peacekeeping in East Timor: The Path to Independence*, International Peace Academy Occasional Paper Series (Boulder: Lynne Rienner Publishers, 2003), 46.

71 In late 2000, troop contributing countries were Australia (1,595 personnel), Bangladesh (551), Bolivia (2), Brazil (84), Canada (3), Chile (33), Denmark (4), Egypt (75), Fiji (191), France (3), Ireland (44), Jordan (723), Kenya (250), Korea (444), Malaysia (33), Mozambique (12), Nepal (162), New Zealand (697), Norway (6), Pakistan (788), Peru (23), Philippines (645), Portugal (769), Russia (2), Singapore (24), Sweden (2), Thailand (714), Turkey (2), United Kingdom (4), U.S. (3), Uruguay (5). New Zealand commanded a composite battalion which included troops from Fiji, Ireland, Nepal and Singapore. Smith and Dee, *Peacekeeping in East Timor*, Annex C, 173–78.

72 Martin, *Self-Determination in East Timor*, 115.

Xanana Gusmão received an emotional welcome on his return to Dili.⁷³ On 25 October 1999 the UNSC passed Resolution 1272 establishing the United Nations Transitional Administration in East Timor (UNTAET).⁷⁴ In New York, the East Timor mission was removed from the purview of the UN Department of Political Affairs (DPA), which had been responsible for UNAMET, and passed to the UN Department of Peacekeeping Operations (DPKO).⁷⁵ On 30 October 1999 the last of the Indonesian government representatives left East Timor.⁷⁶ The formation and deployment of the UNTAET mission was conducted under conditions of considerable haste and difficulty, but it was well-resourced and had a powerful and probably the most comprehensive mandate accorded to a UN mission up until that time.⁷⁷ The authorized strength of UNTAET was 9,150 military, 1,640 police, 1,670 international civilian personnel (including 486 UN volunteers) and 1,905 East Timorese staff.⁷⁸ Sovereignty was effectively vested in the UN, and legislative and executive powers rested in the hands of a single individual, the charismatic Sergio Vieira de Mello, Special Representative of the UN Secretary-General for UNTAET and Transitional Administrator, who arrived in Dili on 16 November 1999.⁷⁹

SRSRG Sergio Vieira de Mello brought with him a team from the UN Mission in Kosovo (UNMIK) who knew nothing about East Timor. At short notice and in the absence of detailed and specific planning, the Kosovo mission was infamously used by UNTAET as a template, despite East Timor's profoundly different history, culture, circumstances and expectations. In the ostensible interest of administrative 'neutrality,' UNTAET

73 Martin, *Self-Determination in East Timor*, 106, 115.

74 The mandate of UNTAET shall consist of the following elements: (a) To provide security and maintain law and order throughout the territory of East Timor; (b) To establish an effective administration; (c) To assist in the development of civil and social services; (d) To ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance; (e) To support capacity-building for self-government; (e) To assist in the establishment of conditions for sustainable development. UNSC S/RES/1272 (1999) 25 October 1999, 2-3.

75 See Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building."

76 Martin, *Self-Determination in East Timor*, 115.

77 Michael Maley, "The 2001 Election in East Timor: A Break from the Past," in *Elections and Constitution Making in East Timor* (Canberra: Australian National University, 2003), 5; John R. Ballard, *Triumph of Self-Determination: Operation Stabilise and United Nations Peacemaking in East Timor* (Westport, Connecticut: Praeger Security International, 2008), 130-32. The UN was conscious of significant problems in its peace operations. Two UN reports published in 1999 highlighted the UN failure to prevent genocide in Rwanda in 1994 and to protect the inhabitants of Srebrenica (Bosnia and Herzegovina) in 1995. Secretary-General Kofi Annan appointed a panel to assess the shortcomings of the UN peace operations system, whose findings and recommendations were published in 2000 in a joint UN General Assembly/UN Security Council document, A/55/305-S/2000/809 "Report of the Panel on United Nations Peace Operations" ['Brahimi Report'], 21 August 2000. Recommendations for reform were formally adopted by the UN Security Council on 13 November 2000.

78 Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," 133.

79 Samantha Power, *Chasing the Flame: Sergio Vieira de Mello and the Fight to Save the World* (London: Allen Lane, 2008), 303.

became a mission that was instead tuned to its own politics as a UN organization, to the detriment of the CNRT and its political 'unity' platform.⁸⁰ Sergio Vieira de Mello's Portuguese language credentials were key to his appointment, but neither he nor his staff were familiar with East Timor languages, culture or politics, or East Timor's *lingua franca* after 24 years of Indonesian rule, Bahasa Indonesia. UNAMET had carried out the difficult task of preparing for and conducting the popular consultation, in a short amount of time and in a dangerous environment, and was seen to have succeeded against the odds. But there was a disjunction between the UNAMET and UNTAET missions with the handover in New York from the Department of Political Affairs to the Department of Peacekeeping Operations, the result of an ugly turf battle.⁸¹ In consequence UNTAET appeared to lose the trust and momentum that UNAMET had generated.

In contrast to UNAMET's focus on the popular consultation, UNTAET had a very much larger and more complex mandate. UNTAET had several difficult tasks on its hands: urgent humanitarian relief, reconstruction, civil administration and the preparation of the territory for independence. INTERFET capably managed security issues until the handover of command to UNTAET in February 2000.⁸² East Timor had been subjected to massive destruction and chaos in 1999. A crucial problem was the almost complete loss of the body of experienced personnel in the former provincial administration, either Indonesian or Timorese, most of whom had fled, stripping East Timor of its administrative systems, institutional memory and experience.⁸³ The tension between the 'logic of peacekeeping' (the urgent humanitarian and security responses) and the 'logic of development' (the need to build an administration fit for independence) remained a persistent problem throughout UNTAET's existence.⁸⁴ The World Bank, which had played a significant part in applying pressure to Indonesia in 1999,⁸⁵ took on an important practical role, acting as a clearing house and implementing agency for international development and reconstruction projects funded through the Trust Fund for East Timor (TFET). An alphabet soup of UN and

80 Astri Suhrke, "Peacekeepers as Nation-Builders: Dilemmas of the UN in East Timor," *International Peacekeeping* 8, no. 4 (Winter 2001): 1-18.

81 Anthony Goldstone, "UNTAET with Hindsight: The Peculiarities of Politics in an Incomplete State," *Global Governance* 10, no. 1 (2004): 85; Suhrke, "Peacekeepers as Nation-Builders," 9.

82 For a full account of the INTERFET and succeeding PKF mission, see Smith and Dee, *Peacekeeping in East Timor*.

83 Report of the Joint Assessment Mission to East Timor, 8 December 1999 para 15, cited in Suhrke, "Peacekeepers as Nation-Builders: Dilemmas of the UN in East Timor," 14.

84 Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," 135.

85 Martin, *Self-Determination in East Timor*, 107-08.

international agencies arrived (among them UNDP, UNICEF, UNHCR, UNESCO, IOM, UNDP, UNIFEM, UNIDO, WFP, UNFPA, FAO, OCHA, WHO, IMF, ADB, ICRC), along with a veritable flood of international non-governmental organizations (NGOs)—more than 250 by the end of 2001, accompanied by a proliferation of local NGOs.⁸⁶

UNTAET got off to a slow start with delays in staffing recruitment and appointments. By the end of January 2000, three months after UNTAET was formally established, only 351 of its expected 1,670 international staff had arrived.⁸⁷ There were just 174 UNTAET professional-level staff in Dili, and only 17 outside Dili, across the thirteen districts.⁸⁸ In the districts, in the months between the departure of the Indonesian administration and the arrival of UNTAET, a vacuum of formal authority prevailed. During this time the East Timorese relied on a network of *suku* (village) and resistance administrative systems, including those developed under the CNRT umbrella, and each area had a strong sense of its immediate priorities and hopes and expectations.⁸⁹ UNTAET programmes and priorities were soon the subject of growing criticism and became a source of disillusionment and disappointment to many Timorese.⁹⁰ Some believed that UNTAET should have appointed well-established CNRT network leaders to district administrations, rather than foreigners.⁹¹ According to a foreign critic who resigned from UNTAET in disgust:

Half a year after UNTAET's mandate was passed, Timorese were still questioning when the transitional period would *begin*. . . . UNTAET's inability to deliver basic services or tangible reconstruction and its failure to reduce

86 See Ann Wigglesworth, "The Growth of Civil Society in Timor-Leste: Three Moments of Activism," *Journal of Contemporary Asia* 43, no. 1 (February 2013): 60. "Greg's Timor-Leste and Dili Directory, First Edition 2002–2003" lists 129 international NGOs and 271 national NGOs.

87 Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," 134. After more than a year, at the end of 2000, UNTAET was still well short of its establishment, but 877 international staff, 513 UN volunteers and 1,791 local staff had been recruited. UNSC S/2001/42 "Report of the Secretary-General on the United Nations Transitional Administration in East Timor (for the Period 27 July 2000 to 16 January 2001)," 16 January 2001, 8.

88 Chopra, "Building State Failure in East Timor," 988.

89 See Rod Nixon, *Justice and Governance in East Timor: Indigenous Approaches and the "New Subsistence State"* (London: Routledge, 2012), 117–18.

90 See Jarat Chopra, "The UN's Kingdom of East Timor," *Survival* 42, no. 3 (Autumn 2000): 27–39; Jarat Chopra, "Building State Failure in East Timor," *Development and Change* 33, no. 5 (2002): 979–1000; Joel C. Beauvais, "Benevolent Despotism: A Critique of UN State-Building in Timor-Leste," *New York University Journal of International Law and Politics* 33 (2001): 1101–78; Suhrke, "Peacekeepers as Nation-Builders: Dilemmas of the UN in East Timor;" Dwight Y. King, "East Timor's Founding Elections and Emerging Party System," *Asian Survey* 43, no. 5 (October 2003): 745–57; Paulo Gorjão, "The Legacy and Lessons of the United Nations Transitional Administration in East Timor," *Contemporary Southeast Asia* 24, no. 2 (August 2002); Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building"; Tanja Hohe, "Totem Polls: Indigenous Concepts and 'Free and Fair' Elections in East Timor," *International Peacekeeping* 9, no. 4 (Winter 2002): 69–88.

91 Interviewee 12.

unemployment (exceeding 80 percent) cost it the confidence of the people.⁹²

UNTAET channelled what communication it had with Timorese through the CNRT, almost exclusively between Transitional Administrator Sergio Vieira de Mello and CNRT President Xanana Gusmão. The narrow channel of consultation was to the chagrin of many Timorese who felt excluded.⁹³ UNTAET was criticized for its arrogant style as well as its slow pace in producing results, for its exclusion of most Timorese from the rebuilding process, and the domination of its administration by international staff, most of whom stayed for only a few months.⁹⁴ In his later verdict, 1999 UNAMET SRSG Ian Martin wrote:

The political environment in East Timor was favourable and UNTAET enjoyed a high level of popular support. UNTAET faced, however, several serious challenges. The mandate provided little guidance: the path to independence was not spelled out, a political timetable had not been provided, and the nature of Timorese participation had not been defined. The lack of preparation, slow recruitment, and uneven quality of international staff, the immediate challenges facing security, humanitarian assistance and emergency rehabilitation, and the ill-defined relationship to its East Timorese interlocutors, in particular the CNRT, meant that UNTAET was slow and tentative in developing and implementing a strategy for political transition.⁹⁵

In New York, the UN was under pressure to cut the cost of its numerous peacekeeping missions. While less expensive than some, UNTAET was costing more than one and a half million dollars a day.⁹⁶ In East Timor, it soon became clear that UNTAET would not meet the objectives of its mandate in the time it had. Early on, UNTAET began to look for a rapid exit, by means of elections leading to independence,⁹⁷ and planning for a successor mission thereafter took up a large part of its efforts on the ground.⁹⁸ In September 2000, Vieira de Mello told the Security Council that UNTAET remained committed to holding national elections in the second half of 2001 with a view to

92 Chopra, "The UN's Kingdom of East Timor," 34.

93 Dionisio Babo Soares, "Election in East Timor: Some Unresolved Issues," in *Elections and Constitution Making in East Timor* (Canberra: Australian National University, 2003), 8; Chopra, "The UN's Kingdom of East Timor."

94 According to one who was involved in the mission, three or four generations passed through UNTAET in the two and a half years of its existence, and only a few personnel were in Timor longer than a year. Ed Rees, 2014.

95 Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," 136.

96 The General Assembly appropriation was US\$563 million for 1 July 2000 to 30 June 2001. UNSC S/2001/42 "Report of the Secretary-General on the United Nations Transitional Administration in East Timor (for the Period 27 July 2000 to 16 January 2001)," 9.

97 Gorjão, "The Legacy and Lessons of the United Nations Transitional Administration in East Timor," 321.

98 See UNSC S/2001/436 "Interim Report of the Secretary-General on the United Nations Transitional Administration in East Timor," 2 May 2001, 5.

establishing a constituent assembly,⁹⁹ and in November 2000 he told the Security Council 'it appeared that East Timor would declare independence at the 'tail-end' of 2001.¹⁰⁰ After just over a year of UNTAET operations, at the end of January 2001, sliding the considerable burdens of the UNTAET mandate from his shoulders, Vieira de Mello 'noted that many of the key tasks laid out in resolution 1272 (1999) now fell on the new governmental structures of East Timor to perform, rather than on UNTAET as originally conceived.' Vieira de Mello advised the Security Council that consensus was forming around constituent assembly elections on 30 August 2001.¹⁰¹

The defence force

Following the arrival of INTERFET in September 1999, Falintil agreed to consolidate in a single cantonment in Aileu. In 1999 little consideration had been given by the UN to the establishment of an East Timor defence force. Prior to the popular consultation, the prevailing view of the CNRT leadership and the UN was that East Timor should adopt the so-called 'Costa Rica' solution, whereby there would be no army but instead a police force (or gendarmerie) with paramilitary capabilities to meet Timor-Leste's security needs.¹⁰² An overt military attack from Indonesia was deemed unlikely, and if one were to occur, East Timor's resources alone would be inadequate for a defence. East Timor's external defence arguably would be better safeguarded through its participation in diplomatic and regional arrangements, such as the South West Pacific Dialogue, ASEAN, and the Pacific Islands Forum. But by the end of 1999, in the wake of the killings, destruction and displacement by departing Indonesian forces and the militias, the CNRT leadership had changed its mind. There was also a political imperative to recognize Falintil's role in the resistance struggle and to provide employment to former guerrillas, many of whom were illiterate and suffered from poor health due to the exigencies of the resistance struggle.

UNTAET saw itself as having no mandate to create a defence force, and Falintil remained in the Aileu cantonment in a state of considerable neglect. 'Uncertainty about the status of Falintil – was it an illegal armed group to be disarmed or the nucleus of a defence force? – and ambiguity over the role of UNTAET in security sector reform delayed decisions about Falintil's future, demobilization and defence force

99 UNSC "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council, 14th Supplement (2000–2003) Chapter VIII," 479.

100 "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council, (2000–2003)," 481.

101 "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council, (2000–2003)," 483.

102 Desmond Ball, "The Defence of East Timor: A Recipe for Disaster?," *Pacifica Review* 14, no. 3 (October 2002): 176.

development.¹⁰³ For the first time in years Falintil units were gathered in one place and this, together with the poor conditions of the cantonment and an uncertain future, exposed long-standing personal and political conflicts.¹⁰⁴ By mid-2000, hundreds of former Falintil fighters had abandoned the cantonment, including in April 2000, Falintil commander L-7¹⁰⁵ and his troops.¹⁰⁶ Tensions escalated and in June 2000 Xanana Gusmão declared that Falintil was 'almost in a state of revolt.'¹⁰⁷

In response, in June 2000 UNTAET Administrator Sergio Vieira de Mello commissioned a study of East Timor's security requirements from King's College, London, which after three weeks' field work reported back on 8 August 2000. Among the 'basic assumptions' of the King's College study was that a defence force was required and that Falintil should be at its core.¹⁰⁸ The King's College study identified a number of significant problems, such as the definition of members of Falintil, the existence of groups of dissident *isolados* (isolated ones) particularly in the Bobonaru, Zumalai and Laga areas, and disciplinary problems in relation to L-7's Sagrada Familia group and influential senior commanders who had left the cantonment.¹⁰⁹ The study also noted the troubling, continued existence of clandestine security and intelligence groups associated with the CNRT and Falintil. These groups were a legacy of the past, but they continued to operate outside the law, and an accumulation of evidence linked individuals to smuggling, theft and extortion, and to gangs particularly in Dili. The study also noted the importance of disentangling a new defence force from the Indonesian model in its manner of operating, the need for formal budgetary support, and for pensions to be funded for veterans, and for the widows and orphans of deceased veterans.¹¹⁰ With the King's College report, the formation of a defence force was seen to be assured. On 20 August 2000 at a ceremony in Aileu marking Falintil's 25th anniversary, Xanana Gusmão passed the Falintil command, which he had held

103 Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," 134.

104 Edward Rees, "Under Pressure: Falintil-Forças de Defesa de Timor-Leste: Three Decades of Defence Force Development in Timor-Leste 1975-2004," *Geneva Centre for the Democratic Control of Armed Forces (DCAF)*, Working Paper no. 139 (2004): 47.

105 L-7 (Ele Sete/ Ele Fohorai Boot/ Cornelio Gama), leader of the Sagrada Familia group and brother of Mauk Moruk (Paulino Gama). Another who left the cantonment in 2000 was Lu'Olo, who became a close ally of Mari Alkatiri and President of Fretilin and President of Parliament 2002-2007.

106 Edward Rees, "Under Pressure," 47.

107 Centre for Defence Studies, King's College, London, "Independent Study on Security Force Options and Security Sector Reforms for East Timor," 8 August 2000, para 40.

108 King's College, London, "Independent Study," para 2.

109 King's College, London, "Independent Study," paras 52-54.

110 King's College, London, "Independent Study," para 56. These clandestine networks included a National Security Service (SSN) which was said to operate throughout East Timor, a Civil Security Service which operated primarily in Dili and Baukau, a National Security Information Service (SISN) and an Internal Political Front (FPI).

since 1981, to Taur Matan Ruak, via UNTAET SRSG Vieira de Mello. Xanana Gusmão paid tribute to the Falintil soldiers who had fallen since 1975 and spoke movingly of Falintil's historic sacrifices in the independence struggle, and of the personal commitment of Vieira de Mello to the future defence force of an independent East Timor. Xanana Gusmão also claimed a personal reluctance to assume leadership in the new country:

I have not forgotten the oath I took before you and before those who fell . . . whereby, under no circumstance, would I be overcome by personal ambition and that I would not ever be a Cabinet member, much less President.¹¹¹

Vieira de Mello praised the handover of the command as a symbolic but important act that affirmed the democratic principle of the separation of military and civilian powers. He announced that Falintil would form the core of the new defence force and that Falintil members would be consulted before a decision was made on the final structure of the force.¹¹² José Ramos-Horta symbolically presented his Nobel peace prize medal to Falintil, and Commander Taur Matan Ruak echoed tributes to Falintil and fallen heroes.¹¹³

In September 2000 the East Timor Transitional Administration (ETTA) cabinet¹¹⁴ and UNTAET approved the third, most affordable, of the three defence force options discussed in the King's College study: a force of 1,500 with 1,500 reservists, the core of which would be retrained Falintil fighters, and the remainder to be broadly and professionally recruited, with the addition of a small maritime component.¹¹⁵ The King's College report gave particular emphasis to finding an urgent solution to the status of former Falintil members. Authors of the report regarded their proposal to absorb former Falintil members into the defence force reserve as part-time volunteer reservists as the most important of their recommendations.¹¹⁶ However provision for a reserve force was silently dropped, it was said at the insistence of Mari Alkatiri, who believed that a reserve force of Falintil veterans would be controlled by Xanana Gusmão.¹¹⁷

111 Xanana Gusmão "Speech delivered on 20 August 2000 on the 25th Anniversary of Falintil, Aileu."

112 Tess Cerojano, "East Timor's Falintil guerrilla army marks 25th anniversary," *Kyodo News Service*, 20 August 2000.

113 Mark Dodd, "Falintil risks Jakarta's wrath as it joins peacekeepers," *Sydney Morning Herald*, 22 August 2000.

114 See below.

115 Ball, "The Defence of East Timor: A Recipe for Disaster?," 178–79.

116 James Fox, December 2014.

117 James Fox, December 2014.

On 31 January 2001 the new East Timor Defence Force (Forças de Defesa de Timor-Leste, FDTL) was established by UNTAET regulation and Falintil was disbanded. Fretilin political leaders controversially announced they would not attend the establishment ceremony on 1 February – although eventually ETTA Minister of Internal Administration, Ana Pessoa, did turn up – as they were not convinced about the wisdom of dismantling Falintil, the former armed wing of Fretilin.¹¹⁸ Only 650 Falintil troops were selected for the first FDTL battalion, thereby excluding more than 1,300 other Falintil veterans, many of whom had expected to become members of the FDTL as of right.¹¹⁹ The process of determining who was recruited to the FDTL was passed by UNTAET to the Falintil high command. A sizable minority of those not selected appeared to have had an acrimonious relationship with Xanana Gusmão and the FDTL command.¹²⁰ The selection processes for both the FDTL and for the formal demobilization process, the Falintil Reinsertion Assistance Program (FRAP), created resentment and seemed to contribute to a growing number of security incidents involving former Falintil members.¹²¹

Rogério Lobato, brother of resistance hero Nicolau Lobato and a member of the Maputo exile group, returned to East Timor in 2000 with a reputation as a 'one-man risk factor.'¹²² Rogério Lobato nursed the ambition to resume the position of Minister of Defence that he had held briefly at the end of 1975, but he ran up against strong opposition from senior Falintil commanders Taur Matan Ruak and Lere Anan Timor. After the dissolution of Falintil and the establishment of the FDTL at the beginning of 2001, Rogério Lobato took up with groups involving disaffected Falintil and clandestine resistance members and busied himself in the districts with them, alongside Fretilin preparations for the Constituent Assembly elections. Under Rogério Lobato's patronage the *Associação dos Antigos Combatentes* (Association of former Combatants) (variously abbreviated as AAC or AC-75) made loose connections with groups associated with ex-Falintil members, such as Sagrada Família, CPD-RDTL,¹²³

118 New Zealand Representative Dili report (untitled), 1 February 2001.

119 Edward Rees, "Security-sector Reform and Transitional Administrations," *Conflict, Security and Development* 2, no. 1 (2002): 151–52; See also World Bank, "Defining Heroes: Key Lessons from the Creation of Veterans Policy in Timor-Leste," September 30, 2008.

120 Rees, "Security-sector Reform and Transitional Administrations," 152.

121 Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," 135.

122 Nixon, *Justice and Governance in East Timor: Indigenous Approaches and the "New Subsistence State,"* 131–32.

123 Conselho Popular pela Defesa da República Democrática de Timor Leste. The CPD-RDTL saw itself as the party that had not deviated from the principles of the PMLF (Fretilin Marxist-Leninist Party) and, as such, the true Fretilin.

Colimau 2000 and Orsenaco.¹²⁴ These groups had political ambitions, but some were also involved in extortion, smuggling and other criminal activities. At Rogério Lobato's instigation, in 2001 and 2002 these groups challenged the legitimacy of the FDTL and mounted a series of large protest marches in Dili.¹²⁵

With East Timor's tight fiscal constraints and no funding for the defence force available from the UN, Australia and Portugal agreed to act as the lead nations providing initial training and assistance for the new defence force. In 2001 Australia built a defence training centre at a cost of \$7.5m in Metinaru, east of Dili. Portugal offered to provide basic training for the first battalion, and provided two *Albatross* class patrol boats, equipped with 20mm guns, that were being decommissioned from the Portuguese Navy, together with training and support for two years. The U.S. agreed to supply 1,200 M16A2 assault rifles, 75 M203 assault rifles equipped with grenade launchers, and 50 Colt .45 calibre pistols. Belgium undertook to provide 75 Minimi light machine guns. The first 650 members of the FDTL graduated from their training programmes in June 2001, and a second cohort graduated in December 2001, bringing the first battalion to full strength, albeit with an observable 'sociolinguistic imbalance' in its composition, that favoured troops from the eastern districts.¹²⁶

The police force

In contrast to the defence force, the development of a police force formed a major part of the UNTAET mandate, and 1640 international personnel were allocated to provide initial operational policing and training for the new police service. The East Timor Police Service (ETPS) was to consist of 3,000 police officers, with training of six months' duration.¹²⁷ Despite the massive UN resources provided, the police service got off to a slow start. Like much of the UNTAET mission: 'In particular in the early period, the performance of the UN police in executive policing was affected by slow recruitment and the mixed quality of the officers, insufficient induction training, and an inadequate

124 A number of these groups also cherished millenarian and utopian beliefs. See Douglas Kammen, "Fragments of Utopia: Popular Yearnings in East Timor," *Journal of Southeast Asian Studies* 40, no. 2 (June 2009): 401-02.

125 Edward Rees, "UN's Failure to Integrate Falintil Veterans May Cause East Timor to Fail," *ON LINE Opinion*, September 2, 2003. According to Kammen, after the independence celebrations, veterans groups including Colimau 2000 were ordered to leave Dili and were soon involved in violent incidents against other clandestine organizations in Atabae, Maliana and Suai. "Fragments of Utopia: Popular Yearnings in East Timor," *Journal of Southeast Asian Studies* 40, no. 2 (June 2009): 401-02.

126 Ball, "The Defence of East Timor: A Recipe for Disaster?," 179-80.

127 Eirin Mobekk, "Policing Peace Operations: United Nations Civilian Police in East Timor" (King's College London, October 2001), 43.

understanding of the cultural context.¹²⁸ In 2001 there were 1,541 UN police officers in East Timor from 41 countries, with little clarity or consistency as to how the mission's objective to create a community-based police service should be achieved.¹²⁹ As would recur in later UN missions in East Timor, UNTAET had problems with numerous international personnel in CIVPOL and UNPOL not actually being police; being without minimum policing qualifications, experience, skills or motivation; not having necessary language and communication skills; and from high turnover, due to six-month rotations.¹³⁰ As with the defence force, the police candidate selection process became a matter of political controversy, this time with regard to the recruitment of East Timorese who had formerly served with the Indonesian police.¹³¹ Many Timorese who had served in the resistance had limited education and skills and found difficulty in gaining peace-time employment. Paradoxically, some Timorese who had been closer to the Indonesians did better after independence because they had had better access to education and some employment experience. The issue was not just around police who had formerly worked for POLRI, but rather some individual PNTL recruits were seen to be from 'militia families.' The UN made its decisions on the basis of the merits of individuals, but this was seen as problematic in East Timor, where people were identified with their families and communities.¹³² Fundamentally these disputes revolved around the lack of employment opportunities, which provided fertile ground for the politicization of the police force.

Timorese politics in transition

In October 1999, soon after the INTERFET intervention, the CNRT leadership met in Darwin and appointed a Transitional Council to act as the central CNRT body and as the principal dialogue partner with the UNTAET mission.¹³³ One important CNRT/Fretilin leader had disappeared in the destruction: Mau Hodu Ran Kadalak (José Amancio da Costa), apparently abducted by Indonesian forces.¹³⁴ The CNRT as

128 Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," 134.

129 See Mobekk, "Policing Peace Operations," 10-14.

130 Mobekk, "Policing Peace Operations," 20-21.

131 Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," 135.

132 Interviewee 7.

133 The Transitional Council comprised Xanana Gusmão, Taur Matan Ruak, José Ramos-Horta, Mari Alkatiri, João Carrascalão, Avelinho Coelho, and Felicidade Guterres. Walsh, "From Opposition to Proposition – CNRT in Transition."

134 Mau Hodu was taken to West Timor, where he disappeared from Kupang, after being taken by militia from the hotel where he was staying with his family. Martin, *Self-Determination in East Timor*, 97. There are conflicting accounts of the circumstances of Mau Hodu's death, see Chamberlain, *The Struggle in Iliomar*, 112. Had Mau Hodu survived to forge a bridge between CNRT and Fretilin, East Timor's post-independence politics may have been different.

an umbrella organization had proved useful at the end of the Indonesian occupation, especially for its flag of unity during the popular consultation in 1999, but factionalism and division among the parties,¹³⁵ and conflict between Mari Alkatiri and Xanana Gusmão soon surfaced.¹³⁶ In 1999 and 2000 Fretilin leaders returning from exile in Mozambique were seen to openly challenge the leadership of the CNRT.¹³⁷

In December 1999 UNTAET created a fifteen-member National Consultative Council (NCC). Timorese groups complained at the unrepresentative composition of the NCC and it was eventually replaced in October 2000, by a 36-member National Council (NC). In the meantime, in July 2000, UNTAET created the executive East Timor Transitional Administration (ETTA) with eight ministerial portfolios. The more substantial roles were allocated to senior UNTAET staff members.¹³⁸ Mari Alkatiri was the first Timorese Minister to be appointed to ETTA, as head of the office for Economic Affairs.¹³⁹ Also appointed were Ana Pessoa (Internal Administration), João Carrascalão (Infrastructure), and Father Filomeno Jacob (Social Affairs). José Ramos-Horta was added later as Minister of Foreign Affairs.¹⁴⁰ All but one of the East Timorese appointed to senior positions in ETTA were returning diaspora – Filomeno Jacob was the exception – to the perceived political exclusion of the majority of population.¹⁴¹ Mari Alkatiri, Ana Pessoa and João Carrascalão soon demanded pay increases that would put them at eight times the rate of the highest-paid Timorese public servants.¹⁴² In his ETTA role, Mari Alkatiri won UNTAET respect for his competence and for his tough negotiating style with Australia over the Timor Sea arrangements, alongside UNTAET deputy Peter Galbraith.¹⁴³

135 Babo Soares, “Branching from the Trunk,” 152.

136 “On the Road to Independence: East Timor’s Election.” *Economist*, 1 September 2001; Gorjão, “The Legacy and Lessons of the United Nations Transitional Administration in East Timor,” 326.

137 Babo Soares names as prominent among these Mari Alkatiri, Ana Pessoa, Roque Rodrigues, João Carrascalão, Domingos de Oliveira, Vicente Guterres. “Branching from the Trunk: East Timorese Perceptions of Nationalism in Transition” (PhD dissertation, Australian National University, 2003), 148.

138 James Mackie, “Future Political Structures and Institutions in East Timor,” in *East Timor: Development Challenges for the World’s Newest Nation* (Singapore/Canberra: ISEAS/Asia Pacific Press, Australian National University, 2001), 198; UNSC S/2000/738 “Report of the Secretary-General on the United Nations Transitional Administration in East Timor (for the Period 27 January–26 July 2000),” 1.

139 Pat Walsh, “East Timor’s Political Parties and Groupings” (Australian Council for Overseas Aid, April 2001), 11.

140 Dionisio Babo Soares, “Success, Weakness, and Challenges of the Political Transition in East Timor,” in *Peace Building and State Building in East Timor* (Jakarta: Centre for Strategic and International Studies, 2002), 16, 29. Mariano Lopes da Cruz was appointed Inspector General and Chair of the Public Service Commission.

141 Gorjão, “The Legacy and Lessons of the United Nations Transitional Administration in East Timor,” 320.

142 Federer, *The UN in East Timor*, 92.

143 “Mari Alkatiri receives Timor-Leste’s highest award,” Fretilin media release, 23 May 2007.

Fretilin itself was divided, with conflict between Fretilin leaders returning from Mozambique and other Fretilin groups over which group was the 'true' Fretilin and entitled to use Fretilin's symbols and attributes.¹⁴⁴ A Fretilin group under Mari Alkatiri's leadership mobilized early on, while still part of CNRT, and organized a series of party conferences in the districts. A Fretilin General Council meeting 15–20 May 2000 endorsed the Fretilin leadership appointments made in Sydney in August 1998.¹⁴⁵

At the CNRT National Congress in August 2000, Xanana Gusmão, José Ramos-Horta and Mário Carrascalão were re-elected to the top positions, and Fretilin (led by Mari Alkatiri) and UDT (led by João Carrascalão) withdrew their parties from the CNRT. Other points of discord arose at the congress: contention resurfaced over events around the dissolution of the PMLF by Xanana Gusmão in 1984, and the deaths of Fretilin commanders at the hands of Fretilin in 1976–1977 were raised by five of the families concerned.¹⁴⁶ Conflicts also emerged over issues such as displacement, the destruction of property, occupation of land and property, and who had fought more or sacrificed more.¹⁴⁷ The significance of the decisive fracturing of the CNRT at the August 2000 congress appears to have been poorly understood by UNTAET. In UN reporting, rather than seeing a potentially dangerous reversion to political conflict, the split was presented optimistically as 'an example of open political party activity which could, in turn, lead to the commencement of party politics proper.'¹⁴⁸

After its split from the CNRT, the Fretilin party embarked on national restructuring and held local (*suku*) elections.¹⁴⁹ Mari Alkatiri emerged from Fretilin's first National Congress (20–25 May 2001) as secretary general of the party, and Lu'Olo as president. In June 2001, Xanana Gusmão abandoned hopes for a platform of national unity and

144 Babo Soares, "Branching from the Trunk: East Timorese Perceptions of Nationalism in Transition," 152. Early in 2001 former Fretilin President Xavier do Amaral told journalists that Fretilin had for over a year been split into two camps, the CPD-RDTL and the Fretilin party Central Committee led by Mari Alkatiri and Lu'Olo. *East Timor Press Headlines*, 28 March 2001. In early 2001, Walsh noted that former Fretilin President Xavier do Amaral and recently returned former Minister of Defence Rogério Lobato were regarded by CPD-RDTL as unofficial patrons, and both had attended its 25th anniversary celebrations of the declaration of independence on 28 November 2000. CPD-RDTL had links with dissident Falintil including L-7's Sagrada Familia, and had public support from former Fretilin leader Abílio de Araújo. Walsh, "East Timor's Political Parties and Groupings," 12–13.

145 Pat Walsh, "East Timor's Political Parties and Groupings" (Australian Council for Overseas Aid, April 2001), 11–12; UNSC S/2000/738 "Report of the Secretary-General on the United Nations Transitional Administration in East Timor (for the Period 27 January–26 July 2000)," 2.

146 Babo Soares, "Branching from the Trunk," 136. Babo Soares names these as the families of P[ro]nciano dos Santos Fatima, Aquiles, Antonio Freitas, João Teodozio de Lima and Agostinho do Espírito Santo.

147 Babo Soares, "Branching from the Trunk," 154.

148 UNSC "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council, 14th Supplement (2000–2003) Chapter VIII," 479.

149 UNSC S/2001/42 "Report of the Secretary-General on the United Nations Transitional Administration in East Timor (for the Period 27 July 2000 to 16 January 2001)," 2.

dissolved the CNRT. A proliferation of political parties then formed to contest the constituent assembly election. Some political parties, including elements of Fretilin and UDT, rejected the ideological compromise inherent in CNRT's unity platform, some would have preferred to stay in the CNRT,¹⁵⁰ and others yet disputed the political process altogether.¹⁵¹

The constituent assembly election

On 16 March 2001, under UNTAET's guidance, the National Council controversially adopted UNTAET Regulation 2001/2 and thereby determined that the constitution would be formed by means of an elected constituent assembly.¹⁵² On 27 March the National Council narrowly rejected a draft regulation to establish commissions to undertake broad consultations on a constitution.¹⁵³ Consequently the National Council's President, Xanana Gusmão, resigned in protest, refusing to be part of a 'politically irresponsible process.'¹⁵⁴ Regulation 2001/2 became pivotal: it blurred critical decision points and allowed the political party that dominated the constituent assembly to control the constitution-making process, and to promulgate a constitution for which there was no broad public or political understanding or consensus. It furthermore allowed the constituent assembly to decide to become the first parliament at independence, without another election.¹⁵⁵

Preparations for the constituent assembly election were 'slow and late.'¹⁵⁶ Early in 2001 a survey conducted by the Asia Foundation found low levels of public awareness about the impending election: only 5 percent of eligible voters accurately knew its purpose, and 61 percent incorrectly believed that it was to elect a president. When questioned 'do you know about East Timor's constitution?', 5 percent responded that there was no constitution, 29 percent responded that as yet there was no constitution

150 According to Babo Soares, these parties included PST, PSD, KOTA, Trabalhista, APODETI proferendo, UDC/PD, PD. "Branching from the Trunk," 145.

151 Babo Soares includes CPD-RDTL, PNT, PPT, and ASDT in this third group. Babo Soares, "Branching from the Trunk," 145. Of these parties, in 2001 all but CPD-RDTL relented and participated in the Constituent Assembly election.

152 UNTAET Regulation No. 2001/2 "On the Election of a Constituent Assembly to Prepare a Constitution for an Independent and Democratic Republic of East Timor," 16 March 2001.

153 A meeting in Tibar (west of Dili) in May/June 2000 had proposed a model of constitution-making based on a drafting committee and wide public consultation. This was effectively overruled by UNTAET deputy SRSG Peter Galbraith. Aucoin and Brandt, "East Timor's Constitutional Passage to Independence," 250-51.

154 "Gusmão Resigns as East Timor Leader," *BBC*, 28 March 2001. Xanana Gusmão was reported to have resigned in protest before: in August 2000 he resigned from the CNRT but later the same day withdrew his resignation. The National Council was itself dissolved in July 2001, in parallel with the CNRT, in advance of the constituent assembly election. UNSC S/2001/436 "Interim Report of the Secretary-General on the United Nations Transitional Administration in East Timor," 1.

155 Aucoin and Brandt, "East Timor's Constitutional Passage to Independence," 254.

156 Babo Soares, "Election in East Timor: Some Unresolved Issues," 8.

but one was to be drafted, 10 percent responded that East Timor already had a constitution, and 56 percent responded that they did not know.¹⁵⁷

After the CNRT was disbanded in June 2001, sixteen political parties prepared to take part in the constituent assembly election. Among their leaders were some old faces from the political associations formed in 1974, as well as some younger-generation leaders. Fretilin was led by Mari Alkatiri, ASDT by Francisco Xavier do Amaral, UDT by João Carrascalão and Domingos Oliveira, an Apodeti 'pro-referendo' party (to distinguish it from its previous 'pro-integration' version) was led by Apodeti founder Frederico Almeida Santos Costa, and Barisan Rakyat Timor Timur (BRTT) was led by former UDT president and erstwhile Deputy Governor of Timor Timur, Francisco Lopes da Cruz.¹⁵⁸

Among the new parties were the Social Democratic Party (PSD), led by former Governor Mário Carrascalão, and the Democratic Party (PD), hastily formed in June 2001 by former Renetil leader Fernando de Araújo (Lasama) at the instigation of Xanana Gusmão.¹⁵⁹ Fernando Lasama was a *gerasaun foun* (new generation) close associate of Xanana Gusmão, seen by him as a political successor or place-holder. In 1991, at the time of the Santa Cruz massacre, Fernando Lasama was in Denpasar, a founder of the clandestine student group, Renetil. In the Indonesian clamp-down after the Santa Cruz massacre, Fernando Lasama was arrested in Bali, tortured and imprisoned. He was named an Amnesty International Prisoner of Conscience and was the recipient of a Reebok Human Rights Award in 1992. He spent a number of years in Cipinang prison in Jakarta with Xanana Gusmão and during that time they forged a close relationship, as *maun-alin* (older brother/younger brother). After his release from Cipinang Prison in March 1998, Fernando Lasama became an important organiser in CNRT between 1999 and 2001.¹⁶⁰

Mari Alkatiri confidently claimed that Fretilin would win 80–85 percent of the vote.¹⁶¹ Fretilin ran an organized and confrontational campaign, threatening its opponents in terms designed to intimidate.¹⁶² 'It was Fretilin's hard-hitting language . . . that would

157 "East Timor National Survey of Voter Knowledge (Preliminary Findings)," *The Asia Foundation*, Dili, May 2001, 4, 38.

158 Walsh, "East Timor's Political Parties and Groupings," 7.

159 Mário Carrascalão saw the establishment of PD as a personally unhelpful move on the part of Xanana Gusmão, as it aimed at the same support base as the PSD. Mário Carrascalão, July 2014.

160 In 2015, while in office as a government senior coordinating minister, Lasama died unexpectedly, at the age of 52.

161 "On the Road to Independence: East Timor's Election," *Economist*, 1 September 2001.

162 Babo Soares, "Election in East Timor: Some Unresolved Issues," 11–14; Hohe, "Totem Polls: Indigenous Concepts and 'Free and Fair' Elections in East Timor," 79.

up fuelling the most intense controversy. On the hustings, Fretilin spokespeople regularly talked of 'dasa rai' (sweeping the ground clean) – a phrase notoriously associated with the genocidal actions of the Indonesian army – in order to describe what the party planned to do to its opponents.¹⁶³ The Fretilin campaign used images of Xanana Gusmão, as if he were a Fretilin leader.¹⁶⁴ According to Mário Carrascalão, the UN did not know what it was doing: UNTAET openly supported Fretilin to win the constituent assembly election and in its civic education it reportedly used ballot boxes with Fretilin markings to show people how to vote.¹⁶⁵ According to another observer, 'The effect in the districts of the dismantling of the CNRT was to cause confusion and it opened up the field for Fretilin to lay claim to ownership of the resistance and its heroes.'¹⁶⁶ Fretilin became the principal beneficiary of the demise of the CNRT: without the CNRT flag many votes flowed to the next most recognizable symbol of the resistance, Fretilin. Most Timorese respected Fretilin and considered it to be their party, and there was majority support for it in the constituent assembly election. But the support was not for Mari Alkatiri, but for the party and the resistance.¹⁶⁷

Despite his concerns about the process, Xanana Gusmão seemed to under-estimate Mari Alkatiri's political manoeuvres and did not foresee the consequences of the constituent assembly election in August 2001. Xanana Gusmão intended to run for president in the election in 2002, and was certain of receiving an overwhelming vote. In 2001 Xanana Gusmão and José Ramos-Horta presented themselves as neutral figures and did not run in the constituent assembly election, but a large proportion of the population remained uninformed or misinformed, and expected Xanana Gusmão to become President and Ramos-Horta Vice President in that election.¹⁶⁸

On 30 August 2001 (the anniversary two years after the popular consultation) UNTAET conducted the election to form the constituent assembly, which would comprise a total of 88 seats: 75 seats allocated proportionally to political parties, and a

163 Anthony L. Smith, "East Timor: Elections in the World's Newest Nation," *Journal of Democracy* 15, no. 2 (2004): 151.

164 "Mario Viegas Carrascalao: 'I'm Not a Traitor,'" *Tempo*, 24 September 2001.

165 Mário Carrascalão, July 2014; Interviewee 5.

166 Hohe, "Totem Polls: Indigenous Concepts and 'Free and Fair' Elections in East Timor," 74, 79.

167 Interviewee 7.

168 Babo Soares, "Election in East Timor: Some Unresolved Issues," 13. A press release issued by José Ramos-Horta on 29 August 2001 declared 'tomorrow's vote is not to choose the President and Vice-President of the Republic, but simply and only to elect the Constituent Assembly. I have personally never announced any interest in the possibility of being the Vice-President of the Republic. Under these circumstances I categorically and unequivocally declare that neither Xanana Gusmão nor myself Ramos-Horta are in the running for the August 30 elections.'

further 13 regional seats representing administrative districts. Of 421,018 registered voters, 91.3 percent (or 384,248 people) voted.¹⁶⁹ Fretilin gained 57.4 percent of the vote (43 out of 75 proportional representation seats) and 12 of the 13 regional seats, yielding it 55 out of the 88 seats in the constituent assembly.¹⁷⁰ Thirteen parties gained a seat, but aside from Fretilin, only three (PD, PSD and ASDT) polled more than 5 percent of the vote.¹⁷¹ Fretilin polled strongly and gained significant majorities in Baukau (82 percent), Vikeke (75 percent), Likisa (72 percent), Dili (66 percent), Lautein (62 percent) and Kovalima (61 percent).¹⁷² Fretilin fell short of achieving the two-thirds majority it needed in the constituent assembly to approve a constitution, but soon overcame the shortfall by forming a coalition with ASDT.¹⁷³

Transitional Administrator Sergio Vieira de Mello had foreshadowed the formation of a cabinet of national unity, but this idea quickly dropped from sight when Mari Alkatiri insisted that he had the popular mandate to form a cabinet of his own choice.¹⁷⁴ On 20 September 2001 Vieira de Mello relented and swore in the Second Transitional Government, headed by Mari Alkatiri as Chief Minister and Minister of Economy and Development.¹⁷⁵ The new transitional government was nonetheless presented as an inclusive one, with ten members from Fretilin, three from PD and 11 'independents'.¹⁷⁶ Not all of the members of the transitional government were elected. José Ramos-Horta moved from his 'neutral' position before the election to third-ranking position (after Sergio Vieira de Mello and Mari Alkatiri), as Senior Minister of Foreign Affairs and Cooperation. The leader of the Democratic Party (PD), Fernando Lasama, the distant but second largest recipient of votes after Fretilin, was assigned the junior position of Vice Minister for Foreign Affairs and Cooperation. Xanana Gusmão turned down the

169 Independent Electoral Commission results, cited in Maley, "The 2001 Election in East Timor: A Break from the Past," 1. Very slightly fewer (383,533) voted for district representatives.

170 In Oekusi, Fretilin failed to register its candidate and this seat was won by an independent.

171 Fretilin: 57.4 percent (43 seats); PD: 8.7 percent (7 seats); PSD: 8.2 percent (6 seats); ASDT: 7.8 percent (6 seats). James J. Fox, "A District Analysis of the East Timorese Constituent Assembly and Presidential Elections 2001–2002," in *Elections and Constitution Making in East Timor* (Canberra: Australian National University, 2003), 15–16.

172 Only in the traditional heartland of ASDT leader Xavier do Amaral, did another party poll more than Fretilin: ASDT won 52.3 percent of the votes in Aileu. Fox, "A District Analysis," 15–18.

173 Gorjão, "The Legacy and Lessons of the United Nations Transitional Administration in East Timor," 322. On the face of it this was a curious alliance, given the vicious maltreatment, as well as deaths of family members and supporters, that Xavier do Amaral had suffered after he was deposed as Fretilin president in 1977. Xavier do Amaral was rewarded with a senior position, as vice president of the national parliament.

174 UNSC S/2001/719 "Progress Report of the Secretary-General on the United Nations Transitional Administration in East Timor," 24 July 2001, 1; "After the Vote, the Constitution," *Economist*, 15 September 2001.

175 See Annex E.

176 UNTAET Media Briefing Notes, 20 September 2001. Independent Minister for Finance Fernanda Borges resigned in March 2002. Not all of the 'independents' were actually independent: Roque Rodrigues, for example.

position of Chairman of the Planning Commission, which would have had him reporting directly to Mari Alkatiri.¹⁷⁷

The constitution

The constituent assembly soon asked the UN to grant the territory independence on 20 May 2002 (the anniversary of the establishment of ASDT/Fretilin in 1974) and, predictably, proposed that the assembly should become the parliament after independence without a further election. Xanana Gusmão countered that there should be a further election for a parliament, but his views were rudely rejected by Mari Alkatiri: 'Xanana Gusmão is a citizen like any other. He has the right to express his opinion. I am a member of the constituent assembly, an elected and sovereign body, and it will be the assembly that shall decide this.'¹⁷⁸

In September 2001 the constituent assembly was given 90 days to draft a constitution, later extended by an additional five weeks.¹⁷⁹ On 8 October it adopted rules and procedures,¹⁸⁰ which were those of the Portuguese constituent assembly, and had the inhibiting effect of making Portuguese the language for all the documents of the assembly. Although several draft constitutions were tabled for consideration, the one that Fretilin had drafted and endorsed in Sydney in August 1998 became the dominant draft, because Fretilin had the numbers.¹⁸¹ Mari Alkatiri openly claimed a central role in the drafting of the constitution. In 2003 he further added that he had been one of the writers of the 1975 Constitution, and had used it as a reference for the 2002 Constitution.¹⁸² The Fretilin draft was not an example of enlightened best practice: it was essentially a version of the Mozambique constitution that had been significantly edited from an early version of the Portuguese constitution, without the benefit of the significant revisions that had later been made in Portugal and Mozambique.¹⁸³

A number of constitutional advisers broadly advocated a semi-presidential system as one that avoided the risks of being taken over by autocratic or dictatorial leaders like

177 "Gusmão turns down one commission – accepts another," *Lusa*, 20 September 2001.

178 "East Timorese leader rejects fresh general elections after independence," *RDP Antena 1 radio*, Lisbon, 27 October 2001.

179 UNSC "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council, 14th Supplement (2000–2003) Chapter VIII," 497.

180 UNSC S/2001/983 "Report of the Secretary-General on the United Nations Transitional Administration in East Timor: For the Period from 25 July to 15 October 2001," 18 October 2001, 1.

181 Regan, "Constitution Making in East Timor: Missed Opportunities?," 39.

182 Sukehiro Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste* (Tokyo: United Nations University Press, 2013), 32.

183 Regan, "Constitution Making in East Timor: Missed Opportunities?," 39; See also Aucoin and Brandt, "East Timor's Constitutional Passage to Independence," 255.

Marcos in the Philippines or Soeharto in Indonesia.¹⁸⁴ A semi-presidential system was also preferred by Fretilin, as one which would balance power,¹⁸⁵ as Xanana Gusmão was certain to win a landslide victory in a presidential election. Among the general public, however – and perhaps on the part of Gusmão himself – there was little understanding of the proposed structure, quite different from the Indonesian system where the president had primacy. The illusion of the importance of the president was also propagated through sixteen paragraphs of the constitution devoted to the status, election, appointment and competencies of the president.¹⁸⁶ The position of prime minister, in contrast, received mention only in passing, as a member of the government and bodies of state. While the president and national parliament were to be elected, there was no such requirement for the prime minister or members of the government.¹⁸⁷ Yet the 2002 constitution placed most of the powers in the hands of the prime minister, leaving the president with very limited powers to act or to veto legislation: 'more those of a ceremonial presidential system than a semi-presidential system.'¹⁸⁸

Crucial principles that East Timor needed to set out in its constitution ranged from the structure of government, its legal system and judiciary, land tenure and property issues, language, police and army, to the place of traditional authority and customary law. But rather than building a constitution from the ground up, based on an agreed set of principles and goals for the nation, or using the opportunity to put in place a provisional constitution, in practice the committees focussed on reviewing the Fretilin draft.¹⁸⁹ There were a number of international constitutional advisers on hand, but the short time available for drafting and public discussion was insufficient for developing an understanding of the issues or the implications of various provisions. Complaints were made that in the drafting of the constitution, Fretilin unilaterally imposed its will and simply refused to consider amendments proposed by other parties.¹⁹⁰ There also

184 Mackie, "Future Political Structures and Institutions in East Timor," 198.

185 Arsenio Bano, August 2014.

186 The competencies and powers of the President are also considerably constrained compared with the 1998 draft constitution.

187 According to section 106 of the constitution, '1. The Prime Minister shall be designated by the political party or alliance of political parties with parliamentary majority and shall be appointed by the President of the Republic, after consultation with the political parties sitting in the National Parliament. 2. The remaining members of the Government shall be appointed by the President following proposal by the Prime Minister.'

188 Regan, "Constitution Making in East Timor: Missed Opportunities?," 40.

189 Mackie, "Future Political Structures and Institutions in East Timor," 204; Aucoin and Brandt, "East Timor's Constitutional Passage to Independence," 255.

190 Dionisio da Costa Babo Soares, "The Challenges of Drafting a Constitution," in *Elections and Constitution Making in East Timor* (Canberra: Australian National University, 2003), 29–30.

appeared to be a reluctance to contest the issues publicly.¹⁹¹ The resulting document was in many places confusing, circular, and featured a complex division of powers between the president, the prime minister, the government and then a wide variety of councils and legal courts that were yet to be created.¹⁹² Many important protections in the draft constitution were not all they seemed, and were subject to qualification by legislation.¹⁹³ Although aware of significant weaknesses in the draft constitution, the UNTAET Transitional Administrator chose not to intervene, deferring to the 'popular mandate' of the constituent assembly. A constitution closely resembling the 1998 Fretilin draft was adopted on 9 February 2002, and then approved by the constituent assembly on 22 March 2002 with only minor changes, only three weeks ahead of the presidential election, and just two months away from independence ceremonies.¹⁹⁴ PD and PSD opposed the draft in the Constituent Assembly's final session.¹⁹⁵ In April, the UN acknowledged that progress had not been as fast as expected and that crucial benchmarks had not been met.¹⁹⁶

Independence

In February 2002, critical of the limited role accorded to the president, Xanana Gusmão complained in an interview that 'the president is allowed to eat and sleep, but has no powers.'¹⁹⁷ Xanana Gusmão had long maintained that he would not seek office in an independent East Timor.¹⁹⁸ Nevertheless at a meeting of political parties in August 2001, a few days before the constituent assembly election, Xanana Gusmão declared his intention to run for president in 2002.¹⁹⁹ Xanana Gusmão campaigned as a figure of national unity, rejecting party endorsement, although he had the support of eleven of

191 'Amongst East Timor's political elite in particular, there was a tremendous fear that [the conflict of] 1974-1975 would be repeated, and a consequent tendency to feel a need to keep the lid on debate.'

Regan, "Constitution Making in East Timor: Missed Opportunities?," 40.

192 Regan, "Constitution Making in East Timor: Missed Opportunities?," 40-41.

193 For example, freedoms to assemble and demonstrate, and for the news media, came under duress after independence.

194 Babo Soares, "Election in East Timor: Some Unresolved Issues," 13; 72 members of the assembly voted to approve the constitution, 14 members opposed, with one abstention and one absence due to illness. Aucoin and Brandt, "East Timor's Constitutional Passage to Independence," 255-56.

195 Francisco da Costa Guterres, "Elites and Prospects of Democracy in East Timor" (PhD dissertation, Griffith University, 2006), 202.

196 UNSC S/2002/432 "Report of the Secretary-General on the United Nations Transitional Administration in East Timor," 17 April 2002, 1.

197 Secretariat of the Constituent Assembly, "Press Release," 15 February 2002.

198 Xanana Gusmão "Speech delivered on 20 August 2000 on the 25th Anniversary of Falintil, Aileu."

199 Niner, *Xanana: Leader of the Struggle for an Independent Timor-Leste*, 218-19. According to Niner's account, Gusmão was pressed to run by José Ramos-Horta, Bishop Belo and FDTL Commander Taur Matan Ruak, as well as by UNTAET Administrator Sergio Vieira de Mello, UNSG Kofi Annan and US Secretary of State Colin Powell. In his 2014 end-of-year speech, Gusmão also referred to pressure from Japanese PM Koizumi and Indonesian then Coordinating Minister (later President) Susilo Bambang Yudhoyono.

the thirteen political parties that had run for the constituent assembly. Very late in the process, ASDT leader Francisco Xavier do Amaral acceded to UNTAET encouragement to compete in the election, declaring he did this to provide some semblance of competition to Xanana Gusmão. Fretilin declined to support either candidate and Mari Alkatiri disdainfully implied that he was unlikely to vote, reportedly saying that he would go to the beach that day.²⁰⁰ Xanana Gusmão received an overwhelming 82.7 percent of the valid votes cast on 14 April 2002, with a voter turnout (364,780) marginally lower than for the constituent assembly election.²⁰¹

On 20 May 2002 to great fanfare, after two and a half years under UNTAET administration, Timor-Leste's independence was celebrated, presided over by UN Secretary-General Kofi Annan with his Special Representative Sergio Vieira de Mello, and attended among others by Indonesian President Megawati Sukarnoputri, Portuguese President Jorge Sampaio, former U.S. President Bill Clinton, Australian Prime Minister John Howard and New Zealand Prime Minister Helen Clark.²⁰² Timor-Leste was pronounced a success story for the UN, to be compared favourably with its interventions in Somalia, the former Yugoslavia and Haiti.²⁰³ The country was poor, dependent on donor contributions to see it through the first three years of independence, but significant income from petroleum resources in the Timor Sea was expected in following years.²⁰⁴ Seizing the day, Prime Minister Mari Alkatiri and Australian Prime Minister John Howard signed the Timor Gap Treaty, East Timor formally requested membership of the United Nations (and was admitted on 27 September 2002), and requested entry into the Community of Portuguese Speaking Nations (CPLP).

200 Fox, "A District Analysis of the East Timorese Constituent Assembly and Presidential Elections 2001–2002," 21.

201 UNSC S/2002/432/Add.1 "Report of the Secretary-General on the United Nations Transitional Administration in East Timor," 24 April 2002, 1; Fox, "A District Analysis of the East Timorese Constituent Assembly and Presidential Elections 2001–2002," 16, 22. In four districts (Lautein, Vikeke, Bobonaru and Oekusi) Xanana Gusmão received over 90 percent of the votes and in another four (Baukau, Ermera, Likisa and Kovalima) he received over 85 percent. Consistent with ASDT's results in the Constituent Assembly election, Xavier do Amaral polled best in Aileu (67.5 percent), Manufahi (41.2 percent) and Ainaru (35.4 percent).

202 Sergio Vieira de Mello's assignment in East Timor ended with the UNTAET mission on 20 May 2002. He was among those tragically killed in the bombing of UN headquarters in Baghdad on 19 August 2003.

203 Ballard, *Triumph of Self-Determination*, 125–41.

204 "Freedom at Midnight," *The Economist*, 18 May 2002.

UNTAET's legacy: 'much remains to be done'¹²⁰⁵

Despite the UN's triumphalism, UNTAET was neither an outstanding success nor a complete failure. In the view of many, however, it should have achieved more than it did.²⁰⁶ There was also a large gap between the expectations of the Timorese people and what UNTAET could have hoped to deliver in such a short time. CNRM supporter Juan Federer later wrote: 'Rather than marking a moment of joy, I saw the premature granting of independence to the improperly prepared state as a betrayal of an international obligation.'²⁰⁷ UNTAET left many gaps, weaknesses and opportunities lost, that were to prove highly problematic for the new state. The constitutional process was rushed and political and judicial institutions barely existed, and UNTAET's contribution to sustainable self-government and a democratic political environment was limited.²⁰⁸ UNTAET had conducted negotiations on East Timor's behalf with Australia on the Timor Sea Treaty (with the participation of Mari Alkatiri). But negotiations on a range of other complex and sensitive international issues, such as the prosecution of the 1999 crimes against humanity, the demarcation of the land border with Indonesia, and the delimitation of maritime boundaries with Australia, were left to Timor-Leste to manage.

Recognizing East Timor's need for continuing support, a successor mission to UNTAET was mandated on 17 May 2002, three days before independence. UNMISSET's mandate was to provide assistance to core administrative structures critical to the viability and political stability of East Timor; to assist interim law enforcement and public security, and the development of the East Timor Police Service (ETPS); and to contribute to the maintenance of the external and internal security of East Timor. The mission would include serious crimes and human rights units, 1,250 civilian police officers, and a military component of up to 5,000 troops. The mandate posited the downsizing of UNMISSET as quickly as possible, and envisaged that over a period of two years all operational responsibility would be devolved to the East Timorese authorities 'without jeopardising stability.'²⁰⁹

205 UNSC S/2001/983 "Report of the Secretary-General on the United Nations Transitional Administration in East Timor: For the Period from 25 July to 15 October 2001," 18 October 2001, 2; UNSC S/2002/80 "Report of the Secretary-General on the United Nations Transitional Administration in East Timor," 17 January 2002, 9; UNSC S/2001/436 "Interim Report of the Secretary-General on the United Nations Transitional Administration in East Timor," 5.

206 Gorjão, "The Legacy and Lessons of the United Nations Transitional Administration in East Timor," 313.

207 Federer, *The UN in East Timor*, 2.

208 Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," 136.

209 UNSC S/RES/1410 (2002), 17 May 2002.

Chapter Four

Independence and the Politics of Exclusion 2002–2004

In the course of 1999, the massacres, atrocities, mass displacements of population and physical destruction wreaked by the Indonesian army and their associated militias inflicted renewed and terrible trauma on the people of East Timor. The toll of around 2,500 direct killings in 1999 exceeded that in any other year of the Indonesian occupation. The trauma was compounded by the involvement of East Timorese on 'both sides' – pro-autonomy and pro-independence – and in the militias. Deliverance by the INTERFET military intervention in September 1999 would be seen in 2006 as a precedent, by politicians, the population, the intervening forces, and the UN.

The formation of the National Council for the Timorese Resistance (CNRT) at the Peniche meeting in 1998 was the first time since 1975 that East Timorese political parties had successfully formed a united front, but it did not last long and political contestation soon re-emerged. Mari Alkatiri had no public profile inside or outside East Timor, but he felt entitled to the leadership of Fretilin, the historic party of the resistance, and to the leadership of the new country. Although Xanana Gusmão had overwhelming public support as the hero of the resistance, it was Mari Alkatiri's Maputo Fretilin group that emerged as the victor in the political and constitutional processes under the UN Transitional Administration in East Timor (UNTAET), and controlled the first government at independence in May 2002.

The UN-supervised process of granting independence to Timor-Leste inadvertently created the conditions for new political conflict. It allowed and even encouraged an exiled elite to return, to claim political ownership and to place itself in charge of a new nation with promising petroleum resources. Despite the extraordinary powers accorded to UNTAET, the transitional administrator, Sergio Vieira de Mello, allowed a flawed and confusing constitution to be put in place in an unduly short time-frame, riding rough-shod over extensive and important public consultations necessary to developing a public consensus on constitutional principles. The constitution also pushed most of the formal powers of the state into the hands of the prime minister, without the robust checks and balances that might have been expected in the UN's 'state of the art' project. Judicial and constitutional weaknesses had a profound impact in contributing to the 2006 crisis, when it became apparent that recourse to the law was futile, and that the most powerful figure in the land, the prime minister, could choose

to be accountable only to himself.

2002: 'the Year of Restoration'¹

Xanana Gusmão commanded overwhelming public support in the presidential election on 14 April 2002, receiving almost 83 percent of the vote.² But in the UN-supervised independence process Mari Alkatiri had comprehensively outmanoeuvred him in the quest for political power: 'Fretilin had won the 'struggle' by limiting the powers of the president in the constitution.'³ Under the 2002 Constitution nearly all of the formal powers of government rested in the hands of the prime minister and the government, leaving the president a largely ceremonial role ('symbol and guarantor' of national independence and unity of the state, of the smooth functioning of democratic institutions, and supreme commander of the defence force). The president was without any finances at his disposal other than a pittance granted by the government. While his formal powers were limited, Xanana Gusmão remained an influential and charismatic figure in the new nation. With the departure of UNTAET in May 2002, the government took over the refurbished offices on the waterfront. In pointed contrast to the relative luxury of the government offices, the *Palácio do Governo*, and evoking the destruction inflicted on the country by departing Indonesian forces in 1999, President Xanana Gusmão established a rudimentary office in a burnt-out building in Kaikoli, fitted out with plywood screens, which he called the *Palácio das Cinzas* (Palace of Ashes).⁴

A contemporary observer noted that with Fretilin's domination of the constituent assembly and the first government, to the effective exclusion of Xanana Gusmão and other parties, a 'deep and dangerous divide within the Timorese polity' had been created.⁵ Another remarked: 'With the president and prime minister in opposition to one another, the conditions have been laid for the stark alternatives of either one-party

1 Mari Alkatiri, *Timor-Leste O Caminho Do Desenvolvimento: Os Primeiro Anos de Governação*, 2nd ed. (Lisboa: Lidel, 2006). This collection of Mari Alkatiri's speeches accords a rubric to each year which has been adopted for the purposes of this chapter.

2 UNSC S/2002/432/Add.1 "Report of the Secretary-General on the United Nations Transitional Administration in East Timor," 24 April 2002, 1; Fox, "A District Analysis of the East Timorese Constituent Assembly and Presidential Elections 2001-2002," 16, 22. In four districts (Lautein, Vikeke, Bobonaru and Oekusi) Xanana Gusmão received over 90 percent of the votes, and in another four (Baukau, Ermera, Likisa and Kovalima) he received over 85 percent. Consistent with the results of the Constituent Assembly election, Xavier do Amaral polled best in districts close to his traditional home (Turiskai): Aileu (67.5 percent), Manufahi (41.2 percent) and Ainaru (35.4 percent).

3 Francisco da Costa Guterres, "Elites and Prospects of Democracy in East Timor" (PhD dissertation, Griffith University, 2006), 45.

4 The structure of the *Palácio das Cinzas* was dangerously weak and the building had to be abandoned after an earthquake in late 2004.

5 Edward Rees, "Security-sector Reform and Transitional Administrations," *Conflict, Security and Development* 2, no. 1 (2002): 155.

rule or violent political competition.⁶ In the driving seat of the governing Fretilin party were Prime Minister Mari Alkatiri and members of his newly returned Mozambique, or Maputo, diaspora group. Excluded from power were groups like CPD-RDTL, who disputed the claim of the returning diaspora to the symbols and attributes of the Fretilin party, and the various political parties that had contested the 2001 constituent assembly election. Also suddenly shut out were numerous civil society organizations, including the influential Roman Catholic Church, and the 21.5 percent of the population who had voted for special autonomy in 1999.

The adoption of Portuguese as an official language in the constitution had been controversial, but was strongly supported by the Timorese political leadership, including Xanana Gusmão. Tetun was designated an official language in the draft constitution but only late in the piece.⁷ Bahasa Indonesia and English were conceded informally as 'working languages.' The adoption of Portuguese as an official language favoured the older generation lusophone and diaspora elite, and effectively sidelined and disempowered younger generation Indonesian speakers. Tetun had been adopted as the vernacular language of the church, but it had not been a language of instruction and had yet to be developed as an official language, and so Portuguese became the language of government.⁸ Of the non-elite and younger generation leaders who had been educated in Bahasa Indonesia, few were fluent or literate in Portuguese.⁹ The language policy crippled the reconstruction of an education system and excluded Timorese who had been educated in Bahasa Indonesia, including teachers and public servants at all levels, for many of whom there was no longer a place in a Portuguese-language administration. The policy also reduced competition from Indonesian-owned businesses. Portugal's lusophone advocacy appeared to contain a strong

6 Hohe, "Totem Polls: Indigenous Concepts and 'Free and Fair' Elections in East Timor," *International Peacekeeping* 9, no. 4 (Winter 2002): 69, 85.

7 Section 13 of the constitution. José Lobato (son of Nicolau Lobato), a Fretilin member of parliament, told journalists in 2002 that Tetun was included in the constitution as an official language only after his particular efforts. "East Timor's Tower of Babel: cultural clash over Timor's official language," *Sydney Morning Herald*, 16 August 2002.

8 The detrimental impact of Timor-Leste's language policy is examined in Andre Borgerhoff, *Competitive Nation-Building in Timor-Leste – With Particular Reference to the Discourse on the Postcolony's 'Language Tetralemma' During the Years 2002–07* (Berlin: Regiospectra, 2012). The Ministry of Health and police (PNTL) quietly continued to use Bahasa Indonesia as a working language in their training programmes, but appeared to be the exceptions.

9 The findings of the Asia Foundation survey in 2001 were consistent with the low levels of literacy shown in the 1995 Indonesian census: 48 percent of the population had either never been to school (33 percent) or had not completed primary education (15 percent); while only 18 percent had attended senior high school, and only 3 percent a tertiary institution. Less than 1 percent had Indonesian or Portuguese as a mother tongue. 54 percent could read Indonesian and 14 percent could read [some] Portuguese. Tetun was spoken by 91 percent of the population and 58 percent could read Tetun. "East Timor National Survey of Voter Knowledge (Preliminary Findings)," *The Asia Foundation*, Dili, May 2001, 70, 75.

element of self-interest, in the context of its ambitions to have Portuguese designated as a UN official language.¹⁰

The government sworn in at independence comprised a tightly controlled group of the prime minister's nominees,¹¹ most of whom were Fretilin party members. The preamble of the constitution acknowledged the contribution of Falintil, the clandestine front, the diplomatic front and the Church, but it claimed the successful independence struggle for Fretilin, and conveniently omitted the role of 'foreign powers' in East Timor's liberation in 1999. Fretilin's symbols, attributes and anniversaries were made into those of the country. The 1975 flag of the Fretilin unilateral declaration of independence was designated the national flag, and the new defence force, the FDTL, was reclaimed for Fretilin and re-badged F-FDTL (Falintil-FDTL). The national anthem was Fretilin's 1975 revolutionary anthem by Francisco Borja da Costa. The country's coat of arms (crossed swords, a spear and arrows) was that of Falintil, until it was replaced in 2007 by a new coat of arms featuring a Kalashnikov (AK-47) rifle.¹² The First Constitutional Government included no opposition representatives but did take in a sprinkling of 'independents,' such as Foreign Minister José Ramos-Horta, Health Minister Rui de Araújo and Education Minister Armindo Maia. Senior members of the cabinet included Maputo close associates Ana Pessoa, Madalena Boavida, Estanislau da Silva, and Roque Rodrigues, as well as the controversial Rogério Lobato.¹³ Relationships within the Maputo group were complex and riven by personality differences and power struggles,¹⁴ but they were also tight and enduring, for better or for worse, over the decades in exile.

The euphoria of East Timor's achievement of independence and release from Indonesian rule gradually seeped away. Members of the returning diaspora were

10 The designation of Portuguese as an official language was a condition of Timor-Leste's accession to the Community of Portuguese-speaking countries (CPLP). "Portuguese official language of East Timor," *the Portugal News*, 22 July 2000; "Gusmão full of praise for the Portuguese language," *the Portugal News*, 24 April 2004; "Lusophone bloc mobilises to make Portuguese a UN language," *the Portugal News*, 4 October 2008; "Portuguese official UN language in 'five years'," *the Portugal News*, 23 April 2011.

11 Sukehiro Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste* (Tokyo: United Nations University Press, 2013), 15.

12 The revolutionary imagery of the AK-47 would seem have little to do with the historical reality of the resistance struggle, which initially relied on Portuguese (NATO) weapons such as the G3 rifle, and later on U.S.-supplied weapons acquired from the Indonesian army such as the M16, although an example of an AK-47 is on display in the resistance museum in Dili. Fretilin's aesthetics appear to have been influenced by those of Mozambique, which has an AK-47 – with bayonet fixed – on its national flag.

13 See Annex F.

14 International Crisis Group, "Resolving Timor-Leste's Crisis," *Asia Report* (Jakarta/Brussels, October 10, 2006), 2.

resented and seen as arrogant, privileged and authoritarian,¹⁵ and as out of touch with the bitter experience and suffering of ordinary East Timorese. Ramos-Horta's 'suffering' in exile was portrayed as that of 'moving from aeroplane to aeroplane and hotel to hotel.'¹⁶ The returning diaspora were seen to discount or dismiss the contribution to the independence struggle by those who had remained or had been born in East Timor during the Indonesian era. These feelings of exclusion were exacerbated by a high level of unemployment, and resentment at the apparent availability of jobs for Fretilin supporters, but not for others.¹⁷

Prime Minister Mari Alkatiri did not bother to conceal his disdain for his young compatriots, the Timorese who had lived under the Indonesian occupation, describing those who had received higher education in the Indonesian system as *sarjana supermi* (instant noodle graduates), and his colleagues reportedly referred to their language of education, Bahasa Indonesia, as the language of donkeys.¹⁸ In cabinet, only those who could speak Portuguese could take part in discussions, while the remainder simply accepted whatever decision was made.¹⁹ Mari Alkatiri denigrated the resistance and mocked the system of the hallowed clandestine movement, *kaixa ba kaixa* (clandestine cell to clandestine cell), as *kaixa ba kaixaun* (clandestine cell to coffin).²⁰ Mari Alkatiri regarded civil society organizations as the enemy and called the Timorese working for them 'collaborators.'²¹

The haste on the part of the Timorese elite to take power, and on the part of UNTAET to leave, meant that Timor-Leste was poorly prepared for independence. None of its leaders – with the exception of Mário Carrascalão – had senior administrative experience. Nonetheless Prime Minister Mari Alkatiri presented well as a technocrat, at least in boardrooms. Mari Alkatiri was able to speak the language that the UN and the World Bank wanted to hear, reflecting back multi-party democracy and anti-corruption mantras. Some international observers simplistically saw a balance

15 Dwight Y. King, "East Timor's Founding Elections and Emerging Party System," *Asian Survey* 43, no. 5 (October 2003): 755.

16 Madre Guilhermina Marçal, July 2014.

17 King, "East Timor's Founding Elections," 755.

18 'language of donkeys:' in English in the original. Peter Carey, "Writing on Human Skin," *Oxford Historian: A Newsletter of the Faculty of Modern History for Oxford Historians*, May 2005, 19. This was a gratuitous insult as Alkatiri's mother tongue, Bahasa Kupang, is a minor variant of Malay or Bahasa Indonesia, and his second language was Tetun Prasa (Dili Tetun). Alkatiri's third language, and that of his higher education, was Portuguese. See Melissa Johnston, "A 'Muslim' Leader of a 'Catholic' Nation? Mari Alkatiri's Arab-Islamic Identity and Its (Inter-)National Contestations," *Austrian Studies in Anthropology*, no. 1 (2012): 48.

19 Guterres, "Elites and Prospects of Democracy in East Timor," 210.

20 Interviewee 7.

21 Anacleto Ribeiro, July 2014.

between Mari Alkatiri's technocratic skills and Xanana Gusmão's charismatic approach to leadership, and merit in the emergence of political contestation rather than the 'national unity' approach favoured by Xanana Gusmão.²²

From the date of his appointment as Chief Minister in September 2001, Mari Alkatiri established iron control over all financial and budgetary matters and imposed fiscal micro-management. He notoriously insisted that every expenditure, no matter how small, be personally approved by the finance minister. This tight control over expenditure, while laudable in some respects, was also a means of political control. In a country recovering from major destruction and without a functioning economy, micro-management choked expenditure on essential infrastructure and development programmes, and resulted in the government's repeated failure to execute even small annual budgets.

F-FDTL and PNTL: instability after independence

The East Timorese leadership were insistent on gaining authority over the police at independence in May 2002, but the UN deemed neither the police (PNTL) nor the defence force (F-FDTL) to be ready. Instead the new UN mission, UNMISSET, would retain responsibility, to be handed over when the defence force and police achieved operational capacity.²³ The new head of mission, UNMISSET SRSG Kamallesh Sharma, took an aloof approach to leadership of UNMISSET, appearing more interested in pursuing his ambition to become Commonwealth Secretary-General, which he succeeded in doing in 2008.²⁴ Rivalry between the president and prime minister was evident in the alignment of the army and police forces. The army, the F-FDTL, was perceived to be loyal to President Xanana Gusmão – its former resistance commander (1981–2000) and now its supreme commander – albeit under the operational command of Chief of Defence Force Brigadier Taur Matan Ruak. Despite the recommendations of the King's College group in August 2000, no civilian oversight of the defence force had been created. On 30 April 2002, apparently with some reluctance on his part, Roque Rodrigues was appointed Secretary of State for Defence and confirmed in this position at independence three weeks later. He was given a small secretariat which worked out of one room in the government offices, and established a close family

22 See for example Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 36–38.

23 Ian Martin and Alexander Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," *International Peacekeeping* 12, no. 1 (Spring 2005): 135, 140.

24 In May 2004 Sharma handed over to his deputy, Sukehiro Hasegawa, and became India's High Commissioner in London, in preparation for his bid to become Commonwealth Secretary-General.

relationship with Taur Matan Ruak.²⁵

Rogério Lobato, Minister of Internal Administration, had oversight of the police, while operational command rested with the Commissioner of Police, Paulo Martins.²⁶ Mari Alkatiri's appointment of Rogério Lobato to cabinet was seen as an expedient to accommodate a dangerous troublemaker who had ambitions to become prime minister himself, but there was utility in it for Alkatiri. Rogério Lobato's status as brother of national hero Nicolau Lobato, and Defence Minister in the short-lived 1975 Fretilin government, lent pedigree to Alkatiri's Fretilin group. Lobato's reputation as a loose cannon, a volatile thug experienced in running illicit operations, also made him useful as a political enforcer.²⁷ With Alkatiri's support, Rogério Lobato proceeded to build up the police force in competition with the army, developing paramilitary police units and diverging from the UN's vision of a police force focussed on community policing. Rogério Lobato aspired to gain direct control of the PNTL but was hindered by Paulo Martins' resistance. Lobato encouraged dissidents and 'political security groups' to undermine, harass and in some cases directly attack members of the new police force. He was also seen to be behind agitation by disaffected Falintil veterans against the PNTL's employment of 340 Timorese former members of the Indonesian police service (POLRI), including Police Commissioner Paulo Martins himself.²⁸ In late 2002, Rogério Lobato demanded that 500 Falintil veterans be given employment in the police force. Despite its opposition, in March 2003 the PNTL compromised and inducted 150 Falintil veterans.²⁹ Rogério Lobato's attacks on the PNTL served the triple purpose of undermining Paulo Martins' authority, populating the police force with grateful Falintil veterans (who had been rejected by both the F-FDTL and PNTL selection

25 Taur Matan Ruak and his wife, Isabel Ferreira, and their children have shared a house with Roque Rodrigues and his wife Paula Pinto for many years.

26 Paulo Martins had been a senior officer in the Indonesian police (POLRI) and also worked with the clandestine resistance. Afonso de Jesus, July 2014.

27 Mário Carrascalão described Rogério Lobato as 'unbalanced' and 'Timor's Prabowo.' Mário Carrascalão, July 2014. Lobato had a long history of brutality: Tony Maniaty records that in 1975 Rogério Lobato threatened him and put a loaded pistol to his head. On hearing this story from Maniaty (around 2008) José Ramos-Horta told him that in Mozambique Lobato had tried to knife him with a pair of scissors. Tony Maniaty, *Shooting Balibo: Blood and Memory in East Timor*, (Camberwell, Victoria: Penguin, 2009) 240–41, 284. Police adviser Ray Murray once saw a very shaken deputy minister coming out of Lobato's office, and as he went in, saw Lobato putting a pistol away. Ray Murray, July 2014.

28 Edward Rees, "Under Pressure: Falintil-Forças de Defesa de Timor-Leste: Three Decades of Defence Force Development in Timor-Leste 1975–2004," *Geneva Centre for the Democratic Control of Armed Forces (DCAF)*, no. working paper no. 139 (2004): 52. In 2003 Amnesty International pointed out in defence of the PNTL recruitment process that recruits had been vetted by CNRT officials. The 340 officers constituted just 12 percent of the PNTL, and of them many had previously participated in the clandestine resistance. "The Democratic Republic of Timor-Leste: A New Police Service – a New Beginning ASA 57/002/03," 2003, 19–20.

29 Amnesty International ASA 57/002/03, 21.

processes), as well as trumping the president's ineffectual promises to help veterans. By late 2002, just a few months after UNTAET's departure, public discontent had risen sharply, especially over the lack of employment and economic opportunity, while returned diaspora elites in key political and other positions were seen to be prospering. In November 2002, the UN Secretary-General's first report since independence noted demonstrations by diverse groups against government policy or executive decisions, as well as increasing dissatisfaction and threats of unrest on the part of former combatants and veterans.³⁰ Disarray in the justice sector was also conspicuous, and had led to a halt in judicial activity for nearly a month. One quarter of prison inmates were detained without warrants, and major prison disturbances had occurred in June and August 2002, and during the latter, around 193 prisoners had forced their way out of gaol.³¹

Dili riots: 4 December 2002

Six months after independence, in a speech on the anniversary of Fretilin's unilateral declaration of independence on 28 November 1975, President Xanana Gusmão angrily criticized the government, accusing Fretilin of appropriating independence for the benefit of its cadres. Security problems were springing up around the country, he said, and a week earlier there had been an attack on a police station in Baukau by an armed group of 400 men. Xanana Gusmão demanded that Prime Minister Mari Alkatiri dismiss Minister of Internal Administration Rogério Lobato on the grounds of incompetence and neglect.³² Prime Minister Mari Alkatiri promptly refused.³³ Rogério Lobato had once again brought cohorts of disaffected Falintil veterans from the districts into Dili for the 28 November celebrations³⁴ and they took part in riots that broke out in Dili on 4 December 2002.³⁵ The 4 December riots remain officially unexplained. The riots, barely six months after independence, were a profound embarrassment to the new government and to Mari Alkatiri – and to the UNMISSET mission and its police and peacekeeping force, who were caught by surprise. Rioters attacked the new parliament building and burned and looted many other new or refurbished buildings, as well as the prime minister's house and properties belonging

30 UNSC S/2002/1223 "Report of the Secretary-General on the United Nations Mission of Support in East Timor," 6 November 2002.

31 UNSC S/2002/1223, 4.

32 Speech by President of the Republic Kay Rala Xanana Gusmão at the Official Ceremonies Commemorating 28 November, Dili, 28 November 2002.

33 "PM Alkatiri rejects President's demands he sack Interior Minister," *Lusa*, 2 December 2002.

34 Rogério Lobato had about 2,500 people marching up and down the streets of Dili. Ed Rees, November 2014.

35 Geoffrey Barker "Gusmão must take control," *Australian Financial Review*, 9 December 2002.

to members of his family.³⁶ Fretilin internal struggles appeared to play an important part in the riots. Rogério Lobato was known to have ambitions to become prime minister himself. His close associate, head of the Civilian Security Division in the Ministry of Internal Administration, David Dias Ximenes, harboured ambitions to be appointed police commissioner in place of Paulo Martins.³⁷ Veterans' groups aligned at the time with Rogério Lobato, including CPD-RDTL and L-7's group, Sagrada Familia, played a prominent role in the violence. The riots were complex and a number of different hands and different motives appeared to be at work, at different times.³⁸ By the end of the day, the police had shot dead two people and wounded at least seventeen others.³⁹

The trouble began on 3 December at the 28 November High School, with the arrest of a student for murder, which resulted in a violent confrontation between police (PNTL and UNPOL) and the students. The next day, on 4 December, an extraordinary session of parliament was scheduled to discuss with the students what had occurred the day before. But at the time agreed for the meeting at parliament, pre-arranged signals appeared to be given: three motorbikes arrived, a bugle was sounded and other people joined in the demonstration. Demonstrators divided into two groups, one going to the police headquarters and the other moving against the parliament building. About 10.20 a.m. a group of demonstrators entered the parliament building and vandalized a number of offices. David Dias Ximenes was seen and heard by several witnesses to incite the attack, shouting such things as: 'burn parliament and castrate them all [the MPs], they are just *mauhu* [spies/collaborators], they just eat, sleep and get paid for nothing.' Dias Ximenes was also heard to shout for Alkatiri to be deposed for his

36 UNSC S/2003/243 "Special Report of the Secretary-General on the United Nations Mission of Support in East Timor," 3 March 2003, 2. This report identifies at least 15 wounded and two killed, but the UNMISSET report makes it clear that there were at least 17 wounded and two killed. UNMISSET, "Executive Summary of Investigations of Police Response to the Riots on 4 December 2002."

37 In 1975 David Dias Ximenes had been in the Portuguese army and around 1976 was inducted into the Indonesian army, until 1979 when he joined the resistance. He was involved in the Falintil attack on the television station at Marabia in 1980 and for that had been imprisoned and tortured before being released in the 1990s. He was a vice secretary of the Fretilin Internal Political Front in 1997 and then became a CNRT delegate. Guterres, "Elites and Prospects of Democracy in East Timor," 131-32, 153; Ernest Chamberlain, *The Struggle in Iliomar: Resistance in Rural East Timor* (Point Lonsdale, Victoria: Ernest Chamberlain, 2008), 113. David Dias Ximenes was appointed to cabinet in 2005 and during the 2006 crisis became known in Dili by the epithet 'Minister of Gangs.'

38 Ed Rees, "Statement from Eyewitness," 5 December 2002; Interviewee 5.

39 This account draws mainly on a number of reports of the riot: Joint Statement of Civil Society Organisations in Timor Lorosa'e, "Never Sacrifice People for Political Ambition," December 7, 2002; RDTL: Gabinete do Presidente do Parlamento Nacional da República Democrática de Timor Leste, "Comissão Independente de Inquérito. Investigação sobre os graves incidentes ocorridos no dia 4 de Dezembro de 2002 no Parlamento Nacional em Dili. Relatório Preliminar," December 6, 2002; United Nations Mission of Support in East Timor, "Executive Summary of Investigations of Police Response to the Riots on 4 December 2002," November 14, 2003 and Ed Rees, "Statement from Eyewitness," 5 December 2002.

incompetence.⁴⁰ The rioters near the parliament building were eventually dispersed by police, with tear gas and warning shots. Around the same time a few blocks away, the group at police headquarters threw stones at buildings and staff, and tried to enter the police compound. As the crowd grew, PNTL and one UNPOL officer discharged warning shots and then PNTL officers were seen firing towards the crowd. An 18-year-old student was killed by gunshot and three other persons were injured by gunfire. The crowd picked up the body of one of the wounded, who appeared to be dead, and carried him overhead around the parliament building and eventually laid him on the pavement.⁴¹ After the fatal shooting at police headquarters the crowd shouted abuse at the police, and yelled that former militia members were now in the police force. Some also shouted 'Oust Mari Alkatiri,' 'Paul[o Martins] resign,' and 'Rogério [Lobato] stay.'⁴²

Before midday President Xanana Gusmão arrived at police headquarters and waited some time until the crowd allowed him to speak. After addressing the crowd and calming it, he went to the parliament building, and with some difficulty entered the government offices, facilitated by police, and held a conciliation meeting with representatives of the demonstrators for about two hours. But while the conciliation meeting was underway, at about 1 p.m. the nearby Hello Mister Supermarket was looted and burnt, followed by the Gloria store. Sagrada Familia leader, commander L-7 (Ele Sete, Cornelio Gama) was seen to direct this action.⁴³ The Border Control office and Harvey Travel were also looted and stores in the vicinity of the ANZ bank were threatened. The crowd then moved west towards Komoro and at the An-Nur mosque at Kampung Alor cars and stalls were burnt, but the crowd was deflected away from the mosque by barricades and men on motorcycles.⁴⁴ In the Komoro area to the west, houses belonging to Prime Minister Mari Alkatiri and members of his family were looted and burnt, and a micro-finance bank in front of the Komoro market belonging to a member of the Alkatiri family was looted. About 80 protestors throwing stones also attacked the Komoro police station. Fifteen PNTL and three UNPOL staff were

40 RDTL: Gabinete do Presidente do Parlamento Nacional da República Democrática de Timor Leste, *"Relatório Preliminar,"* 6–9.

41 Ed Rees, "Statement from Eyewitness," 5 December 2002. Rees records that two UN peacekeeping force members found and resuscitated the victim and he was taken to hospital.

42 Joint Statement of Civil Society Organisations in Timor Lorosa'e, "Never Sacrifice People for Political Ambition."

43 Interviewee 5.

44 According to Johnston, Masjid An-Nur is built on land in Kampung Alor gifted by the Alkatiri family some time before the second world war. The Alkatiri family also claimed ownership of a substantial amount of land in neighbouring Fatuhada. "A 'Muslim' Leader of a 'Catholic' Nation? Mari Alkatiri's Arab-Islamic Identity and Its (Inter-)National Contestations," 47–48.

trapped and threatened with incineration, but were rescued by the arrival of a special police unit, who fired their weapons to disperse the crowd, wounding three people. Late in the afternoon the Resende Hotel was also ransacked and burnt. The riot was eventually dampened by rain and impending dusk and people headed home. Around 6 p.m. in the vicinity of Democracy Field the special police unit fired further shots, killing another person.

A parliamentary commission of inquiry was set up to investigate the incident at parliament. A preliminary report was submitted on 6 December, but a large number of eye-witnesses had, without explanation, retracted their agreement to give testimony.⁴⁵ The report concluded darkly that there was evidence that a 'third party' had exploited the demonstration, with the intention of undermining the authority of the government and the state; that criminal offenses both planned and spontaneous were committed by a number of persons; and that both UNPOL and the UNMISSET peacekeeping force had been slow to respond, resulting in 'major destruction, maltreatment and pillage;' and finally that there was a 'political element' underlying the incident.⁴⁶ UNPOL's own internal investigation failed to identify the individual police responsible for the deaths and woundings, but did identify 22 members of the special police unit, 9 PNTL and 2 UNPOL members who had discharged firearms. It also found that the commander of the special police unit had ignored the police commissioner's order to deploy without firearms. The riots and excessive force used by police were seen to reveal significant shortcomings in both UNPOL and PNTL and in the operation of their 'unified command,' as well as a susceptibility of the protestors to political manipulation.⁴⁷

Rogério Lobato proclaimed: 'this is an orchestrated manoeuvre to topple the government.'⁴⁸ But he did not explain his own association with parties to the riots, notably L-7 and David Dias Ximenes. Rogério Lobato also had a direct line of command with the special police unit, which together with UNPOL was responsible for the gunshot deaths and woundings. The attack on police headquarters appeared aimed at discrediting Police Commissioner Paulo Martins. More murky, considering Lobato's close association with Prime Minister Mari Alkatiri, were the attacks on Alkatiri property. Those attacks exposed a disturbing depth of public feeling against

45 RDTL: Gabinete do Presidente do Parlamento Nacional da República Democrática de Timor Leste, "Relatório Preliminar." The title page and a draft parliamentary resolution are written in Portuguese, but the body of the report is in Bahasa Indonesia.

46 "Relatório Preliminar," 10–11. The report was not finalized and was never officially released.

47 Martin and Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building," 140.

48 *Agence France-Presse*, 4 December 2002.

the prime minister and the Alkatiri family and its overt accumulation of wealth. Just six months after independence the riots were a deeply discomfiting measure of public anger over the disappointments of independence, and of jealousy over the material prosperity rapidly gained by the returning diaspora. Foreign Minister José Ramos-Horta, travelling off-shore, quick to deflect responsibility from the government, blamed pro-Indonesian militias – and received a sharp rebuke from the Indonesian army commander in Kupang.⁴⁹

Arising out of the riots, a few individuals were prosecuted for minor opportunistic crimes – seven people received probationary sentences in February 2003 for looting and burning Alkatiri property – but no-one was prosecuted for instigating the riots and nor was responsibility pursued for the deaths and woundings at the hands of the police. In November 2003, almost a year later, UNMISSET washed its hands of the incident, submitting to Prime Minister Mari Alkatiri a collation of the information that UNMISSET had already passed to Prosecutor General Longuinhos Monteiro for his action.⁵⁰ On the second anniversary of the riot, without any further progress, the prosecutor general pushed the blame back to UNPOL for failing to resolve the matter.⁵¹

The 2002 riots showed the fragility of the new state, how volatile public feeling was, and how easily it could be mobilized and exploited. It remains unclear why judicial investigations and prosecutions were not pursued further. But Mari Alkatiri appears to have been shocked and humiliated at the measure of his personal unpopularity, and unwilling to risk opening up a political confrontation with Rogério Lobato and his faction in the Fretilin central committee while he was still fending off Xanana Gusmão, his principal rival for leadership of the country.

2003: 'the Year of Stabilization'

A month later, on 4 January 2003, a further violent incident occurred, when a group of 20 or 30 men armed with automatic weapons attacked villages near the town of Atsabe, killing five people. UN reporting suggested 'political motives' and (pro-Indonesian) 'militia' connections, but the precise motivation and responsibility for the attacks were not explained. At the government's request, UNMISSET controversially handed over responsibility for the 'defence' of an area of operations to the F-FDTL to conduct a

49 "Commander insulted by Ramos-Horta's allegation over Dili riot," *Jakarta Post online*, 12 December 2002.

50 United Nations Mission of Support in East Timor, "Executive Summary of Investigations of Police Response to the Riots on 4 December 2002."

51 *Timor Post*, 4 December 2004.

'sweeping operation.' Around 90 people accused of being members of the dissident group Colimau 2000⁵² were arrested by the army, and all but 39 were immediately released by the police. The remaining 39 were sent to Dili and released by a judge. Amnesty International criticized UNMISSET and the government for the lack of legal authority for the army operation and for taking people including small children into detention without a warrant.⁵³ The government's response to the Atsabe incident, with the concurrence of UNMISSET, blurred lines of responsibility for domestic security and also pitted the F-FDTL and PNTL against each other. Then, on 24 February a small group of men armed with semi-automatic weapons attacked a bus travelling from Maliana to Bobonaru. Two people were killed and five were injured. On 27 February an UNMISSET military patrol exchanged fire with a group of armed men and apprehended one.⁵⁴ Against the background of the 4 December riots, UN reports shifted from the depiction of Timor-Leste as a 'success story' to warnings about its trajectory, and recommended that further downsizing of UNMISSET be delayed and that military and policing strategies be revised.⁵⁵ The government promptly used the incidents as a pretext to gain UNMISSET consent to form a number of paramilitary police units, which it claimed were to be deployed in 2004 in the districts of Kovalima, Bobonaru, Ermera, Vikeke and Baukau.⁵⁶ But some of the dissident groups that the special police units ostensibly were being set up to contain, like Colimau 2000, were among those that Rogério Lobato himself had cultivated.

After Fretilin's win in the 2001 constituent assembly election, it had appointed predominantly Fretilin administrators to the thirteen districts. Minister of Internal Administration Rogério Lobato was reported to say that only Fretilin people were entitled to be in charge of the administration, all the way down to the *xefe suku* (heads of villages). Aileu district administrator Maria Paixão had pointed out that they must have made a mistake in her case, as she was not a member of Fretilin.⁵⁷ The imposition of Fretilin authority in the districts, sometimes at the expense of experienced CNRT

52 UNSC S/2003/243 "Special Report of the Secretary-General on the United Nations Mission of Support in East Timor," 2. Colimau 2000 was a successor to a clandestine organization, Comando de Libertação do Povo Maubere, established in Bobonaru in the mid 1990s. The original Colimau was disbanded on 1 January 2000. Colimau 2000 was established a few months later, under a new leader. Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 38. See also Andrea Molnar, "An Anthropological Study of Atsabe Perceptions of Colimau 2000: A New East Timorese Religious Cult or Internal Security Problem?," *Anthropos* 99, no. 2 (2004): 378.

53 Amnesty International, "The Democratic Republic of Timor-Leste: A New Police Service – a New Beginning," ASA 57/002/03, 41–43.

54 UNSC S/2003/243, 2.

55 UNSC S/2003/243, 4–8.

56 UNSC S/2003/449 "Report of the Secretary-General on the United Nations Mission of Support in East Timor," 21 April 2003, 7.

57 *East Timor Press Review*, 6 September 2002.

administrators, to some extent had been accepted as a corollary of the Fretilin win in the election. However apprehension about a further politicization of the administration were borne out on 10 February 2003 when the government announced the appointment of 65 new sub-district administrators, the overwhelming majority of whom were also Fretilin party members.⁵⁸ Few paid positions were available in the districts and the political allocation of these roles in some cases excluded capable and respected non-Fretilin administrators, and imposed Fretilin administrators in some non-Fretilin areas. Prime Minister Mari Alkatiri claimed that Fretilin was the only party which had its roots in the people. Fretilin was adjusting its 'grassroots structure' and was, he said, preparing to govern the country for not just five years, but for the next fifty years.⁵⁹ Mari Alkatiri's statements were widely reported in the international press, in local newspapers and in radio broadcasts, spreading public alarm that Fretilin intended to revert to its communist roots and turn Timor-Leste into a one-party state.⁶⁰

In early March 2003, Mari Alkatiri reshuffled and expanded his cabinet from 25 to 30 members, comprising ten ministers and twenty secretaries of state and deputy ministers.⁶¹ In the wake of the December 2002 riots, Rogério Lobato's Internal Administration portfolio was divided up, leaving him just the Ministry for the Interior (including police). Ana Pessoa, although officially ranked below her ex-husband, José Ramos-Horta, effectively became Alkatiri's second in charge, as Minister of State in the Presidency of the Council of Ministers and interim Minister of State Administration. Ana Pessoa was also assigned responsibility for day to day oversight and damage control of Rogério Lobato and reportedly overturned some of Lobato's worst decisions.⁶² José-Luís Guterres, a would-be rival to Alkatiri, lost his position in cabinet (as Vice-Minister of Foreign Affairs and Cooperation) and in time-honoured fashion was exiled to a diplomatic assignment, heading Timor-Leste's Permanent Mission to the United Nations in New York.

After independence, law was generated through a confusing welter of different legislative and regulatory measures: government decrees, parliamentary laws, government resolutions, presidential decrees, government decree laws, public instructions/regulations, ministerial instructions, ministerial orders, and resolutions of parliament, in addition to UNTAET regulations (1999–2002) and 'applicable'

58 UNSC S/2003/449, 2.

59 *World Bank Local Media Monitoring*, 10 February 2003.

60 "East Timor: Freedom's disappointments," *The Economist*, 20 March 2003.

61 See Annex G. The only changes at full Ministerial level resulted from the promotion of Domingos Sarmento to seventh rank in Cabinet as Minister of Justice.

62 Ray Murray, July 2014.

Indonesian law. UNTAET Regulation 1999/1 provided that Indonesian laws prior to 25 October 1999 applied in East Timor insofar as they did not conflict with specified international standards and UNTAET's mandate. However Indonesian laws on anti-subversion, social organizations, national security, national protection and defence, mobilization and demobilization, and defence and security were deemed specifically 'not applicable,' and capital punishment was abolished. In 2003 the Court of Appeal added to the judicial chaos when it erred in applying Portuguese law, instead of Indonesian law, to a finding. The debacle forced further clarification, in Law 10/2003 (December 2003) that the applicable law in force in East Timor at independence was Indonesian law prior to 25 October 1999, as provided in UNTAET Regulation No.1/1999 and in Law 2/2002 (August 2002). However the government proceeded to introduce legislation that restricted civil and political freedoms, of the kind that UNTAET had specifically abolished in 1999. President Xanana Gusmão attempted to block passage of controversial legislation with presidential veto powers on a number of occasions, but constitutional constraints meant that he could not prevent the passage of the legislation after resubmission.⁶³ In April 2003 the Alkatiri government dismissed opposition parties' complaints of 'dictatorship, radicalism, authoritarianism' and their call for the formation of a broad coalition government.⁶⁴ Early in 2003 the government proposed a law on immigration and asylum, which appeared aimed at muzzling criticism of the government by foreigners.⁶⁵ Although the Court of Appeal advised in June 2003 that aspects of the proposed legislation would violate the constitution, it was passed without amendment and promulgated in October 2003 (Law 9/2003), together with controversial internal security legislation (Law 8/2003), also promulgated despite questions about its constitutionality.⁶⁶

In 2003 the U.S. International Republican Institute (IRI) published the results of a public survey that showed some disturbing trends: optimism about the direction of the country had fallen from 75 percent in 2001 to 48 percent in 2003, and 30 percent believed the country was heading in the wrong direction. Forty-two percent felt better

63 Guterres, "Elites and Prospects of Democracy in East Timor," 204. Section 88 of the constitution allows the president to veto any statute from the national parliament, but if the national parliament confirms its vote within 90 days, the president is required to promulgate the statute within eight days of receiving it.

64 "Fretilin Dismisses Joint Opposition Call for 'National Unity' Government," *Lusa*, 7 April 2003. Led by overseas-educated, younger generation leaders Edmundo Viegas and João Saldanha, *Plataforma da Unidade Nacional* (platform of national unity) protested the 'anti-democratic direction of the government,' but were asked by President Xanana Gusmão to desist because of the risk of creating instability. Guterres, "Elites and Prospects of Democracy in East Timor," 204.

65 "Government Defends Restrictions on Foreigners," *Lusa*, 12 March 2003; La'o Hamutuk, 13 May 2003.

66 Guterres, "Elites and Prospects of Democracy in East Timor," 46.

off since independence, but 39 percent felt worse off than under Indonesian rule. Sixty-five percent believed corruption had worsened and 43 percent said the economy had deteriorated. Support for Fretilin had dropped from 57.4 percent at the constituent assembly election in 2001 to just over 50 percent. The most popular public figure in the survey was Bishop Belo, with an approval rating of 95 percent, closely followed by President Xanana Gusmão and Bishop Basilio Nascimento (94 percent each), Foreign Minister José Ramos-Horta (83 percent) and F-FDTL commander Taur Matan Ruak (74 percent), and former Governor, now PSD leader, Mário Carrascalão (64 percent). Prime Minister Mari Alkatiri received an approval rating of 49 percent, about which he was reported to be most unhappy.⁶⁷ In a move that was widely seen as reprisal for speaking out against the government, Mário Carrascalão was evicted in July 2003 from the government house he occupied (and had made habitable at personal expense) in Farol.⁶⁸

On 20 August 2003, President Xanana Gusmão gave an important speech on Falintil-FDTL day, at Uaimori, one of the four Falintil cantonment sites in 1999.⁶⁹ The speech was about the importance of the political neutrality of the armed forces, warning against political manipulation and destabilization fuelled by 'talk of coups' involving the police and the army. Xanana Gusmão reviewed the evolution of Falintil, from its origins in August 1975 as the armed wing of Fretilin, formed to fight UDT; to its role in opposing the invading Indonesian troops from late September 1975; through to its 'final victory' in the war of resistance, which it had achieved in the popular consultation on 30 August 1999. He contrasted Falintil's completed historical role as a resistance force to F-FDTL's new role as a defence force in an independent state. He spoke bluntly of Falintil's damaging internal ideological struggles and its eventual transformation into a non-partisan force in 1987. He regretted that the change in the army's role from Falintil (a liberation force) to F-FDTL (a defence force) continued to be questioned: it was potentially destabilizing and a threat to democratic development, as were the conflicts with dissenting groups and the frequent talk of coups.⁷⁰

67 "First poll shows Fretilin slipping, but keeping majority support," *Lusa*, 6 November 2003. IRI's woes in Dili were compounded in March 2004 when its civic education publication "Faty and Noi's Adventure to Parliament," provoked local political outrage, as it was unhappily illustrated with cartoon monkeys representing the leadership roles. See Guido Guillart, *Associated Press*, Dili, 18 March 2004.

68 Guterres, "Elites and Prospects of Democracy in East Timor," 257.

69 Competing 'anniversary' days also reflected the political contest between President Xanana Gusmão and the Fretilin leadership. 20 August 1975 is the date of the establishment of Falintil; while 1 February is the anniversary of the Timor-Leste Defence Force (FDTL), rebadged Falintil-FDTL (F-FDTL) at independence.

70 "On the Occasion of the Celebration of '20 August,' Falintil-FDTL Day," Uaimori, Timor-Leste, 20 August 2003, in *Xanana Gusmão, Timor Lives! Speeches of Freedom and Independence* (Alexandria, NSW:

2004: 'the Year of Transformation:' the emergence of east-west tensions

By 2004 unemployment in Timor-Leste had become a desperate and painful problem, with few jobs available, and employment prospects declined as the UN mission scaled down. Salaried positions in the army and police, remunerated at US\$85 per month, were highly sought after. The desperation for employment was evident when 5,614 candidates applied for 260 places in an F-FDTL recruitment round, and of these applicants 30 percent were excluded because they were suffering from tuberculosis.⁷¹ Rivalry and friction between the police and the army persisted. Prime Minister Mari Alkatiri was unsympathetic and was reported to say that members of the F-FDTL who objected to the government's decision to supply the special police unit with F-FDTL equipment would do better to leave the army.⁷² In December 2003, 42 soldiers had been discharged from the F-FDTL. Some complained that the dismissals were unfair, and of long travel distances and poor communications.⁷³ Soldiers based in Lospalos, if they were away from their home districts, found it difficult to make ends meet, or to provide for their families at home. A soldier visiting his home district near the western border might expend half or more of his meagre monthly pay just on one trip home.⁷⁴ In Lospalos on 24 January 2004, following a fight between a local civilian and a soldier from the F-FDTL first battalion, a serious clash between the army and the police occurred, in which about 100 armed soldiers attacked PNTL officers at the police station. Some police were beaten and detained by the soldiers.⁷⁵ According to the president, the incident 'terrorized the population of Lospalos and also created panic throughout the national territory.'⁷⁶ Separate reports were prepared by the F-FDTL and an Independent Inquiry Commission (IIC) under the auspices of the president's office. Xanana Gusmão gave a forceful speech in Dili on 13 February 2004 in which he described the Lospalos incident as 'serious indeed' and emphasized the importance of building the rule of law in a democratic state. The president was highly critical of the actions of the soldiers, noting that the constitutional responsibility of the F-FDTL, as guarantor of freedom and security of the population in times of war meant:

Longueville Books, 2005), 236-44.

71 *World Bank International and Local Media Monitoring*, 14 and 21 September 2004; *World Bank International and Local Media Monitoring*, 29 October 2004.

72 *World Bank Local Media Monitoring*, 14 January 2004.

73 International Crisis Group, "Resolving Timor-Leste's Crisis," 6.

74 The absence of a banking system outside Dili and Baukau meant that funds had to be hand-delivered by soldiers to their families. Internal UN Paper, 22 November 2004. Other issues raised at the meeting included the government's failure to provide uniforms, no regulations on length of service, and no provision for discharge at the end of service.

75 The first battalion was based in Lospalos in the dilapidated former barracks of ABRI Battalion 745, awaiting refurbished barracks near Baukau.

76 President Xanana Gusmão's end-of-year message, December 2004.

In times of peace, and with much more reason, you should be an institution that instills trust in the people. . . . It means that the armed forces should respect the constitutional state And the police are a state institution; that the F-FDTL, like other institutions, should respect. . . . The police also need to greatly improve their actions and behaviour so that they can be capable guardians of . . . democratic rule.⁷⁷

In August 2004, the Independent Inquiry Commission reported back on its findings of significant problems inside the F-FDTL. The F-FDTL's administration systems were found to be seriously deficient⁷⁸ and disciplinary issues were 'particularly worrisome.' Regulation 2001/12 (the military discipline code) promulgated by UNTAET in July 2001, was not only inadequate, but had not been translated into Tetun or sufficiently disseminated or enforced, 'creating a vacuum of authority.' Working conditions were 'precarious.' Financial difficulties impacted on communications, equipment and maintenance services, as well as basic living conditions, including food, uniforms and health care. Salaries were too low to meet basic personal and minimal family expenses. Nothing had been done to redress low levels of schooling and military training or to provide opportunities for promotion by merit. And while Falintil veterans were recognized as the foundation of the F-FDTL, measures to integrate both veterans and youth into a disciplined conventional army, rather than a guerrilla force, had been neglected. The Commission made an impassioned plea for urgent attention to the conditions of F-FDTL personnel, which it observed were aggravated by cultural and generational gaps, and by different life experiences. These differences were seen to harm relationships with the force, to feed indiscipline among the youth and generate resentment among the veterans. It was noted that many of the veterans had little left to them: their families were destroyed, they had 'no means of survival or housing and they do not have [a] minimal social network that will ensure them a life with a minimum of dignity.'⁷⁹ The report reiterated what everyone knew, that army personnel felt marginalized and abandoned by the government. The police had better equipment, uniforms and salaries, while the army languished, underfunded and neglected. The police had a supporting administration, while the army had only a tiny

77 Xanana Gusmão, "On the occasion of the Third Anniversary of the Founding of Falintil-FDTL," Dili, 13 February 2004.

78 The F-FDTL's administrative malaise extended to the maintenance of its small naval component, including its two Albatross class patrol boats, the *Atauro* and the *Oecussi*, that had been donated by Portugal in January 2002. Portugal had also contributed €2.9 million for their refurbishment, but at the end of 2004 it was reported that this was unspent and the boats were at risk of sinking at their moorings in Hera. The *Oecussi* lacked motors and her sister, the *Atauro*, had been holed as a result of a collision at her moorings, following an earthquake on 12 November. "Timor may lose patrol boats given by Portugal," Lisbon, *Diario de Noticias website*, 19 November 2004 (*BBC Worldwide Monitoring*).

79 "On the Findings of the Independent Inquiry Commission (IIC) for the FALINTIL-FDTL – Statement to the Media" (Office of the President, August 24, 2004).

secretariat; and the constitutional oversight body, the Superior Council of Defence and Security, had yet to be created.⁸⁰

The F-FDTL's parallel report, not publicly released, tackled complaints of discrimination and talk of an emerging 'east-west divide' within the F-FDTL. A section of the report, headed 'the Enemy Within,' described the emergence of claims of discrimination within the army, alleging inequitable treatment favouring Fataluku men (from the dominant language group of the furthest-east district, Lautein). Complaints of discrimination had begun to seep out of the F-FDTL into public view. In early January 2004, Chief of Defence Force Taur Matan Ruak said that people should not pay attention to rumours circulating about *firaku* (easterners) and *kaladi* (westerners).⁸¹ Ironically in 2004 the principal complainant in the F-FDTL was himself an 'easterner,' Lieutenant-Colonel Falur Rate Laek (from Osu, Vikeke). Similar claims of discrimination in the F-FDTL reportedly were also made by Lieutenant-Colonel Filomeno Paixão, a 'westerner.'⁸²

In 2004 and early 2005 similar tensions emerged in the PNTL, in the *Nacionalista* movement, led by PNTL Deputy Commissioner (Administration) Lino Saldanha. The *Nacionalista* group comprised 80 'eastern' officers, who were publicly critical of the PNTL and PNTL Commissioner Paulo Martins. The group claimed that within the PNTL, ex-POLRI (Indonesian) police were unfairly favoured, above more 'nationalist' ex-combatants.⁸³ Disciplinary proceedings for 'disloyalty' were taken against 21 *Nacionalista* PNTL officers, and the Minister of the Interior also recommended (unsuccessfully) that Saldanha be removed from his position.⁸⁴

80 Prominent among report's recommendations were the creation of a Ministry of Defence; the creation of a Military Police and a Disciplinary Council; personal assessment and promotion systems; budgetary provision for a review of salaries and 'improved communication' in budget preparation; and an audit to examine and prevent possible financial and accounting irregularities. Also recommended were the preparation of a basic instruction manual and other training materials, translated into Tetun; training in ethics; the construction of adequate facilities for every unit; a clear definition of the mission of the naval component; permanent facilities for F-FDTL Headquarters (to replace the temporary, prefabricated buildings at Tasitolu); the adoption of specific uniforms for the F-FDTL and an improved food supply system. "On the Findings of the Independent Inquiry Commission (IIC) for the FALINTIL-FDTL – Statement to the Media."

81 *World Bank Local Media Monitoring*, 6 January 2004.

82 "East Timor: The F-FDTL – the East dominating the West?" UN internal document, 21 October 2004, 3.

83 *UNOTIL Weekly Report*, 21–27 July 2006.

84 "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste" (Geneva, October 2, 2006), 57. During the 2006 crisis Lino Saldanha defected from the PNTL to the F-FDTL with other *lorosa'e* police personnel.

The military weapons of the police

By independence in May 2002, under the UN missions 1,700 police recruits had passed through three-month basic training at the police academy; and about 3,000 had done so by May 2004.⁸⁵ Significant shortcomings in such rudimentary training prompted Australia and the UK to take on a major bilateral programme for police development, beginning in mid-2004.⁸⁶ The government's ambitions for the PNTL were revealed in February 2004, when Prime Minister Mari Alkatiri announced that the Malaysian Government would assist in providing the PNTL with military-style rifles and 'other necessary equipment,⁸⁷ to supplement the standard police-issue Glock pistols. One hundred and eighty new weapons, ammunition and other equipment for the PNTL were received in May 2004.⁸⁸ On 19 May 2004 executive authority was handed over from the UNPOL Commissioner to the PNTL Commissioner, and the new weapons were put into immediate use. At the same ceremony, responsibility for national defence was also signed over by the UN Secretary General's Special Representative Kamallesh Sharma to President Xanana Gusmão and Prime Minister Mari Alkatiri.⁸⁹ Newly promulgated Government Decree Law 8/2004⁹⁰ gave the PNTL wide new powers and recognized the new paramilitary units; and the police commissioner appeared to become subordinate to the 'Ministry of the Interior,' – presumably in the

85 Ludovic Hood, "Missed Opportunities: The United Nations, Police Service and Defence Force Development in Timor-Leste, 1999–2004," *Civil Wars* 8, no. 2 (June 2006): 146.

86 Ludovic Hood, "Missed Opportunities," 154.

87 *World Bank Local Media Monitoring*, 11 February 2004. Conveniently, one of the prime minister's brothers, Djafar, was Timor-Leste's Ambassador in Kuala Lumpur. See Presidential Decree 02/2002 of 26 July 2002. In July 2005 it was revealed that another of the prime minister's brothers, Bader Alkatiri, had acquired a lucrative monopoly for the purchase of weapons and ammunition. Mark Dodd, "Questions raised as Guns pour in," and "Timor PM Link to arms contract," *The Australian*, 7 July 2005.

88 *World Bank Local Media Monitoring*, 14 May 2004.

89 UNMISSET Media Briefing Note, Dili, 19 May 2004. Hasegawa remarks that Xanana Gusmão was accommodating to Mari Alkatiri's demand to be a signatory to the handover of commands of the PNTL and F-FDTL, which properly were to be signed over from UNPOL to the police commissioner and from the UNSG to the president, respectively. Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 151–52.

90 Decree Law 8/2004, on the PNTL, was promulgated on 6 May 2004 (repealed in 2009 and replaced by law 9/2009). Decree Law 7/2004, on the F-FDTL, was promulgated on 4 May 2004. Adding to the complex web of legislation, a third piece of legislation, Decree 3/2004, on the Organic Structure of the Ministry of the Interior, was published on 5 May 2004. (Unlike Decree Laws, Decrees are not promulgated by the President.) Article 12 of Decree 3/2004 defines the PNTL as the state internal security force, 'directly subordinate to the Ministry of the Interior' and lists 18 disparate functions, including '(s) cooperate with Falintil-FDTL, the State Security Service and the Prison Service to ensure the security of people and goods.' Curiously for two documents that should have been drafted in parallel, the lists of PNTL functions differ. The corresponding provisions in Decree Law 8/2004 are: '(q) to collaborate with and support the State Security Service in the prevention and combatting of subversive actions against the institutionally established order and the democratically elected organs. (r) to collaborate and assist Falintil-FDTL in the defence of the national sovereignty and territorial integrity.' Decree 3/2004 also places the police academy (training facility) under the direct control of the Ministry of the Interior.

form of its Minister, Rogério Lobato. Controls on weapons were also loosened: Article 4 specified 'when performing their competencies, members of the PNTL are entitled to use and carry a weapon of any nature without having a licence or authorisation,' and according to Article 5 'the PNTL can use weapons of any model and calibre.' The new legislation did nothing to separate or clarify roles of the PNTL and the F-FDTL, but further confused matters, stating vaguely, without reference to any procedures, that it was among the PNTL's competencies 'to collaborate with and assist Falintil-FDTL in the defence of the national sovereignty and territorial integrity.' It remained the responsibility of the police Border Patrol Unit to manage the borders with Indonesia, in the western districts and in the enclave of Oekusi. The legislation recognized four paramilitary police units: the Rapid Intervention Unit (UIR); the Border Patrol Unit (UPF); the Reserve Police Unit (URP) and the VIP Protection Unit (CSP). Lines of command for the paramilitary units were ambiguous, appearing to bypass the Police Commissioner and devolve to the Deputy Commissioner (Operations).⁹¹

In October 2004, the government's purchase of further weapons for the PNTL was brought to public attention with front page coverage in newspapers. When asked, Police Commissioner Paulo Martins replied pointedly that he did not know which police unit would use the 200 new Steyr rifles.⁹² The following day Minister of the Interior Rogério Lobato explained that the weapons would be used by the Police Reserve Unit (URP) and Border Patrol Unit (UPF).⁹³ Questions were asked about the purpose of the weapons, the favouritism shown to the police, and the cost. On 20 October *Timor Post* published a photograph of the cover of an anonymously written report showing eight different firearms: "The Guns of Timor: why so many and what are they for?"⁹⁴ The article sparked a strong public response, and on 21 October, a group of civil society organizations objected to the government's purchase for the police of 450 various military-style weapons, including seven F2000 machine guns, 66 FNC and 180 HK33 assault rifles, and 200 Steyr rifles.⁹⁵ Newspaper commentary on 22 October focussed on the inequitable treatment suffered by the F-FDTL, as if it were a 'step-child,' rather than on the purpose of the weapons. Of the eight weapons pictured, the F-FDTL had just two, the M16 and Minimi (light machine gun), but unfairly, the

91 The emergence of a 'parallel' command structure was noted in 2006. See "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste" (Geneva, 2 October, 2006), 57.

92 *Timor Post*, 1 October 2004.

93 *Timor Post*, 2 October 2004.

94 *Timor Post*, 20 October 2004.

95 Timor-Leste Network for Transparency and Justice "On Ministry of Interior Weapons Purchases," Press Conference, Dili, 21 October 2004; "Lian husi NGO: MI uza osan sala sosa kilat," *Timor Post*, 22 October 2004.

police had all of them. The inequity was expected to generate bad feeling between the F-FDTL and PNTL: the matter was adjudged 'very dangerous compared with [the risk of] conflict with Indonesia.'⁹⁶

2004 veterans' demonstration

On 20 July 2004 a peaceful demonstration headed by Falintil veteran leader L-7 (Ele Sete, Cornelio Gama), of around 300 Falintil veterans, protested at the government's inaction on veterans' issues. Even F-FDTL Chief of Staff Lere Anan Timor had offered his resignation in protest at the impoverished situation of veterans and ex-combatants.⁹⁷ The veterans occupied the waterfront facing the prime minister's office in the *Palácio do Governo* in Dili, and camped overnight, placing a coffin containing the remains of independence struggle *asuwain* (warriors) between them and the police. They demanded more government support for veterans, the removal of police officers who had served in the Indonesian security forces, the dismissal of Police Commissioner Paulo Martins, and also the dismissal of Minister of the Interior Rogério Lobato. Prime Minister Mari Alkatiri accused two opposition party leaders⁹⁸ of manipulating L-7 and his veterans. Police from paramilitary units heavily outnumbered the demonstrators and broke up the protest with violence, using tear gas, truncheons and bullets.⁹⁹ Thirty-one veterans were beaten and detained but freed two days later after talks mediated by President Xanana Gusmão.¹⁰⁰ L-7 eluded capture but returned to Dili in triumph a month later, accompanied by 1,000 supporters, to attend a meeting with the government, again mediated by President Xanana Gusmão.¹⁰¹ At independence, Rogério Lobato and L-7 had worked together, bringing large numbers of veterans into Dili in May and November/December 2002. After Lobato gained a senior position in government but L-7 did not, their relationship began to sour. According to later testimony, the break between Rogério Lobato and L-7 occurred when L-7 organized the 2004 veterans' demonstration and police, instructed by Rogério Lobato, shot at the demonstrators. 'This was when L-7 went to hide in Laga.'¹⁰²

96 "FDTL terkesan jadi anak tiri," *Timor Post*, 22 October 2004.

97 *Local Media Monitoring*, 24 and 27 June 2003.

98 Mário Carrascalão (PSD) and Angela Freitas (Trabalhista).

99 UNSC S/2005/99 "Progress Report of the Secretary-General on the United Nations Mission of Support in East Timor," 18 February 2005, 9. Whether or not bullets were used was disputed between the government and the demonstrators, some of whom claimed to have bullet wounds.

100 Mark Dodd "East Timor: Ex-Freedom Fighters hit the Streets for Jobs," *IPS/GIN* 23 July 2004; "Police Fire Tear Gas, Rubber Bullets to Disperse pro-Veterans Demo," *Lusa*, 20 July 2004; "Gusmão Brokers Agreement between Dissident Veterans and Gov't," *Lusa*, 22 July 2004; Jill Jolliffe, "Dili Hero Disappears after Clash with Police," *The Age*, 7 August 2004.

101 Jill Jolliffe, "Guerilla Veteran Returns in Triumph to Dili," *Sydney Morning Herald*, 24 August 2004.

102 UN Internal Paper, 15 September 2006.

In 2004, reports of excessive use of force by police units against veterans' and dissident groups grew. In August 2004 about 50 members of a martial arts group (Korka), accused of burning 50 houses, were arrested in Ainaru by police, and beaten and held for three days. Forty-five people were transferred to Dili and detained in prison for a further three days.¹⁰³ Around the same time, 24 members of Fretilin's rival, CPD-RDTL, were arrested in Baukau. A day after their release on judicial instruction, 21 of them were rearrested and taken to Dili, accused of provocative behaviour and of directing people not to take part in the local (*suku*) elections.¹⁰⁴

At the end of 2004, President Xanana Gusmão identified three matters that in his view had marked the year: the fractious relationship between the PNTL and F-FDTL; the holding of the first national census;¹⁰⁵ and the beginning of the national process for local (*suku*) elections. The president lamented that there had been no resolution of the Lospalos incident in January: it had been forgotten, along with many others dating back to the riot on 4 December 2002. Nine cases of conflict between the PNTL and the F-FDTL were now pending before the courts.¹⁰⁶

103 "Tortured Beginnings: Police Violence and the Beginnings of Impunity in East Timor," (Human Rights Watch, April 2006), 23.

104 *Timor-Leste International and Local Media Monitoring*, 10 August 2004.

105 "Prime Minister's Speech on Census," 14 September 2004. The first national census was a major operation conducted between 11–31 July 2004. With international supervision and support, nearly 4,000 census staff visited over 190,000 households, utilizing GPS technology to map the survey. Preliminary results were issued in September 2004 but nothing more followed until 2006.

106 President Xanana Gusmão's end-of-year message, December 2004.

Chapter Five

The Rise of Political Contestations 2005

Timor-Leste had been granted independence in a euphoric atmosphere after barely two and a half years of UN administration. The First Constitutional Government led by Mari Alkatiri struggled to cope with the complexity of profound issues assailing the new country. Its minimally functioning administration was propped up by UN missions and a large admixture of foreign staff who sometimes offered conflicting advice. Public expectations of independence were unrealistically high. Similarly, international expectations that new institutions of state and development assistance could take root in short order, proved greatly misjudged.

By 2005, popular support for the government and the prime minister had eroded and political tensions within Fretilin and between Fretilin and opposition parties were rising. Outside Dili, economic conditions were parlous and declining. The government was in conflict with a growing number of disaffected groups, and a number of serious, and violent incidents had occurred since independence, in the Dili riots in December 2002, in the western districts in 2003, and in the veterans' demonstrations in 2004. The government displayed a propensity towards disproportionately violent response to civil protest, rather than conciliation, and this would remain the case in 2006.

Prime Minister Mari Alkatiri exercised an autocratic approach to government and tough control over the Fretilin party. He wielded an iron rule over the government's finances, and had left the responsibility for building state institutions, economic development and rebuilding infrastructure to international agencies and bilateral donors. In the districts, the government appointed predominantly Fretilin administrators and deputies who doubled as Fretilin party cadres. Mari Alkatiri ignored and denigrated the contributions of the clandestine resistance and Falintil veterans in the independence struggles, favoured friends and excluded and persecuted opponents, and had declared that Fretilin should rule Timor-Leste for fifty years. To widespread consternation, the government needlessly built up heavily armed paramilitary police units under the unstable Minister of the Interior, Rogério Lobato, and ignored growing problems in the army.

The disappointments of independence, persistent levels of extreme poverty and no prospect for improvement, made for an increasingly angry and desperate public.

Amidst these stresses growing tensions emerged within and between the army and the police, between *loromonu* and *lorosa'e* (west and east), that would develop into full-blown communal conflict in Dili in 2006. In the background, largely hidden from public view, major revenues were about to come on stream from oil and gas fields in the Timor Sea. All of these factors, in combination with impending parliamentary and presidential elections, contributed to growing political contestation, which would come to a head in 2006, polarizing around the two toughest veteran political rivals, Mari Alkatiri and Xanana Gusmão.

2005: 'the Year of Consolidation'

The new year began badly in Dili. On 2 January 2005 rumours of a tsunami (following the calamitous Boxing Day tsunami in the Indian Ocean) caused widespread panic in Dili and thousands of people fled by foot or vehicle into the hills.¹ A number of weighty issues pressed on the government. Economic and social conditions were bleak and deteriorating. There was news of famine and food shortages around the country, and official reports of 53 people dead from starvation in Hatubuiliku sub-district (Ainaru). A government junior minister, Arsénio Bano, admitted that 20,000 people were hungry. Prime Minister Mari Alkatiri said he was aware of the situation but food distribution by the government was not the way to handle the problem and if people thought that, he said, they 'might as well return to the Golkar and Soeharto era.'² Rogério Lobato chipped in, saying that the reports were 'just propaganda.'³ Power cuts in Dili and elsewhere were endemic, to the degree that late in 2005, Mari Alkatiri angrily threatened to sack power company (EDTL) staff for their incompetence.³ Violent incidents appearing to involve former militia members in the border areas threatened to spill over into the relationship with Indonesia. PSD leader Mário Carrascalão accused the government of lacking commitment in combatting corruption: despite the Inspector-General's 2004 report, not one person had been prosecuted in 47 cases involving government officials.⁴ The new Office of the Provedor (ombudsman) – with responsibilities overlapping those of the Inspector General – recommended investigation into allegations of corruption in the prosecutor general's office,⁵ while the

1 UNMISSET *Daily Media Review*, 4 January 2005.

2 UNMISSET *Daily Media Review*, 10, 11 and 16 February 2005.

3 UNOTIL *Daily Media Review*, 14 October 2005.

4 Guterres, "Elites and Prospects of Democracy in East Timor," 233.

5 UNMISSET *Daily Media Review*, 4 and 10 February 2005. The provedor's office had been created in May 2004, but the government took until June 2005 to make the appointment. The provedor lamented that the organization was so severely underfunded it was unable to do its work: it had been allocated a budget of US\$53,000 for the salaries of 20 staff and US\$30,000 for operating costs. UNOTIL *Daily Media Review*, 22 July 2005.

prosecutor general once again blamed UNPOL for failing to identify the perpetrators of the 4 December 2002 riot.

In New York the UN Security Council was keen to reduce the cost of its mission in Timor-Leste. It was evident however that there was a strong need for continuing assistance.⁶ UNTAET and UNMISSET had been conceived as UN peacekeeping operations, defending against the Indonesian army and associated militia groups in the wake of the atrocities of 1999, but the missions were expected to scale down and exit as soon as reasonably possible.⁷ In April 2005 the Security Council decided to end the peacekeeping mission but to replace UNMISSET with a one-year special political mission, the United Nations Office in Timor-Leste (UNOTIL), until 20 May 2006, with about 120 civilian and police advisers on its staff.⁸ Timor-Leste's justice sector was seen to be in particularly poor shape, and external assistance was deemed necessary for the courts to continue functioning beyond May 2005. UNMISSET advisers found to their consternation that they had to perform line-functions as judges, public defenders, prosecutors and court administrators. There was a backlog of cases and the operation of district courts was euphemistically described as 'sporadic and uneven.' The courts' use of Portuguese language meant that most Timorese had no means of understanding the proceedings concerning them. The judiciary fared little better. Notwithstanding training programmes, in January 2005 all of the Timorese probationary judges failed their written evaluation tests (in Portuguese), which barred them from appointment or from continuing in their temporary roles, leaving the courts reliant solely on international staff.⁹ Putting a positive spin on glacially slow progress, the UN Secretary-General looked forward to the establishment of the Superior Council for Defence and Security, and Statutes of the Public Prosecutor, which, he said, would 'further enhance the political and legal system of the country.'¹⁰ The first Superior Council for Defence and Security was sworn in on 12 May 2005, and the first Council of

6 UN officials identified a crucial need for ongoing assistance in areas such as border management and control; police; state institutions, particularly justice and finance, and democratic governance and human rights. UNSC S/2005/99 "Progress Report of the Secretary-General on the United Nations Mission of Support in East Timor," 15.

7 UNSC "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council (2004-2007)," 501. The burden of funding UN peacekeeping operations fell most heavily on the U.S, and became a point of contention during the 1990s. In 1994 the U.S. imposed a 25 percent cap on its peacekeeping contributions in the absence of special congressional approval. In 2000 the general scale of UN assessments was revised, lowering the maximum contribution of any member state to 22 percent. The assessment of contributions for peacekeeping operations was also revised, bringing the UN's assessment of U.S. contributions down from 30.3648 percent in 1999 to 26.6932 percent in 2006. See Schaefer, "U.S. Must Enforce Peacekeeping Cap to Lower America's U.N. Assessment."

8 UNSC S/RES/1599 (2005), 28 April, 2005.

9 UNSC S/2005/99, 4-6.

10 UNSC S/2005/99, 2.

State was sworn in on 17 May 2005.¹¹ But by late November 2005 the two constitutional bodies had met on just three occasions.¹²

In February 2005, Prime Minister Alkatiri took on the country's oldest and most influential newspaper, *Suara Timor Lorosa'e* (STL),¹³ over its reporting of issues that embarrassed the government, including the famine conditions in the western districts. The government cancelled its subscriptions, banned STL journalists from press conferences and evicted the newspaper at short notice from the premises that it had occupied since before independence and had rebuilt after the destruction of 1999.¹⁴ On 11 March ASDT President Francisco Xavier do Amaral (Fretilin's first president, deposed in 1977), whose party had provided Fretilin with the numbers it needed in the constituent assembly, threatened to resign from his position as vice president of parliament, complaining of Fretilin domination of parliament and the government's 'dictatorship-like tendencies.'¹⁵ Xavier do Amaral criticized the government for its incompetence: people still did not have safe drinking water, some districts did not have electricity, the hospitals did not have medicines and the economy suffered because there were not enough foreign investors.¹⁶ In the middle of March, President Xanana Gusmão and the Dili Diocese sent food supplies including seven and a half tons of rice to several hungry districts.¹⁷

11 Members of the Superior Council for Defence and Security headed by the President, sworn in on 12 May 2005, were: Mari Alkatiri, José Ramos-Horta, Domingos Sarmiento, Rogério Lobato, Roque Rodrigues, Taur Matan Ruak, Paulo Martins, Ricardo Ribeiro, Lu'Olo, Gregorio Saldanha, Paulo Assis Belo, Dionisio Babo Soares, and Jacinto Alves. The Council of State sworn in on 17 May 2005 comprised Lu'Olo, Mari Alkatiri, Aurelio Guterres, Maria Domingas Fernandes Alves, Faustino Cardoso Alves, João Boavida, Marçal de Araújo, Mário Carrascalão, Benjamin Corte Real, Aniceto Guterres Lopes, Avelino Coelho, and João Saldanha. UNSC S/2005/533 "Progress Report of the Secretary-General on the United Nations Office in Timor-Leste (for the Period 13 May to 18 August 2005)," 18 August 2005, 2.

12 UNOTIL *Daily Situation Report*, 23 November–24 November 2005.

13 A useful survey of the newspaper's important role during the Indonesian occupation, after its founding in 1993 as *Suara Timor Timur*, is contained in Janet Steele, "The Voice of East Timor: Journalism, Ideology, and the Struggle for Independence," *Asian Studies Review* 31, no. 3 (September 2007): 261–82.

14 Sonny Inbaraj, "A Daily Becomes the Prime Minister's Punching Bag," *Inter Press Service*, Bangkok, 9 March 2005. On 20 April a statement by *Suara Timor Lorosa'e* publisher Salvador Ximenes *inter alia* pointed out parallels in a 1994 attack on the newspaper's premises, with the involvement of Mari Alkatiri's younger brother Ahmed, when a member of *Pemuda Pancasila*.

15 UNMISSET *Daily Media Review*, 11 March 2005. The threat does not seem to have been carried out, as in March 2006 news media reported that Fretilin parliamentarians intended to seek Xavier do Amaral's dismissal from that position for his comments against 'an Islamic leader of a Catholic country.' UNOTIL *Situation Report*, 17–23 March 2006.

16 *Dili Seminario*, 6 April 2005.

17 UNMISSET *Daily Media Review*, 16 March 2005.

Between church and state

In January 2005 Prime Minister Mari Alkatiri deliberately picked a fight with the Roman Catholic Church, by deciding to remove compulsory religious education from schools. Tensions between Mari Alkatiri and the church were long-standing. The church was wary and resentful of Mari Alkatiri's communist and anti-religious tendencies. Mari Alkatiri for his part was dismissive of the role of the church in the resistance struggle, and its assertion of a role as a moral anchor in a secular state. The church perceived the removal of religious education as a direct assault. Even during the Indonesian occupation, the Indonesian government had funded religious teachers in schools, including Roman Catholic schools,¹⁸ and like in Indonesia, the church had achieved respect as a provider of quality education. Post-independence, the church had found itself funding most of its own teachers, in the face of problems with government-supplied teachers. Mari Alkatiri's announcement added to accumulating concerns held by the church.¹⁹ Nobel Peace Prize co-laureate, now Foreign Minister, José Ramos-Horta, took issue with the visiting Papal Nuncio, accusing him of making bellicose statements and of unwarranted interference in internal matters, and of fanning tensions instead of bridging differences. José Ramos-Horta added his own pugnacious commentary:

Is the gentleman from the Vatican trying to question why we have relations with countries like Mozambique, China and Cuba? . . . He does not seem to know that the authorities of Timor-Leste are paying several million dollars a year in salaries of the teachers of church schools and have let the Church continue to occupy numerous State properties around the country. . . . Regarding the role of the Vatican in the history of Timor-Leste's struggle for independence [it's] better [that] we don't talk about the past. The bishops and priests of Timor-Leste know only too well the Vatican's role and in particular the various Apostolic Nuncios who served in Jakarta from 1975.²⁰

The death of Pope John Paul II on 2 April and interment on 8 April led to a truce for several days. But then, in their turn taking umbrage, the two Timorese Bishops

18 For example, clandestine resistance leader Constâncio Pinto was at one time employed by the Indonesian government as a Roman Catholic religion teacher. Constâncio Pinto and Matthew Jardine, *East Timor's Unfinished Struggle: Inside the Timorese Resistance* (Boston: South End Press, 1997), 103.

19 *Timor Post* published on 26 April 2005 a list of the church's accusations against the government which it characterized as undemocratic and unjust: 1. creation of the CTF [the bilateral Timor-Leste-Indonesia Truth and Friendship Commission]. 2. lack of transparency in negotiations with companies drilling for oil in the Timor Sea. 3. lack of appropriate punishment for [State Secretary] Virgilio Smith for a crime for which he was convicted [causing accidental death in a motor vehicle accident]. 4. lack of adequate public policies for food security, education and health. 5. lack of government assistance to Falintil veterans. 6. negative economic growth since independence. 7. nepotism. 8. anti-democratic use of force in public demonstrations. 9. disrespect for freedom of the press. Cited in Johnston, "A 'Muslim' Leader of a 'Catholic' Nation? Mari Alkatiri's Arab-Islamic Identity and Its (Inter-)National Contestations," 52.

20 "Foreign Ministry Reacts to Apostolic Nuncio's Statement," MNEC Press Release, Dili, 24 March 2005.

(Alberto Ricardo da Silva and Basilio Nascimento) issued a response to the government, criticizing it for creating the bilateral Commission of Truth and Friendship with Indonesia, instead of seeing through prosecutions of the 1999 crimes against humanity.²¹ Pouring on the gasoline, Prime Minister Mari Alkatiri stated that 9 April, the date of the bishops' reply, 'would go down in Timor's history as the day the Catholic hierarchy transformed itself into a political party.' With characteristic obduracy Alkatiri advised that a 'pilot project' to end compulsory religious education in schools would go ahead, and provocatively invited the bishops to join a commission overseeing it.²² On 19 April a large rally organized by the church gathered in front of the *Palácio do Governo* and the prime minister's office, and set up a vigil protesting against the 'dictatorship regime.'²³ The demonstration maintained a peaceful demeanour with large numbers of women and children in the crowd. Every convent in Dili was busy cooking for the demonstrators.²⁴ The U.S. Ambassador joined in the picnic atmosphere and cheerfully helped, distributing food and water, which earned him the ire of the government. Prime Minister Mari Alkatiri initially praised the orderly nature of the protest, but Minister of the Interior, Rogério Lobato, claimed: 'We have information that they are preparing an assault on the *Palácio do Governo* and have plans to paralyse Dili,' and warned that the police would 'resort to legitimate use of force' if demonstrators tried to occupy government buildings. President of Parliament (and Fretilin President) Lu'Olo described the demonstrations as a 'pre-insurreccional' manoeuvre orchestrated by the Catholic church in collusion with opposition forces.²⁵ Within a few days, protestors began to call for Prime Minister Mari Alkatiri to resign. On 21 April President Xanana Gusmão told journalists, as he departed on a trip to Indonesia, that he disapproved of the use of partisan symbols in religious demonstrations and the use of religious symbols in political protests. Xanana Gusmão said he 'would not allow' demonstrators to bring down the government, which could

21 *UNMISSET Daily Media Review*, 12 April 2005. The bilateral Commission on Truth and Friendship (CTF) set up in 2004 by the governments of Timor-Leste and Indonesia, appeared designed to displace the UN-initiated serious crimes process. Led by Foreign Ministers José Ramos-Horta and Hasan Wirajuda, the CTF was perceived as reflecting the discomfort of both governments in pursuing prosecutions of senior Indonesian military officers for the 1999 serious crimes. The CTF's report, "Per Memoriam ad Spem," was completed in 2008.

22 "RC Church Leaders behaving like an 'Opposition Party'," *Lusa*, 13 April 2005; *Timor Post*, 13 April 2005. One of Alkatiri's advisers had repeatedly enjoined him not to take on the church on the grounds that he had an election campaign only once in five years, but the church 'campaigned' to most of the population every Sunday. Interviewee 13.

23 "E Timor's Catholic Church rallies thousands in anti-government protest," *Agence France-Presse*, 19 April 2005.

24 Madre Guilhermina Marçal, Dili, July 2014.

25 "Catholics, Gov't lower their rhetoric as as Church protests continue," *Lusa* 20 April 2005.

occur only through elections or a cabinet reshuffle by the governing party.²⁶ *Lusa* reported that the church had issued a document citing constitutional reasons for Prime Minister Mari Alkatiri to resign, which urged parliament to pass a censure motion against him.²⁷ On 27 April journalists reported that the government might be prepared to back down, but PNTL Deputy Commissioner (Operations) Ismael da Costa Babo²⁸ declared the demonstration to be provocative in nature and therefore not peaceful – hinting that a violent response might be forthcoming. A Fretilin spokesman complained about foreigners in the demonstration, and claimed that their presence violated immigration law.²⁹ The bishops for their part said that protest would continue.³⁰ On 28 April, apparently repenting of his intemperate remarks and resuming his more customary role as mediator, José Ramos-Horta turned up at the demonstration in a peacemaking role, alongside President Xanana Gusmão. As a police deadline expired, the protests continued. Numbers grew to an estimated 5,000 to 10,000. Razor-wire cordons were erected and police threatened to use tear gas to disperse the crowd. On 4 May Rogério Lobato said that for the previous two weeks the police rapid intervention unit (UIR) had been ready in case a 'third party' tried to create chaos.³¹ At some point, Police Commissioner Paulo Martins refused to order police to shoot the demonstrators, for which he was either sacked or suspended from duties for a month.³² Chief of Defence Force Taur Matan Ruak for his part refused to deploy the army without written orders from the prime minister and the secretary of state for defence.³³

At length, after almost three weeks of the demonstrations, and just two weeks from the end of the UNMISSET mission, a settlement between Prime Minister Mari Alkatiri,

26 "Gusmão says he won't allow Catholic protest to topple Alkatiri Gov't," *Lusa*, 21 April 2005.

27 "Church leaders say anti-gov't protest will continue," *Lusa*, 27 April 2005. According to the *Lusa* report, the document was signed by church spokesman Padre Maubere (Padre Domingos Soares). In 2006, SBS Dateline reported that the bishops had written to the president of parliament on 25 April 2005, asking parliament to decide on the immediate removal of the prime minister and the appointment of a replacement who would form a new government; and that the letter had been ignored. John O'Shea/John Martinkus, "Downfall of a Prime Minister," *SBS Dateline*, 11 August 2006.

28 Known as an associate of Rogério Lobato.

29 *UNMISSET Daily Media Review*, 27 April 2005.

30 "Church leaders say anti-gov't protest will continue," *Lusa*, 27 April 2004.

31 Mark Dodd, "Uprising threatens government stability," *The Australian*, 4 May 2005.

32 Rede Monitorizaçãun Direitus Humanus, "RMDH Submission to the UN Commission of Inquiry," September 15, 2006, 12–13. According to Madre Guilhermina Marçal there was an important moment when the tension between the police and the demonstration was defused: on an occasion when the demonstrators were confronted by the police, one of the religious sisters had the idea for a few of the children to give flowers to the police in the front line. One small girl by chance found herself giving her flower to her father, and said: 'this is my father, how is it he is now going to kill me?' After that the police pulled back. Madre Guilhermina Marçal, July 2014.

33 UN Internal Paper, 25 August 2006. Legally correct processes required more than 'written orders,' but Taur Matan Ruak's response was enough to fend off the government's demand.

Bishop Alberto Ricardo da Silva and Bishop Basilio Nascimento was mediated by President Xanana Gusmão, and eventually signed on 7 May, witnessed by Xanana Gusmão.³⁴ Mari Alkatiri declined to speak to the demonstrators and it was left to Xanana Gusmão, accompanied by the two bishops, to go the *Palácio do Governo* to announce the settlement and ask the demonstrators to disperse. Unhappy that Mari Alkatiri remained prime minister and that there was no political change, some of the crowd booed Xanana Gusmão and called for him to step down too.³⁵ Xanana Gusmão's mediation fell short of delivering public satisfaction and the confrontation left both the church and the government feeling bruised. The Vatican had become concerned and urged the bishops and the papal nuncio to avoid public confrontation in favour of dialogue.³⁶ As many as 57,000 Fretilin sympathizers and party members travelled to Dili to celebrate Fretilin's 31st anniversary and the 'restoration of independence' on 20 May. For its part, the fore-runner of Fretilin, ASDT, held its anniversary celebrations in Bekora. ASDT President Francisco Xavier do Amaral asserted that Fretilin's real anniversary was on 11 September: 20 May was ASDT's anniversary.³⁷ The ceremony for the departure of the last of the UN peacekeeping missions, and the handover from UNMISSET to UNOTIL, passed quietly with a parade.³⁸

Army and police in 2005

In 2005, tensions within and between the army and the police remained largely unaddressed. Little action was taken to ameliorate the issues raised in the 2004 inquiries on the F-FDTL, apart from the formation of a Military Police Unit in Dili in late 2004.³⁹ Major Alfredo Reinado, formerly commander of the naval component at Hera, became commander of the Military Police Unit in 2005. Plans for new barracks near Baukau for the F-FDTL First Battalion foundered when the contractor went

34 The Joint Declaration acknowledged the constitutional right of freedom of assembly; the state's responsibility to defend political democracy and participation of the people in the resolution of national problems; the constitutional guarantee for the freedom of conscience and religion, and the separation of church and state. The settlement provided for the continued teaching of religion in schools; the penal (criminal) code to treat voluntary abortion and prostitution as crimes; guaranteed that demonstrators would not be subject to threats or retaliation by the authorities; and provided for the establishment of a permanent working group between the parties. "Joint Declaration of Church and Timor Government," Dili, 7 May 2005.

35 "Dili returns to normality after Govt-Church accord ends 20-day demo," *Lusa*, 9 May 2005.

36 "Holy See Presses Dialogue; East Timorese Jesuit Critical of Timor Protests," U.S. Embassy to the Holy See, Cable 05VATICAN473, 4 May 2005; "East Timor: Vatican Examines Role of Church, Bishops," U.S. Embassy to the Holy See, Cable 05VATICAN557, 15 December 2005; "East Timor: Jesuit views Church, Bishops," U.S. Embassy to the Holy See, Cable 05VATICAN561, 20 December 2005, *Wikileaks Public Library of US Diplomacy*.

37 "Ruling Party Shows its strength in double anniversary celebrations," *Lusa*, 20 May 2005.

38 *UNOTIL Daily Media Review*, 23 May 2005.

39 The first seven members of a 30-member Military Police Unit received a week's training from Brazilian instructors from 18–22 October 2004. "7 *offisais PM halo graduasaun*," *Timor Post*, 25 October 2004.

bankrupt and the tender process had to begin anew.⁴⁰ On 18 April 2005 Prime Minister Mari Alkatiri attended the graduation ceremony for 258 F-FDTL recruits, half of the force strength of the new second battalion in Metinaru. At the ceremony, Mari Alkatiri warned that the military must not be fraught with ethnic divisions between east and west.⁴¹ Frustrated and powerless to improve conditions in the army, Chief of Defence Force Brigadier Taur Matan Ruak spent an increasing amount of time on overseas travel. Taur Matan Ruak's relationship with President Xanana Gusmão deteriorated and he was seen to grow closer to Prime Minister Mari Alkatiri. In a move that appeared designed to undermine Xanana Gusmão, Mari Alkatiri offered to support Taur Matan Ruak as a presidential candidate in the 2007 election and suggested that he stand down from his role as Chief of Defence Forces in preparation. From May 2005 on three occasions Taur Matan Ruak submitted his resignation, but was declined by President Xanana Gusmão. Aware of Alkatiri's offer, Xanana Gusmão asked Taur Matan Ruak to stay on as CDF and instead to run for president in 2012.⁴² Had Taur Matan Ruak resigned to run for president in 2007, this would have pitted him against Xanana Gusmão, and command of the F-FDTL would have passed to Colonel Lere Anan Timor, a loyal Fretilin 'militant,' who was not known to quibble with orders. In July 2005 *The Australian* claimed that a lucrative monopoly for the purchase of weapons had been granted to the prime minister's brother, Bader Alkatiri, with a licence to broker sophisticated military equipment including tanks, patrol boats and attack helicopters, and that a contract for the purchase of 257,000 rounds of 5.56mm assault rifle ammunition for the PNTL had been placed through Bader's company, Cavalo Bravo.⁴³ The prime minister's office responded angrily, correcting the report—revising the quantity of ammunition upwards to 300,000 rounds, all done according to a proper procurement process, it claimed. Plans for other equipment purchases were 'lies, speculation.'⁴⁴ Separately, in circumstances that were not publicly explained, Timor-Leste's Ambassador to Malaysia, Djafar Alkatiri, resigned his position after a meeting with President Xanana Gusmão on 14 July.⁴⁵ The government proceeded with its expansion of the paramilitary capability of the PNTL. Minister of the Interior

40 UNMISSET *Daily Media Review*, 11 March 2005.

41 UNMISSET *Daily Media Review*, 13 and 18 April 2005; *Timor Post*, 16 April 2005.

42 UN internal paper, 25 August 2006.

43 Mark Dodd "Questions raised as Guns pour in," and "Timor PM Link to arms contract," *The Australian*, 7 July 2005.

44 Press Statement "Government corrects report about ammunition purchases for the National Police," Prime Minister, República Democrática de Timor-Leste, Dili, 7 July 2005.

45 UNOTIL *Daily Media Review*, 15 July 2005.

Rogério Lobato was perceived by many to want 'only to make war.'⁴⁶ Rogério Lobato variously boasted that he wanted to raise 40 battalions, to save the state from crisis,⁴⁷ and intended to expand the police reserve unit (URP) to a full battalion, for which he had orchestrated recruitment primarily from the western districts.⁴⁸ At the end of 2005 the government announced that it had decided to recruit a further 250 officers for the police border patrol unit (UPF), with new border posts to be opened in the first half of 2006.⁴⁹

'Timor-Leste is at a cross-road'

In late July 2005 a restricted version of a new World Bank report, critical of the direction of the country, fell into journalists' hands. Prime Minister Mari Alkatiri was reported by José Ramos-Horta to be furious.⁵⁰ The report was politely and thoughtfully written, and gave Timor-Leste credit for maintaining peace and political stability, but it warned that the government confronted serious matters requiring its attention. 'Most countries emerging from conflict, especially new countries, relapse into violence within five years. Timor-Leste has avoided that fate.' Timor-Leste had performed well compared with other post-conflict countries.⁵¹

*Yet Timor-Leste is at a cross-road, and progress remains fragile. Establishing a well-functioning state will take years, if not decades. The country has made great strides in a short time, but much remains to be done. Timor-Leste is among the world's poorest countries, and lags behind the region in achieving the Millennium Development Goals. While petroleum production and associated Government revenue have risen rapidly, non-petroleum production, fuelled by a large international presence, has decreased as this presence winds down. With a population growth rate that is among the highest in the world, per-capita income has declined and poverty has most likely increased.*⁵²

The report listed a litany of major problems in Timor-Leste: high unemployment in urban areas, especially for youth; formidable barriers for the private sector; and difficulties for farmers in adjusting to the elimination of Indonesian subsidies. Institutional capacity remained very thin 'as witnessed by the Government's slow, incomplete and uneven budget execution.' Governance and corruption problems were

46 Manuel dos Santos, July 2014.

47 Interviewee 2.

48 "Report of the UN Commission of Inquiry (2006)," 19.

49 *UNOTIL Daily Media Review*, 23 December 2005.

50 Mark Dodd/John Kerin, "Timor Leader 'Furious' Over Corruption Report," *The Australian*, 27 July 2005.

51 Timor-Leste Country Management Unit, East Asia and the Pacific Region, "International Development Association Country Assistance Strategy for the Democratic Republic of Timor-Leste for the Period FY06-FY08," 3, 6.

52 "International Development Association Country Assistance Strategy for the Democratic Republic of Timor-Leste for the Period FY06-FY08," i-ii.

emerging. Communication between the government and the population was inadequate and ineffective. The report warned:

Timor-Leste is at a juncture where it can consolidate gains and create conditions for sustained growth and poverty reduction, or descend down a path of poor governance, continuously increasing poverty and inequality and, possibly, renewed conflict. As a petroleum-rich country, Timor-Leste needs to be particularly vigilant in maintaining good governance and promoting employment outside the petroleum sector, to avoid the resource curse and Dutch disease prevalent in many resource-rich countries.⁵³

The country's bleak and deteriorating economic and social conditions were further detailed in a report published by the United Nations Development Programme (UNDP) in January 2006.⁵⁴ Between 2001 and 2004, non-petroleum GDP per capita income in Timor-Leste had declined from US\$466 to US\$366 per annum, and in rural areas even lower, to around US\$150 per annum.⁵⁵ The incidence of poverty was greatest in the western districts, and 88 percent of the working population were engaged in self-employment or subsistence farming (i.e. unwaged). In 2001, 41 percent of the population had fallen below an income poverty line set at US\$0.55 per capita per day. In 2006, new data on income poverty levels were 'not available' but were 'unlikely to have improved.'⁵⁶ The UNDP's Human Poverty Index (HPI) showed a sharp decline from 48.9 in 2001 (and from 51 in 1996) to 44.6 in 2004.⁵⁷ Life expectancy had fallen between 2001 and 2004 from 57.4 to 55.5 years, two-thirds of houses were constructed with a main floor of only earth or bamboo, half of the population did not have access to safe drinking water, and 60 percent did not have adequate sanitation. Electricity reached 92 percent of households in Dili and Baukau, but only 10 percent of rural households.

53 "International Development Association Country Assistance Strategy for the Democratic Republic of Timor-Leste for the Period FY06-FY08," i-ii.

54 United Nations Development Programme, "The Path out of Poverty: Integrated Rural Development: Timor-Leste Human Development Report 2006;" see also United Nations Development Programme, "Ukun Rasik A'an: The Way Ahead: East Timor Human Development Report 2002." Timor-Leste's Human Development Index (a composite measure that incorporated income, life expectancy and educational attainment) improved slightly from a very low base in 2001 (from 0.42 to 0.426), but it remained by far the lowest in Asia, although above other former Portuguese African colonies, Angola, Guinea-Bissau and Mozambique. UNDP's 2005 Human Development Report ranked Timor-Leste at 140th place globally. Indonesia was ranked at 110.

55 The extreme depths of rural poverty and almost complete absence of a cash economy in rural areas was illustrated by Sunday church collections in Venilale (Vikeke), which in January 2006 yielded around US\$2.50 each week from 500 parishioners. Meanwhile teachers' salaries in Venilale cost the church US\$2,000 each month. Padre José Vattaparambil, July 2014.

56 UNDP "The Path out of Poverty," 12-13.

57 UNDP "The Path out of Poverty," 15. The HPI 'is a composite measure of deprivation that combines the probability of survival to age 40, illiteracy, the proportion of children who are underweight and the proportion who lack access to clean water.'

By November 2005 the population was projected to have surpassed one million (from 923,198 in the 2004 census): 43.4 percent were under the age of 15, and 50 percent were younger than 18.3 years.⁵⁸ In 2001 the population of Dili (120,474) had returned to about the same levels as it had in 1990 (123,305), but had then grown quickly to reach 175,730 in 2004.⁵⁹ Fertility rates were among the highest in the world with an average of more than seven children born to every woman, and the population growth rate was one of the highest in the world, more than 3 percent per annum.⁶⁰ Infant and maternal mortality rates were also very high: out of every 1,000 live births, 90 infants died before their first birthday, and 800 women died for every 100,000 live births.⁶¹ Adult literacy was measured at 50.1 percent (56.3 percent for males and 43.9 percent for females), but between 10 and 30 percent of primary school age children did not attend school. Sixty-four percent of the population suffered from 'food insecurity,' at chronic risk of starvation, especially between the months of November to February, between the end of the rice harvest and beginning of the maize harvest. Nutritional levels were so poor that 43 percent of children under the age of five were 'underweight,' 47 percent were 'stunted' and 12 percent were 'wasted.'⁶² The economy was set to contract further with the departure of UN personnel and aid workers as international assistance programmes scaled down.

The UNDP found that the government performed well on measures of fiduciary accountability, but 'at the expense of basic service delivery.' A heavy centralization of government expenditure management, tight expenditure controls, weak capacity in ministries, and poor communication between the Ministry of Planning and Finance and line ministries, resulted in bureaucratic paralysis and 'critical bottlenecks' in budget execution. In 2004 government departments such as the Ministry of Transport, Communications and Public Works expended only 5 percent of appropriations, and 'zero' capital expenditure was incurred by the Ministry of Education, Culture, Youth and Sports. The report also observed that there was no effective disbursement system to the districts, which held small imprest accounts but no funds for supporting national

58 Timor-Leste National Statistics Directorate, *Atlas: Census of Population and Housing 2004*, 38.

59 *Atlas: Census of Population and Housing 2004*, 28. According to Durand, the population of Dili had increased to an estimated 145,000 in 1998, but it had then fallen with the 1999 destruction. Durand, *East Timor*, p. 112.

60 Statistical projections published later in 2006 suggested that the population would most likely double to two million by 2030 and reach more than three million by 2050. In a worse case scenario, if fertility were to decline only slightly, the population was expected to reach almost three million in 2040 and nearly four million in 2050. National Statistics Directorate, "Timor-Leste Population Projections 2004-2050: Analysis of Census Results," 46.

61 "Timor-Leste Population Projections 2004-2050: Analysis of Census Results," 1-2.

62 These measures of malnutrition overlap.

programmes or local service delivery.⁶³

A World Bank survey of the business environment in Timor-Leste similarly observed profound problems, ranking it at 142 out of 155 countries.⁶⁴ Government commercial contracts were perceived to be steered towards powerful family members and Fretilin supporters,⁶⁵ increasingly resembling the apanage arrangements under Indonesian rule. In early 2006 even long-standing Fretilin party supporters, such as President of the Timor-Leste Business Association, Oscar Lima, complained publicly of the tiny amount of money in circulation in the economy, and of the bureaucratic obstacles to business.⁶⁶ Members of the Alkatiri family held numerous powerful business interests. The prime minister's brother, Bader, not only held the monopoly contract to supply arms to the government through his company Cavalo Bravo, but also lucrative government contracts for road building and repairs; as did Ahmed, who was also the owner of Kompania Hidayat, the contractor for the new F-FDTL barracks at Baukau. Djafar Alkatiri (with Lourenço Oliveira) owned and operated Tafui Oil, which held the highly profitable monopoly contract for the country's supply of fuel oil, needed for the generation of the urban electricity supply, which cost the government US\$1.2 million each month.⁶⁷ The Alkatiri family also had a penchant for driving out business rivals. One of the companies it controlled in 2005, Metal Enterprises, had a controversial past. In 2003 newspapers reported a court case involving Singapore businessman Wong Kee Jin, the holder of a UN franchise to collect its metal and plastic waste from 2001 to 2003. Wong Kee Jin claimed that he had been assaulted by a bodyguard of Prime Minister Mari Alkatiri, in Mari Alkatiri's presence, and had been wrongfully arrested at Alkatiri's behest. A UN police officer had reportedly freed Wong for lack of evidence, but his business had been closed down by the government.⁶⁸

63 Timor-Leste Country Management Unit, East Asia and the Pacific Region, "International Development Association Country Assistance Strategy for the Democratic Republic of Timor-Leste for the Period FY06-FY08," 9-10, 47-49.

64 World Bank and International Finance Corporation, *Doing Business in 2006: Creating Jobs* (The International Bank for Reconstruction and Development/World Bank, 2006). In this survey, Australia was ranked 6th, Indonesia 119, Mozambique 110, and Angola 135.

65 Former Falintil commander Dudu (Ernesto Fernandes) also complained about the political bias of public spending, claiming that all government projects implemented in 2005 had been for Fretilin's benefit, while the opposition parties had been sidelined. *UNOTIL Daily Media Review*, 23 December 2005.

66 "Oscar Lima: Osan la Sirkula to'o Baze," *Timor Post*, 14 March 2006, 1,15; "Oscar Lima: Empresario Nasional Tenki Hakas-an," *Timor Post*, 22 April 2006, 2.

67 See Kingsbury, *East Timor: The Price of Liberty*, 139; "F-FDTL selebra loron aniversariu Falintil," *Timor Post*, 6 February 2006, 12; Guterres, "Elites and Prospects of Democracy in East Timor," 240-41, 269, 271; *Tempo*, 30 October 2007.

68 Jill Jolliffe, "Dili case exposes jitters among investors," *The Age*, 28 May 2003.

Political contestations

During 2005 rumblings of dissatisfaction with the government and Prime Minister Mari Alkatiri grew and so did talk of coups. The government avoided drafting electoral legislation and put off announcing dates for a general election. Prime Minister Mari Alkatiri asserted that the government's mandate had begun at independence in 2002, not in 2001 when the constituent assembly election had been held, and so there would be no general election before 2007.⁶⁹ Fretilin intimidation of its political opposition was in clear evidence.⁷⁰ Rumours proliferated in Dili of death lists of Fretilin's political enemies, particularly leaders of opposition parties and opponents within the party, and those reportedly on the lists knew their purported ranking.⁷¹ Rogério Lobato was known as a thug capable of carrying out his menaces.⁷² Alkatiri threatened: the lion is sleeping, don't wake it up.⁷³ These were also persistent rumours that two containers of military weapons had been secretly imported by Prime Minister Mari Alkatiri and Minister of the Interior Rogério Lobato.⁷⁴

Police harassment of opposition political parties had become commonplace and the threat of political violence was growing. In July 2005 UNOTIL SRSG Sukehiro Hasegawa complained to the prime minister about the persistent police harassment of Fretilin's rival, CPD-RDTL, for actions such as raising the Fretilin flag (also claimed by CPD-RDTL). Hasegawa records that Mari Alkatiri 'was clearly irritated' by his questioning.⁷⁵ Slanders and threats were traded between Fretilin and its rivals. Mari Alkatiri reportedly threatened that if Fretilin failed to win the 2007 elections, this would result in many deaths.⁷⁶ Fretilin leaders accused UDT of masterminding the Indonesian takeover in 1975, and UDT in turn accused Fretilin of being communist.⁷⁷

69 UNMISSET *Daily Media Review*, 11 February 2005.

70 Guterres, "Elites and Prospects of Democracy in East Timor," 70.

71 Mário Carrascalão said he had seen many such lists and was ranked Fretilin's enemy number one at the time of the crisis in 2006. Mário Carrascalão, July 2014. João Saldanha said he was number five on the list, for speaking out against the government. According to Saldanha, such lists had been circulated since 2004 or 2005, comprising about 120 names. João Saldanha, July 2014. Other interviewees reported that lists had been circulating since 2004 and comprised as many as 200 names.

72 Ray Murray, July 2014.

73 João Saldanha, July 2014.

74 According to one version of the rumour, Alkatiri and Lobato planned to buy ten containers of weapons from China and receive weapons training from Malaysia, to create a militia. Malaysia was willing to give weapons training but insisted that (more expensive) weapons be sourced from Malaysia, and eight containers were ordered. Six containers were intercepted in Singapore 'by U.S. authorities' but two containers got through to Dili. According to the rumour, 'because there were too many eyes watching' the weapons were held at the port in Dili, and only in May 2006, the weapons were sent out, one container to Likisa and the other to Baukau. Interviewee 6. Investigations by an International Weapons Audit Team in 2006 could not find any evidence of these weapons, but the story had a powerful and intimidating effect.

75 Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 86–87.

76 Statement by PD member of parliament Rui Menezes. UNOTIL *Daily Media Review*, 18 August 2005.

77 Guterres, "Elites and Prospects of Democracy in East Timor," 196.

Mari Alkatiri denounced ASDT leader Xavier do Amaral as an Indonesian collaborator,⁷⁸ and sneered that if PD won the elections in 2007, then 'hens will grow teeth.'⁷⁹

Disaffected individuals in Dili covertly canvassed potential candidates for prime minister. Mário Carrascalão was approached in 2005 and asked if he would be willing to become prime minister as 'the situation could change quickly:' on one occasion by F-FDTL Major Alfredo Reinado, Major Tara (Augusto de Araújo) and João Gonçalves; and on a separate occasion, by Padre Maubere (Padre Domingos Soares).⁸⁰ Major Alfredo Reinado and Major Tara were disaffected *loromonu* army officers who held grudges towards the army senior command, each with ambitions of his own. João Gonçalves was a PSD member of parliament and known as an associate of Xanana Gusmão. João Gonçalves and his family had befriended Alfredo Reinado in the 1990s, when the latter arrived in Australia as a young refugee. Padre Maubere, a priest known for being outspoken, was at public loggerheads with Mari Alkatiri over social justice issues, and was signatory to the 25 April 2005 document calling on parliament to remove him. Mário Carrascalão rejected the approaches on principle, saying that he would not be willing to be appointed prime minister without an election.⁸¹ In 2006 Journalist John Martinkus claimed that CDF Taur Matan Ruak had been approached in 2005 and again in early 2006 to lead a coup, which he declined, as did Lieutenant-Colonel Falur Rate Laek (Commander of the F-FDTL First Battalion, Baukau).⁸²

Under the surface, in 2005 two major factions in the Fretilin central committee challenged Mari Alkatiri: a 'power interest' faction, led by Minister of the Interior Rogério Lobato and Minister of Development Abel Ximenes (Larisina),⁸³ and *Renovador* (Renewal), a faction formed in 2003 'to combat dictatorship, fascism, corruption, collusion and nepotism brought in by the 'Maputo club' inside Fretilin.'⁸⁴ In June 2005, three members of *Renovador*, Victor da Costa, Vicente Ximenes (Maubosi) and Reis Kadalak, openly challenged Mari Alkatiri's leadership of Fretilin. For their pains, they were suspended from the party and Victor da Costa was later dismissed from his

78 Guterres, "Elites and Prospects of Democracy in East Timor," 196.

79 UNOTIL *Daily Media Review*, 7 September 2005.

80 Mário Carrascalão, July 2014.

81 Mário Carrascalão, July 2014. In June 2006 an unsigned and undated document circulated in Dili proposed Alfredo Reinado as commander of the F-FDTL, Gastão Salsinha as his Chief of Staff, Mário Carrascalão as President and Fernando Lasama as Vice President. UNOTIL *Situation Report*, 9-15 June 2006.

82 Martinkus does not identify who made the approaches. "John Martinkus: of coup plots and shadowy foreigners," *New Zealand Herald*, 22 June 2006.

83 UNOTIL *Weekly Report*, 6-12 April 2006.

84 UNOTIL *Daily Media Review*, 3 August 2005.

senior position as head of the public service board (CISPE).⁸⁵ Prime Minister Mari Alkatiri responded also with a restructure of the government on 1 July 2005, and expanded the executive from 30 to 35 members.⁸⁶ New legislation placed the prime minister firmly at the apex of the structure of government. Agencies under his direct purview included the State Security Service, the Office of the Inspector General, the Office of the Timor Sea, the Office of the Advisor on Human Rights, the Office of the Advisor on the Promotion of Equality, the Capacity Development Office and the Institute for the Promotion of Investment and Export.⁸⁷ The restructure accommodated some critics, muffled others, and prepared the way for the 2007 elections. The restructure created five more ministerial positions, and strengthened the government's presence in the districts by appointing secretaries of state for four regions and Oekusi. Mari Alkatiri acquired the new role of Minister of Natural Resources, Minerals and Energy Policy, as petroleum revenues came on stream. Roque Rodrigues was upgraded from Secretary of State to Minister of Defence. José Ramos-Horta took over the senior position of Minister of State from Ana Pessoa, who retained the role of Minister of State Administration, central to the organization of local and national elections. Antoninho Bianco became Minister in the Presidency of the Council of Ministers (cabinet secretary). Experienced Fretilin organizers were also appointed to key coordinating roles: José Manuel Fernandes became Secretary of State for Youth and Sport, and José Reis became Secretary of State for the Coordination of Region I – Lautein, Vikeke and Baukau. Electoral Commissioner Valentim Ximenes was removed from a role in which he had made some observations critical of the government, and brought closer into the fold as Vice Minister of State Administration; and Lobato-associate David Dias Ximenes was appointed Secretary of State for Veterans and Former Combatants.⁸⁸

In early September 2005 two new splinter groups emerged: UNDERTIM (National Unity of Timorese Resistance),⁸⁹ formed by former Falintil commander L-7 (Cornelio Gama) with his nephew L-4 (Andre da Costa Belo), and FUN (National Unity Forum) under the leadership of Marito Reis, brother of Fretilin resistance hero Vicente dos Reis (Sa'he).⁹⁰ By late 2005, nine political parties, including new parties UNDERTIM, the

85 Guterres, "Elites and Prospects of Democracy in East Timor," 261.

86 See Annex H.

87 Government Decree-Law No.3/05 On the Restructuring of the First Constitutional Government.

88 In the 2006 crisis, in this role David Dias Ximenes acquired the unofficial epithet 'Minister of Gangs.'

89 UNDERTIM had its power base especially among Sagrada Familia members in the east, on the north coast chiefly around Laga and Baukau, but also had adherents in Dili. *UNOTIL Political Affairs, Human Rights and Legal Weekly Report*, 18–24 January 2006.

90 *UNOTIL Daily Media Review*, 16 September 2005.

Democratic Christian Party (PDC) and the Timorese Nationalist Party (PNT), had registered under the 2004 electoral parties law, and others were in the queue. Partido Republika Democratica Timorese (PDRT)⁹¹ led by Osorio Leki, and Partido Nacionalista (PN) were among those waiting for their registration applications to be approved.⁹² While none of these parties on their own posed a major challenge, the proliferation of them tested Fretilin's insistent claims of overwhelming electoral support.

The targetting of Fretilin's political opponents gathered momentum. Three days after UNDERTIM opened its office on 8 October 2005 in Bukoli (Baukau), it was attacked by Fretilin militants, who removed its flag and flagpole.⁹³ Around the same time the houses of PSD leaders in Watulari were destroyed.⁹⁴ Rogério Lobato accused UNDERTIM of being responsible for molotov cocktail 'bombings' of a police station and a police vehicle, and party members were subjected to police searches and arrests. UNDERTIM denied that there had been any such attacks and claimed that Lobato had invented a pretext for persecuting opposition parties.⁹⁵ Secretary of State José Reis vehemently denied organizing the attack on UNDERTIM, but echoed Mari Alkatiri's remarks a week earlier, describing the Fretilin supporters' attack on UNDERTIM as 'normal,' as UNDERTIM's actions in opening an office in Bukoli could be seen as 'a kind of provocation.'⁹⁶ In November, Minister of the Interior Rogério Lobato admitted to a police operation against a group based in the former Falintil camp at Odelgomo (Bobonaru). There were, said Lobato, a number of groups trying to disrupt the stability of the country.⁹⁷ In late November Rogério Lobato reported that the police reserve unit (URP) had arrested a group of *isolados* in Kovalima who were, he said, conducting a guerrilla insurrection, and whom he suspected were CPD-RDTL members.⁹⁸ Two days later CPD-RDTL leader, Antonio Aitahan Matak, added his voice to UNDERTIM's complaints.⁹⁹ In December PNTL Deputy Commissioner, Ismael Babo, confirmed that at least 40 Orsenaco members including its leader, Marcus Ruin

91 PDRT had been born out of Colimau 2000, in the western districts (mainly Bobonaru and Ermera). According to UNOTIL, Colimau 2000 had 'ceased to exist after receiving large amounts of police and news media attention in 2003.' UNOTIL *Political Affairs, Human Rights and Legal Weekly Report*, 18–24 January 2006.

92 UNOTIL *Political, Human Rights and Legal Weekly Report*, 30 November–6 December 2005.

93 UNOTIL *Political, Human Rights and Legal Weekly Report*, 5–11 October 2005.

94 Guterres, "Elites and Prospects of Democracy in East Timor," 230.

95 UNOTIL *Political, Human Rights and Legal Weekly Report*, 9–15 and 16–22 November 2005.

96 UNOTIL *Daily Media Reviews*, 14 and 21 October 2005; UNOTIL *Political, Human Rights and Legal Weekly Report*, 19–25 October 2005.

97 UNOTIL *Daily Media Review*, 18 November 2005.

98 UNOTIL *Daily Media Review*, 23 November 2005.

99 UNOTIL *Daily Media Review*, 25 November 2005.

Falur, had been arrested in Turiskai, Ainaru district.¹⁰⁰ Twenty-three members of the ASDT party were arrested in December in Likisa and detained ostensibly on suspicion of being involved in extortion and for holding political meetings not authorized by local government. They were released by the office of the prosecutor but promptly re-arrested, without warrant, on 1 January 2006.¹⁰¹

Another electoral threat to Fretilin lay in the prospect of a coalition between the three largest opposition parties. PD, PSD and ASDT had well-respected leaders, and between them had won 25 percent of the vote in 2001. In late November 2005, ASDT President Xavier do Amaral announced that ASDT, PD and PSD intended to establish a political coalition 'aimed at preparing the people of Timor-Leste to face the challenges of the development process.'¹⁰² The Fretilin party Central Committee (CCF), he went on to say, was 'not humane.' During the resistance period many Fretilin leaders and members had killed people 'like animals' because they suspected them of being spies. Xavier do Amaral suggested that an international court should not focus just on the serious crimes committed by Indonesia, but also on Timor-Leste, so that members of the CCF might also receive the 'justice' that they deserved.¹⁰³ The prospect of an opposition coalition, parties splintering from Fretilin, and opposition within Fretilin, combined into a serious challenge for the party to manage.

During 2005 Fretilin recruited additional political support in the form of youth groups and gangs, and also acquired some of Xanana Gusmão's usual supporters – Falintil veterans and members of the former clandestine resistance. Gangs were 'part of the landscape' particularly in Dili, contesting territory, acting in various capacities, from family-oriented social clubs through to criminal extortion rackets involved in violent assault and murder. These groups were part of various networks of patronage and obligation: some had their origins in groups formed during the Indonesian occupation and in the clandestine resistance, while others formed after independence.¹⁰⁴ In April 2005, Nuno Soares, the leader of Korka, a martial arts group with a fierce reputation,

100 UNOTIL *Daily Media Review*, 15 December 2005.

101 UNOTIL *Political, Human Rights and Legal Weekly Report*, 28 December 2005–3 January 2006.

102 UNOTIL *Daily Media Review*, 17 November 2005.

103 UNOTIL *Daily Media Review*, 26–29 November 2005.

104 Networks might be based on the extended family, political party membership, regional or 'ethnic' origin, the neighbourhood, membership of the Catholic church or other religious affiliation, membership of veterans' organizations, or employment in government or private enterprise. Henri Myrntinen, "Histories of Violence: Occupation, Resistance and Masculinities in Timor-Leste," in *Gender, Power, and Military Occupations: Asia Pacific and the Middle East since 1945*, Routledge Research in Gender and History (New York: Routledge, 2012), 63–64, 69. Scambary's 2006 survey listed 107 such groups in Dili. James Scambary, "A Survey of Gangs and Youth Groups in Dili, Timor-Leste" (AusAID, 15 September 2006), 22–23.

for a predilection for decapitation, formally aligned the group with Fretilin.¹⁰⁵ President Xanana Gusmão warned that Fretilin had accepted into its ranks a martial arts group with a violent history, and objected that Korka's integration into Fretilin's youth wing could set 'a bad precedent for the use of youths, as it could lead to the creation of partisan militias.' Prime Minister Mari Alkatiri downplayed this concern and made the unlikely claim that Fretilin's induction of Korka aimed 'to change the philosophy of martial arts,' transforming Korka's past penchant for violence 'into one of self control.'¹⁰⁶ Fretilin formally inducted five further 'youth organizations' in 2006.¹⁰⁷

In December 2005, Fretilin made further moves to boost its 'grass-roots' political support, taking an interest in groups that Mari Alkatiri had previously denigrated. Pre-empting President Xanana Gusmão's well-advanced plans to address Falintil veterans' issues, announced in a speech on 3 October, the government announced that it would provide pensions to around 37 resistance veterans who had served continuously in Falintil for 24 years, to be paid in the amount each month of US\$100 for soldiers and US\$123 for commanders, for a period of one year.¹⁰⁸ The government's restrictive criterion meant that only one in a thousand of around 37,000 ex-combatants and Falintil veterans, identified in a donor-assisted identification and registration process, would qualify for assistance,¹⁰⁹ but in so doing, picked off an elite group of veterans, potential allies of the president, at a bargain price. UNOTIL reported that the government's actions confounded Fretilin party interests and the constitutional responsibility of the state to recognize and 'valorize' (honour) former combatants.¹¹⁰ And making further inroads into Xanana Gusmão's supporters, on 20 December Fretilin held a ceremony with thirteen district representatives to mark the

105 *UNMISSET Daily Media Review*, 14 April 2005. The acronym KORKA (or KORK) ostensibly stands for Klibur Oan Timor Rai Klaran (or alternatively Kmanek Oan Rai Klaran) but probably owes much to its pronunciation, similar to 'Gurkha.' (A Gurkha company had served in a high profile role in INTERFET in Dili and Oekusi in 1999.) Scambary notes that Nuno Soares took over as Korka leader from its founder, Naimori, who was among the group detained in Ainaru in August 2004 and subsequently imprisoned. After Naimori's eventual release from prison [in 2008], he reasserted his leadership of Korka, expelled Nuno Soares and disaffiliated Korka from Fretilin. James Scambary, "Anatomy of a Conflict: The 2006-7 Communal Violence in East Timor," in *Security, Development and Nation-Building in Timor-Leste: A Cross-sectoral Assessment* (London: Routledge, 2011), 68.

106 "Ruling Party Shows its strength in double anniversary celebrations," *Lusa*, 20 May 2005.

107 "Mari: jornalista balun atu sobu Fretilin," *Timor Post*, 20 March 2006. The article did not name the five 'youth groups.'

108 *UNOTIL Daily Media Review*, 30 November and 15 December 2005. The Commission of Former Cadres of the Resistance (CAQR) presented the president with 'final report data' on about 39,000 former combatants, Falintil veterans and members of clandestine cells on 9 January 2006. A further 10,000 'had yet to register.' *UNOTIL Daily Media Review*, 10 and 11 January 2006.

109 See Timor-Leste Country Management Unit, East Asia and the Pacific Region, "International Development Association Country Assistance Strategy for the Democratic Republic of Timor-Leste for the Period FY06-FY08," 58.

110 *UNOTIL Political Affairs, Human Rights and Legal Weekly Report*, 21 December-27 December 2005.

'reintegration' of the clandestine resistance network cells (*kaixa*) into the Fretilin party structure.¹¹¹

In December 2004 the first round of local (*suku*) elections had been held in Bobonaru and Oekusi, before being rolled out during 2004 and 2005, to elect 433 *xefes de suku* (village chiefs) and 2,300 *xefes de aldeia* (hamlet chiefs) across the districts. Voter registration processes in Bobonaru and Oekusi were caught up in violence, particularly between CPD-RDTL and Fretilin, and official complaints of police harassment, assault and arbitrary detention were made by some of Fretilin's opponents.¹¹² Political interference in Bobonaru and Oekusi was such that only Fretilin candidates initially met the registration deadlines. The registration process was repeated, and when the elections were eventually held, there was a high voter turnout, and Fretilin candidates lost heavily to independent candidates.¹¹³ In other districts, the local elections also proceeded with difficulty. In 2005 PSD leader Mário Carrascalão teased the government that it was 'not brave enough' to hold a general election in 2007, as all the mechanisms it had devised for the *suku* elections had not achieved the level of support Fretilin expected.¹¹⁴ Despite the technical assistance made available to it, the government continued to drag its feet on preparations for general elections. In August 2005 the UN Secretary-General observed that there was still 'no progress' in drafting electoral legislation.¹¹⁵ In November 2005, a UN electoral assessment mission concluded euphemistically that the government of Timor-Leste would 'require a great deal of assistance in the technical and legal fields in executing the 2007 elections.'¹¹⁶

The riches of Timor and the petroleum fund

In 2003 the Timor Sea Treaty signed with Australia in 2002 had entered into force, and Timor-Leste began to receive its first petroleum revenues. Production from the Bayu Undan field began in 2004 with reserves expected to last for 20 years.¹¹⁷ Significant revenues started to come on stream in 2005 and Timor-Leste's petroleum receipts

111 UNOTIL *Daily Media Review*, 23 December 2005.

112 One of the cases recorded in the 2006 Human Rights Watch report, "Tortured Beginnings," 20–21, was that of Cristiano da Costa, a member of CPD-RDTL, who in 2005 became secretary of the new UNDERTIM political party, led by L-7.

113 UNMISSET *Daily Media Review*, 31 December 2004; Anthony L Smith "Timor-Leste – Fretilin faces rebuke in local elections," *Asian Analysis*, 2005.

114 UNMISSET *Daily Media Review*, 4 April 2005. After Fretilin 'lost' the elections in Bobonaru and Oekusi, it gained only 53 percent of the vote in its Lautein 'stronghold.' UNMISSET *Daily Media Review*, 31 December 2004 and 28 March 2005.

115 UNSC S/2005/533 "Progress Report of the Secretary-General on the United Nations Office in Timor-Leste (for the Period 13 May to 18 August 2005)," 18 August 2005, 2.

116 UNOTIL *Daily Media Review*, 17 November 2005; UNOTIL *Daily Situation Report*, 29 November–30 November 2005.

117 Lundahl and Sjöholm, "The Oil Resources of Timor-Leste: Curse or Blessing?" 7.

increased sharply from US\$41.4 million in 2003/04, to US\$265.6 million in 2004/05, and when oil prices surged, rose to US\$451.3 million in 2005/06.¹¹⁸ By the end of March 2006, Timor-Leste's petroleum fund was worth more than US\$508 million.¹¹⁹ By June 2006 it had already reached US\$732 million, and the value of Timor's petroleum resources was estimated at US\$9.4 billion.¹²⁰ UNTAET's early negotiations with Australia had controversially focussed on maximizing a prompt flow of revenues, and had deliberately deferred negotiations on maritime boundaries until a later time.¹²¹ Outside the scope of the 2002 Timor Sea Treaty, in an area contested with Australia, lay the Greater Sunrise field, which was thought to contain three times as much gas as the Bayu Undan field.¹²² Timor-Leste had signed but not ratified the International Unitization Agreement (IUA) on the Greater Sunrise field in 2003, under which Australia would have received 82 percent and Timor-Leste 18 percent of the revenues. In November 2005, Prime Minister Mari Alkatiri announced that agreement with Australia over the Greater Sunrise field was close, following the resumption of negotiations that had stalled in December 2004.

Some political opposition and civil society observers saw an unwarranted degree of secrecy in Mari Alkatiri's conduct of the negotiations, and were concerned that the country's long-term interests might be compromised for arrangements that served Mari Alkatiri's personal and political ambitions. The main opposition parties, PD, PSD, and ASDT, asked for negotiations to be halted pending information about legislation and the arrangements for safeguarding the petroleum funds. Prime Minister Mari Alkatiri retorted that the government had the right to make the decisions, as it had fought for twenty-four years for the freedom of the country and had won the election in 2001, so 'it was better for the government to ignore them [the opposition politicians].¹²³ It emerged that in July and August 2005, three parliamentary laws, on Petroleum Taxation (08/2005), the Petroleum Fund (09/2005) and Petroleum Activities (13/2005) had already been passed, evidently unknown to the opposition. By September 2005, the new petroleum fund already stood at US\$247

118 "Democratic Republic of Timor-Leste: Selected Issues and Statistical Appendix," 28, 52.

119 *UNOTIL Daily Media Review*, 9 May 2006.

120 *UNOTIL Weekly Report*, 11–17 August 2006.

121 *SBS Dateline*, "The Timor Gap," 21 April 2004.

122 Lundahl and Sjöholm, "The Oil Resources of Timor-Leste: Curse or Blessing?," 7–8; Civil society organization La'o Hamutuk estimated that in 2006 terms, Timor-Leste would be expected to receive US\$14 billion from the Greater Sunrise field, and Australia much more. La'o Hamutuk, "Issue Focus: CMATS Treaty with Australia," 4.

123 *UNOTIL Daily Media Review*, 17 November 2005.

million.¹²⁴ The establishing principles of the petroleum fund were based on the much-admired Norwegian sovereign wealth fund, which emphasized transparency and a conservative investment strategy, and had withdrawal rules aimed at maintaining a sustainable income yield for future generations. However, the fund's essential advisory and oversight structures, the Investment Advisory Board and the Petroleum Fund Consultative Council, had yet to be established.¹²⁵

In late 2005 PD leader Fernando de Araújo (Lasama) drew public attention to the implication of Prime Minister Mari Alkatiri in anti-corruption proceedings in a U.S. court, related to Timor Sea petroleum resources. Prime Minister Mari Alkatiri in return threatened to sue Lasama for defamation.¹²⁶ The U.S. court case had been brought by Oceanic Exploration and its subsidiary Petrotimor, against ConocoPhillips Petroleum, which operated the Bayu Undan field. It was the latest in a series of court cases brought by Oceanic Exploration over a number of years, asserting that its commercial rights in the Timor Sea had been infringed by ConocoPhillips, and alleging *inter alia* that ConocoPhillips had paid Mari Alkatiri US\$2.5 million in bribes to secure ConocoPhillips' interests.¹²⁷ Oceanic Exploration alleged that between May and December 2002, immediately following Timor-Leste's independence, Mari Alkatiri and members of his family made over 80 trips from Dili to Darwin, ferrying cash to Australian bank accounts. Oceanic also alleged that on 15 June 2002, Rogério Lobato was stopped at Darwin airport by the Australian authorities and found to have about US\$1 million in his suitcase, but had asserted diplomatic immunity and was allowed to enter Australia.¹²⁸

124 UNOTIL *Daily Media Review* 19–21 November 2005. On 30 September ConocoPhillips announced that the first gas had been pumped from the Bayu-Undan field in the Timor Sea, but this announcement appeared to by-pass local news media. Matt Chambers, "ConocoPhillips pumps first Bayu-Undan Gas," *Dow Jones Newswires*, 30 September 2005.

125 UNOTIL *Political, Human Rights and Legal Weekly Report*, 16–22 November 2005.

126 *Timor Post*, 14 and 17 January 2006.

127 According to news reports, Oceanic Exploration claimed US\$30 billion in damages on the grounds that its subsidiary, Petrotimor, had been granted exclusive rights by the Portuguese Government in 1974 to develop the reserves. Oceanic also claimed that ConocoPhillips had previously paid bribes to Indonesian parties to secure control over the Bayu Undan field. *Timor-Leste International and Local Media Monitoring*, 4 March 2004. Trevor Sykes with Andrew Burrell, "Bribery Case Rocks Timor Treaty," *Australian Financial Review*, 5 March 2004; "The Timor Gap," *SBS Dateline*, 21 April 2004. These media reports were the subject of strenuous denials by Mari Alkatiri in 2004: "Prime Minister Alkatiri categorically denies allegations of corruption," *Media Statement from the Office of the Prime Minister*, Dili, 3 March 2004; *Media Release from the Council of Ministers*, Dili, 4 March 2004. Oceanic appears to have first taken the case in 2001 to the Federal Court in Australia, which ruled it had no jurisdiction; and had then sought to litigate in the U.S. in 2004, where it was also ruled non-justiciable; but Oceanic had kept the case alive under U.S. anti-racketeering laws. In 2008 Oceanic's claim was dismissed in the U.S. District Court in Texas. Paul Toohey, "Timor's Alkatiri to sue over 'false allegations' of oil and gas bribes," *The Australian*, 5 June 2008.

128 Anne Barker "AM—Oil giant lawsuit bid fails," *ABC Online*, 29 September 2006.

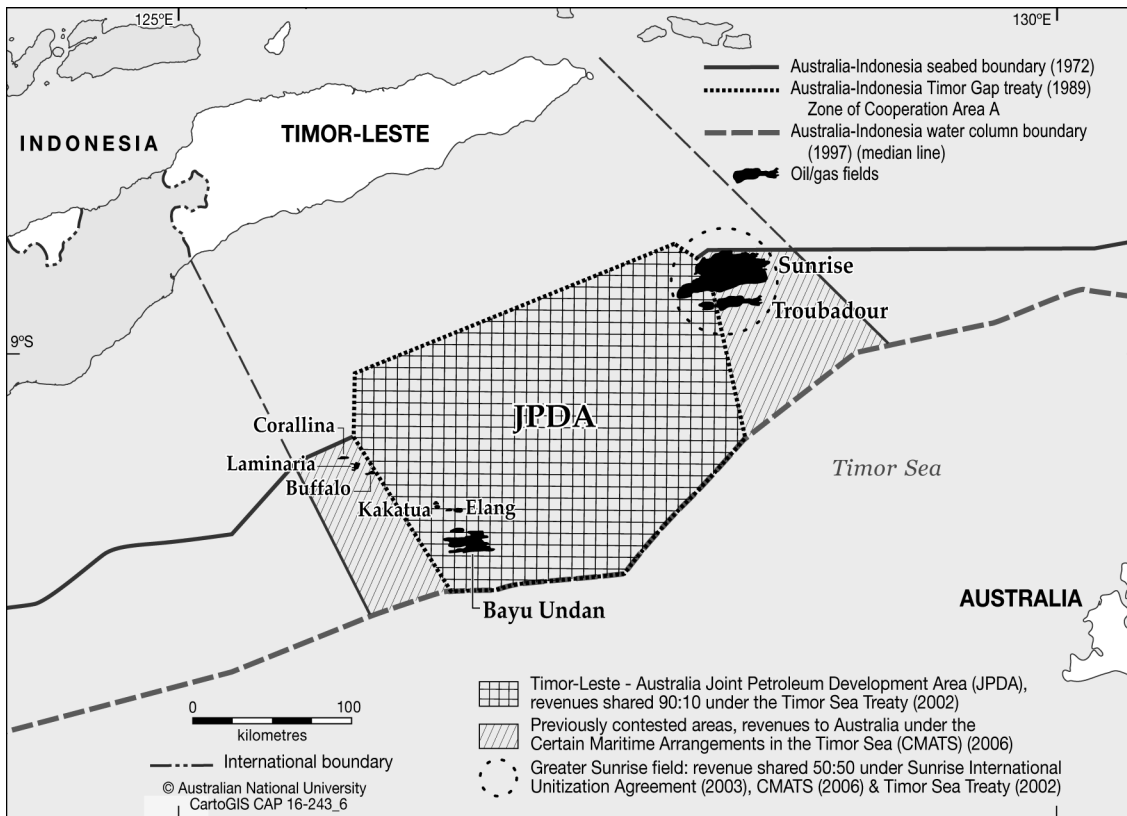


Figure 7: Timor Sea: Petroleum Revenue Sharing Arrangements between Australia and Timor-Leste in 2006.

Source: La'o Hamutuk (2003) and (2006)

On 12 January 2006, Foreign Ministers of Australia and Timor-Leste, overseen by their respective prime ministers, signed an agreement in Sydney on Certain Maritime Arrangements in the Timor Sea (CMATS), to share revenues derived from the Greater Sunrise oil and gas field. The CMATS treaty was designed to operate in conjunction with the Timor Sea Treaty and the Sunrise IUA. The apportionment of the field remained unchanged, but Australia agreed to share equally (50:50) the upstream revenues from the resource.¹²⁹ In Dili opposition parties asked for the agreement to be explained to parliament before it was signed, but Mari Alkatiri refused and said they would be informed afterwards. Civil society organization La'o Hamutuk then lobbied parliament and the government to improve the treaty before proceeding to ratify it.¹³⁰ La'o Hamutuk acknowledged that the new agreement had materially increased the

129 "Australia-East Timor Certain Maritime Arrangements Treaty," Parliament of Australia Joint Standing Committee on Treaties Report 85, June 2007.

130 CMATS and the IUA were at length ratified by Timor-Leste 20–21 February 2007 and passed as Parliamentary Resolutions 4/2007 and 5/2007 of 8 March 2007. The treaties were declared by the Australian Foreign Minister to have entered into force on 22 February 2007. In 2013 the validity of the treaties was contested by the Timor-Leste Government. See laohamutuk.org.

allocation to Timor-Leste of revenue from the Greater Sunrise field (from 18 percent to 50 percent), but argued that the treaty allowed Australia to exploit resources that rightfully belonged to Timor-Leste, and served to prevent Timor-Leste from securing its maritime territory rights for 50 years.¹³¹

Defamation and political control

A scandal erupted in Dili in November 2005 when Television Timor-Leste reported a brutal assault by Minister of the Interior Rogério Lobato, his bodyguard and a UIR police officer, following a traffic accident on 7 November in Dili. Lobato reportedly clubbed one man on the back of his head with a gun and smashed the heads of two other men against the road.¹³² Even for Lobato, this was seen as excessive, and his behaviour was condemned on 14 November by PSD and PST members of parliament.¹³³ A few days later Prime Minister Alkatiri denied knowing anything about the case.¹³⁴ Human rights organization HAK took up a case on behalf of the victims, and on 25 November filed a criminal complaint against Rogério Lobato for assault.¹³⁵ In December when asked about progress on the case, Rogério Lobato's deputy, Vice Minister Alcino Baris, suggested that police investigation required Mari Alkatiri's authorization. But as Mari Alkatiri departed on a trip to Cuba, to secure the services of Cuban doctors and medical training for Timorese students, he batted the issue away: he had not been asked to grant Rogério Lobato immunity, he said, as it was not required at the investigations stage.¹³⁶

Powerful office-holders such as Prime Minister Mari Alkatiri, Minister of the Interior Rogério Lobato and Prosecutor General Longuinhos Monteiro, actively used the courts to persecute those who spoke out against it, be they political or commercial rivals, or individuals seeking redress. In late 2005 and early 2006, a number of criminal defamation suits were pending against critics or business rivals. In February 2006, growing impatient with the president's (unconstitutional) delay in promulgating the new penal code, which would criminalize defamation, the prosecutor general reverted to 'applicable' Indonesian law. High on his list was PD leader Fernando de Araújo

131 "La'o Hamutuk asks Timor-Leste Parliament to scrutinize the Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS)," Press release, Dili, 4 April 2006; La'o Hamutuk's letter to members of parliament, Dili, 9 March 2006.

132 *UNOTIL Daily Media Review*, 10 November 2005.

133 *UNOTIL Daily Media Review*, 11-14 November 2005.

134 *UNOTIL Daily Media Review*, 11-14 and 19-21 November 2005.

135 *UNOTIL Weekly Report*, 15-22 February 2006.

136 *UNOTIL Daily Media Review*, 28 December 2005.

(Lasama), whom he publicly called in for 'investigation'.¹³⁷ Lasama's wife, Jacqueline Siapno, drew the ire of the government by publishing an article which drew a direct parallel between the defamation action and the anti-subversion law under which Lasama had been imprisoned by the Indonesian authorities for seven years in the 1990s.¹³⁸ Another case, against the leader of CPD-RDTL Antonio Aitahan Matak had been pending since 2004.¹³⁹ Also in the queue was a defamation action taken by the prosecutor general in 2005 against businessman Francis Lui (former clandestine resistance member, Aquileong) for allegations made in a newspaper article. Lui had taken civil cases seeking the return of money wrongfully taken from him by the prosecutor general and his associates, but the court cases had been frustrated and so Lui had resorted to publishing the story.¹⁴⁰ The prosecutor general also sued the three lawyers who had filed a criminal complaint against Rogério Lobato for assault in November 2005.¹⁴¹ Yet another defamation action confronted the lawyers of Lee Weng Ong, the owner of Timor Block Building Industry, a business rival to Alkatiri family interests.¹⁴² Lee Weng Ong's lawyer, Mário de Sousa Lay, suffered a heart attack as he was arrested in connection with the case by a paramilitary police task force, and died two weeks later, on 3 January.¹⁴³ Lee's deportation was ordered at the end of December.¹⁴⁴ In March 2006, legal action was taken against the head of the civil society organization LABEH, Christopher Samson, for defamation of the Ministry of Development in a newspaper article that suggested 'possible instances of corruption' in

137 UNOTIL *Daily Media Review*, 15 February 2006. Ironically the prosecutor general's own status was legally questionable, as his four-year appointment had expired on 15 October 2005. UNOTIL *Weekly Report*, 9–15 March 2006. Longuinhos Monteiro was sworn in for a new term of office on 17 July 2006. UNOTIL *Situation Report*, 14–20 July 2006.

138 Jacqueline Siapno, "Timor-Leste: On a Path to Authoritarianism?" *Southeast Asian Affairs* (2006): 325–42.

139 Eventually in June 2007 Antonio Aitahan Matak was found guilty and sentenced to eight months' house arrest for defamation of the PNLT, for claiming to news media in 2004 that a member of the Bobonaru district police had shot and killed two members of the CPD-RDTL. "Court convicts defendant in defamation case – applies different articles to those contained in the indictment," *Judicial System Monitoring Programme (JSMP)*, 18 June 2007. In a confusing court case, the substance of Aitahan Matak's original claim was not clarified. According to JSMP case notes, the two men were killed and [their bodies] had not been seen since, but the prosecution produced 'witness testimony' that the claim was false.

140 The newspaper article "Three Prosecutors Engage in Corruption, Money US\$8,600" was published in *Diario Tempo* on 25 August 2005. The case was suspended on 25 April 2006 by the Dili District Court on the grounds that the criminal allegations against the prosecutor general should first be adjudicated by the Court of Appeal. UNOTIL *Weekly Report*, 20–26 April 2006. In February 2009, the Dili District Court found that defamation against Longuinhos Monteiro was not proved and accordingly damages were not payable by Lui. Longuinhos Monteiro was ordered to pay US\$5,000 court costs. Association HAK media release, 10 February 2009.

141 UNSC S/2006/251 "End of Mandate Report of the Secretary-General on the United Nations Office in Timor-Leste," 13.

142 UNOTIL *Daily Media Review*, 30 December 2005.

143 "Advogadu Mario Lay husi Tane Timor mate," *Timor Post*, 4 January 2006, 1,13; UNOTIL *Situation Report*, 16–22 December 2005.

144 UNOTIL *Daily Media Review*, 30 December 2005.

the organization.¹⁴⁵

The government's assertion in February 2006 that Indonesian law on criminal defamation (articles 310 and 316 of the Indonesian penal code) was 'applicable' was disputed because of UNTAET Regulation 1999/01. However, it emerged that the President of the Court of Appeal (Claudio Ximenes) had decided in September 2004 that UNTAET Regulation 1999/01 was not binding in respect of a political party leader (probably CPD-RDTL leader Antonio Aitahan Matak) who was being investigated under articles 154 and 155 of the Indonesian code (publicly expressing hostility, hatred or contempt against the government). This contradiction generated a 'contested area' of law.¹⁴⁶ On 30 March 2006 the president returned the draft penal code – which he had sat on since 23 December 2005 – to the prime minister for 'review,' in particular its provisions for the criminalization of defamation.¹⁴⁷

145 *UNOTIL Weekly Report*, 23–29 March 2006. The government also took action to expel Samson as a 'foreigner,' which he successfully rebuffed on the grounds that although he grew up in Angola, he was born in East Timor of a Timorese mother and an Angolan father.

146 *UNOTIL Weekly Report*, 15–22 February 2006.

147 *UNOTIL Situation Report*, 31 March–6 April 2006.

Chapter Six

The Impending Storm

The new year in 2006 presented the government of Timor-Leste with an accumulating backlog of problems and neglected matters, to most of which it seemed indifferent. Under the surface, social and political dissent were growing. The confrontation between the government and the church in 2005, although superficially resolved, had caused great consternation and undermined public confidence. In the 2006 crisis the churches would as in 1999 become the first-line providers of public sanctuary. The political temperature was rising: Fretilin struggled to present a united front amidst internal challenges, and opposition parties were threatening to form a coalition to oppose the government at the 2007 election. Unresolved problems within the army had weakened the institution and made it vulnerable to political manipulation, and *loromonu-lorosa'e* frictions had manifested themselves in both the army and the police force.

At the beginning of 2006, three matters were of pressing interest to Prime Minister Mari Alkatiri: increasing political pressures as Fretilin's Second National Congress and the 2007 elections approached, the advent of significant gas and petroleum revenues, and the end of the UNOTIL mission, due on 20 May. Since 2002, President Xanana Gusmão had conciliated a series of confrontations between the government and various groups, but by 2006 the president's public standing was in decline and he appeared largely ineffectual in mitigating either the actions or the inertia of the government. Xanana Gusmao's visits to New York and Washington in January 2006 would have made it clear that neither the UN or the U.S. retained more than a polite interest in the political situation in Timor-Leste.¹

The government barely disguised its impatience for the scheduled departure of UNOTIL. Any doubts that UNOTIL had about Timor-Leste's prospects were put aside in favour of a graceful exit, under pressure from the UN Security Council as well as from a Timor-Leste government that was keen to dispense with inconvenient eyes and ears. The heady days of UNAMET and INTERFET were long past, but the UN still rated Timor-Leste as a success story, compared with other UN interventions in more difficult environments. According to UNOTIL SRSG Hasegawa, who had served in the UN mission in Rwanda at the time of the genocide: 'The armed conflicts that [had]

¹ See "The Secretary's January 24 Meeting with East Timor President Xanana Gusmao," Cable 06STATE016185, Washington, 31 January 2006, *Wikileaks Public Library of US Diplomacy*.

occurred in Timor-Leste since the withdrawal of Indonesian troops in 1999 were relatively minor compared with the large-scale massacres and genocide that had taken place in other parts of the world.²

The UN Secretary-General's progress report in January 2006 was expressed in muted and euphemistic terms, and did not admit how few of the UN's contributions to state building since 1999 had taken root. The report noted 'the situation in the country remained fragile' and asked that the international community 'remain engaged' and support Timor-Leste's request for a further follow-on special political office.³ Buried in the report there were many matters of serious concern, including a backlog of around 3,000 cases in the courts, and detentions without proper arrest warrants and trial.⁴ As for the 2007 elections, discussions and decisions were still needed on a number of fundamental issues, including the electoral system itself, the establishment of an independent electoral supervisory body, the timing of the elections and the terms of office for the President and members of the National Parliament.⁵ In the face of a rising tide of police violence, the UN report unrealistically announced 'an initiative aimed at reducing the number of human rights abuses by the national police by 75 percent by May 2006.' SRSG Hasegawa's presentation in Berlin in late January 2006 on 'Lessons Learned' covered similar ground: a recitation of partial and incomplete achievements, avoiding mention of what had not been done, and no real critique of the significant opportunities lost, or the failures and shortcomings of the missions.⁶

Fretilin and its discontents

In late January 2006, the Fretilin Central Committee (CCF) met in Dili to put in place arrangements ahead of the 2007 parliamentary and presidential elections, and embarked on a series of district congresses in preparation for its Second National Congress in May 2006. In the five years since Fretilin's First National Congress in May 2001, the most senior positions in the party had been held by Mari Alkatiri, as Secretary General, and Lu'Olo, as President. Mari Alkatiri and his close associates maintained strong discipline and control of the party. They cultivated and projected a monolithic image of Fretilin as all-powerful, and as the party which would win an overwhelming majority in the 2007 elections. The party structures that Fretilin had built across the

2 Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 115.

3 UNSC "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council (2004–2007)," 505–06.

4 UNSC S/2006/24, 5.

5 UNSC S/2006/24, 6.

6 See Hasegawa, "Lessons Learned from Peacekeeping and Peacebuilding Support Missions in Timor-Leste," Berlin, January 2006.

country since 2000, at district, subdistrict, *suku* (village) and *aldeia* (hamlet) level were tightly organized from the centre, and unmatched by any other political party. The party's control of government expenditures and appointments at central and local levels assured Fretilin's political funding, and conversely that its political opponents had little to work with. Nonetheless a growing number of political parties, including Fretilin splinter parties, were forming to contest the 2007 elections, and a prospective coalition of opposition parties had the potential to undermine Fretilin dominance in the 2007 elections.

The Fretilin party also faced a serious challenge from within. Since 1999, the Fretilin party and then the government had been dominated by returning diaspora, particularly the so-called Maputo (or Mozambique) Group, who had the advantage of education in Portuguese language, essential to senior government positions. But the Maputo Group were also perceived as outsiders with little understanding of, or sympathy for, the survivors of the Indonesian occupation. Economic stagnation and high levels of extreme poverty, particularly in the countryside, resulted in growing public dissatisfaction.

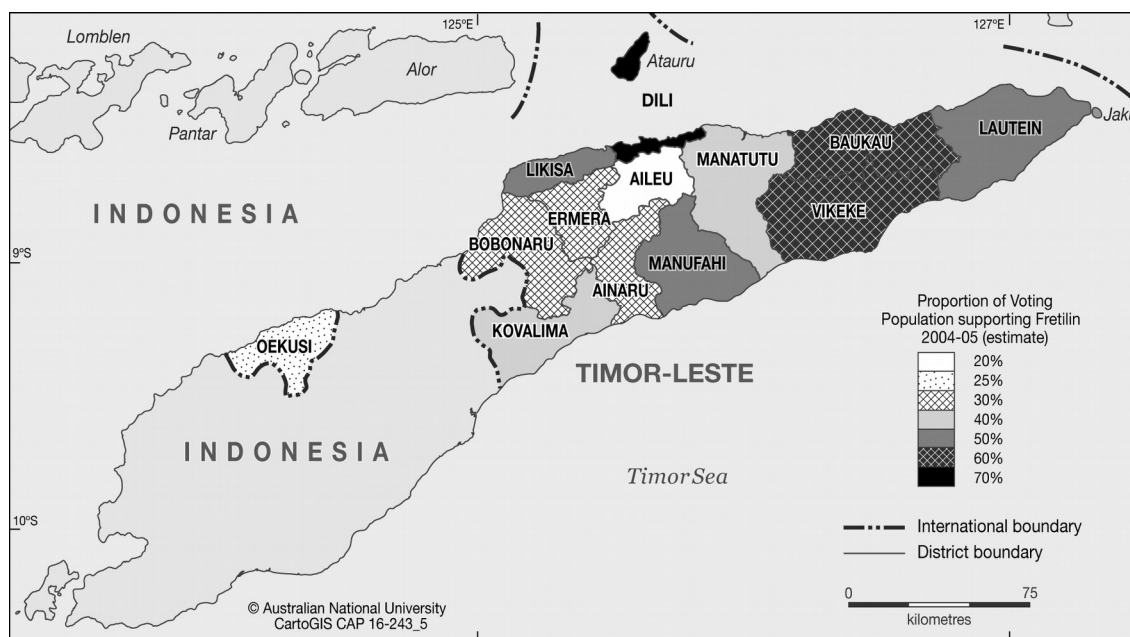


Figure 8: Estimate of Voting Population Supporting Fretilin 2004–2005.

Source: 'Fretilin National Congress Delegate Matrix,' probably UNOTIL, May 2006.

The results of the *suku* (local) elections in 2004 and 2005 confirmed that support for Fretilin was not at the levels it expected. Despite the party's strenuous efforts, Fretilin received 56.98 percent of the overall vote (slightly down from 57.4 percent in the 2001

constituent assembly election); PD 10.75 percent (up from 8.72 percent);⁷ PSD 6.62 percent (down from 8.2 percent); while smaller parties gained less than 2 percent each and individual candidates received 22.1 percent of the votes.⁸ In the districts, UNOTIL officers heard numerous complaints about political intimidation by Fretilin party supporters, development assistance and humanitarian relief withheld from areas that did not support Fretilin, and the political bias of police district commanders. Even some Fretilin officials were frustrated with the government's failure to deliver basic services and felt that their authority had been undermined by problems such as a lack of electricity, for up to two years in some districts, and poor public health and education services.⁹

A number of members of the Fretilin party central committee believed that a softening of Alkatiri's hard-line, divisive leadership style would be needed for Fretilin to win the 2007 elections. The stakes at the 2006 national congress were high. Mari Alkatiri was determined to retain his position as party secretary general, which conferred in government the role of prime minister. In late January 2006, local newspapers began to report rumours that José-Luís Guterres, Timor-Leste's Permanent Representative to the UN in New York, would challenge Mari Alkatiri at the national congress.¹⁰ At district congresses, Fretilin leaders emphasized the importance of party unity and repeatedly warned that Fretilin's enemies were trying to split the party. In early March, the dates for the Fretilin national congress were set for 17–19 May 2006. After that, said Mari Alkatiri, the party would focus on the 2007 national elections.¹¹ In March newspapers reported rumours that Minister for Development Abel Ximenes (Larisina) would also run against Alkatiri.¹² At a ceremony in March affiliating five further 'youth organizations' to Fretilin, Prime Minister Mari Alkatiri warned party 'militants' that many people including some journalists, opposition politicians and priests ('but not the Catholic church'), were trying to 'kill or destroy' Fretilin, because they disliked the principle of the largest political party holding power forever.¹³ By April 2006, two main factions in Fretilin were forming, one led by Mari Alkatiri and Lu'Olo, and the other crystallizing around José-Luís Guterres, who promised a more open and

7 *UNOTIL Weekly Report*, 15–22 February 2006. PD had a significant level of political support in the western districts, particularly in Ainaru and Ermera.

8 UN reporting cited in Siapno, "Timor-Leste: On a Path to Authoritarianism?," 330.

9 *UNOTIL Weekly Report*, 8–14 February 2006.

10 *UNOTIL Daily Media Review*, 24 January 2006. José-Luís Guterres ('Lugu') had been Vice Minister of Foreign Affairs 2002–2003.

11 *UNOTIL Daily Media Review*, 4–6 March 2006.

12 *UNOTIL Daily Media Review*, 14 March 2006.

13 "Mari: jornalista balun atu sobu Fretilin," *Timor Post*, 20 March 2006.

inclusive leadership style. Whereas in 2005 Rogério Lobato and Abel Ximenes had been allied in a 'power interest' faction in Fretilin opposing Alkatiri, in 2006 Rogério Lobato was seen to be 'fully aligned' with Alkatiri and Lu'Olo, and Abel Ximenes was 'outside the fold.'¹⁴ Vicente Ximenes (Maubosi) complained to journalists that the structures of the party were paralysed and that attempts to reform it were ignored by the leadership, and that promises that those who had worked in the clandestine movement would get jobs in the PNTL and F-FDTL had not been fulfilled.¹⁵

The Army (F-FDTL) Petitioners Protest

A protest against discrimination in the F-FDTL began quietly, with a petition, in January 2006, and went largely unnoticed for several weeks.¹⁶ The protest appeared to pose no political threat and was ignored by the government and regarded by the army command as a low level, internal irritation and a disciplinary matter. Claims of discrimination that had been rumbling since 2004 surfaced in a petition dated 9 January 2006, signed by 159 soldiers, addressed to President Xanana Gusmão¹⁷ and copied to Brigadier Taur Matan Ruak and Minister of Defence Roque Rodrigues. The petition complained that in the F-FDTL there was discrimination on tribal (*suku*) and regional lines, affecting promotions, disciplinary actions, recruitment of new soldiers, as well as more general 'discrimination among members.' The complaints, it said, had been raised with the president a year earlier, on 26 February 2005, but nothing had changed. An annex to the petition listed a jumble of 28 complaints, mostly about inequitable treatment, verbal snubs, and insults from commanders to the effect that *loromonu* (westerners) were untrustworthy and had not fought as hard in the resistance as *lorosa'e* (easterners).¹⁸ If there were no result within a month, the petitioners declared, they would go on hunger strike outside the President's office, and if there

14 UNOTIL *Weekly Report*, 6–12 April 2006.

15 UNOTIL *Daily Media Review*, 20 April 2006. 'Maubosi' appears in various spellings, e.g. Maubocy, Mauboci, Maubosy, Maubossy.

16 No report of the petition appears in local news media, US, Australian or New Zealand diplomatic reporting until February. "F-FDTL Demonstration at President's Office," Australian Embassy Dili, DI5243H, 8 February 2006, *FOI release*; "President orders F-FDTL Grievances to be Investigated," Australian Embassy Dili, DI5244H, 9 February 2006 *FOI release*; "East Timor: F-FDTL Strike: the President Speaks," Australian Embassy Dili, DI5374H, 23 March 2006, *FOI release*. UNOTIL SRSG Hasegawa records that it was 10 March when he called in Taur Matan Ruak and Roque Rodrigues to discuss the situation. Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 116.

17 The petition reached the president on 11 January. President Xanana Gusmão, "Message to the Nation on F-FDTL," Palace of Ashes, Dili, 23 March 2006.

18 International Crisis Group, "Resolving Timor-Leste's Crisis," 6. A poorly translated English version of the petition, in the author's possession, suggests that the original may have been drafted in Bahasa Indonesia.

were no result from that, they would be 'ready to decide to go home' [i.e. desert].¹⁹ President Xanana Gusmão's calls to resolve the situation seemed to fall on deaf ears all round, on the part of the petitioning soldiers, the army command, and the government. The government's indifference to the petitioners' grievances seemed to mirror its unresponsiveness to the broader problems that afflicted Timor-Leste. Over the following three months, the claims of discrimination within the F-FDTL would spread, generating a rift between people from eastern and western districts, and causing virtually the entire population of Dili, around 150,000 people, to flee their homes. The distribution of government weapons to civilians and the disintegration of the army and police and would take the country to the brink of civil war, halted only by an international intervention.

In January 2006, the establishment of the army (F-FDTL) was 1,431 personnel,²⁰ divided among headquarters staff, two infantry battalions and a number of related units (communications, logistics, training, military police, and a naval component).²¹ Morale was low and bitter resentments simmered. Little had been done to resolve the problems that had been identified in the 2004 reports on the F-FDTL. Separate roles of the police and army had never been delineated, and the army appeared to have little practical purpose (police units were responsible for border control). CDF Brigadier Taur Matan Ruak had several times during 2005 offered his resignation, but had been refused by the President.²² Absenteeism was rife, about 20–25 percent on a daily basis.²³ Due in part to the relative concentration of Falintil forces in the eastern districts, and clandestine resistance in the western districts—a product of terrain and proximity to the border—in the initial FDTL recruitment in 2000–01, some 56 percent of the force and 85 percent of the officers had come from eastern districts.²⁴ In the recruitment for the second infantry battalion, efforts had been made to redress the imbalances, with a younger cohort of new recruits, mainly from western districts.²⁵ By 2006 the regional balance in the army had improved, and about 35 percent of the troops and 52.5 percent of its officers came from the three eastern-most districts.²⁶

19 International Crisis Group, "Resolving Timor-Leste's Crisis," 6–7.

20 UN figures cited in International Crisis Group, "Resolving Timor-Leste's Crisis," 6, footnote 24.

21 The notional establishment included a large number of dismissals 'in progress' from 2004 and 2005. UN Internal Paper, 17 September 2006.

22 See preceding chapter.

23 "Visit to Timor Leste by Defence Attache," New Zealand Embassy Jakarta, C06193/JAK, 31 October 2005.

24 UNMISSET figures cited in International Crisis Group, "Resolving Timor-Leste's Crisis," 6, footnote 24.

25 "Report of the UN Commission of Inquiry (2006)," 53.

26 UN Internal Paper, 17 September 2006. The 2004 census results showed that 24 percent of the population resided in the three eastern-most districts of Lautein, Baukau and Vikeke, 57 percent in the nine western districts and 19 percent in Dili district (mixed). National Statistics Directorate, "Timor-

Roque Rodrigues had been elevated from Secretary of Defence to Minister of Defence in 2005, but for the F-FDTL little else had changed. Although he was a persuasive ideologue, Roque Rodrigues was notorious for his bureaucratic inertia and he consigned numerous recommendations for policy action to his desk drawer.²⁷ It appeared to suit Prime Minister Mari Alkatiri to have the president's most important ally, the F-FDTL, wither away.

In 2006 the police (PNTL) had an establishment of around 3,200 staff, in Dili and in the districts, including a sizable number of paramilitary units comprising almost 23 percent of the force, well in excess of acceptable UN standards.²⁸ At the same time, the PNTL had become fractured and politicized. Its chain of command had become 'wholly dysfunctional' as a result of a 'parallel' command structure²⁹ in which Minister of the Interior Rogério Lobato and Prime Minister Mari Alkatiri by-passed Police Commissioner Paulo Martins, and communicated directly with deputy commissioners and police paramilitary units. Capable senior officers were undermined by a weak institution that had lost its principle of operational independence under the 2004 legislation.³⁰ Significant UN and donor expenditures and programmes had failed to deliver the UN's recommended community-based policing model, partly through misdirected international efforts and unrealistically short timetables,³¹ but also because of active interference by the government in police matters and operations. A report by Human Rights Watch in April 2006, "Tortured Beginnings," publicly raised the alarm, finding that the PNTL's excessive use of force during arrests, and beatings in detention, were commonplace, and that many abuses rose 'to the level of torture.' The report saw an emerging pattern of abuse and impunity that risked becoming endemic if not addressed.³²

Leste Population Projections 2004–2050: Analysis of Census Results," 22.

27 According to Hasegawa, Roque Rodrigues 'liked being considered a professor and enjoyed conceptualizing subject matters in an abstract form.' Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 16. Australian military analyst Bob Lowry condemned Roque Rodrigues as 'an old fashioned doctrinaire socialist, who's never made a decision in his life.' "Crisis highlights problems in Timor," *ABC Sunday*, 7 May 2006.

28 An internal report in 2007 put the total establishment of PNTL staff (including administration staff) at 3214. Among them a high proportion were paramilitary police (723 people): 210 UIR (rapid intervention), 82 URP ('reserve'), 286 UPF (border patrol), 145 CSP (VIP protection). "Polícia Nacional de Timor-Leste (PNTL): An Assessment and Proposal for Restructuring," Dili, 9 August 2007, 5–8.

29 "Report of the UN Commission of Inquiry (2006)," 57.

30 Decree Law 8/2004, the Organic Law of the PNTL, Article 1(3) states that the PNTL is subordinate to the Ministry of the Interior.

31 See for example critiques of international efforts towards the development of the PNTL: Hood, "Missed Opportunities"; Wilson, "Smoke and Mirrors: The Development of the East Timorese Police 1999–2009."

32 Human Rights Watch, "Tortured Beginnings," 4–6.

On 16 January 2006 the President pursued the matter of the 9 January F-FDTL petition with Chief of Defence Force Taur Matan Ruak, but on 17 January received Taur Matan Ruak's response that it would have to wait: the army was preoccupied with the (long-awaited) relocation of the First Battalion from Lospalos to new barracks in Baukau.³³ Taur Matan Ruak and Chief of Staff Colonel Lere Anan Timor appeared irritated by the petitioners and rejected their claims of discrimination. Both saw the petitioners' complaints as a disciplinary matter.³⁴ Contrary to later misconception, the original petitioners' group was not from the Metinaru Second Battalion: all but one of the petition's 159 signatories were from the F-FDTL First Battalion (Baukau), and included just one officer.³⁵ The protest seemed to be a surprise to the F-FDTL command: according to Colonel Lere they did not expect a problem, as they trusted the personnel in the First Battalion who were all known to them from resistance times.³⁶ Later in January some 236 *aderentes* (supporters) from a number of army units, including four lieutenants and three second lieutenants, brought the petitioners' group to around 395 personnel.³⁷ Plans for President Xanana Gusmão to inaugurate the Baukau barracks on 2 February fell victim to the cancellation of the UN helicopter flight from Dili, due to fog, and Minister for State Administration Ana Pessoa stood in for the president.³⁸ At some point derogatory remarks impugning the fighting capacity of *loromonu* (western) people were made by the Commander of the First Battalion, Lieutenant-Colonel Falur Rate Laek (ironically a leader of the 2004 complaints of discrimination). Offence was taken and a large group promptly decamped to Dili to take up the issue with the president.³⁹

The first public report of trouble appeared on Monday 6 February. First Battalion deputy commander, Major Mau Buti (Manuel Freitas), initially claimed that that the group was simply on weekend leave.⁴⁰ The next day, the matter was headline news. *Timor Post* featured a photograph of Chief of Defence Force Brigadier General Taur Matan Ruak with the inflammatory caption: 'Taur Matan Ruak considers these soldiers

33 President Xanana Gusmão, "Message to the Nation on F-FDTL," Palace of Ashes, Dili, 23 March 2006.

34 UN Internal Papers, 8, 25, 28 August and 13 September 2006.

35 The officer was Second Lieutenant Estralinho Mendonça Barbosa. UN Internal Paper, 17 September 2006. Testimony provided to the UN identifies the 'original' leader of the petitioners as First Sergeant Mateus Magno. UN Internal Paper, 19 August 2006.

36 UN Internal Paper, 13 September 2006, 1.

37 UN Internal Paper, 17 September 2006. From February the group began to be referred to by fluctuating and rather arbitrary numbers. To avoid confusion I refer to the protesting F-FDTL group as it evolves as 'petitioners.'

38 "*F-FDTL celebra lora aniversariu Falintil*," *Timor Post*, 6 February 2006, 12.

39 "Timor-Leste: Defence Force Issues," DIL/POL/1, New Zealand Embassy, Dili, 27 February 2006.

40 "*Senti diskriminasaun soldadu F-FDTL husik batailaun: Maubuti: ne'e feriadu fim semana*," *Timor Post*, 6 February 2006, 12.

to be like mosquitoes crawling around in the night, spreading malaria and dengue fever.' Taur Matan Ruak claimed that six F-FDTL personnel were spreading false information, led by Major Tara (Augusto de Araújo)⁴¹ and five unnamed others in various units and in the military police. However rumours of divisions between *lorosa'e* and *loromonu* (east and west), Taur Matan Ruak said, had no foundation.⁴²

On Wednesday 8 February, around 400 F-FDTL mainly *loromonu* (western) soldiers, by this time including personnel from both infantry battalions, the naval component and the headquarters staff, took their protest to the President's office, the *Palácio das Cinzas*, in Kaikoli. Frictions between the president and the chief of defence force became apparent when Xanana Gusmão called Defence Minister Roque Rodrigues and CDF Taur Matan Ruak to a meeting. Taur Matan Ruak declined to attend and when the president insisted, sent Chief of Staff Colonel Lere Anan Timor instead.⁴³ Outside his office, the president told the assembled petitioners that as their supreme commander, he wanted their concerns to be addressed, but he was unhappy that they had abandoned their base to protest. He asked them to return to barracks and allow a commission to investigate. The petitioners angrily refused. At length, shedding tears of frustration, the president retreated to his office. Colonel Lere appealed to the group 'not to think of war any more,' and conceded that if Lieutenant-Colonel Falur's words had been wrong, they needed to sit together to talk and resolve matters. Major Tara also attempted to calm the situation.⁴⁴ Later that night at the *Palácio das Cinzas*, the president gave the petitioners an ultimatum to return to barracks by the next morning.⁴⁵ Most complied and overnight police and army vehicles helped ferry some 200 to Metinaru, and 'only 10-15' were believed to remain absent without leave.⁴⁶ Taur Matan Ruak told journalists on 10 February that 'in a war like this' everyone would

41 Major Tara: in 2006 Head of the Force Communications Unit, Metinaru. Major Tara was suspected by the F-FDTL command as one of the 'enemy within' the F-FDTL, and of being one of those behind the petitioners' movement. UN Internal Paper, 13 September 2006. He had been in the group with Major Alfredo Reinado and João Gonçalves that approached Mário Carrascalão in 2005 (see above).

42 "Soldadu balun sente hetan diskriminasaun: Taur: sira hanesan susuk nebe fo malaria," *Timor Post*, 7 February 2006, 1,15. Taur Matan Ruak added that Timor-Leste had many languages and ethnic groups and if they were to split, it would not be in two, but into more than 30. Taur Matan Ruak said that he himself was Naueti, commander Lere was Makalero, and commander Falur was Makasa'e, while other officers were Mambae and Galoli.

43 "F-FDTL Demonstration at President's Office," Australian Embassy Dili, DI5343H, 8 February 2006, *FOI release*. The Australian Embassy reported that the demonstration consisted of about 138 personnel from the First Battalion following the visit of a small group to F-FDTL Headquarters on 6 February, and that by 13 February the numbers had swollen to about 400. "East Timor: F-FDTL Strike Update," Australian Embassy Dili, DI5346H 14 February 2006, *FOI release*.

44 "Sente hetan duni diskriminasaun husi komandante: Membru F-FDTL 402 hasoru Presidente Republika," *Timor Post*, 9 February 2006, 1,13,15. "Lere: Labele hanoin atu funu tan," *Timor Post*, 11 February 2006, 1,15.

45 "President gives Army Protestors Ultimatum to Return to Barracks," *Lusa*, 8 February 2006.

46 "Protesting soldiers leave Dili after Gusmão defuses crisis," *Lusa*, 9 February 2006.

suffer. He had cautioned the petitioners about the consequences of their protest: people would consider them rebels, and furthermore, they had caused the president to weep. 'I told them, you have no right to make him cry and also suffer. He is your father.'⁴⁷ President of Parliament (and Fretilin President) Lu'Olo told journalists that he considered the protest to be not a protest but a desertion, but that he supported the president's initiative to resolve the problem internally, within the F-FDTL.⁴⁸

As talk of discrimination in the F-FDTL intensified and spread, so did the language and idea of a communal divide. Fretilin Deputy Secretary General José Reis told party faithful at the district congress in Ainaru on 11 February that *lorosa'e-loromonu* or *firaku-kaladi* (east-west) had no place in Timor: indeed the words *firaku-kaladi*, he claimed, were originally used by *malae mutin* (white foreigners).⁴⁹ The origin and meaning of the terms *firaku* and *kaladi* are obscure, and rarely mentioned in Portuguese colonial literature,⁵⁰ and nick-names for people from different language groups were generally neutral and in common use.⁵¹ According to Babo Soares, however, within three months of the popular consultation in 1999, east-west distinctions started to become politicized with the claim that easterners did more than westerners in the fight for independence.⁵² Babo Soares observed multiple fracture lines in the new state, between outsiders and insiders, young and old, educated and illiterate, *firaku* and *kaladi*.⁵³ According to Babo Soares: 'The *firaku-kaladi* dispute became a 'hot' issue and was exacerbated further by the use of these categories for political reasons by certain self-proclaimed leaders.'⁵⁴ However it is noteworthy that at the time of Babo Soares'

47 "Funu ne'e, hotu-hotu terus," *Timor Post*, 13 February 2006, 1, 3.

48 UNOTIL *Daily Media Review*, 14 February 2006.

49 "Labele tolan tomak isu 'Lorosa'e' no 'Loromonu'," *Timor Post*, 13 February 2006, 1,15.

50 Dionisio Babo Soares, "Branching from the Trunk: East Timorese Perceptions of Nationalism in Transition" (PhD dissertation, Australian National University, 2003), 267–300. Babo Soares discusses two of the most likely origins for the terms based on cultural stereotypes: from the Portuguese: *calado* (silent, quiet) and *vira o cu* (to turn the backside to the speaker); and alternatively from the (eastern) Makasae *fi raku* (our family) and the (western) word *keladi* (taro), meaning 'hillbillies.' Babo Soares traces the terms back to Dili in the 1940s when Makasae and Bunak-speaking peoples began to compete selling fruit and vegetables in the traditional market. In the 1970s Jolliffe noted east-west rivalry as 'one of the variations of tribalism' present in 1975. Jill Jolliffe, *East Timor: Nationalism and Colonialism* (St Lucia, Queensland: University of Queensland Press, 1978), 313–14.

51 In his memoir of East Timor, Luís Cardoso records a wide range of terms in normal use in East Timor in the 1960s: *firaku* for Makasae people from the region around Matebian, *calades* for Mambae-speaking people from the central west region, *kuda ulun* for Bunak-speaking people from the Bobonaru region and *dagada* for the Fataluku-speaking people from the eastern-most Lautein region. Luís Cardoso, *The Crossing: A Story of East Timor* (London: Granta, 2000), 33, 47, 67. According to Madre Guilhermina Marçal, such terms are still in normal use, and Fataluku children are called *tiramoko*, and people from Manufahi, 'revolutionary' (after Dom Boaventura). Madre Guilhermina Marçal, July 2014.

52 Babo Soares, "Branching from the Trunk: East Timorese Perceptions of Nationalism in Transition," 268, 304.

53 Babo Soares, "Branching from the Trunk," 303–04.

54 Babo Soares, "Branching from the Trunk," 280.

writing in 2003, the eastern, *lorosoa'e* or *firaku* districts were considered to be four in number: Baukau, Lautein, Vikeke and Manatutu; and there were nine western, *loromonu* or *kaladi* districts: Dili, Aileu, Ainaru, Same, Ermera, Bobonaru, Suai, Likisa and Oekusi. And Xanana Gusmão and Mau Huno, both from Laleia (Manatutu) were considered to be among *firaku* resistance leaders.⁵⁵ But in Dili in 2006, the boundary had shifted east and Manatutu was considered to be one of ten western districts, demonstrating the malleable nature of the distinction. During the crisis in 2006 word-play substituted Iraq for *firaku*, and by extension America for *loromonu*. When the Portuguese GNR contingent arrived in the east at Baukau airport, they were identified with being pro-*firaku*, while contingents from Australia, New Zealand and Malaysia, who had landed in Dili, with being pro-*loromonu*: 'meanings were attributed to everything, whether accurate or not.'⁵⁶

The F-FDTL divided

After the protest at the *Palácio das Cinzas*, an eight-person Commission of Inquiry headed by F-FDTL head of information (i.e. intelligence), Lieutenant Colonel Mau Nana (Cornelio Ximenes), due to begin work on 13 February, was delayed. By 14 February, about 400 protesting soldiers, unarmed, were accommodated at the army base gymnasium at Metinaru. Of these, 50 or 60 came from the Force Logistics Unit and the Hera naval component, and the remaining 350 were more or less half each from the two infantry battalions (Baukau and Metinaru). Of the remainder of the Second Battalion, 106 'loyalist' soldiers not participating in the protest were to be relocated to the First Battalion base at Baukau.⁵⁷ Twenty of the Second Battalion headquarters staff would remain on duty in Metinaru, along with a group from both First and Second Battalions to provide security.⁵⁸ With the 'loyalists' consolidated at Baukau and 400 'petitioners' camped in the gymnasium at Metinaru, the Metinaru Second Battalion was in effect disbanded.⁵⁹

On 15 February, a week after the protest at the *Palácio das Cinzas*, Lieutenant Gastão Salsinha stepped into the limelight as spokesman (*porta-voz*) for the petitioners, telling journalists that 240 of the petitioners were absent from the Metinaru barracks.⁶⁰ Gastão

55 Babo Soares, "Branching from the Trunk," 272-277, 289.

56 Madre Guilhermina Marçal, Dili, July 2014.

57 "East Timor: F-FDTL Strike Update," Australian Embassy Dili, DI5346H 14 February 2006, *FOI release*.

58 "F-FDTL Strike SITREP," Australian Embassy Dili, DI5347H 14 February 2006, *FOI release*.

59 "President orders F-FDTL Grievances to be Investigated," Australian Embassy Dili, DI5244H, 9 February 2006, *FOI release*; "DA Visit to Timor-Leste: 6-9 March 2006," telegram C06377/JAK, New Zealand Embassy Jakarta, 14 March 2006.

60 *UNOTIL Daily Media Review*, 15 February 2006.

Salsinha, 32 year old deputy commander of the F-FDTL Force Logistics Unit at Metinaru, was not among the signatories of the original petition.⁶¹ But his new-found role was guaranteed to annoy Brigadier Taur Matan Ruak. A year earlier, in April 2005, Salsinha along with his commanding officer, Captain Kaikeri, had been found to be involved in smuggling sandalwood, using government vehicles, at the behest of Minister of Interior Rogério Lobato.⁶² Taur Matan Ruak had sought to have the two officers disciplined, but in the absence of functioning military disciplinary processes, eventually referred the case to the formal justice system. The case was ostensibly tried in the district court in Suai, but with no visible result. Suspecting that the case had been waylaid, Taur Matan Ruak cancelled Lieutenant Salsinha's training course in Portugal and denied him and Captain Kaikeri their expected promotions.⁶³ On 17 February most of the remaining petitioners departed Metinaru after being granted weekend leave, and did not return.⁶⁴ Interviews by the F-FDTL commission, now set to commence on 20 February, once again could not proceed. Brigadier Taur Matan Ruak gave the absent soldiers until 4 p.m. on 21 February to return.⁶⁵ On 21 February Colonel Lere Anan Timor issued a further ultimatum: soldiers who refused to speak to the investigation team would be dismissed from the army.⁶⁶ On 21 February Brigadier Taur Matan Ruak hinted at the discharge of the petitioners with the words 'thank you' (meaning, thank you, but no), as they had not complied with the president's request that they return to barracks.⁶⁷

A second petition, received by the president on 22 February, complained that, rather than their grievances being examined, the petitioners themselves had become the subject of the investigation.⁶⁸ That same day, prior to his departure on a week's visit to China with Minister of Defence Roque Rodrigues, Brigadier Taur Matan Ruak and senior military staff discussed options for the reorganization of the F-FDTL. The meeting made no formal decision but seemed content to redistribute remaining

61 UN Internal Paper, 19 August 2006. (The ICG report is in error on this detail. See International Crisis Group, "Resolving Timor-Leste's Crisis," 6.)

62 International Crisis Group, "Resolving Timor-Leste's Crisis," 6.

63 On 16 March Taur Matan Ruak told journalists about Salsinha's arrest in Baukau on 2 April 2005. "Brigjen Taur Matan Ruak: Estatatu soldadu 'petisaun' sira sivil ona," *Timor Post*, 17 March 2006.

64 United Nations, "Report of the UN Commission of Inquiry (2006)," 21.

65 "East Timor: F-FDTL Strike – SITREP," Australian Embassy Dili, DI5355H 22 February 2006, *FOI release*.

66 *UNOTIL Daily Media Review*, 21 February 2006.

67 *UNOTIL Daily Media Review*, 23 February 2006.

68 Xanana Gusmão, "Mensagem ba Naçao kona ba F-FDTL" Palácio das Cinzas, Dili, 23 March 2006. A widely disseminated English translation of the speech has mistakenly rendered the date of the second petition as 22 January. However the Tetun text of the president's speech does not refer to the month and reads 'Iha loron ruanulu resin rua, ha'u simu tan petisaun ida . . .' i.e. 'On the 22nd, I received another petition . . .' It is also evident from the context that this event took place on 22 February.

F-FDTL staff to fill vacancies in the functional units. The Metinaru Second Battalion would remain an empty shell pending the completion of the long-gestated (and wildly ambitious) Force 2020 Development Plan.⁶⁹ Minister of Defence Roque Rodrigues appeared to regard the loss of the Second Battalion with equanimity, and as an opportunity to implement the Force 2020 plan.⁷⁰ No problems were expected to arise from the petitioners, on the part of the government, the army command, or Australian Embassy defence staff.⁷¹ In February or March large numbers of military weapons belonging to the Second Battalion were sent from the armoury in Metinaru to the First Battalion in Baukau for safekeeping.⁷² However numerous stories sprang up of weapons missing from the Metinaru armoury and distributed to civilians, notwithstanding F-FDTL assurances that no weapons were missing.⁷³

On 2 March Colonel Lere Anan Timor announced that as of 1 March, only soldiers who were active would receive their pay and all those who were absent without leave were at risk of dismissal.⁷⁴ Prime Minister Mari Alkatiri reiterated that the issue was an internal matter for the F-FDTL to deal with.⁷⁵ On 3 March the president wrote to the F-FDTL command asking for the problem be resolved and discipline restored promptly.⁷⁶ On 7 March, Xanana Gusmão departed on an overseas visit expected to take three weeks, to Lisbon, Geneva, Angola and Guinea-Bissau. On 16 March, during the president's absence overseas, Brigadier Taur Matan Ruak announced the discharge of the petitioners from the F-FDTL, and declared them to be 'civilians', back-dated with effect from 1 March 2006.⁷⁷ The decision had the support of Prime Minister Mari Alkatiri, Minister of Defence Roque Rodrigues and Foreign Minister José Ramos-Horta. Mari Alkatiri later put the blame for the decision on a UN-hired Portuguese legal

69 "East Timor: F-FDTL Strike – SITREP," Australian Embassy Dili, DI5355H 22 February 2006, *FOI release*; "East Timor: Situation update on Metinaro Strike," Australian Embassy Dili, DI5359H 28 February 2006, *FOI release*.

70 "DA Visit to Timor-Leste: 6-9 March 2006," New Zealand Embassy Jakarta, C06377/JAK, 14 March 2006.

71 "East Timor – Situation Update on Metinaro Strike," Australian Embassy Dili, DI5359H 28 February 2006, *FOI release*.

72 The removal of weapons from the Metinaru armoury about a month earlier had been witnessed by a New Zealand defence force adviser. "Rioting in Dili 28 April 2006: As at 4 p.m. local time," New Zealand Embassy Dili, 28 April 2006.

73 "East Timor: F-FDTL Strike – SITREP," Australian Embassy Dili, DI5373H 22 March 2006, *FOI release*. According to one source, F-FDTL weapons were given to or 'seized' by a CPD-RDTL group in Baukau in February 2006. Interviewee 11. In early May, Major Alfredo Reinado claimed that F-FDTL weapons had been distributed to civilians, overseen by Major Mau Nana. (See below.)

74 *UNOTIL Situation Report*, 24 February–2 March 2006.

75 *UNOTIL Daily Media Review*, 3 March 2006.

76 *UNOTIL Situation Report*, 3–9 March 2006.

77 "Brigjen Taur Matan Ruak: Estatatu soldadu 'petisaun' sira sivil ona," *Timor Post*, 17 March 2006.

adviser.⁷⁸ The president was not informed and his agreement was not sought.⁷⁹ Brigadier Taur Matan Ruak took the opportunity to add into the mix nearly 200 F-FDTL chronic absentees, bringing the number of discharged 'petitioners' to 591 of the F-FDTL's 1431 personnel.⁸⁰

Petitioners' spokesman Gastão Salsinha rejected the dismissal as unjust and contrary to the president's instructions: the petitioners would appeal to the president, as Supreme Commander of the Armed Forces, on his return.⁸¹ Prime Minister Alkatiri told journalists that new recruitment to the F-FDTL would be needed.⁸² PSD and ASDT party representatives retorted that *loromonu* (western) people would not participate.⁸³ Veteran Falintil commander and UNDERTIM leader L-7 (Cornelio Gama) told journalists that he suspected 'some leaders' were behind the problem in the army, with the aim of destroying it. 'During our time in the jungle there was no talk about *lorosa'e* and *loromonu* but now that we are independent, [it is strange that] this issue is emerging.'⁸⁴ On 21 March, Prime Minister Mari Alkatiri publicly endorsed the dismissals, and departed on a visit to Japan, accompanied by Foreign Minister José Ramos-Horta and UNOTIL SRSG Sukehiro Hasegawa.⁸⁵

The President's 'Message to the Nation on the F-FDTL,' 23 March 2006

Hearing of the dismissal of the petitioners, President Xanana Gusmão cancelled the Africa leg of his travel and returned home early, reaching Dili on 22 March, six days earlier than originally planned, arriving the day after Mari Alkatiri's departure for Japan. The president was offended to find a heavy police and military police presence positioned at the airport, ostensibly in response to threats of a petitioners' protest against him. Stung by the F-FDTL dismissals behind his back, the following day, on 23 March, Xanana Gusmão delivered an emotional, mocking, and incendiary televised

78 UNOTIL Daily Media Review, 29 March 2006.

79 Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 118.

80 The number of 'petitioners' cited in reports varies, up to 607. 594 is the number used in the report of the 2006 UN Independent Special Commission of Inquiry. 585 is the number UN investigators believed to be most accurate. Of this total, only 15 were deemed to be 'easterners.' UN Internal Paper, 19 August 2006. On 28 February Gastão Salsinha told journalists that the number of petitioners had increased from 404 to 581. UNOTIL Daily Media Review, 28 February 2006. This suggests that Salsinha had prior notice of F-FDTL plans for dismissal.

81 "Tanente Gastaun Salsinha: Ami hein komandante supremo," *Timor Post*, 18 March 2006, 1,13; UNOTIL Situation Report, 17-23 March 2006.

82 "Mari: jornalista balun atu sobu Fretilin," *Timor Post*, 20 March 2006.

83 "Espulsaun ba membru F-FDTL 591: Mari: Tenki rekruta ema foun fali," "Riak no Pedro: loromonu sei la tuir rekrutamentu F-FDTL," *Timor Post*, 20 March 2006, 1,15.

84 UNOTIL Daily Media Review, 22 March 2006.

85 UNOTIL Daily Media Review, 22 March 2006.

address to the nation.⁸⁶ In his constitutional role as president, as the 'symbol and guarantor of the unity of the state, and the smooth functioning of democratic institutions,' but 'not as supreme commander of the armed forces,' Xanana Gusmão bluntly criticized Minister of Defence Roque Rodrigues, Brigadier Taur Matan Ruak, and Colonel Lere Anan Timor. As F-FDTL supreme commander he acknowledged that it was within the competence of the Chief of Defence Force to dismiss the soldiers, but as president he found the decision 'wrong and unjust.' Nor did he accept the weight given to the opinion of a 'certain foreign legal adviser.' Xanana Gusmão recounted that on 8 February, he had asked the Minister of Defence (Roque Rodrigues) to look into the problem carefully, as the *loromonu-lorosa*'e issue was a political and sensitive matter of long-standing, identified in the 2004 inquiries. This included the use of rough language by senior officers in addressing new recruits, especially those from western districts. Roque Rodrigues had responded that he dared not give advice to senior military officers, as he had a 'complex' because he himself had never been in combat. But he thought that sometimes it was foreign advisers who provoked these matters. For his part, Colonel Lere refused to believe that his senior officers spoke 'that way' and suspected that political parties were involved, especially the Democratic Party. Xanana Gusmão said he had asked Rodrigues and Lere to readmit the petitioners, and to see the *loromonu-lorosa*'e issue as a political matter that the state needed to attend to. Other matters, such as promotions and discipline, were indeed internal matters for the F-FDTL. The president went on to relate that when his military adviser (Lieutenant-Colonel Pedro Klamar Fuik⁸⁷) took the second petition to the Minister of Defence and Brigadier Taur Matan Ruak as they were about to depart for China on 22 February, the latter had angrily said of the petitioners, '*se sira hakarak funu, ita funu*' (if they want war, we'll give them war).⁸⁸ Xanana Gusmão said he had also heard people say, '*sai rihun ida, tama rihun ida*' (one thousand leave, one thousand join).⁸⁹ Even after the return of Taur Matan Ruak and Roque Rodrigues from China the problem remained unresolved. The issues needed to be solved properly, not just by dismissing the soldiers. Otherwise young *loromonu* people would not join the F-FDTL. Bad feeling had been created by the veteran commanders who might ask *loromonu* recruits, are you here to obey us, or

86 President Xanana Gusmão, "*Mensagem ba Nação kona ba F-FDTL*" (Message to the Nation about the F-FDTL), *Palácio das Cinzas*, Dili, 23 March 2006. *Timor Post*, 24 March 2006, 7,12.

87 Erstwhile clandestine resistance student leader, Donaciano Gomes, appointed as the president's military adviser in October 2005.

88 *Funu* is the word used in reference to traditional warfare, as well as colonial and resistance struggles, and the First and Second World Wars. The phrase can also be translated as 'If they want to fight, we'll fight.'

89 A reference to F-FDTL dismissals and proposed new recruitment.

to disobey us like your predecessors? Xanana Gusmão added sardonically:

And all of these things will make the F-FDTL into a force comprising only *lorosa'e*, because it is *lorosa'e* who fight, and because people from Manatutu to Oekusi are just the offspring of [pro-Indonesian] militias, people who don't know how to fight a war. And people are very concerned about the new recruitment, that [the recruiters] will just choose each other,⁹⁰ or worse still, just choose the martial arts groups that have joined some political parties.⁹¹

The president finally asked the petitioners:

to understand that as Supreme Commander my role is just to inspect the troops on 20 May and 28 November. So if the Brigadier-General, following the opinion of the legal adviser to the Council of Ministers, says you are civilians, then maybe you really are civilians.⁹² The Prime Minister also says you have already left [the F-FDTL], and [he intends] to undertake new recruitment. So stay calm and look for other work. For the F-FDTL to become professional will take a long time, because our state has just begun, and [suffers] all kinds of illnesses and all kinds of behaviours.⁹³

***Loromonu-Lorosa'e* (west-east) conflict erupts**

The president's speech laid open the political divide between the president and prime minister and had a profoundly unsettling and divisive effect in Dili. The speech was bitterly received by both the petitioners and members of the F-FDTL. The words attributed to Taur Matan Ruak, 'if they want war, we'll give them war' caused public alarm. Just as bad were the president's sardonic remarks on the warrior reputations of *loromonu* and *lorosa'e*, which out of context, appeared to impugn the resistance credentials of *loromonu* people, and which generated antipathy towards the president from all sides. Petitioners' spokesman Gastão Salsinha lamented that the president would not intervene on behalf of the petitioners. This would come as a shock to people in the ten (western) districts, he said, and the president needed to explain his statement that *loromonu* people had not fought.⁹⁴ In the following days, conflict in Dili between rival gangs grew rapidly. Some international media reports exaggerated the level of violence, but there was a palpable growth in public anxiety about the petitioners and the threat of communal conflict.⁹⁵ On 25 March, Police Commissioner Paulo Martins made a televised appeal for calm. Despite Martins' assurances, many people took

90 'each other' i.e. favour their own friends, relatives and language groups.

91 A reference to the formal affiliation of several gangs with Fretilin.

92 'civilians' i.e. no longer soldiers.

93 President Xanana Gusmão, "*Mensagem ba Nação kona ba F-FDTL*," *Palácio das Cinzas*, Dili, 23 March 2006. *Timor Post*, 24 March 2006, 7,12.

94 "*Salsinha lamenta Xanana lakohi interven*," *Timor Post*, 24 March 2006, 1, 15.

95 "East Timor: security: local tensions - sitrep," Australian Embassy Dili, DI5379H 27 March 2006, FOI release.

refuge in church premises or in the hills, or left Dili for safety in the districts,⁹⁶ and others stocked up on food.⁹⁷ The F-FDTL First Battalion in Baukau closed its base over the weekend of 25–26 March, and personnel were not granted leave, which was seen to be unusual after a monthly payday when soldiers normally returned home.⁹⁸ Senior Fretilin member and lawyer Adérito de Jesus Soares criticized the leadership's predilection for overseas travel and its neglect of domestic matters. The presidency, the government, the national parliament and the F-FDTL lacked the maturity to address the petitioners issue, he said, and if they had been serious and acted sooner, it would not have become such a problem.⁹⁹

On his return from Japan on 26 March, inverting the president's language, Prime Minister Alkatiri affirmed his support for 'Taur Matan Ruak's correct and just' decision on the dismissal of the petitioners.¹⁰⁰ By 27 March seventeen houses in Dili had been burnt down and *lorosa'e* people especially, crowded on buses and transport to flee Dili.¹⁰¹ Further television appeals for calm were made by Mari Alkatiri and José Ramos-Horta that day. Leaders from the main political opposition parties also appealed to the people of Dili to remain calm and united, and the government to act to resolve the crisis.¹⁰² On 28 March, President Xanana Gusmão delivered a more mollifying message to the nation.¹⁰³ But public confidence was not so easily restored. *Timor Post* that day printed a front page photograph of the president and prime minister sharing a joke, appearing to show callous disregard for the suffering of ordinary citizens, juxtaposed with headlines about hospital admissions for injuries, and the arrest of two petitioners.¹⁰⁴ On 29 March, Fretilin President Lu'Olo advised a press conference that the Fretilin central committee endorsed Taur Matan Ruak's decision to dismiss the petitioners.¹⁰⁵ Foreign Minister José Ramos-Horta roundly criticized foreign media for exaggerated and inaccurate reporting of disturbances in Dili.¹⁰⁶ Ramos-Horta then briefed the diplomatic corps on an improbable vision for the benighted F-FDTL: the First Battalion should be English-speaking, well-educated,

96 UNOTIL *Situation Report*, 24–30 March 2006.

97 "East Timor: security: local tensions – sitrep," Australian Embassy Dili, DI5379H 27 March 2006, *FOI release*.

98 "East Timor: security: local tensions – sitrep," Australian Embassy Dili, DI5379H 27 March 2006, *FOI release*.

99 UNOTIL *Daily Media Review*, 24, 27 and 28 March 2006.

100 UNOTIL *Daily Media Review*, 27 March 2006.

101 International Crisis Group, "Resolving Timor–Leste's Crisis," 8.

102 UNOTIL *Situation Report*, 24–30 March 2006.

103 UNOTIL *Situation Report*, 24–30 March 2006.

104 *Timor Post*, 28 March 2006.

105 UNOTIL *Situation Report*, 24–30 March 2006.

106 UNOTIL *Situation Report*, 24–30 March 2006.

eventually with tertiary degrees, and contribute troops to international peacekeeping operations. A Second Battalion would be trained for civil-military activities such as engineering and disaster relief operations.¹⁰⁷ The following day President Xanana Gusmão, Prime Minister Mari Alkatiri and Foreign Minister José Ramos-Horta met, but managed only to agree that they disagreed over the F-FDTL dismissals.¹⁰⁸

At the end of March it appeared that calm had returned to Dili. Most of those who had sought temporary shelter had returned home.¹⁰⁹ Prime Minister Mari Alkatiri made vaguely conciliatory, but contradictory, remarks about the petitioners which he then was forced to clarify: efforts would be made to resolve the issues in the F-FDTL, but the dismissed petitioners would not be readmitted.¹¹⁰ Brigadier Taur Matan Ruak departed on another overseas visit, to New Zealand, where he made it clear that he would not reintegrate the petitioners' group. He seemed at ease about the consequences of sacking almost half of the army. Taur Matan Ruak had a vision for the F-FDTL different from Ramos-Horta's: the exit of the petitioners in his view provided an opportunity to consolidate and reorganize the F-FDTL into smaller, disciplined company units more in keeping with Falintil's roots in the districts.¹¹¹

A crisis not quite declared

From 3 April, around 200 of the petitioners group were accommodated in a warehouse at the *Karantina* (formerly the Portuguese customs and quarantine station) at Raikotuk, near the F-FDTL Headquarters at Tasitolu, west of Dili,¹¹² where they felt safer than at the Second Battalion base in Metinaru.¹¹³ In early April Minister of the Interior Rogério Lobato joined in the fray, provocatively claiming that the petitioners were talking about burning their F-FDTL uniforms, and intended to create instability.¹¹⁴ He bragged to a Fretilin meeting in Baukau that the government would have the URP (police reserve unit) flatten the tyres of anyone intending to join a demonstration by the petitioners, and claimed that many Fretilin party members from the western districts

107 "Foreign Minister Briefs Diplomatic Corps On Local Tensions," Cable 06DILI147, US Embassy Dili, 30 March 2006, *Wikileaks Public Library of US Diplomacy*.

108 *UNOTIL Situation Report*, 24–30 March 2006.

109 "End of week update on F-FDTL dismissals and unrest in Dili," Cable 06DILI152, US Embassy Dili, 31 March 2006, *Wikileaks Public Library of US Diplomacy*.

110 *UNOTIL Daily Media Review*, 31 March 2006.

111 "Visit to New Zealand by Brigadier General Taur Matan Ruak, Commander of the Timor-Leste Defence Force (F-FDTL), 2–6 April 2006," Ministry of Defence, Wellington, TLS/NZ/2/3, (date obscured).

112 *UNOTIL Situation Report*, 31 March–6 April 2006; "Petisionariu 591 konsentra iha Raikotu," *Timor Post*, 6 April 2006, 1,15.

113 This location had been proposed by the PNTL, located near a PNTL post. Afonso de Jesus, July 2014.

114 *UNOTIL Daily Media Review*, 4 April 2006.

were travelling to Dili, ready to fight. Rogério Lobato contended that the problem originated 'not from opposition parties but from overseas.'¹¹⁵ Petitioners' spokesman Gastão Salsinha denied Lobato's allegations and asserted that the petitioners still considered themselves soldiers. Prime Minister Mari Alkatiri remained unmoved and said that the petitioners group should stop dreaming that they were military just because they still wore uniform. The decision was made and that was final.¹¹⁶

President Xanana Gusmão's remarks at an international donors' conference in Dili on 4 April indicated a widening political rift. Xanana Gusmão spoke of the 'present crisis in the F-FDTL' and appealed 'to everyone not to become alarmed if I say that a crisis exists!'¹¹⁷ In the midst of rising tensions, World Bank President Paul Wolfowitz flew into Dili and on 9 April delivered a remarkable speech, by-passing the nuances in the World Bank's 2005 report.¹¹⁸ Wolfowitz could hardly have been more wrong. He commended the Timorese people and their leaders not just for building 'a functioning economy and a vibrant democracy from the ashes and destruction of 1999,' but also for doing this:

While maintaining peace and stability. . . . Most post-conflict countries relapse into violence within five years. Though you have had difficult moments and times of tension, you have opted for peace. You have come together as a nation where so many other countries fall apart in factions. According to the World Bank's Post-Conflict Performance Indicators, Timor-Leste leads a group of nine post-conflict countries on almost every indicator. . . . The considerable achievements since 1999 . . . augur well for the future. The country is at a critical moment as you know, with the first oil revenues starting to flow and the promise of more to come in the years ahead. The stark reality is that in almost all cases, oil wealth has been a curse for developing nations more than it has been a blessing. It has often been associated with corruption, entrenched social divisions, increased poverty, even violence. Again, I am pleased to say, this country stands out as an exception.¹¹⁹

Wolfowitz added a caveat about the importance of enacting the safeguards to the petroleum fund, but his encouragement to Timorese who were trying to do 'the right thing,' as he put it, greatly under-estimated the difficulty of their task.

As *loromonu-lorosa'e* tensions grew in Dili, so did strains among F-FDTL officers. The Australian Embassy reported on 12 April that a number of *loromonu* officers had signed

115 UNOTIL *Daily Media Review*, 8–10 April 2006.

116 UNOTIL *Daily Media Review*, 5 April 2006.

117 Speech of President Xanana Gusmão on the Occasion of the Conference of Timor-Leste with Development Partners, Dili, 4 April 2006.

118 Timor-Leste Country Management Unit, East Asia and the Pacific Region, "International Development Association Country Assistance Strategy for the Democratic Republic of Timor-Leste for the Period FY06–FY08".

119 Paul Wolfowitz, "Timor-Leste – The Challenge of Keeping Peace for Development," Dili, 9 April 2006.

a third petition, addressed to parliament, believed to be focussed on management problems within the F-FDTL. Signatories included Major Tara (Augusto de Araújo) and Captain Polito (Cesar Valente).¹²⁰ Tensions were also believed to be emerging between a group of *lorosa'e* Falintil veterans led by Colonel Lere and *loromonu* officers including Lieutenant-Colonel Pedro Klamar Fuik (the president's military adviser), Major Alfredo Reinado (commander of the Military Police unit), and Major Coliati (head of operations).¹²¹ On 12 April Brigadier Taur Matan Ruak and President Xanana Gusmão met for the first time since the dismissal of the petitioners in March. It seemed that the president would take the lead on the petitioners' issues, which were expected to be resolved over Easter. Government assistance to those who would be dismissed was also discussed. That evening on television, Prime Minister Mari Alkatiri said that the government would not abandon the dismissed soldiers and that the president and the government would look for solutions to address the issue. Foreign Minister Ramos-Horta told the diplomatic corps that the government was looking for remedies, including case-by-case review of the dismissals and the inclusion of dismissed soldiers in employment programmes.¹²²

On 16 April a special Easter Sunday Mass was conducted by the Bishop of Dili, Ricardo da Silva, at the F-FDTL Training Centre at Metinaru. The Mass had been agreed between Xanana Gusmão, Mari Alkatiri and Taur Matan Ruak the week before.¹²³ The programme included a blessing of the mortal remains of fallen warriors, heroes of the resistance, in thirteen coffins representing the thirteen districts. Those present included the three top position-holders of the country, President Xanana Gusmão, Prime Minister Mari Alkatiri and President of Parliament Lu'Olo, as well as UNOTIL SRSG Sukehiro Hasegawa. It had been intended that the mass would provide an opportunity for reconciliation,¹²⁴ but in the event only 15 of the 591 petitioners attended, without Gastão Salsinha.¹²⁵ It was unclear where responsibility for the debacle lay, but Salsinha told the press that the group did not participate in the Mass 'organized by the president' as they were 'still traumatized' by their experience of being called to participate in the F-FDTL investigation the week before.¹²⁶

120 adjutant to Chief of Staff Colonel Lere Anan Timor.

121 "East Timor: F-FDTL Update," Australian Embassy Dili, DI5396H 12 April 2006, *FOI release*.

122 *UNOTIL Situation Report*, 7-13 April 2006; *UNOTIL Daily Media Review*, 13 April 2006.

123 *UNOTIL Weekly Report*, 13-19 April 2006.

124 "Timor-Leste: Defence Force Issues: Demonstrations in Dili: Update 26 April," New Zealand Embassy Dili, DIL/POL/1, 26 April 2006.

125 *UNOTIL Situation Report*, 14-20 April 2006.

126 *UNOTIL Daily Media Review*, 17 April 2006.

The end of UNOTIL

In early April, UNOTIL postponed a symposium on 'the critical lessons learned from UN peace building operations in Timor-Leste,' due to a scheduling clash with the UN Security Council, which would consider UNOTIL's end of mandate report on 27 April.¹²⁷ As UNOTIL SRSG Sukehiro Hasegawa departed Timor-Leste for New York on 21 April, he was forced to hold a press conference to defend three UNDP-hired prosecutors who were accused by Minister of Interior Rogério Lobato and Prosecutor-General Longuinhos Monteiro of 'colonialism, misconduct, and dereliction of duty.'¹²⁸ What was not said in public was the prosecutors had fallen foul of senior members of the government and the prosecutor general for pursuing investigations that implicated them in criminal activity and corruption. Disgracefully, a few months later, in August, the UNDP contracts of the prosecutors were not renewed and they were replaced by a fresh batch who were unacquainted with Timor-Leste or the issues at hand.¹²⁹

In Sukehiro Hasegawa's account of the 2006 crisis he says that in April 2006 he 'discussed the need to have international military forces in case the security situation bec[a]me out of control. Alkatiri agreed and proposed to bring in Portuguese soldiers.' However the 'idea did not move forward' because Xanana Gusmão was reluctant, which Hasegawa believed was because the presence of Portuguese troops would have consolidated the government's power.¹³⁰ However no such concern appeared in UNOTIL's end-of-mandate report on 20 April 2006, which, like its January report, conveyed no sense of urgency or undue difficulty facing Timor-Leste.¹³¹ The report did touch briefly on a 'troubling development related to the Timorese armed forces,' and the 'intense reaction and debate among civil society organizations' to the proposed criminalization of defamation, but seized happily on World Bank President Paul Wolfowitz's commendation of Timor-Leste for 'having led a group of nine post-conflict countries in almost every indicator of the World Bank's post-conflict performance indicators.' The report gave no sense of the growing political polarization, or the fragility of the legal system, and only obliquely referred to the persecution of the government's political opponents and business rivals. The continuing lack of electoral law was downplayed. The UN Secretary-General instead timidly noted his 'sincere

127 Letter from the Office of UNOTIL SRSG, 7 April 2006.

128 UNOTIL *Situation Report*, 21–27 April 2006; UNOTIL *Daily Media Review*, 22–24 April 2006.

129 "Departure of International Judges and Prosecutors Causes Problem in Timor-Leste Judicial System," *JSM Press Release*, 22 August 2006. See also Centre for International Governance Innovation, "SSRM Report No.1," 8; Centre for International Governance Innovation, "SSRM Report No. 3," 11.

130 Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 143.

131 UNSC S/2006/251 "End of Mandate Report of the Secretary-General on the United Nations Office in Timor-Leste."

hope that the presidential and parliamentary elections scheduled for 2007, the first since the country's independence, will be a significant step forward in the process of strengthening this fragile democracy. The transparency of the process and the conduct of the elections in a credible manner . . . will directly affect the legitimacy of the outcome of the elections.'

The end of mandate report recommended the establishment of a 'small integrated United Nations office' for a period of 12 months from 21 May 2006.¹³² But when the proposed structure of the new mission was published, after SRSG Hasegawa's departure for New York, diplomatic missions in Dili were sharply critical of its inadequacy. The new mission envisaged only seven UN staff to assist the 2007 elections, and most of the mission's skilled local staff positions were set to be abolished, which would defeat years of capacity-building. As a result of the complaints, the briefing to the Security Council in New York was deferred from 27 April until 5 May, and Foreign Minister José Ramos-Horta delayed his own departure until 1 May.¹³³ And in those few days the crisis began.

132 UNSC S/2006/251 "End of Mandate Report," 17.

133 "Timor-Leste: UN Presence: Proposal for Extension: Update 27 April," New Zealand Embassy Dili, DIL/UN/1, 27 April 2006.

Chapter Seven

'Who are our enemies? Who are our friends?'¹

Long-standing problems within the F-FDTL had emerged in January 2006 with the presentation of a petition by a group of *loromonu* (western) soldiers, complaining of discrimination. The decision in March by the F-FDTL command and the prime minister to discharge almost half of the army might have been thought a serious political misjudgement, but it was a considered and deliberate act. It would have been clear to both Prime Minister Mari Alkatiri and President Xanana Gusmão that the army had become a proxy in the political struggle growing between them. Xanana Gusmão's ill-judged speech on 23 March ignited *loromonu-lorosa'e* communal conflict in Dili and laid open the political contest. After the unrest subsided in late March, a stand-off developed. The petitioners stone-walled investigating commissions and did not attend the Easter Mass at Metinaru. The government refused to readmit the petitioners to the army and instead announced a new recruitment round. The petitioners were less of a problem to Mari Alkatiri than the other challenges that he faced: to his leadership of Fretilin at its Second National Congress (17–19 May), and then to the Fretilin party in Timor-Leste's first parliamentary election, in 2007.

After Easter an estimated 80–100 petitioners remained at the Karantina in Raikotuk. Gastão Salsinha denied rumours that more demonstrations were planned, but on 19 April it emerged that formal notice of a march and demonstration from 24–28 April had been submitted to the PNTL Commissioner.² Brigadier Taur Matan Ruak, Minister of Interior Rogério Lobato and PNTL Commissioner Paulo Martins had met on 18 April to consider the proposal. On 19 April, Gastão Salsinha rejected an offer by the government to reinstate pay until individual investigations were concluded, and insisted that the petitioners' grievances, and those responsible for the discrimination, be investigated before the petitioners themselves.³ On 19 April Rogério Lobato

1 Mao Tse-Tung, *Quotations*, 12.

2 National Parliament Law 1/2006 on Freedom of Assembly and Demonstration was promulgated on 16 January 2006. The law prohibited assemblies and demonstrations within 100 metres of 'offices of organs of sovereignty' and a wide range of buildings as well as 'ports, airports, telecommunications facilities, power stations, depots and storage facilities of water, fuel and inflammable substances.' Demonstrations were now permitted only between the hours of 8 a.m. and 6.30 p.m; and notice was required in writing to the local civil and police authorities at least four days in advance. The legislation had been delayed for some time in the process: it was originally approved by parliament in December 2004, but was then referred by the president for a constitutional review, before being revised and passed by parliament in July 2005. *UNOTIL Political Affairs, Human Rights and Legal Weekly Report*, 5–31 January 2006.

3 *UNOTIL Situation Report*, 14–20 April 2006.

announced that police authorization had been given for the demonstration, and again claimed that there were 'priests, political leaders and some embassies' behind the demonstrations.⁴ Rogério Lobato warned 'if the protestors commit a crime, police will shoot.'⁵ Lobato warned that members of 'political groups' Colimau 2000 and Orsenaco Mindelo were behind the petitioners, and that they were coming into Dili from the districts.⁶

The petitioners' demonstration 24–28 April 2006

Meanwhile, on Sunday 23 April, Minister of Defence Roque Rodrigues and Brigadier Taur Matan Ruak, accompanied by Secretary of Defence Filomeno Paixão and Major Coliati, departed Dili for a military equipment exhibition in Malaysia. The Minister of Defence was to return to Dili on 28 April, while Brigadier Taur Matan Ruak was to go on to attend a conference in Hawai'i and return to Dili on 8 May.⁷ In Taur Matan Ruak's absence, Colonel Lere Anan Timor would be acting Chief of Defence Force. Colonel Lere had a reputation as a military man of an uncompromising character and staunchly loyal to the Fretilin party. He was among the very few who had served in Falintil throughout the Indonesian occupation, and had never served in the Indonesian forces. PNTL Commissioner Paulo Martins had also been invited to the exhibition but declined the invitation because of his domestic security responsibilities.⁸ Between 19 and 23 April arrangements for the F-FDTL petitioners' demonstration were worked through in meetings between the petitioners and senior PNTL officers.⁹ The petitioners were unarmed and took responsibility for their own security arrangements. The police were to be contacted if assistance was required. On 23 April Police Commissioner Paulo Martins issued a written order prohibiting the police use of teargas and firearms without express authorization.¹⁰

On Monday 24 April members of the petitioners group left their camp at the Karantina, accompanied by family members and sympathizers, and marched to the prime minister's office (*Palácio do Governo*), parliament, the court of appeal and the president's office (*Palácio das Cinzas*). They handed over yet another petition, a fourth, to each of the 'four organs of state,' the president, the prime minister, the president of parliament,

4 UNOTIL Situation Report, 14–20 April 2006.

5 UNOTIL Daily Media Review, 20 April 2006.

6 UNOTIL Situation Report, 21–27 April 2006.

7 UNOTIL Situation Report, 21–27 April 2006; UNOTIL Daily Media Review, 22–24 April 2006.

8 UNOTIL Daily Media Review, 25 April 2006.

9 UNOTIL Daily Media Review, 22–24 April 2006.

10 "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste" (Geneva, October 2, 2006), 22–23.

and the president of the court of appeal. The principal demands of the petition included: a rejection of the F-FDTL commission of inquiry; an explanation from Brigadier Taur Matan Ruak for his words 'if they want war, we'll give them war;' action by the president against Taur Matan Ruak for the unjust dismissals of the petitioners; and the establishment of a new commission of inquiry. If resolution were not reached within five days, they would continue the strike, and they were 'ready to face *death* in defending transparent justice,' until their rights were restored to them.¹¹

Despite the new law restricting demonstrations to daylight hours, by agreement with the police, because of the long hot walk to and from the Karantina, the petitioners were permitted to camp out near the *Palácio do Governo*. On 24 April an estimated 200 of the petitioners camped out overnight, but numbers dropped to about 100 overnight on 25 April.¹² At the commencement of the march and the handing over of the petitions, about 200–300 people were present,¹³ but at other times numbers reached as many as 1,500–2,000.¹⁴ The demonstration began in orderly fashion, but as the week went on, numbers grew and incidents of violence around Dili escalated. Early in the week UN observers reported that the issue of 'west-east' discrimination was prominent, amidst calls for national unity. Criticism of some government figures, particularly Prime Minister Mari Alkatiri, Minister of Defence Roque Rodrigues and Brigadier Taur Matan Ruak, was observed to be growing, while 'banners, portraits and shouting' supported *loromonu* figures such as Nicolau Lobato, President Xanana Gusmão, Gastão Salsinha, and on occasion Rogério Lobato.¹⁵ Conflict between rival *loromonu* and *lorosa'e* vendors in Dili's main markets in Bekora, Taibesi and Komoro began to emerge.¹⁶ On 25 April a kiosk and goods were destroyed in nearby Lesidere, and market stalls belonging to easterners were burned in Taibesi. At the *Palácio do Governo* on 25 April Lieutenant Gastão Salsinha introduced Osorio Leki,¹⁷ 'our relative,' to the demonstrators, and Leki made a speech 'threatening violence.'¹⁸ The involvement of Leki was puzzling: he was not a petitioner, but was known as an 'ultra-nationalist and

11 *Death*: in italics in the original. Petition dated 18 April and signed by Gastão Salsinha on 21 April. Unofficial UNOTIL translation, attached to report "Timor-Leste: Defence Force Issues: Demonstrations in Dili: Update 26 April," New Zealand Embassy Dili, DIL/POL/1, 26 April 2006.

12 "Timor-Leste: Defence Force Issues: Demonstrations in Dili: Update 26 April," New Zealand Embassy Dili, DIL/POL/1, 26 April 2006.

13 "East Timor: F-FDTL: Demonstrations," Australian Embassy Dili, DI5404H, 24 April 2006, *FOI release*.

14 *UNOTIL Situation Report*, 21–27 April 2006.

15 *UNOTIL Weekly Report*, 20–26 April 2006.

16 *UNOTIL Daily Media Review*, 27 April 2006.

17 *UNOTIL Weekly Report*, 20–26 April 2006. Osorio Leki's name appears in various spellings, including Ozorio Leki, Ozorio Leque, Osorio Lequi. He later registered as a parliamentary candidate as Ozorio Mau-Lequi.

18 "UN Commission of Inquiry (2006)," 23.

extremist' firebrand leader of Colimau 2000, before becoming Secretary General of a new political party, PDRT, in 2005.¹⁹ On Wednesday 26 April another brawl erupted in Taibesi and more market stalls were burnt. Around 2 p.m. a person was shot and wounded by police, after which most businesses in Dili closed and public servants went home.²⁰ At the *Palácio do Governo*, Osorio Leki continued to speak in inflammatory anti-eastern terms.²¹ He had become the dominant speaker at the demonstration, addressing the petitioners 'for more than 80 percent of the time.' His speeches also included large doses of anti-government and anti-Alkatiri rhetoric, and he claimed that the F-FDTL dismissals marked the start of a people's revolution to bring about 'total' independence.²²

On Wednesday 26 April the government responded to the demonstrators' latest petition, and announced a decision to establish a high-level Commission of Notables (*Comissão Notáveis*) which would report in 90 days to the prime minister.²³ As temperatures rose, on Thursday 27 April a local newspaper reported on its front page in Bahasa Indonesia that New Zealand troops were ready to return to Timor-Leste, if needed.²⁴ At this point an estimated 200 demonstrators were present at the *Palácio do Governo*, falling to about 100 later in the day.²⁵ Osorio Leki publicly rejected the proposal for the commission of notables: the objective, he said, was not to establish yet another commission but to find an immediate solution, and the proposed reporting time of 90 days was too long.²⁶ The petitioners began to agitate for a government representative to address them directly. As was his custom, Prime Minister Mari Alkatiri declined to address the crowd, but Foreign Minister José Ramos-Horta agreed to speak the following day.²⁷ That evening, the government asserted that the

19 *UNOTIL Weekly Report*, 20–26 April 2006. Gastão Salsinha was believed to have connections to the original Colimau group (the precursor of Colimau 2000). Anthony Goldstone, email 22 June 2015.

20 "Timor-Leste: Defence Force Issues: Demonstrations in Dili: Update 26 April," New Zealand Embassy Dili, DIL/POL/1, 26 April 2006.

21 "Report of the UN Commission of Inquiry (2006)," 23.

22 *UNOTIL Weekly Report*, 20–26 April 2006. This terminology reflected PDRT's adherence (like CPD-RDTL) to the radical language of the original Fretilin party.

23 Prime Minister's Office, "Terms of Reference for Commission of Notables," 26 April 2006.

24 Retiring New Zealand Chief of Defence Forces Bruce Ferguson was reported to say that there was growing concern about East Timor, and that if necessary a company of New Zealand troops could be sent urgently. Minister of Defence Phil Goff then clarified that if the situation deteriorated and there were a formal request from the Timor-Leste government, New Zealand could help, but there was no current plan to send troops. "Pasukan Kiwi Siap ke TL," *Suara Timor Lorosa'e*, 27 April 2006, 1, 11; Hank Schouten, "Troops may get call back to Timor," *Dominion Post*, 26 April 2006.

25 "East Timor: F-FDTL: the protest continues," Australian Embassy Dili, DI5407H, 28 April 2006, *FOI release*.

26 *UNOTIL Situation Report*, 21–27 April 2006; "Terms of Reference for a Commission of Notables," Prime Minister's Office, 26 April 2006.

27 "UN Commission of Inquiry (2006)," 24. Although Ramos-Horta had a number of conversations with Gastão Salsinha over the course of several days before 28 April ("Speech by H E J Ramos-Horta," *Ministério dos Negócios Estrangeiros e Cooperação*, 5 May 2006) no government representative had

petitioners had agreed to the establishment of the commission, but apparently the petitioners did not share that view.²⁸

Friday 28 April: the demonstration explodes

On Friday 28 April, there were initially about 150 in the crowd²⁹ but numbers grew during the morning. There were divergent understandings of what time the demonstration was due to end, and many people expected it to continue until the end of the day.³⁰ The UN Independent Special Commission of Inquiry (COI) later pieced together the events on 28 April:

With the demonstration scheduled to end at 1 p.m. on Friday, 28 April, a tangible change in the atmosphere of the crowd gathered in front of the Government Palace [*Palacio do Governo*] was evident by early morning. The Minister for Foreign Affairs [Ramos-Horta] was expected at 9 a.m. The Minister believed, however, that he was scheduled to arrive at 3 p.m. Slow-burning anger at his failure to appear reached boiling point at about midday. From about 10 a.m., threats of violence and sporadic incidents of fighting had begun to occur. . . . Additionally, the number of third parties among the petitioners, which had been increasing since 25 April, suddenly spiked. . . . At a 9 a.m. meeting the PNTL General Commander [Paulo Martins] gave instructions to prevent any new protestors from joining the demonstration. However, at about 10 a.m. . . . he allowed 100 additional demonstrators to be admitted. At about 11.30 a.m. the members of the Dili District Task Force and of other PNTL districts formed two lines facing the protestors. At about the same time teams of UIR [Rapid Intervention Force] officers were redeployed from the Government Palace to Becora and Comoro. The UIR Commander stated that this redeployment was ordered by PNTL Deputy Commander (Operations) Ismael da Costa Babo. . . . The PNTL General Commander was not informed of the redeployment.³¹

That morning, Prime Minister Mari Alkatiri instructed Minister of the Interior Rogério Lobato to send reinforcements to the *Palácio do Governo*, telephoned the president to ask him to talk to Gastão Salsinha, and at about 10 a.m. telephoned F-FDTL Chief of Staff Colonel Lere, and as a result of the prime minister's order, two platoons of F-FDTL were prepared in Baukau. At about 11 a.m. the prime minister again telephoned Colonel Lere and instructed him to send F-FDTL Military Police officers (based in Dili)

spoken to the crowd.

28 A government press release late on 28 April and subsequent statements by Ramos-Horta claimed that agreement had been reached the previous evening (27 April), but early on 28 April UN sources understood that the petitioners had rejected the time-frame and that discussions were set to resume at 7 a.m. that morning. "Timor-Leste: Defence Force Issues: Demonstrations in Dili: Update 28 April: Tensions Rising," New Zealand Embassy Dili, DIL/POL/1, 28 April 2006.

29 "East Timor: F-FDTL: the protest continues," Australian Embassy Dili, DI5407H, 28 April 2006, *FOI release*.

30 For example, an Australian Embassy report advised that the protest was officially due to end at 6 p.m. "East Timor: F-FDTL: the protest continues," Australian Embassy Dili, DI5407H, 28 April 2006, *FOI release*.

31 "Report of the UN Commission of Inquiry (2006)," 24.

to the demonstration site. At about 11.45 a.m. the prime minister received a telephone call from the president informing him that he had met Lieutenant Salsinha, who had promised to attempt to control the crowd and remove the petitioners from the site.³² From late morning, the prime minister, the president, and the minister of the interior were all at a Business Forum function at the Hotel Timor, about 500m west of the *Palácio do Governo*.³³ For his part, at the time the riot began, Foreign Minister Ramos-Horta was having lunch with UNOTIL Acting SRSB Bajwa.³⁴ Around 12 noon, about 500 m east of the *Palácio do Governo* outside the Dili Trade Centre in Lesidere, a motorcycle was torched, as were others outside the Ministry of Health in Kaikoli. Suddenly around 1 p.m. the demonstration outside the *Palácio do Governo* exploded.³⁵ The demonstrators used stones, metal fence palings, lumps of concrete, and timber torn from the adjacent *Uma Fukun*³⁶ to attack police lines. Most of the police officers – who were under orders not to shoot (though at least one did) – fled. Timor Telecom's cellphone system, on which the PNTL depended for its communications, collapsed.³⁷ The eastern wing of the *Palácio do Governo* suffered broken windows, some minor damage and a small fire at ground floor level, and two or three vehicles were burnt in the forecourt. The police used teargas and explosions were heard. The demonstrators themselves scattered and fled on foot, mainly westwards, past the Hotel Timor and along the Komoro road.³⁸

Senior police officers returned to PNTL headquarters in nearby Kaikoli, leaving some police officers at the scene. Minister of the Interior Rogério Lobato arrived at PNTL headquarters wearing a flak jacket and in a highly agitated state, yelling “kill them all.”³⁹ PNTL Deputy Commissioner (Operations) Babo testified that the Minister of the Interior Rogério Lobato instructed him to move the Police Reserve Unit (URP) from Taibesi to the *Palácio do Governo*. In addition, one F2000 fully automatic machine gun and 2,000 rounds of ammunition were signed over to Rogério Lobato by Police

32 “Report of the UN Commission of Inquiry (2006),” 24–25. Mari Alkatiri's account of this detail, provided later to the UN Commission of Inquiry, is at odds with the account Xanana Gusmão gave to U.S. officials on 2 May, in which Gusmão said Salsinha had told him that he could no longer control the youths (see below).

33 UNOTIL *Situation Report*, 28 April–4 May 2006.

34 Sukehiro Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste* (Tokyo: United Nations University Press, 2013), 120.

35 The COI report puts the time 'at about midday,' but first-hand accounts place it soon after 1 p.m.

36 One of the oldest buildings in Timor-Leste, originally built as the Portuguese Garrison, the *Uma Fukun* was badly damaged in 1999 and subsequently restored as a cultural centre, but was again falling into disrepair in 2006. It was restored again in 2008 to house the European Union Office.

37 The PNTL had inherited radio communications from UNMISSET but had not maintained them. They also disliked the UN radios as they were designed to be audible to the UN mission.

38 More properly, Avenida dos Martires da Pátria.

39 “Report of the UN Commission of Inquiry (2006),” 26.

Commissioner Paulo Martins. By about 1.30 p.m. the demonstrators had dispersed. Two civilians had been killed. Three civilians and one PNTL officer had suffered firearms injuries. One civilian and one PNTL officer had suffered other serious injuries.⁴⁰

To an eyewitness at the Hotel Timor function, Prime Minister Mari Alkatiri's behaviour had seemed unusual. The prime minister had arrived earlier than necessary and he had lingered longer than he normally did at such events. As the riot exploded and rampaged past the front doors of Hotel Timor, Mari Alkatiri was seen to panic and collide with a pillar. Later, Minister of the Interior Rogério Lobato reportedly gave both the president and the prime minister lifts home as their cars and drivers had vanished to safety.⁴¹ Defence Minister Roque Rodrigues returned to Dili from his trip to Malaysia in the early afternoon on the Merpati flight from Denpasar. But reluctant to move from the safety of the airport building, Roque Rodrigues was 'holed up in the airport VIP lounge for several hours⁴² before being persuaded to leave, and escorted by military police first to his office in the *Palácio do Governo*, and eventually home.⁴³

During the afternoon, about an hour apart, two large groups of the demonstrators were seen marching past the Australian Embassy heading west towards Tasitolu.⁴⁴ Around 1.50 p.m. riots broke out near the Komoro markets and there were violent incidents in other parts of the city.⁴⁵ As demonstrators reached Komoro markets they were subjected to gunfire from both a section of the police UIR – who notionally provided the petitioners with an escort – as well as from the crowd at Komoro market. One civilian was killed by a weapon fired at long range, eight civilians suffered firearms injuries, and two police officers and two civilians suffered other serious injuries.⁴⁶ Stone-throwing and disturbances continued in Komoro for some hours, until nightfall.⁴⁷

It is not clear how many petitioners made it back to the Karantina or the extent of their involvement in the riots that afternoon in Tasitolu. After the confrontation at Komoro

40 "Report of the UN Commission of Inquiry (2006)," 26. Petitioners appear to be counted as 'civilians' in the UN report. According to Commissioner Paulo Martins, the injured police officer (who died from his injuries two weeks later) had done his duty and bravely held his ground, unarmed.

41 "Dili riots: Update 29 April," New Zealand Embassy Dili, 29 April 2006.

42 "East Timor: F-FDTL: the protest continues," Australian Embassy Dili, DI5407H, 28 April 2006, *FOI release*. According to a UNOTIL report, Roque Rodrigues 'seemingly played no role in events or meetings in the subsequent days.' *UNOTIL Weekly Report*, 27 April–3 May 2006.

43 "Dili riots: Update 29 April," New Zealand Embassy Dili, 29 April 2006.

44 "East Timor: F-FDTL: the protest continues," Australian Embassy Dili, DI5407H, 28 April 2006, *FOI release*.

45 "Rioting in Dili 28 April 2006," New Zealand Embassy Dili, 28 April 2006.

46 "Report of the UN Commission of Inquiry (2006)," 26.

47 "Rioting in Dili 28 April 2006," New Zealand Embassy Dili, 28 April 2006.

market, many of those who made it that far scattered, some going south along the Komoro River and up into the hills. According to one account, at around 4 p.m., news by SMS text of the deaths and injuries of *loromonu* people at the *Palácio do Governo* and Komoro reached the village of Tasitolu. *Loromonu* residents then 'took revenge' and attacked their *lorosa'e* neighbours, who fled up into the hills to hide. When F-FDTL troops arrived later, they in turn drove out the remaining *loromonu* villagers into the hills.⁴⁸ At about 5 p.m. two F-FDTL vehicles carrying 14 soldiers passed through Tasitolu village en route from the military police headquarters in Kaikoli towards the F-FDTL headquarters. On their return, around 5.15 p.m., they encountered a barricade of burning tyres, and some grenades were thrown at them, to which the soldiers responded with gunfire. One civilian was killed as a result of the confrontation and one soldier sustained a minor injury to his finger. A few minutes later, two civilians were injured as a result of F-FDTL weapons-fire close to the Karantina.⁴⁹ By that evening, Tasitolu village was deserted and about a hundred dwellings had been reduced to smouldering ruins. In Dili, rumours circulated that 400 army weapons were missing from the armoury at Metinaru and that hand grenades had been distributed to easterners.⁵⁰ Portuguese news agency *Lusa* reported that there were at least two dead and 34 wounded in Dili. Minister of the Interior Rogério Lobato told *Lusa* that the government was adopting more 'muscular' measures, and that the petitioners and their supporters would all be arrested if necessary.⁵¹

Prime Minister Alkatiri convened a meeting around 6 p.m. on 28 April at his residence. Later testimony differed as to whether or not the prime minister 'authorized' the F-FDTL to use force against the petitioners, but the result of the meeting was a decision that F-FDTL would be deployed to assist PNLT to restore order and contain the petitioners.⁵² On the night of 28 April both the PNLT and the F-FDTL patrolled the city. However, the PNLT believed that petitioners were to be arrested only if they were moving around, but the F-FDTL acted under orders that that they were to search for petitioners and shoot them if they attempted to escape.⁵³ That night the F-FDTL

48 Author's Notebook 6, 30 April 2006.

49 "Report of the UN Commission of Inquiry (2006)," 26-27.

50 "Rioting in Dili 28 April 2006," New Zealand Embassy Dili, 28 April 2006.

51 "Army deployed after Dili riots leave at least two dead, 34 injured," *Lusa*, Dili, 28 April 2006.

52 "Report of the UN Commission of Inquiry (2006)," 27-28. The participants in this first meeting were the Prime Minister; the Minister of the Interior, Rogério Lobato; the Minister of State Administration, Ana Pessoa; the Minister of Defence, Roque Rodrigues; the Acting Chief of Defence Force, Colonel Lere; and the PNLT General Commander, Paulo Martins. Notably absent from this meeting were Chief of Defence Force Taur Matan Ruak (in Denpasar); Foreign Minister José Ramos-Horta and President Xanana Gusmão.

53 "Report of the UN Commission of Inquiry (2006)," 28.

was out hunting down petitioners in the hills behind Tasitolu (Raikotuk),⁵⁴ and detaining those it could find in Dili.⁵⁵ Automatic weapons-fire and some grenades were heard throughout the night and into the following day, particularly in the western areas of Dili, near Tasitolu, Raikotuk, and along the Komoro River at Beduku.⁵⁶ On the night of 28 April, thousands of terrified people sought sanctuary, gathering in churches, at the airport, in the grounds of the U.S. Embassy, at the UN compound at Obrigado Barracks, at the Salesian Dom Bosco college in Komoro, at the Canossian convent in Balide, in the hills behind Dili and Tasitolu (Raikotuk), and to the west at the church compound in Likisa.⁵⁷

On the night of 28 April and on the following day, Foreign Minister José Ramos-Horta⁵⁸ and President Xanana Gusmão went out in Dili to persuade panicked residents to return to their homes. Early on Saturday 29 April, the day after the riot, the city was abnormally quiet. No shops or market stalls were open, the streets were empty, and no police were visible, apart from a heavy presence beginning west of the Komoro river bridge. Thousands of rounds of ammunition had been expended and rumours began to circulate that many people had been killed by the F-FDTL at Tasitolu. Intermittent gunfire continued to be heard throughout the day.⁵⁹ At the Dom Bosco compound at Komoro and the Canossian convent at Balide thousands of people were flooding in to seek sanctuary. Asked by the news media, Australian Foreign Minister Alexander Downer ruled out sending Australian troops: there were no plans to send any, he said, and the government of East Timor had not asked for them.⁶⁰

On 29 April President and Supreme Commander of the Armed Forces Xanana Gusmão visited the Dom Bosco compound and begged people sheltering there to go home, but he was shouted at for his pains. Newspapers reported the voices of the refugees:⁶¹ 'You have asked us to return home but who will guarantee our security because F-FDTL are still shooting. . . . Before, TNI [the Indonesian army] killed us and now police and F-FDTL want to kill us again. When will they stop shooting?'⁶² After pleading in vain

54 "Dili riots: Update 29 April," New Zealand Embassy Dili, 29 April 2006.

55 The F-FDTL later referred to this as *Operasi Rai Lakan* (Operation Lightning).

56 "Report of the UN Commission of Inquiry (2006)," 28.

57 The location of the 6 April 1999 massacre of around 60 refugees, at the hands of Indonesian troops and the Besi Merah Putih militia.

58 "Speech by H E J Ramos-Horta," Ministério dos Negócios Estrangeiros e Cooperação, [New York] 5 May 2006.

59 "Dili riots: Update 29 April," New Zealand Embassy Dili, 29 April 2006.

60 "No Australian troops for Timor: Downer," *Sydney Morning Herald*, 29 April 2006.

61 UN agencies prefer the technical term Internally Displaced Person (IDP), reserving the term 'refugee' for those who have crossed international borders. In this study I have used the term refugee in a literal sense, i.e. one who seeks refuge.

62 *UNOTIL Daily Media Review*, 2 May 2006.

with the crowds, Xanana Gusmão suffered another very personal and public snub when he was turned back at gunpoint from the F-FDTL checkpoint at the airport roundabout, and refused access to Tasitolu,⁶³ according to at least one account because he was not in F-FDTL uniform. Later in the day, an eyewitness talked his way through the F-FDTL roadblocks, looking for children who had been separated from their mother, and found miserable groups of people huddled in the hills in Raikotuk, with no food, water or shelter.⁶⁴ That evening in flickering firelight he saw the body of an adult male in a burnt house in Tasitolu.⁶⁵ A petitioner with a serious bullet wound to the head had been brought into the Dom Bosco compound and from there taken to hospital. The man, carrying his small daughter, had been seeking refuge in the hills, when he had been recognized by F-FDTL as a petitioner and shot. The body of another had been left out on the hill all day waiting for help from the Red Cross to retrieve it.⁶⁶

On 29 April Foreign Minister José Ramos-Horta summoned the heads of diplomatic missions – as was his habit, by SMS text – to a briefing at noon in the library of the Ministry of Foreign Affairs and Development Cooperation, on the first floor in the east wing of *Palácio do Governo*. The evidence of the riot the day before was plain to see: the forecourt was strewn with rocks, lumps of concrete and wood, and burnt-out vehicles. Windows had been shattered, but the main adornment of the library, a large, blood-red banner bearing Che Guevara's image and slogan 'Hasta la Victoria Siempre,' was unscathed.⁶⁷ Flanked by Acting CDF Colonel Lere Anan Timor, and joined half an hour later by Police Commissioner Paulo Martins (delayed by a meeting with the prime minister), Ramos-Horta recounted his tour of the city late the night before.⁶⁸ He had come across hundreds of people leaving their houses in panic, heading for the U.S. Embassy, but had convinced some to return home. Ramos-Horta said that efforts had been made to end the demonstration, but for the previous three days Gastão Salsinha had been losing control. There had never been more than 200–300 petitioners in the demonstration, he said, and no more than 200 people had been involved in the riot. Ramos-Horta blamed Osorio Leki, 'the notorious gang leader of Colimau 2000' for

63 "East Timor: riots – briefing for diplomatic corps," Australian Embassy Dili, DI5410H, 29 April 2006, *FOI release*; "Dili riots: Update 29 April," New Zealand Embassy Dili, 29 April 2006; "East Timor: Dili riots – the debris," Australian Embassy Dili, DI5413H, 2 May 2006, *FOI release*.

64 "Dili riots: Update 29 April," New Zealand Embassy Dili, 29 April 2006.

65 "Update 1 May," New Zealand Embassy Dili, 1 May 2006.

66 "Dili riots: Update 29 April," New Zealand Embassy Dili, 29 April 2006.

67 The gist of Che Guevara's revolutionary slogan is: [the struggle continues] 'forever, until victory.'

68 A note of this meeting, apparently recorded by the minister's office, "Briefing by Senior Minister J Ramos-Horta to the Diplomatic and International Organization on the Current Situation Time: 12h00 29/April/2006, MNEC's Library" was posted on *etan.org* on 1 May 2006. Ramos-Horta also gave an interview to ABC a few days later. "Ramos-Horta says soldiers did not shoot at Dili protestors," *ABC Lateline*, 2 May 2006.

taking over the demonstration, and claimed that the petitioners were not involved in the riot. He lambasted the police, most of whom 'fled at the first sight of trouble.' Severe damage had been done, he said, particularly in Taibesi and Tasitolu, and people had been killed and wounded. But the prime minister had agreed to help rebuild and to provide compensation for destroyed buildings.

Police Commissioner Paulo Martins said that there had been trouble with a group of youths who had refused to move away from the demonstration, and that the mobile phone network had crashed. The police positioned at the *Palácio do Governo* had felt they were going to be attacked by the demonstrators. They were pelted with rocks and were afraid as they had heard that the demonstrators had hand grenades. Paulo Martins had issued an order forbidding the firing of bullets, but he had ordered tear gas to be used. Some members of the police UIR had stayed at the *Palácio do Governo* and prevented the demonstrators from taking over the building. Paulo Martins thought the riot was planned, as it occurred at the same time as Taibesi market was burnt. Later, the police station at Komoro had been stoned and there was a confrontation between the police, demonstrators and a group from the market who attacked the demonstrators. According to Martins there were 34 people injured, including two civilians by gunfire, and two people were dead. Martins reported that thousands of people had taken refuge: about 3,000 at the Dom Bosco compound in Komoro, about 400 at the airport, about 1,000 at the police academy on Komoro road, he said, while others were at the police station in Bekora and at F-FDTL bases at Tasitolu and Metinaru.

Colonel Lere reported that F-FDTL and PNTL operations were being coordinated. F-FDTL assistance had been requested by the prime minister and the minister of the interior, he said. With the joint operation, the issue of command and control had been resolved, he said, by defining separate areas of operation. The F-FDTL had been tasked to control the area from the airport roundabout west to Tibar. The F-FDTL's task had been to control demonstrators trying to flee from the area, 'over a thousand persons.' The demonstrators had burnt and robbed in an attitude typical of the 1999 militias, he said, with 'provocations and confrontations.' Between 5 and 6 p.m. at Raikotuk, the petitioners had thrown two hand grenades, one of which had exploded, to which the F-FDTL responded with gunfire. Colonel Lere thought that three or four people must have been killed. The F-FDTL had been ordered not to kill anyone, 'if necessary, shoot him in the leg,' 'but there were incidents.' When asked why petitioners were being sought out and arrested even if they had not been involved in

the riot, Lere responded that there was evidence of petitioner involvement in Tasitolu: the backpack and ID of a certain former naval lieutenant had been found there. The F-FDTL were also in control of the exit roads from Dili at Raikotuk, Lahane and Fatuahi and orders had been issued not to allow any member of the government or member of parliament to leave Dili.⁶⁹ The briefing seemed intended to show foreign observers that the government had matters in hand and that the trouble had been contained.

In Denpasar, Brigadier Taur Matan Ruak cancelled his travel plans and returned on the next flight. He arrived in Dili on Saturday 29 April and called off the F-FDTL pursuit of the petitioners. A few days later Major Alfredo Reinado told U.S. Embassy officers that when CDF Taur Matan Ruak returned to Dili on 29 April, he had called a meeting of senior F-FDTL officers. Taur Matan Ruak had been angry with Colonel Lere and asked to see his written orders, to intervene in a matter that should have been handled by the police. Lere responded that he had received an oral order. Taur Matan Ruak asked how many were dead and who was killed. Lere replied that he did not know and he had not yet investigated the matter. Taur Matan Ruak had looked very sad, and then said, 'If it is already buried, do not dig it up.'⁷⁰

A further meeting at the residence of Prime Minister Mari Alkatiri was held around 4 p.m. on 29 April, which CDF Taur Matan Ruak attended, along with those who had been present the previous evening – but still in the absence of President Xanana Gusmão and José Ramos-Horta. A decision was taken to withdraw the F-FDTL forces from the city but to continue with joint F-FDTL Military Police and PNTL patrols within the city.⁷¹ Late that night, at about 1 a.m., Taur Matan Ruak went to Xanana Gusmão's house at Balibar. According to José Ramos-Horta 'the two met for about two hours during which the general was able to explain [to the president] the absurdity and the malicious nature of . . . rumours' of a massacre at Tasitolu.⁷²

69 "Dili riots: Update 29 April," New Zealand Embassy Dili, 29 April 2006. According to Australian Embassy reporting, the Minister of Justice was turned away from the airport on 29 April. "East Timor: riots - sitrep 12.00 29 April," Australian Embassy Dili, DI5409H 29 April 2006, *FOI release*. An information note issued by the Minister of Foreign Affairs on 29 April advised that as of Sunday 30 April, F-FDTL units would be withdrawn from the city. "For the information of the Diplomatic Corps and UNOTIL," Ministério dos Negócios Estrangeiros e Cooperação, 29 April 2006.

70 "The view from the west: meetings with dissident military leaders," U.S. Embassy Dili, Cable 06DILI220, 10 May 2006, *Wikileaks Public Library of US Diplomacy*.

71 "UN Commission of Inquiry (2006)," 29. Those present at the meeting on 29 April, in addition to CDF Taur Matan Ruak, were the Prime Minister, the Minister of the Interior Rogério Lobato, the Minister of State Administration Ana Pessoa, the Minister of Defence Roque Rodrigues; Deputy CDF Colonel Lere; and PNTL Commissioner Paulo Martins.

72 "Speech by H E J Ramos-Horta," Ministério dos Negócios Estrangeiros e Cooperação, 5 May 2006.

The petitioners were dispersed: some were in detention, others were hiding in the hills or around the city, or sheltering in various locations and church facilities.⁷³ Some government ministers and Mari Alkatiri's brothers were reported to be residing at the police station in Kaikoli.⁷⁴ By Saturday evening there were many thousands of refugees scattered across the city.⁷⁵ Nonetheless it seemed possible that the worst was over and that people would begin to return home in three or four days.⁷⁶ By the morning of Sunday 30 April, some 1,400 families, an estimated 10,000 people, including members of F-FDTL and PNTL and their families, had registered as refugees in the Dom Bosco compound, while thousands more had sought sanctuary at the Canossian convent at Balide and congregated in churches and other places across the city. Gunfire and explosions continued sporadically in the hills around Tasitolu as the army continued their operation to hunt down the petitioners. The army checkpoint at the airport roundabout was removed around 3 p.m. on 30 April, unblocking the road to the west. At Tasitolu could be seen the remains of burnt-down dwellings and the police post. The army headquarters at Tasitolu were unguarded, with gates and doors left wide open.⁷⁷ In the southern part of the city, Taibesi market lay in heaps of ashes, almost completely destroyed.

In the immediate wake of the riot it was unclear exactly what had happened and where responsibility lay. A number of speculative theories circulated. Like the riots in 2002, the possible involvement of multiple parties and motivations made for confusion. No political party (not even Osorio Leki's PDRT/Colimau 2000) had openly supported the petitioners.⁷⁸ The government blamed Colimau 2000, and focussed on hunting down the petitioners, but with the 'seemingly coordinated nature of the violence,' there was suspicion and speculation that other parties may have been involved, 'even Fretilin dissidents.'⁷⁹ The instigation and involvement of *agents provocateurs* remains hazy, as does the purpose of Osorio Leki, who a year later made an opaque apology to a Fretilin party meeting for his part in the demonstration.⁸⁰ What was clear was that the

73 "Dili remains calm, but thousands still displaced as rumours abound," U.S. Embassy Dili, Cable 06DILI194, 30 April 2006, *Wikileaks Public Library of US Diplomacy*.

74 "East Timor: aftermath of the riots - sitrep," Australian Embassy Dili, DI5411H, 30 April 2006, *FOI release*.

75 "Dili riots: Update Sunday 30 April," New Zealand Embassy Dili, 30 April 2006.

76 "Dili riots: Update Sunday 30 April," New Zealand Embassy Dili, 30 April 2006.

77 New Zealand Embassy Update, 30 April 2006.

78 *UNOTIL Weekly Report*, 27 April - 3 May 2006.

79 *UNOTIL Weekly Report*, 27 April - 3 May 2006.

80 Secretary General of the PDRT Osorio Leki's apology to Fretilin in 2007 suggests that he saw himself as a loyal member of the Fretilin party, tricked by unnamed parties into opposing Mari Alkatiri. Soon after the 2007 elections, Leki told a Fretilin Central Committee meeting that 'some people' had used the Colimau 2000 group in April 2006 'to make politics' when they used the group to demonstrate with the petitioners 'in order to bring down the constitutional government headed by Mari Alkatiri.' I

government had failed to respond to the petitioners' grievances, and mismanaged its response to the demonstration, and there was a reservoir of disappointed and angry people in Dili. However the physical damage caused on 28 April was relatively minor.⁸¹

According to many observers, the government's objective had been to destroy the F-FDTL, and thereby to undermine Xanana Gusmão, and for this reason Prime Minister Mari Alkatiri had deliberately neglected the F-FDTL since independence. Doing nothing in response to the F-FDTL's problems had resulted in the petitioners' protests, and had split the F-FDTL, and the relationship between Taur Matan Ruak and Xanana Gusmão had also broken down. The government, particularly Rogério Lobato, Mari Alkatiri and Ana Pessoa, encouraged the petitioners, who were promised that they would be found other employment or absorbed into the police force after the F-FDTL was finished.⁸² The petitioners had been reduced from poorly-paid but salaried members of the F-FDTL in January, to dismissed protestors in March, and then at the end of April to outlaws hunted in the hills. Some petitioners reportedly had asked Rogério Lobato why the demonstration that they 'had been asked to do' was resulting in so much trouble for them now, and received the reply that they had been asked to demonstrate, not create violence.⁸³ Adding credence to that story, on 22 May in a meeting with the New Zealand Ambassador and visiting Deputy Secretary of Foreign Affairs John McKinnon, Rogério Lobato advised that he was still in direct contact with the petitioners. 'Some petitioners call me. They have my phone number. I tell them, don't become political instruments, stick to your demands.'⁸⁴ Prime Minister Mari Alkatiri's purpose on 28 April in ordering the F-FDTL to hunt down the unarmed petitioners remains unexplained by him, but he may have seen it as a means of tidying up the problem: getting rid of the petitioners, while implicating and bringing F-FDTL 'loyalists' firmly on to the government's side. In so doing this might even bring the F-FDTL back to its origins as Falintil, the armed wing of the Fretilin party.⁸⁵

want to publicly state that during the crisis people used Colimau 2000 as a curtain [screen] to dismantle the Fretilin grassroots [party base] in various localities, but this is now clear to us and we have now learnt from our experience and our position will be clear in the future.' "SG of PDRT says Kolimau 2000 was used," *Jornal Nacional Diário* (Timor-Leste), Dili, 6 August 2007. (Translation posted on etan.org, 11 August 2007.) Osorio Leki's views later modified further and by 2012, he had resigned from PDRT in order to join Xanana Gusmão's CNRT party. "Osorio Leki, *Rezigna Hosi PDRT Tan Pontus 6*," blog post CJITL, n.d.

81 "Speech by H E J Ramos-Horta," Ministério dos Negócios Estrangeiros e Cooperação, [New York] 5 May 2006.

82 João Saldanha, Dili, July 2014.

83 "Timor-Leste: Update 16 May," New Zealand Embassy Dili, 16 May 2006.

84 Author's Notebook 4, 22 May 2006.

85 According to one explanation, the government encouraged the petitioners in order to break up the F-FDTL, to break Xanana Gusmão's power and also that of F-FDTL commanders Taur Matan Ruak

Monday 1 May, Labour Day, was a public holiday and government offices were closed. Dili was 'awash' with rumours of violence.⁸⁶ Some offices did continue to function: UNOTIL investigators and the newly-opened Office of the Provedor visited prisons, hospitals and refugee centres, and Minister of Labour and Community Reinsertion, Arsénio Bano, and his department, supplemented by numerous local volunteers, began work on refugee relief and started making plans for rebuilding burnt houses. Foreign Minister José Ramos-Horta issued a press release asserting that things were returning to normal and restrictions on entry and exit from Dili had been lifted as of 2 p.m. on 30 April. He advised that he would leave on 1 May for New York, via a stop-over in Sydney to promote the new Tour de Timor-Leste bicycle race.⁸⁷

Official figures seemed to agree on the number of deaths (five: two in the riot and three at Tasitolu) and 70 wounded or injured. But rumours grew of a massacre at Tasitolu on 28 and 29 April. From a hide-out in the hills, petitioners' spokesman, Gastão Salsinha, told *Lusa* on 1 May that he had confidence only in the president, and not in the government, who 'lie and kill.' Salsinha said he was accompanied by more than a hundred soldiers and did not intend to surrender, and that he had received information that more than sixty people had been killed.⁸⁸ Panic in the city escalated, fuelled by the amount of gunfire heard around Tasitolu.⁸⁹ There were stories of bodies being eaten by animals on the hills behind Tasitolu,⁹⁰ 'eyewitness' accounts of piles of bodies seen in Tasitolu, and detailed accounts of bodies loaded on to F-FDTL trucks and taken east, or dumped at sea.⁹¹

The aftermath of the 28 April riots

After 28 April, Prime Minister Mari Alkatiri gave varying accounts of the events and his role in them. Complex constitutional and legislative provisions for states of exception made the legality of the government's actions against the petitioners initially

and Lere Anan Timor. João Saldanha, July 2014. Police Commissioner Paulo Martins told U.S. Embassy officers in late May that Alkatiri had been convinced by the F-FDTL senior command (Taur Matan Ruak and especially Lere Anan Timor) that the petitioners were planning a coup, and, always willing to believe that people were after him, Alkatiri became determined to crush them. "Emboffs interview national police commissioner in hiding," U.S. Embassy Dili, Cable 06DILI279, 31 May 2006, *Wikileaks Public Library of US Diplomacy*.

86 "East Timor: riots aftermath - sitrep 18.15, 1 May," Australian Embassy Dili, DI5412H, 1 May 2006, *FOI release*.

87 "Statement by the Senior Minister and Minister for Foreign Affairs, Dr Jose Ramos-Horta," Ministério dos Negócios Estrangeiros e Cooperação, 30 April 2006.

88 "Timor-Leste: 'Só Confiamos no presidente Xanana' - Tenente Gastão Salsinha," *Lusa*, Dili, 1 May 2006.

89 Around 3,000 rounds were reportedly used by F-FDTL at this time.

90 New Zealand Embassy Update, 1 May 2006.

91 See "Report of the UN Commission of Inquiry (2006)," 28. The provedor (ombudsman) had attempted to investigate the rumour of a massacre at Tasitolu, but had also been refused access to the area by the F-FDTL. *UNOTIL Daily Media Review*, 3 May 2006.

difficult to determine. Provision for states of exception (siege and emergency) was contained in the Constitution in section 25, but according to section 85 (g) the declaration of a state of siege or emergency was the president's exclusive prerogative, after consultation with the council of state, the government and supreme council of defence and security. Buried in Decree Law No 7/2004 was another category of emergency, a 'crisis situation,' whereby the F-FDTL might be deployed 'to assist the PNTL and other civil authorities, under the terms defined in the declaration of the crisis.' However the provisions in Decree Law No 7/2004 appeared designed to allow the F-FDTL to be called in to assist in natural disasters, rather than in situations of civil unrest.⁹² Furthermore, although the declaration of a 'crisis situation' accorded a lesser role to the president than did a state of exception, it still required a process that was not followed in the F-FDTL deployment on 28 April 2006.⁹³ It was almost three weeks before the legality of the F-FDTL mobilization was publicly questioned.⁹⁴ Probably as result of UNOTIL questioning or advice,⁹⁵ the government began to take measures to retrospectively 'rectify' the legal situation. On 15 May 2006, President of Parliament Lu'Olo, with Colonel Lere Anan Timor, read out a government report in parliament on the intervention of the F-FDTL in the '28 April incident.' A member of parliament complained bitterly that the report had only been read out and was not distributed to members of parliament to debate.⁹⁶ Prime Minister Mari Alkatiri's report, ostensibly dated 28 April, was published on-line by the government's official mouthpiece, *Jornal da República*, in its 11 May 2006 issue.⁹⁷ According to the prime minister's tendentious

92 The relevant provisions in Decree Law 7/2004 are in Chapter III: Civilian Authority Support Mission, Article 18 (1): 'A 'crisis situation' shall be declared by the Government, together with the President, when there are serious or widespread disruptions of public order, which may cause imminent institutional instability but do not justify immediately declaring a state of siege or a state of emergency, to avoid suspending the rights of citizens and at the same time quickly restoring the peace that was threatened.' Article 19 (1) provides the context: 'The catastrophe or public disaster situation shall be declared when, due to an act of man or nature, namely fire, flooding, or earthquake, there is a need to adopt exceptional measures to provide immediate support to the population and restore normalcy to the living conditions in the areas that were hit.'

93 Decree Law 7/2004 Article 21 'Process for declaring a crisis situation' reads in full: '1. The crisis situation or the situation of catastrophe or public disaster shall be declared after an agreement reached between the Crisis Cabinet and the President. 2. The President shall be appraised, as early as possible, of the Crisis Cabinet meetings and invited to participate in them. 3. The Prime Minister, at all times, must keep the President informed of the matters discussed, the decisions made and the progress of the situation.' According to the law, the crisis cabinet chaired by the prime minister should comprise vice prime ministers and ministers of state, cabinet members in charge of defence and the interior; the chief of defence forces; and commander of the PNTL.

94 "East Timor: PM Alkatiri accused of illegally ordering army against demonstrators," *Lusa*, Dili, 17 May 2006.

95 The question of the legality of the mobilization is raised in *UNOTIL Weekly Report*, 27 April-3 May 2006 and subsequently.

96 *UNOTIL Daily Media Review*, 17 May 2006; *UNOTIL Situation Report*, 12-18 May 2006.

97 Despacho No 05-A/2006/PM, Série II, No 3, 11 May 2006. However the 11 May issue was probably not published on that date. The *Jornal da República* was erratic in its publication of documents and the date of 11 May appeared designed to attend to the deadlines set in Decree Law 7/2004, Article 24,

report, on 28 April by 2 p.m.:

The Prime Minister of the Democratic Republic of Timor-Leste, as the Head of Government, having met an hour before with the President who reported on the worsening situation and the need for reassertion of state authority and in accordance with subparagraph c) of paragraph 1 of Article 115, of the Constitution and Article 20 of Decree-Law 7/2004, of 5 May, decided to establish a Crisis Cabinet that decided on the declaration of a crisis situation. . . . Faced with this situation of serious crisis of disturbance of public order, without the justification of a declaration of state of siege and suspension of basic rights, and taking into account the provisions of subparagraph a) of paragraph 2 of Article 3 and of paragraph 2 of Article 18 of Decree-Law No 7/2004 of May 5, Organic Law of the Falintil-Defence Forces of Timor-Leste (F-FDTL) *it was decided to call out* the F-FDTL to work with the Timor-Leste National Police (PNTL) in restoring law and order with the effect of defining the territorial boundaries for the actions of F-FDTL.⁹⁸

Contrary to the account given in the prime minister's official report, the UN Special Independent Commission of Inquiry (COI) later found that the process of mobilization of the army contravened Timor-Leste's legal and constitutional requirements: no orders were given in writing; no formal declaration of a state of crisis was made; and no contact was made or attempted with the president until the prime minister telephoned him the following day. Minister of Foreign Affairs José Ramos-Horta also was not informed until Colonel Lere telephoned him the next day.⁹⁹ Prime Minister Mari Alkatiri's oral orders to Colonel Lere to provide F-FDTL troops and military police occurred not only prior to the riot breaking out, but also by-passed the legal requirements for calling for military aid to a civil power.¹⁰⁰ Those legal processes were familiar to Mari Alkatiri as party principal in the drafting of both the constitution and subsequent legislation, and had been the subject of specific advice to the secretary of state for defence and F-FDTL leadership on several occasions in early 2005, before the church demonstrations, when the possibility of F-FDTL deployment in relation to internal security tasks had been raised.¹⁰¹ The UN report makes no comment on the deployment of the F-FDTL military police against civilians, but this was contrary to the purpose of the unit created after the 2004 Inquiry, which was to assist in enforcing F-FDTL internal discipline.

which requires the government to report to parliament within 15 days. Civil society organisation Judicial System Monitoring Programme later that year reported on its concerns about the *Jornal*: "Justice Update: The publication of the Official Gazette," *JSMP*, October 2006.

98 "Despacho No 05-A/2006/PM," *Jornal da República Série II*, No 3, 11 May 2006.

99 "Report of the UN Commission of Inquiry (2006)," 27.

100 "Report of the UN Commission of Inquiry (2006)," 61-62.

101 UN Internal Paper, 11 February 2005.

Records of meetings between U.S. officials and the president and prime minister in the days following the riots are of interest because of the close proximity of those meetings to the events, but in neither discussion was there any comment on legal and constitutional process. On Tuesday 2 May, President Xanana Gusmão told visiting U.S. Deputy Assistant Secretary Eric John and Ambassador Joseph Rees that he had not expected the violent turn of events. Government and military leaders, he thought, had been either unwilling or unable to solve the problems when they were small, and when they grew, 'took the wrong approach.' Some of the F-FDTL leadership, he said, regarded the petitioners as 'enemies.' The president related that when he met Gastão Salsinha on 28 April before the riot broke out, Salsinha had said that he could not control the youths who had added themselves to the demonstration. The president expressed great concern about the prime minister's decision to call in the army, its actions, and the long-term consequences, and recounted a conversation from the meeting he had just had with the prime minister. Mari Alkatiri, he said, had blamed Rogério Lobato for failing to keep order, and had suggested that Lobato might have deliberately allowed the situation to get out of control, or even instigated the riot to justify an 'authoritarian' response. But in the president's view, Mari Alkatiri was making Rogério Lobato and Paulo Martins 'scapegoats,' to take the blame for Alkatiri's decision to mobilize the army. Relations between Alkatiri and Lobato, according to Xanana Gusmão, had become 'extremely negative.' The president said he believed that the army was becoming more closely aligned with Fretilin. According to the report, the president's mood throughout the meeting was one of 'deep sadness.' Once or twice during the meeting he paused to wipe away tears, and at one point he said slowly and quietly, 'I have lost my guerrillas.'¹⁰²

When U.S. officials met Prime Minister Mari Alkatiri the next day, 3 May, the meeting began with an offer of U.S. technical support for 'free and fair' elections in 2007. The prime minister responded that the forthcoming Fretilin congress would help stabilize the nation, adding that draft electoral legislation would be sent to parliament later that day.¹⁰³ Echoing John's sentiments on the importance of a transparent electoral process, Mari Alkatiri responded, 'elections are just the starting point. Ultimately the government's legitimacy is in how it governs.' On the disturbances in Dili, Prime

102 "DAS John Meeting with President Gusmao," U.S. Embassy Dili, Cable 06DILI203, 3 May 2006, *Wikileaks Public Library of US Diplomacy*.

103 Drafts of electoral legislation had been approved at a cabinet meeting on 26 April. *UNOTIL Weekly Report*, 20–26 April 2006. On 12 May, nine days after the prime minister's meeting with U.S. officials, President of Parliament Lu'Olo advised that the draft legislation had been received by parliament. *UNOTIL Daily Media Review*, 13–15 May 2006.

Minister Mari Alkatiri claimed that he had had no alternative but to call out the army. Initially he had called in the military police to control the rioting at the *Palácio do Governo*, to save the building. The situation had then deteriorated, particularly around Tasitolu, causing him to call in the F-FDTL [infantry]. As to how the riots had started, the prime minister pointed to the involvement of Colimau 2000. As early as 25 April, he said, groups of 'non-petitioners' had begun causing problems in various parts of Dili. Plans for violence had been made in advance and were known to the petitioners, who erroneously believed they could maintain control. Mari Alkatiri said he had told Lieutenant Salsinha the day before the riot broke out, 'you have already lost control.' The prime minister expressed confidence that the situation was now stable, and he had been assured by Taur Matan Ruak that all soldiers would return to barracks within 24 hours.¹⁰⁴

Mari Alkatiri's 3 May account to U.S. officials about his actions on 28 April differed from the official account published in the *Jornal da República* and made no mention of a declaration of a crisis. Nor did the sequence of events he recounted fit with the later findings of the COI, which established that the prime minister had called out the F-FDTL in Baukau at around 10 a.m., and the F-FDTL Military Police in Dili at around 11 a.m. According to the COI, Mari Alkatiri also gave inconsistent statements as to whether he told the president that he had already requested the army to be on standby, while Xanana Gusmão told the Commission that there had been no discussion as to the need for calling in the army.¹⁰⁵

Xanana Gusmão and Taur Matan Ruak both appeared to be 'casualties' of the riots.¹⁰⁶ On 29 April, President Xanana Gusmão had been screamed at by refugees, and then humiliatingly turned back at gunpoint from an F-FDTL checkpoint. CDF Taur Matan Ruak was not consulted in relation to the F-FDTL call-out, either by the Prime Minister or Acting CDF Lere Anan Timor, although he was only a phone call away in Denpasar. A UNOTIL report commented: 'Although President Gusmao has been outwardly weakened by recent events, he still remains the only political leader able to mediate and resolve this political crisis.'¹⁰⁷ On 2 May, giving a short address to the nation after the television news, appealing for calm and for the security forces to return to barracks,

104 "DAS John Meeting with Prime Minister Alkatiri," U.S. Embassy Dili, Cable 06DILI210, 4 May 2006, *Wikileaks Public Library of US Diplomacy*. As noted above, the COI later found that Mari Alkatiri had called in the F-FDTL some hours before the riot started; and Mari Alkatiri's claim to have told Salsinha on 27 April 'you have already lost control' is at odds with his later testimony to the COI.

105 "Report of the UN Commission of Inquiry (2006)," 24-25.

106 "East Timor: Dili riots - the debris," Australian Embassy Dili, DI5413H, 2 May 2006, *FOI release*.

107 *UNOTIL Weekly Report*, 27 April - 3 May 2006.

President Xanana Gusmão looked 'grey and glazed'.¹⁰⁸

In Australia, news media interviewed Foreign Minister José Ramos-Horta on 2 May. Ramos-Horta said he had spoken to Foreign Minister Alexander Downer and believed that Australia would support a further UN mission, to help to manage the 2007 elections. José Ramos-Horta blamed the violence on thugs and hooligans, and confidently advised that surrender of Gastão Salsinha might occur soon: 'on Saturday or Sunday' some emissaries had gone to the president's house with an offer to surrender.¹⁰⁹ In response to rumours that petitioners in Ermera District were preparing to attack Dili, Prime Minister Mari Alkatiri and Minister of the Interior Rogério Lobato held an urgent meeting with former Falintil Commander Dudu (Ernesto Fernandes) and Ermera District commander of police, Arnaldo Araújo, and received assurances that the situation in Ermera was 'under control'.¹¹⁰ PNTL Commissioner Paulo Martins told the ABC it was impossible yet to say how many people had been killed.¹¹¹ PD deputy leader Mariano Sabino demanded to know what Mari Alkatiri had meant by his repeated claims that it was only Fretilin that could create instability and stability.¹¹² Rumours continued to run wild about a massacre at Tasitolu.¹¹³ On 2 May the government established three more commissions: for the verification of the dead and injured; the return (*recepção*) of the petitioners; and for the audit of damaged property and goods.¹¹⁴ Despite the government's repeated promises to withdraw troops from civilian areas, on 3 May around 200 troops from the Baukau First Battalion were still deployed in the vicinity of Dili, about 140 on patrols and the remainder at Metinaru. Australian defence advisers expected the F-FDTL deployment to last at least another week.¹¹⁵

By 3 May there seemed little evidence of leadership on the part of the government, and still less that it had any vision of a way through. In the view of the New Zealand

108 "East Timor: riots aftermath: - sitrep 19.00 2 May," Australian Embassy Dili, DI5416H, 2 May 2006, *FOI release*. The U.S. Embassy observed that Mari Alkatiri had asked Xanana Gusmão to broadcast a statement to the people, but did not do so himself. "DAS John Meeting with President Gusmao," U.S. Embassy Dili, Cable 06DILI203, 3 May 2006, *Wikileaks Public Library of US Diplomacy*.

109 "Ramos-Horta says soldiers did not shoot at Dili protestors," *ABC Lateline*, 2 May 2006.

110 *UNOTIL Daily Media Review*, 4 May 2006.

111 "Fears East Timor Tensions will escalate," *ABC Lateline*, 2 May 2006.

112 "PD *kestiona deklarasaun Mari Alkatiri mak kria instabilidade no estabilidade*," *Timor Post*, 3 May 2006.

UNOTIL SRSG Hasegawa also recalls being told repeatedly by Alkatiri in June 2006 that he still had the power to destabilize the country and plunge it into civil war if he wanted to. Sukehiro Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste* (Tokyo: United Nations University Press, 2013), 142.

113 "Timor-Leste: Tensions Rising," New Zealand Embassy Dili, DIL/POL/1, 3 May 2006.

114 "Update on the Situation," Ministério dos Negócios Estrangeiros e Cooperação, 3 May 2006; Despacho N° 06/2006/PM; Despacho N° 07/2006/PM; Despacho N° 08/2006/PM; Despacho N° 09/2006/PM; Despacho N° 11/2006/PM; *RDTL Jornal da República Série II*, N° 3, 11 May 2006.

115 "East Timor - F-FDTL Dispositions," Australian Embassy Dili, DI5417H, 3 May 2006, *FOI release*.

Ambassador, the situation appeared to have deteriorated into a political crisis.¹¹⁶

Although Dili was superficially quiet, the city was not returning to normal. The streets emptied rapidly as people sought refuge or fled the city to take their families to safety in the districts. Public confidence in the ability of the government or the president to protect them drained away, not helped by seeing members of the police and army sending their families for safekeeping to the districts, and seeing government leaders sending their own families away to safety.¹¹⁷

Major Alfredo Reinado

On the night of 3 May 2006, panic in Dili surged as stories swept the city of defections of army and police units, of an imminent coup d'état, of an impending attack by the petitioners on Dili, and of an east-west civil war that was about to erupt.¹¹⁸ When dawn eventually arrived, without an attack, it became evident that there was good reason for the alarm. Members of a joint F-FDTL-PNTL patrol,¹¹⁹ under the command of the (*Ioromonu*) head of the military police unit, Major Alfredo Reinado, including 18 (F-FDTL) military police and 11 members of UIR had deserted to the western districts, taking with them their military-style weapons, ammunition, uniforms, and vehicles.¹²⁰ At the road junction at Tibar, (about 15 kilometres west of Dili) Alfredo Reinado had given members of his patrol the option to go with him to Ermera, or to return to Dili. One police officer and one soldier chose to return to Dili and the remainder went with Alfredo Reinado.¹²¹

116 "Timor-Leste: Tensions Rising," New Zealand Embassy Dili, DIL/POL/1, 3 May 2006.

117 Taur Matan Ruak's wife and children were reported to have been sent east to Baguia; Interior Minister Rogério Lobato's family had been seen to leave on a flight to Darwin; Agriculture Minister Estanislau da Silva's family had moved out of their house in Farol, and their household effects were seen leaving on a barge to Darwin. The president's wife and young children by chance were in Australia (but returned a few days later). The Prime Minister's family was believed to have fled to Kupang. "Timor-Leste: Tensions Rising," New Zealand Embassy Dili, DIL/POL/1, 3 May 2006; "Timor-Leste: Constitutional Crisis," New Zealand Embassy Dili, DIL/POL/1, 18 May 2006.

118 "Timor-Leste: Update 4 May and Preliminary Analysis," New Zealand Embassy Dili, DIL/POL/1, 4 May 2006.

119 Joint Military Police and PNTL patrols operated throughout Dili from 30 April to 3 May. These patrols ceased when Major Alfredo Reinado, commander of the Military Police, abandoned his post on 3 May 2006. "Report of the UN Commission of Inquiry (2006)," 29.

120 The numbers in Alfredo Reinado's group fluctuated over time. They were increased by the addition of some members of the Aileu Police Reserve Unit (URP) and later by regular F-FDTL soldiers. The numbers reduced when 7 of the 11 PNTL UIR officers who had left with Alfredo Reinado on 3 May returned to Dili on 5 or 6 May, following a phone call from the PNTL Commissioner threatening them with dismissal. After their departure from Dili, Alfredo Reinado's group remained in the Ermera area until 8 May when they moved to Aileu. "Report of the UN Commission of Inquiry (2006)," 29.

121 Afonso de Jesus, Dili, July 2014.

Major Alfredo Reinado cut an attractive, intelligent, 'cocky and charismatic' figure.¹²² Alfredo Reinado, like many Timorese, had a traumatic personal background, which in his case was recorded in testimony to the CAVR in 2004.¹²³ Around 1978, as a child of eleven years, he had been taken from his home in Maubisi and co-opted by Indonesian forces as *Tenaga Bantuan Operasi* (TBO), that is, as forced labour with duties such as carrying ammunition and supplies, collecting water, washing and cooking. The young Alfredo Reinado was witness to traumatic events such as the killing of other children who failed to comply with orders. Two years later at age thirteen, Alfredo was among numbers of Timorese children 'taken home' by Indonesian troops.¹²⁴ During five years in Sulawesi and Kalimantan as a household servant he managed to acquire some schooling and sailing skills and eventually escaped back to East Timor in 1986, with the assistance of a sympathetic Indonesian military officer in Surabaya. In 1995 he had escaped to Darwin by boat with seventeen others, on the only refugee boat to get to Australia from Timor.¹²⁵ He returned to East Timor in 1999. After independence Alfredo Reinado was appointed commander of the F-FDTL naval component in Hera. He was removed from this post under a cloud, and had been effectively demoted to command the new F-FDTL Military Police Unit in 2005.¹²⁶ Major Alfredo Reinado was in the group with João Gonçalves and Major Tara, whose approach Mário Carrascalão had rebuffed in 2005. According to Taur Matan Ruak, in November 2005, Major Alfredo Reinado had been involved with meetings with resistance veterans and the *Polícia Nacionalista* group to depose the government it regarded as 'communist.' In 2006 the disaffected Major Alfredo Reinado found his cause as a rebel against the government of Mari Alkatiri, and a year later, would become a rebel against the government of Xanana Gusmão, before being killed at José Ramos-Horta's house in Metiaut on 11 February 2008.

122 International Crisis Group, "Resolving Timor-Leste's Crisis," Asia Report (Jakarta/Brussels, October 10, 2006), 10.

123 *Chega! Volume IV Part 7.8 Violations of the Rights of the Child*, 96-97.

124 See *Chega! Volume IV Part 7.8 Violations of the Rights of the Child*; some were transferred into orphanages such as those of the Soeharto-run dubious charity, the Dharmais Foundation. See Helene van Klinken, *Making Them Indonesians: Child Transfers out of East Timor* (Monash University Publishing, 2012).

125 *Chega! Volume IV Part 7.8 Violations of the Rights of the Child*, 96-97.

126 According to some accounts, in July 2004 Alfredo Reinado was removed from his command of the naval unit for fighting with police. In 2005 he was sent on a three-month naval training course in Canberra, where he became involved with a junior female Timorese soldier, as a result of which he was disciplined on return by being removed from the naval unit and demoted to command the military police unit. ICG "Resolving Timor-Leste's Crisis," 9-10; "Alfredo Alves Reinado - the Life and Death of a Modern-Day Cult Hero," *easttimorlawandjusticebulletin.com*, 19 November 2008.

Major Alfredo Reinado's desertion from the F-FDTL precipitated an exodus of thousands of people from Dili on 4 May.¹²⁷ Prime Minister Mari Alkatiri and President Xanana Gusmão held a joint media conference intended to restore public confidence, which was broadcast and repeated throughout the day. They emphasized cooperation between the police and the F-FDTL, that the police would not use military-style weapons in Dili, and that the F-FDTL was being withdrawn to Metinaru and Tasitolu by 5 p.m.¹²⁸ But the message failed to convince, and trucks and buses loaded with people, their bedding and possessions continued to leave Dili. Airline flights out of Dili were booked solid for days ahead.¹²⁹ Those with no other means flooded into whatever sanctuary they could find. The two largest refugee camps in Dili were at the Canossian convent and school in Balide and at the Salesian Dom Bosco compound in Komoro. Water, sanitation, food and shelter were problematic, and thousands of traumatized people were crammed into confined areas, which became difficult to keep from squalor as time went on. The larger, church camps were well-organized and names were registered. In Balide there were five main rules to maintain the peace: no-one was identified as either *loromonu* or *lorosa'e*; all were there as ordinary people (no special status for politicians, army or police); there were no questions; the only language spoken was Tetun; and no weapons were permitted. But an armed PNTL guard comprising both *loromonu* and *lorosa'e* was formed to defend the Balide compound from attacks.¹³⁰

On 9 May Alfredo Reinado told U.S. Embassy officers that his reasons for deserting on 3 May revolved around his objection to an 'illegal order for the military to intervene in a matter that should have been handled by the police and [to] the way in which it was carried out, including the distribution by [Colonel] Lere of weapons to civilians.'¹ Alfredo Reinado also claimed that civilians had been illegally armed by Lieutenant Colonel Mau Nana (Cornelio Ximenes).¹³¹ Alfredo Reinado recounted that on 28 April

127 On 5 May an official press release stated: 'There are some citizens people [sic] still leaving town heading to the districts but the numbers are few compared with the exodus of yesterday when it is estimated that thousands of people left the capital. The panic related to unsubstantiated rumours that said that the former militaries would attack the town.' 'Situation calm in Dili,' Press Release, Prime Minister's Office, 5 May 2006.

128 Despacho N° 10/2006/PM, *RDTL Jornal da República*, Série II, N° 3, 11 May 2006.

129 "Timor-Leste: Update 4 May and Preliminary Analysis," New Zealand Embassy Dili, DIL/POL/1, 4 May 2006.

130 Madre Guilhermina Marçal, July 2014. Madre Guilhermina was familiar with weapons including firearms from her youth, first as a UDT prisoner of Fretilin and subsequently in the resistance. She collected up weapons from people coming into the compound, including machetes, catapults, ammunition, M16 rifles, pistols, grenades, and kept them under her bed. She handed over her weapons cache to the international forces at the end of June 2006.

131 "The view from the west: meetings with dissident military leaders" U.S. Embassy Dili, Cable 06DILI220, 10 May 2006, *Wikileaks Public Library of US Diplomacy*. Alfredo Reinado had also made

he had been a near witness of Colonel Lere's orders from Mari Alkatiri to hunt down the petitioners.

On April 28, shortly after rioting had begun in Dili and Tasitolu, he accompanied Acting [F-]FDTL Commander Colonel Lere to the home of Prime Minister Mari Alkatiri. Reinado waited outside while Lere went in to meet privately with the Prime Minister. After the meeting, Lere told Reinado that the Prime Minister had ordered him to “destroy them all.” Lere repeated this order over the radio and returned to military HQ¹³² where he distributed weapons and ammunition to [F-]FDTL personnel and, Reinado says, to some civilians. When Reinado asked Lere for rules of engagement and mission objectives, Lere reportedly scoffed at the idea and began to speak in Makassae . . . which Reinado and others from Western districts could not understand. In order to avoid participating in an operation that he believed was illegal and ill-considered, Reinado suggested that the MPs [military police] should guard the airport. Lere agreed, and Reinado and the other MPs departed.¹³³

Alfredo Reinado's account bore an uncanny likeness to the COI's later finding that on the same day and around the same time, Rogério Lobato went to police headquarters in a highly agitated state, shouting 'kill them all.'¹³⁴ Alfredo Reinado's desertion on 3 May also triggered the departure of a further 95 *loromonu* soldiers from the F-FDTL, including a strong component of 15 officers and 21 sergeants.¹³⁵ Among them were Major Tara (Augusto de Araújo), who deserted and went to Ermera on 4 May, Major Marcus Tilman, Captain Polito (Cesar Valente) and Second Lieutenant Loro Mesak (Julio Conceição). Among these 95 deserters, only one was an 'easterner.' The desertions brought a total of 764 F-FDTL personnel discharged since 2001: 585 petitioners, 190 absentees (March 2006), 95 deserters (May 2006), and 84 discharged for other reasons (including 40 in 2003). Only 32 (4 percent) of those discharged were easterners.¹³⁶ When a full count of the army was done in September 2006, the F-FDTL was half of its former size. The remaining force comprised 715 personnel, of whom 71 percent were *lorosa'e* and 29 percent *loromonu*.¹³⁷

The desertion of more senior *loromonu* officers posed a greater level of military threat than the unarmed, fugitive petitioners. By 5 May, Alfredo Reinado's police and military group had become the main issue of concern for the F-FDTL, 'outweighing

claims about the illegal distribution of F-FDTL weapons to civilians in a television interview on 6 May. These claims do not appear to have been investigated subsequently.

132 Temporarily relocated from Tasitolu to military police headquarters in Kaikoli.

133 “The view from the west: meetings with dissident military leaders” U.S. Embassy Dili, Cable 06DILI220, 10 May 2006, *Wikileaks Public Library of US Diplomacy*.

134 “Report of the UN Commission of Inquiry (2006),” 26.

135 “Report of the UN Commission of Inquiry (2006),” 30.

136 UN Internal Paper, 17 September 2006.

137 UN Internal Paper, 17 September 2006. As noted above, in early 2006 before the crisis, the F-FDTL overall comprised 35 percent *lorosa'e* and 65 percent *loromonu*.

residual concerns' about the petitioners.¹³⁸ In the mountainous western districts, there were now three distinct groups of 'F-FDTL irregulars.' In addition to the unarmed petitioners associated with Gastão Salsinha in Ermera district, two other armed groups had formed. The larger of these, based mainly in Aileu, was led by F-FDTL military police commander Major Alfredo Reinado, comprising F-FDTL military police, and also police paramilitaries, mainly from UIR and the URP Aileu base. A smaller group headed by Major Marcus Tilman and Major Tara had strong connections to prominent Falintil veterans, 'including former Falintil commanders Deker, Dudu and Jili.' But by no means all of the deserting soldiers and police had aligned themselves with armed groups: it was estimated that at least a hundred police and an unknown number of soldiers had removed themselves from the fray and were staying with family in the districts.¹³⁹ As many as 3,000 F-FDTL staff and family members were living at the Metinaru base¹⁴⁰ and a number of F-FDTL families were camping in the grounds of F-FDTL headquarters at Tasitolu.

'Dili is on the edge'¹⁴¹

The violence in Timor-Leste attracted growing international attention. Embassies and international organizations dusted off contingency plans for the evacuation of staff and upgraded official travel advisories. On 5 May the U.S. State Department announced that it had authorized the departure of U.S. non-essential official personnel and families,¹⁴² and 80 U.S. peace corps volunteers were evacuated on 7 and 8 May.¹⁴³ On 5 May Australian Prime Minister John Howard told news media that Australia would consider sending troops to Timor-Leste if asked.¹⁴⁴ The situation was discussed at a regular meeting of New Zealand and Australian Foreign Ministers in Auckland, and New Zealand Foreign Minister Winston Peters told journalists that New Zealand would be sympathetic to any request from the United Nations to send troops.¹⁴⁵ On 5

138 "East Timor - Internal views on current crisis," Australian Embassy Dili, DI5428H, 5 May 2006, *FOI release*.

139 "The view from the west: meetings with dissident military leaders" U.S. Embassy Dili, Cable 06DILI220, 10 May 2006, *Wikileaks Public Library of US Diplomacy*.

140 "East Timor: Riots aftermath: sitrep 12.00 5 May" Australian Embassy Dili, DI5427H, 5 May 2006, *FOI release*.

141 "Speech by H E J Ramos-Horta," Ministério dos Negócios Estrangeiros e Cooperação, [New York] 5 May 2006.

142 *UNOTIL Daily Media Review*, 5 May 2006.

143 "East Timor: riots aftermath: - sitrep 19.00 8 May," Australian Embassy Dili, DI5436H, 8 May 2006, *FOI release*.

144 "PM Open to East Timor Deployment," *ABC News Online*, 5 May 2006.

145 "Peters open to helping East Timor," *Dominion Post Weekend*, 6 May 2006. Both Australia and New Zealand had invested significant military support through INTERFET in 1999 and had maintained a combat presence for some time after, New Zealand until November 2002 and Australia until May 2004. Prior to the crisis, New Zealand provided three military advisers to assist with F-FDTL training,

May Prime Minister Mari Alkatiri and President Xanana Gusmão met. After the meeting, Mari Alkatiri told journalists that he expected all public servants to return to work by 8 May or risk disciplinary action. He also announced the results of the commission for the audit of damaged property and goods: 45 houses had been destroyed and 116 damaged. The government would rebuild the 45 houses and the Taibesi market, and the commission of notables announced on 26 April had been sworn in that morning.¹⁴⁶ However the commission for the verification of the dead and injured had been unable to meet its deadline.¹⁴⁷

UNOTIL mandate extended

On 5 May in New York, the rescheduled session of the UN Security Council considered UNOTIL's 20 April End of Mandate Report, and deliberated on the question of a further UN political mission in Timor-Leste. The situation in Timor-Leste had changed greatly in the two weeks since the report had been issued.¹⁴⁸ In New York, José Ramos-Horta argued for a 'modest yet robust UN presence' for a further year and assured the security council: 'Timor-Leste remains one of [the] UN[']s finest success stories.'¹⁴⁹ José Ramos-Horta's account of the 28 April riots played down the political strains in the country and the government's mobilization of the army, and did not mention Major Alfredo Reinado's desertion on 3 May. José Ramos-Horta conceded but then dismissed the public panic, asserting that matters were under control:

As I speak today, Dili is on the edge. Fear is palpable among a people traumatized by past violence. There are concerns about the ability of the PNTL to maintain law and order. There is concern about cohesion within the remaining F-FDTL forces. However . . . the same leadership that guided our people through these last 30 years are united and determined to overcome this new challenge. President Xanana Gusmao and Prime Minister Alkatiri have held regular consultations and there have been frequent consultations between the two leaders with the leadership of the F-FDTL and PNTL. The government is in full control of the situation and Public Administration continues to function though at a much slower pace as many civil servants have left town. The F-FDTL has now completely returned to barracks. The PNTL is in charge of law and order.¹⁵⁰

in logistics, personnel and small arms training. Australia had established a substantial Defence Cooperation Program (DCP) to provide ongoing training assistance to the F-FDTL.

146 "Situation calm in Dili," Press Release, Prime Minister's Office, 5 May 2006. The commission of investigation was also referred to as the 'High Level Commission,' and the 'Commission of Notables.' Minister Ana Pessoa was appointed to head the ten-member commission which comprised 'representatives of the four pillars of state plus the Catholic church and civil society.'

147 "Timor-Leste: Update 6 May," New Zealand Embassy Dili, DIL/POL/1, 6 May 2006.

148 UNSC "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council (2004–2007)," 2007, 506–08.

149 UNSC "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council (2004–2007)," 2007, 506–08; "Speech by H E J Ramos-Horta," Ministério dos Negócios Estrangeiros e Cooperação, 5 May 2006.

150 "Speech by H E J Ramos-Horta," Ministério dos Negócios Estrangeiros e Cooperação, 5 May 2006.

By 6 May, there were an estimated 20,000 refugees (IDPs) in Dili.¹⁵¹ On 12 May in New York the UN Security Council adopted Resolution 1677 (2006), extending the UNOTIL's mandate by a month, until 20 June 2006.¹⁵²

Prime Minister Mari Alkatiri's orders to the F-FDTL on 28 April pitted the now predominantly *lorosa'e* F-FDTL – and the government – against the *loromonu* petitioners. In Dili in the public view, Mari Alkatiri, the Fretilin party and the F-FDTL increasingly came to be identified with *lorosa'e* (east), and President Xanana Gusmão with the petitioners and *loromonu* (west). Communal rifts opened up in almost every neighbourhood and numbers of military and police fled east and west to their home districts, some carrying their arms.¹⁵³ The conflict cut through political party affiliations, split families, ruptured the institutions of government, and set in train the disintegration of the police and the remaining F-FDTL. As a result of this division, communal conflict in Dili escalated and began to take on the appearance of a cause of the political crisis.¹⁵⁴

As political temperatures rose, Prime Minister Mari Alkatiri's office issued a press release on 6 May emphatically denying 'unfounded and malicious rumours' that he had resigned.¹⁵⁵ That evening, a lengthy interview with Alfredo Reinado, filmed at his hide-out in Aileu, was broadcast on local television. Alfredo Reinado gave his backing to the cause of the petitioners, asked for the events of 28 April to be investigated, and gave his assurances that his group would not, contrary to rumour, attack Dili: 'for what purpose?' The petitioners, he said, wanted to help the people, who were afraid and panicking. The situation, he said, would not have developed if the 28 April demonstration had been properly controlled by the PNTL and the [F-FDTL] military police: the problem was a result of the government's failure. Alfredo Reinado claimed that the F-FDTL had given arms to civilians but the military police, he claimed, had not. Although the government had failed, he said, the president was still respected.

151 "East Timor: riots aftermath - sitrep 18.00 6 May," Australian Embassy Dili, DI5430H, 6 May 2006, *FOI release*.

152 UNSC "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council (2004-2007)," 2007, 508.

153 "Timor-Leste: Update 7 May 2006," New Zealand Embassy Dili, DIL/POL/1, 7 May 2006. Over 300 out of 540 police in the Dili District command appeared to be absent. "East Timor: riots aftermath - sitrep 18.00 6 May," Australian Embassy Dili, DI5430H, 6 May 2006, *FOI release*.

154 See for example Andrew McWilliam, "East and West in Timor-Leste: Is There an Ethnic Divide?," in *The Crisis in Timor-Leste: Understanding the Past, Imagining the Future* (Darwin: Charles Darwin University Press, 2007), 37-44; James Scambary, "Anatomy of a Conflict: The 2006-7 Communal Violence in East Timor," in *Security, Development and Nation-Building in Timor-Leste: A Cross-sectoral Assessment* (London: Routledge, 2011), 59-79; James Scambary, "A Survey of Gangs and Youth Groups in Dili, Timor-Leste" (AusAID, September 15, 2006).

155 Press Release, "Cabinet of the Prime Minister rejects rumours of the PM's resignation," Gabinete do Primeiro-Ministro, 6 May 2006.

He had been in contact with Brigadier Taur Matan Ruak, he said, and in principle was willing to return to Dili. The interview was followed by a televised appeal for calm from President Xanana Gusmão, flanked by Bishops Basilio Nascimento and Alberto Ricardo da Silva in resplendent episcopal white. The president appealed to the residents of Dili to return home, and to Gastão Salsinha and Alfredo Reinado to let the public know that they would not create further problems for Dili.¹⁵⁶

Ermera incident

A further terrifying escalation of the crisis occurred on 8 May, in Gleno, the main town of Ermera District, about 60 kilometres southwest of Dili, when several hundred people gathered to protest the rumoured massacre of 60 *loromonu* people around Tasitolu on 28–29 April.¹⁵⁷ According to some, the demonstration was also a response to a declaration issued by the 'ten districts movement' on 8 May, which called for a boycott of local government offices, rejecting the government's demand that public servants return to work.¹⁵⁸ The ten districts movement had first appeared in late March 2006,¹⁵⁹ and a statement by a group calling itself 'Forum Intelektual' (Forum of Intellectuals) comprising academics and concerned citizens from the ten 'western' districts, was published in the small newspaper *Diario Nacional* on 4 April.¹⁶⁰ The group was apprehensive about growing, divisive *loromonu-lorosa'e* (west-east) tensions in Dili, and argued for the government to act to support national unity. But by 20 April the term 'ten districts' was being appropriated to the *loromonu* cause.¹⁶¹ The 8 May declaration claimed that regional 'east' and 'west' conflict was a fabrication by people hungry for power and demanded that the president use his constitutional power to disarm those still carrying guns, to stop the killing of citizens and allow Timorese to live in peace with the state. The declaration demanded justice and asked for humanitarian assistance for those who had fled to the mountains, and that human rights organizations, national and international, investigate the recent crimes. Secretary of

156 "Timor-Leste: Update 7 May 2006," New Zealand Embassy Dili, DIL/POL/1, 7 May 2006.

157 "Report of the UN Commission of Inquiry (2006)," 30–31.

158 *UNOTIL Daily Media Review*, 9 May 2006.

159 The term 'ten districts' was used by Gastão Salsinha on 23 March. A so-called 'Declaration from the Ten Districts' was dated 27 March.

160 *UNOTIL Daily Media Review*, 5 April 2006.

161 *UNOTIL Daily Media Review* 20 April 2006; *UNOTIL Situation Report*, 5–11 May 2006. By July, elements of the ten districts movement metamorphosed to become the Front for National Justice and Peace (FNJP), and by early 2007 became the Movement for National Unity and Justice (MUNJ), under the leadership of Major Tara (Augusto de Araújo). My researches have not found evidence to support Scambar's contention that FNJP, with Colimau 2000, were behind the organization of the 'initial demonstrations' in 2006. Colimau 2000 did not organize the 24–28 April demonstration, although Osorio Leki played a part in it. Major Tara deserted the F-FDTL in early May 2006, and FNJP was formed after that. See Scambar, "Anatomy of a Conflict: The 2006–7 Communal Violence in East Timor," 66.

State for Region III, Egídio de Jesus, reportedly said that the only point of the document that he rejected was the boycott of local government.¹⁶²

On 8 May PNTL Commissioner Paulo Martins sent two teams of armed UIR police to accompany Egídio de Jesus and the Administrator of Ermera District, Saturnino Babo, to Gleno. Paulo Martins carefully assigned an escort of equal numbers of *loromonu* and *lorosa'e* officers to the task, to demonstrate the professional impartiality of the police force. But on their arrival in Gleno, the crowd, which included some F-FDTL petitioners, shouted that the *lorosa'e* police officers were 'the enemy' and had been among the UIR who had shot at petitioners near the Komoro market on 28 April. The police officers were all forced to take shelter in the district administration building, which was then surrounded by the crowd. Armed with knives, sticks, machetes and rocks, the crowd threatened to kill the *lorosa'e* police officers.¹⁶³ PNTL Deputy Commissioner (Operations) Ismael Babo, ordered by Minister of the Interior Rogério Lobato to assist, arrived from Dili with other PNTL officers. Assistance to calm the crowd and to rescue the police officers was sought from former Falintil commander Dudu and the parish priest, Padre Adriano Ola. After a lengthy standoff with the crowd, Babo disarmed the six *lorosa'e* UIR officers and removed their flak jackets, who were escorted to waiting vehicles. But as the vehicles began to leave, two of the disarmed *lorosa'e* officers were dragged from a vehicle and stabbed by members of the crowd. Other PNTL officers fired shots into the air to disperse the crowd, but one of the *lorosa'e* officers was killed and the other was seriously injured. The COI report describes the impact of the event back in Dili:

The body of the dead policeman was taken to Dili Hospital, where large numbers of UIR officers and the UIR commander [Armando Monteiro] had gathered. The eastern UIR officers threatened to carry the body of the deceased through the streets before taking it to General Commander [Police Commissioner] Martins' house. That evening an eastern PNTL officer made a radio announcement blaming General Commander Martins and Deputy Commander Babo [both westerners] for the death of the UIR officer. Deputy Commander Babo did not return to Dili [for some weeks].¹⁶⁴

On television that night, Minister of the Interior Rogério Lobato claimed that foreigners were responsible for the violence and accused the President of the Democratic Party, Fernando de Araújo (Lasama), of being behind the petitioners' group.¹⁶⁵ On 9 May, Prime Minister Mari Alkatiri, Secretary of State for the Council of Ministers Gregório

162 UNOTIL *Daily Media Review*, 9 May 2006.

163 "Report of the UN Commission of Inquiry (2006)," 30.

164 "Report of the UN Commission of Inquiry (2006)," 30-31.

165 UNOTIL *Situation Report*, 5-11 May 2006.

Sousa and PNTL Commissioner Paulo Martins attended the requiem mass in Dili. The crowd became agitated when the body was moved for the viewing and youths shouted 'militia, liars, traitors' and that Martins and Babo should take responsibility for the death.¹⁶⁶ Alkatiri, Sousa and Martins were forced to beat a hasty, televised retreat to their cars without seeing the body.¹⁶⁷

Formation of covert security groups and the distribution of weapons to civilians

Mari Alkatiri may have been annoyed with Rogério Lobato about the riot, but Lobato remained close at his side in the following days. According to a close observer, Mari Alkatiri and Rogério Lobato worked together and betrayed each other, according to the Tetun maxim: *haunian inimigo haunian amigo, haunian amigo haunian inimigo* (my enemy is my friend and my friend is my enemy).¹⁶⁸ According to the blunt assessment of Police Commissioner Paulo Martins, Rogério Lobato was a stupid man with the brain of a terrorist,¹⁶⁹ but Alkatiri seemed to have the measure of him. In early May, Prime Minister Mari Alkatiri and Minister of the Interior Rogério Lobato secretly formed and armed what were claimed to be Fretilin death squads tasked with hit lists, about which rumours had circulated for the previous year. It is unclear when the government's arming of civilian groups began, but some saw this as a part of Fretilin's planning for the 2007 elections, to ensure that there was no effective opposition.¹⁷⁰ The COI established that two groups were formed and armed in early May (later referred to as the Rai Los and the Antonio Lima-Lima groups). According to court documents, on 6 May 2006, Rogério Lobato called Fretilin militant Vicente da Conceição (Rai Los) in Likisa and asked him to put together a group of 150 ex-combatants (Falintil veterans). Vicente da Conceição (Rai Los), like Lobato, was from Bazartete in Likisa district. An ambiguous character, he was a Fretilin 'militant' and an aggrieved Falintil veteran who had been sacked from the F-FDTL for skimming soldiers' pay,¹⁷¹ and who was known for smuggling fuel and alcohol.¹⁷²

166 The deceased UIR officer, Palmiro Laserda da Costa, was buried with a gunfire salute on 10 May, in the village of Kairui, Baukau district. *UNOTIL Daily Media Review*, 10 and 11 May 2006.

167 "Timor-Leste: Update 10 May," New Zealand Embassy Dili, DIL/POL/1, 10 May 2006.

168 Interviewee 2.

169 "Emboffs Interview National Police Commissioner in Hiding," U.S. Embassy Dili, Cable 06DILI279, 31 May 2006, *Wikileaks Public Library of US Diplomacy*.

170 João Saldanha, July 2014.

171 Maria Ângela Carrascalão, *Taur Matan Ruak: A Vida Pela Independência* (Lisboa: Lidel, 2012), 406; "John Martinkus: of coup plots and shadowy foreigners," *New Zealand Herald*, 22 June 2006.

172 Ed Rees, 2014. Rai Los himself claimed that he been dismissed from the F-FDTL for being absent while recovering from injuries incurred in a traffic accident. International Crisis Group, "Resolving Timor-Leste's Crisis," 6.

In response to Rogério Lobato's request, Rai Los recruited 105 men, and Rogério Lobato went to meet some of them on 7 May at the Fretilin office in Likisa.¹⁷³ On 8 May a meeting involving the prime minister, the minister of the interior, Rai Los, and two of his men, took place at the prime minister's residence in Farol. Ostensibly the meeting had been called by Rogério Lobato to discuss security for the FRETILIN Party National Congress due to begin on 17 May. Testimony to the COI was contradictory:

Accounts of this meeting vary substantially. The only issue upon which the participants agree is that there was no discussion about weapons. Rai Los told the Commission that the Prime Minister had instructed him to "eliminate" petitioners and government opponents, and that he understood the word to mean kill. Former Prime Minister Alkatiri denies using the word "eliminate" and states that Rai Los and his two men had been brought to him by the Minister of the Interior as guides who would assist delegates from the western districts attend the FRETILIN Party Congress on 17 May.¹⁷⁴

The COI was also sceptical about Mari Alkatiri's claim that he had taken the opportunity to discuss with Rogério Lobato the need for a group of civilians to support the police reserve unit (URP).¹⁷⁵ The COI found the manner of the discussion 'highly irregular,' and noted that neither the police commissioner nor the commander of the URP were consulted about the need for, or informed about, the decision to provide civilian support.¹⁷⁶ The COI also found that on 8 May:

Minister of the Interior Lobato ordered the Commander of UPF,¹⁷⁷ Antonio da Cruz, to deliver 15 HK33 semi-automatic assault rifles to his residence. . . . The Minister of the Interior arranged separately for PNTL ammunition to be delivered. He used the weapons to arm two distinct groups of civilians. The first was a group of 31 civilians under the command of Rai Los. The second was a group known as Lima Lima (55) under the command of Antonio Lurdes, aka Antonio 55. The Minister of the Interior told Commander da Cruz to give 10 of the rifles, 6,000 rounds of ammunition and 10 magazines to Rai Los in Liquiça. At about 10 p.m. that night Rai Los met Commander da Cruz in a cemetery to receive the weapons. During the same evening the Chief of Staff of the Minister of the Interior [Eusebio Salsinha] travelled to Ermera and gave the remaining five HK33 rifles and one crate of ammunition to Antonio 55.¹⁷⁸

While cultivation of 'civilian' groups had been a part of Rogério Lobato's practice since his return to East Timor in 2000, providing them with police weapons and uniforms was a new development. For his part, PSD leader Mário Carrascalão was later unhappy to find out that Rai Los, whom he had never met, and his men had been

173 Proc. N 82-2006, 7 March 2007.

174 "Report of the UN Commission of Inquiry (2006)," 38.

175 Unidade de Reserva da Polícia, based in Aileu.

176 "Report of the UN Commission of Inquiry (2006)," 38.

177 Unidade Patrulhamento Fronteira, the paramilitary police border patrol unit.

178 "Report of the UN Commission of Inquiry (2006)," 38-39.

camping on Carrascalão's land, falsely implicating him in their activities. It was also reported to Mário Carrascalão that he was one of Rai Los' assigned targets for assassination, but Rai Los had told his associates he would not kill Carrascalão because of the good that he had done as governor during the Indonesian era.¹⁷⁹

Talk of coups d'état and civil war

When the Australian Ambassador called on Rogério Lobato the next day, on 9 May, he looked 'relaxed and fresh.'¹⁸⁰ President of the Democratic Party (PD), Fernando de Araújo (Lasama), as a close affiliate of Xanana Gusmão, and an important political figure in the western districts, became a target for the government. Prime Minister Alkatiri told local news media that Lasama and his wife, Jacqueline Siapno, 'and therefore the PD itself,' were behind the petitioners, and that they had claimed to news media that a hundred people had been killed at Tasitolu: 'their objective is to bring down this government.'¹⁸¹ Ramos-Horta added his voice and accused Lasama and his wife of 'instigating unrest.'¹⁸² Lasama responded from hiding in Ermera that the allegations against PD were untrue: the government was avoiding taking responsibility for the conflict.¹⁸³ Lasama told UN staff that he believed PD was being made a scapegoat, and requested the UN to intervene in the situation.¹⁸⁴ In June, after his house in Dili had been vandalized on several occasions and then burnt down, Lasama told journalists that he had been warned by sympathetic police intelligence officers that they had orders from high levels in the government to shoot him, and this was why he had fled Dili.¹⁸⁵ On 12 May, Lasama returned to Dili to hold a press conference in which he denied the accusations made against him and called for the people to overcome the situation together.¹⁸⁶

On 8 May, the Australian Ambassador reported on a discussion with an unidentified party, possibly the president's office. 'We did not get the impression that dismissal of the Government and an early election is an inevitability. But it is quite clearly – and quite understandably in the circumstances – being carefully considered. Alkatiri is

179 Mário Carrascalão, July 2014.

180 "East Timor: Meeting with Lobato," Australian Embassy Dili, DI5438H, 9 May 2006, *FOI release*. (Unfortunately the remainder of the report is redacted.)

181 *UNOTIL Daily Media Review*, 10 May 2006.

182 "Update on the situation as of today, May 10, 2006," Press Release, Office of the Minister for Foreign Affairs and Cooperation, 10 May 2006.

183 *UNOTIL Daily Media Review*, 13–15 May 2006.

184 *UNOTIL Situation Report*, 5–11 May 2006.

185 Tom Hyland and Lindsay Murdoch, "Timor PM 'ordered my death,'" *Sydney Morning Herald*, 11 June 2006; Jacqueline Siapno, "We had a House in Dili," posted on *nautilus.org*, 1 June 2006.

186 *UNOTIL Situation Report*, 12–18 May 2006.

undoubtedly aware of this, as reflected by his tireless media releases and efforts to be seen to be in control and to depict the situation as returning to normal.¹⁸⁷ The Ambassador's meeting with Prime Minister Mari Alkatiri on 9 May confirmed that he was 'clearly aware of Gusmao's constitutional musings and the importance of showing to his people – and the world – that he is in control and that the Government is functioning.'¹⁸⁸ The U.S. Embassy reported that in a meeting that day with a foreign diplomat, Mari Alkatiri had claimed that his government was 'trying to avoid civil war.'¹⁸⁹ On 9 May the prime minister's office issued a press release claiming that the authors of Timor-Leste's problems were:

Those that entered the petitioners' group and are making political and anti-democratic claims. Mari Alkatiri reminded [sic] that 'the democratic process is made via elections and not coups.' For him the situation in East Timor was an attempt of a constitutional coup d'état, with the aim of blocking the democratic institutions, preventing them [from functioning] in a way that the only solution would be for National Parliament to be dissolved by the President of the Republic, which would provoke the fall of the Government.¹⁹⁰

On 9 May U.S. Embassy officers met Major Alfredo Reinado and Major Marcus Tilman, and reported that both groups believed that Prime Minister Mari Alkatiri lacked the capability and credibility to lead the nation out of the crisis, and were hoping that the president would resolve the situation by dismissing the prime minister.¹⁹¹ Alfredo Reinado said CDF Taur Matan Ruak had reproved him for improperly taking F-FDTL weapons and trucks. Alfredo Reinado had disputed this:

He was continuing to serve as an MP [military police officer] by 'protecting victims' from the military and because he has written, open ended orders from Colonel Lere to conduct joint operations with the police 'to ensure security and stability.' . . . Alfredo Reinado also claims that when he complained to TMR [Taur Matan Ruak] about civilians allegedly armed by Colonel Maunana [Mau Nana] and reports of non-uniformed military personnel carrying weapons, TMR issued a written authorization to disarm – and to kill if necessary – civilians or non-uniformed members of the military found to be carrying weapons.¹⁹²

187 "East Timor: views from the [redacted]," Australian Embassy Dili, DI5433H, 8 May 2006, *FOI release*.

188 "East Timor: meeting with PM Alkatiri," Australian Embassy Dili, DI5437H, 9 May 2006, *FOI release*.

189 "Alkatiri, Ramos-Horta express optimism, but people are still afraid," U.S. Embassy Dili, Cable 06DILI219, 9 May 2006, *Wikileaks Public Library of US Diplomacy*.

190 Press Release "Returning to Normality in Timor-Leste," Gabinete do Primeiro-Ministro, Dili, 9 May 2006.

191 "The view from the west: meetings with dissident military leaders" U.S. Embassy Dili, Cable 06DILI220, 10 May 2006, *Wikileaks Public Library of US Diplomacy*.

192 "The view from the west: meetings with dissident military leaders" U.S. Embassy Dili, Cable 06DILI220, 10 May 2006, *Wikileaks Public Library of US Diplomacy*. The report noted that although Alfredo Reinado claimed to have a copy of the order, he did not produce it at the meeting.

On 10 May the prime minister's office advised that government officials had met 400 members of the petitioners' group, and had offered a subsidy equivalent to their F-FDTL pay until the end of June, 'to ensure that they have a minimum of conditions to return to civil life in their districts of origin.' The government had allocated US\$116,505 to rebuild 45 destroyed homes, US\$69,600 to repair 116 homes, and \$160,000 to rebuild Taibesi market.¹⁹³ The commission for the verification of dead and injured had concluded its work, but 'in view of continuing rumours about the actual number of deaths, Prime Minister Alkatiri has asked the Committee to continue its investigations for a few more days.'¹⁹⁴ On 12 May, in a lengthy television interview, his first since the events of 28 April, Taur Matan Ruak defended his dismissal of the petitioners as a disciplinary matter, and recounted his efforts to achieve a dialogue with them. He explained also efforts to create a *loromonu-lorosa'e* balance in the F-FDTL, revealed Gastão Salsinha's involvement in sandalwood smuggling in 2005, and denied rumours that the F-FDTL had passed weapons to civilians.¹⁹⁵

Rumours of a *lorosa'e-loromonu* split inside the police (PNTL) surfaced in early April, but the institution appeared to be holding up well.¹⁹⁶ But by late April tensions within the PNTL were becoming more evident.¹⁹⁷ On 2 May it was rumoured that the police rapid deployment unit (UIR) had broken up along east-west lines.¹⁹⁸ On 3 May a group of PNTL UIR officers deserted with Major Alfredo Reinado. Further splintering followed the Gleno incident on 8 May.¹⁹⁹ When quizzed by the Australian Embassy on 10 May on rumours that civilians were being armed, Police Commissioner Paulo Martins said he had also heard rumours but had no evidence.²⁰⁰ U.S. Embassy staff followed up and artlessly reported that they had 'personally reviewed the stocks of weapons at the PNTL armory and confirmed that there are no weapons missing.'²⁰¹ On

193 Press Release "Government and former soldiers meet," Gabinete do Primeiro-Ministro, Dili, 10 May 2006. The replacement value of less than \$2,600 per destroyed home is an indicator of the impoverished standard of housing stock, as well as an overstatement of replacement cost.

194 "Update on the Situation as of today, May 10, 2006," Ministério dos Negócios Estrangeiros e Cooperação, 10 May 2006.

195 *UNOTIL Weekly Report*, 11–18 May 2006.

196 According to Australian Embassy reporting, 'the PNTL has managed the security situation with a level of good judgement and maturity which would have been unimaginable a year ago.' "East Timor: security: relations with Indonesia," Australian Embassy Dili, DI5388H, 3 April 2006, *FOI release*.

197 "Timor-Leste: Defence Force Issues: Demonstrations in Dili: Update 28 April: Tensions Rising," New Zealand Embassy Dili, DIL/POL/1, 28 April 2006.

198 "East Timor: riots aftermath: - sitrep 19.00 2 May," Australian Embassy Dili, DI5416H, 2 May 2006, *FOI release*.

199 "Timor-Leste: Update 16 May," New Zealand Embassy Dili, DIL/POL/1, 16 May 2006.

200 "East Timor: meeting with Police Commissioner Martins," Australian Embassy Dili, DI5442H, 10 May 2006, *FOI release*.

201 "East Timor Sitrep for May 16, 2006," U.S. Embassy Dili, Cable 06DILI238, 16 May 2006, *Wikileaks Public Library of US Diplomacy*.

31 May, after the international intervention, Paulo Martins told the U.S. Embassy that Rogério Lobato had improperly distributed police weapons and uniforms to Fretilin supporters throughout the country, but especially in Dili and in the western districts. Martins said he had attempted to block the politicization of the police and had documented and in some cases circumvented, Lobato's attempts to arm civilians, which was one of the reasons Rogério Lobato wanted him dead.²⁰² For all Martins' pains, the COI later attributed fault to him for 'irregularly' removing weapons from the armoury on a number of occasions 'without the knowledge of the armoury officer.'²⁰³

'What is the President thinking?'²⁰⁴

The president's office was conscious of the dismissal of the Portuguese Government by President Jorge Sampaio late in 2004 following several months of instability.²⁰⁵ Almost two weeks after the 28 April riot, the U.S. Embassy summarized recent meetings with the president and close associates:

Despite the widespread popular belief in East Timor that the ongoing political and security crisis can only be resolved if the President invokes the constitutional provision permitting dismissal of the Prime Minister, President Gusmao and close associates have made clear . . . that he would not consider such an action unless the situation were to become far worse than it is now. His reluctance is motivated by several several overlapping practical and legal concerns. First, although the President reportedly agrees with an analysis by his legal advisors that he has the constitutional power to dismiss the Prime Minister when it is "necessary to ensure the regular functioning of the democratic institutions," it is not clear that this point has been reached. Second, the President believes that no matter how strong the legal and factual case for dismissal might become, it is not out of the question that elements of the armed forces (FDTL) and possibly the police (PNTL) loyal to him [Alkatiri] might defy any such action by the President, leading to further bloodshed. Finally the President believes there is an excellent chance Alkatiri will be defeated in the upcoming Fretilin Party Congress, which would greatly enhance the prospects for an immediate and peaceful change of government.²⁰⁶

202 "Emboffs interview national police commissioner in hiding," Cable 06DILI279, U.S. Embassy Dili, 31 May 2006, *Wikileaks Public Library of US Diplomacy*.

203 According to the COI, on 23 March, 60 Steyr weapons and 50 boxes of ammunition had been sent to the URP at Aileu; and on 15 April, 10 Steyr weapons and ammunition were sent to the Likisa police station. Furthermore, with the authority of the PNTL Commissioner, on 11 May, 10 'western' PNTL officers under the command of PNTL Dili District Deputy Commander Abílio Mesquita were given weapons training and armed with Steyr weapons. On 17 May a further 20 'western' PNTL officers were similarly armed under Abílio Mesquita's command. Following the 25 May massacre 10 Steyr weapons and ammunition were sent to be stored at Gleno (Ermera) police station. "Report of the UN Commission of Inquiry (2006)," 41.

204 "East Timor update: What is the President Thinking?" U.S. Embassy Dili, Cable 06DILI226, 11 May 2006, *Wikileaks Public Library of US Diplomacy*.

205 "Timor-Leste: Constitutional Crisis," New Zealand Embassy Dili, DIL/POL/1, 18 May 2006.

206 "East Timor update: What is the President Thinking?" U.S. Embassy Dili, Cable 06DILI226, 11 May 2006, *Wikileaks Public Library of US Diplomacy*.

According to the U.S. Embassy report, the president blamed Prime Minister Mari Alkatiri for the crisis, both because he had ignored the problems in the F-FDTL and because he unconstitutionally and ill-advisedly called in the military without consulting him, and to which he would not have agreed. The president was 'deeply suspicious' of the motives of the F-FDTL who had turned him back from the Tasitolu checkpoint on 29 April, and distrustful of Colonel Lere, whom he believed capable of perpetrating atrocities, judging by his history in the resistance: 'even when we were fighting in the jungle he would do this sort of thing.' The president had undertaken a 'discreet but detailed survey' of support in the PNTL and F-FDTL, to inform him in the event that he found it necessary to invoke a constitutional dismissal of the government, 'or in other extreme circumstances such as an attempted coup d'état by Colonel Lere or Minister of the Interior Rogério Lobato.' The president believed that a majority in both institutions would follow his orders. 'They used to say the army belonged to Xanana and the police belonged to the government. It was never really true. But now it is more complicated.' The president worried about his personal security and believed that he had been the object of an 'action' by a group of F-FDTL personnel on the night of 3 May. The president's military adviser, Lieutenant-Colonel Pedro Klamar Fuik, also told U.S. Embassy staff that he had received death threats and that he was still under pressure from soldiers associated with Colonel Lere.²⁰⁷

Foreign Minister José Ramos-Horta retained personal ambitions for higher office and had kept his options open: his ambitions to become UN Secretary-General – or President of Timor-Leste in 2007 – were public.²⁰⁸ But he appeared to have been told in New York that he was not in the running for UN Secretary-General.²⁰⁹ On his return to Timor-Leste on 8 May he redoubled his efforts at home, positioning himself as a broker and facilitator: launching into an energetic programme of mobile phone and shuttle diplomacy, among the petitioners, the prime minister and the president; between Brigadier Taur Matan Ruak and President Xanana Gusmão; and between the government and the church.²¹⁰ José Ramos-Horta also briefed the diplomatic corps, met Major Alfredo Reinado's group in Aileu, and came up with ideas to mediate between the PNTL and F-FDTL.²¹¹ A gap between José Ramos-Horta and Mari Alkatiri

207 "East Timor update: What is the President Thinking?" U.S. Embassy Dili, Cable 06DILI226, 11 May 2006, *Wikileaks Public Library of US Diplomacy*.

208 "Ramos-Horta says soldiers did not shoot at Dili protestors," *ABC Lateline*, 2 May 2006.

209 "Timor-Leste: Update 14 May," New Zealand Embassy Dili, DIL/POL/1, 14 May 2006.

210 In his 5 May speech to the UN Security Council, Ramos-Horta recounts numerous examples of his active contacts with the various parties.

211 *UNOTIL Daily Media Review*, 12 May 2006.

opened up. José Ramos-Horta now blamed the government for the incidents of 28 April: 'the Government did not address the issue in a timely manner giving rise to the current situation.'²¹² 'Rather than find a solution it waited for a miracle.'²¹³ For good measure, José Ramos-Horta criticized the incapacity of the police and blamed foreign diplomats and journalists for exaggerating the situation and spreading rumours.²¹⁴ José Ramos-Horta announced that he had written to the Human Rights Commissioner in Geneva, inviting a team of experts to investigate allegations of human rights abuses, and to the Portuguese Government requesting a contingent of paramilitary police, *Guarda Nacional Republicana* (GNR).²¹⁵ Another week later, as rumours of a massacre at Tasitolu persisted, José Ramos-Horta called for an international commission of inquiry to determine how many people had been killed in the events around 28 April.²¹⁶ As the crisis stretched out, local newspapers called for a foreign intervention. On 2 May, José Ramos-Horta had placed the possibility of an Australian intervention on the public record in media interviews, and the issue had been raised by international news media with Australian and New Zealand politicians. On 9 May José Ramos-Horta said on local television that he had spoken to John Howard and Alexander Downer, and that Australia was willing to deploy forces to Timor at 24 or 48 hours' notice.²¹⁷ On 11 May the front page of *Suara Timor Lorosa'e* proclaimed Australia's readiness to send in forces. It also reported that José Ramos-Horta had announced Portugal's agreement to send a company of GNR – although according to *Lusa*, Portugal was insisting that GNR be placed under UN auspices.²¹⁸ José Ramos-Horta quickly back-tracked and claimed that the GNR were intended for the 2007 elections, not the current unrest.²¹⁹ UNOTIL SRSR Hasegawa told journalists that Timor-Leste could not always turn to the UN to solve its problems.²²⁰ On 12 May, news media reported that two Australian ships, troop-carriers *HMAS Kanimbla* and *HMAS Manoora*, were being deployed to northern

212 UNOTIL *Daily Media Review*, 11 May 2006.

213 UNOTIL *Daily Media Review*, 13–15 May 2006.

214 UNOTIL *Situation Report*, 5–11 May 2006.

215 "Update on the Situation as of today, May 10, 2006," Ministério dos Negócios Estrangeiros e Cooperação, 10 May 2006. Mari Alkatiri also claimed credit for the request to Portugal.

216 "Foreign Minister reports progress in negotiations with dissident military and the investigations into May 28," U.S. Embassy Dili, Cable 06DILI236, 16 May 2006, *Wikileaks Public Library of US Diplomacy*; "Government presses for international probe into disputed riot casualty figures," *Lusa*, Dili, 18 May 2006.

217 "Timor-Leste: Update 10 May," New Zealand Embassy Dili, DIL/POL/1, 10 May 2006.

218 "East Timor: Riots aftermath – sitrep 18.00 11 May," Australian Embassy Dili, DI5447H, 11 May 2006, *FOI release*.

219 "Bid for international police focussed on 2007 elections, not current unrest – FM," *Lusa*, Dili, 15 May 2006.

220 "East Timor: riots aftermath – sitrep 18.30 12 May," Australian Embassy Dili, DI5450H, 12 May 2006, *FOI release*.

Australian waters, in case of further unrest in East Timor.²²¹ Shifting ground, José Ramos-Horta protested loudly 'East Timor does not need a peacekeeping force, because there is no war in East Timor.'²²² He was waiting for a 'proper briefing' from the Australian Ambassador.²²³

On 15 May the confirmed death toll from the events of 28–30 April rose to six, with another death from gunshot injuries incurred at the *Palácio do Governo* on 28 April.²²⁴ On 16 May, as the Fretilin congress approached, the number of refugees (IDPs) recorded by government and UN agencies was revised upwards to 45,000.²²⁵ On 16 May, local newspapers reported, with photographs, on the arrival of a seventeen-person Australian security team, and described them as responding to the 'heated' conditions in the lead up to the Fretilin congress.²²⁶ The Australian authorities clarified that the deployment was a precautionary measure and any military assistance would only be in response to an official request from Timor-Leste.²²⁷

The ambitions of José Ramos-Horta

José Ramos-Horta maintained a degree of ambiguity when it came to his Fretilin credentials. Although he had been a founder member of ASDT/Fretilin in 1974, he had never been an ideologue, and he had left Fretilin when he took on leadership of the CNRM diplomatic front in 1989.²²⁸ In 2002 as an 'independent' in the first constitutional government, José Ramos-Horta had been accorded the role of senior cabinet minister and foreign minister. In May 2006, José Ramos-Horta publicly declared his support for the re-election of Fretilin Secretary General Mari Alkatiri, but Mari Alkatiri's principal rival José-Luís Guterres 'broadly hinted' to U.S. officials that were he elected Fretilin Secretary General, he would endorse José Ramos-Horta, who 'would be virtually certain to . . . [agree] to serve as as transitional Prime Minister through the 2007 elections.'²²⁹ José Ramos-Horta confided frankly to the U.S.

221 "Navy on stand-by for E Timor deployment," *ABC News*, 12 May 2006. The Sydney Morning Herald reported on 15 May that two additional ships, the troop carrier HMAS *Tobruk* and the frigate HMAS *Adelaide* had also been deployed and the army's 2RAR unit in Townsville had been put on stand-by.

222 "East Timor says it does not need international peacekeepers," *AFP*, 12 May 2006.

223 "East Timor awaits Navy ships briefing," *ABC News*, 13 May 2006.

224 *UNOTIL Weekly Report*, 11–18 May 2006.

225 *UNOTIL Situation Report*, 12–18 May 2006.

226 "East Timor – sitrep 19.00 16 May," Australian Embassy Dili, DI5464H, 16 May 2006, *FOI release*; "East Timor Sitrep for May 16, 2006," U.S. Embassy Dili, Cable 06DILI238, 16 May 2006, *Wikileaks Public Library of US Diplomacy*.

227 *UNOTIL Weekly Report*, 11–18 May 2006.

228 Ramos-Horta told the Dili diplomatic corps he had resigned from Fretilin in 1988. "Alkatiri may resign tomorrow," U.S. Embassy Dili, Cable 06DILI329 23 June 2006, *Wikileaks Public Library of US Diplomacy*. A Fretilin website in 2007 asserted that Ramos-Horta left Fretilin in 1983.

229 "Fretilin Party Congress: Recent Events Significantly Alter Prognosis," U.S. Embassy Dili, Cable 06DILI224, 11 May 2006, *Wikileaks Public Library of US Diplomacy*; "Ramos-Horta: Would accept Prime

Ambassador his belief that Mari Alkatiri would likely be defeated at the Fretilin congress: 'Alkatiri thinks he will win because he and his people chose the delegates. But he is overconfident. It's a secret ballot, and he has alienated too many people with his arrogant and abusive behaviour.' Alkatiri, he said, had publicly joked that the thousands of people fleeing Dili were 'going for a picnic.' José Ramos-Horta confirmed that he expected to be asked to replace Mari Alkatiri if José-Luís Guterres became Fretilin Secretary-General. 'I would have the obligation to try to unify my country.' Or in the unlikely event of a constitutional or security crisis requiring the president to dismiss the prime minister, Ramos-Horta would 'reluctantly' agree to lead a new government.²³⁰

Not a member of the Fretilin party, José Ramos-Horta was not involved in preparations for the national congress, and instead busied himself with 'good offices' contacts with dissident groups in the districts. 'It is my initiative. The prime minister is aware of it. I'm prepared to travel to the mountains to speak to them or they can come to my house.'²³¹ José Ramos-Horta met Major Alfredo Reinado at Aileu on 11 May, and told the diplomatic corps he would take Alfredo Reinado to President Xanana Gusmão's house at Balibar for a meeting.²³² The meeting between Xanana Gusmão and Alfredo Reinado – with photographs – was reported in newspapers the following day, to the annoyance of CDF Taur Matan Ruak as well as the government. The meeting was no secret, as it was organized by Ramos-Horta as a government minister, and the subject of a press conference and briefings to the diplomatic corps. But it appeared to undermine CDF Taur Matan Ruak's authority over a subordinate and risked giving the impression that the president had sided with an armed group openly opposed to the government.²³³ José Ramos-Horta tried – unsuccessfully – to negotiate terms of surrender with Alfredo Reinado and Gastão Salsinha; and for their part CDF Taur Matan Ruak and PNTL Commissioner Paulo Martins agreed not to attempt to arrest or detain Alfredo Reinado's group.²³⁴ José Ramos-Horta then undertook a three-day trip

Minister Position," U.S. Embassy Dili, Cable 06DILI229, 12 May 2006, *Wikileaks Public Library of US Diplomacy*.

230 "Ramos-Horta: Would accept Prime Minister Position," U.S. Embassy Dili, Cable 06DILI229, 12 May 2006, *Wikileaks Public Library of US Diplomacy*.

231 *UNOTIL Daily Media Review*, 11 May 2006.

232 "Ramos-Horta: Would accept Prime Minister Position," U.S. Embassy Dili, Cable 06DILI229, 12 May 2006, *Wikileaks Public Library of US Diplomacy*.

233 *UNOTIL Daily Media Review*, 13–15 May 2006; "East Timor Sitrep for May 16, 2006," U.S. Embassy Dili, Cable 06DILI238, 16 May 2006, *Wikileaks Public Library of US Diplomacy*.

234 "Foreign Minister reports progress in negotiations with dissident military and the investigations into May 28," U.S. Embassy Dili, Cable 06DILI236, 16 May 2006, *Wikileaks Public Library of US Diplomacy*.

to Kovalima and Bobonaru, touring Suai and visiting border posts,²³⁵ and on 16 May met some of the petitioners, and Majors Alfredo Reinado, Marcus Tilman and Tara in Suai.²³⁶

A meeting of petitioners in Gleno on 7 May had designated Gastão Salsinha as the petitioners' military commander and Eduardo Barreto as political spokesman of the group.²³⁷ In an interview broadcast on 15 May, Gastão Salsinha appeared to increase the petitioners' demands.²³⁸ On 16 May UNOTIL SRSG Hasegawa met Gastão Salsinha in Ermera, and Salsinha asked for an international investigation team as well as international military forces 'in order to strip both civilians and military members of their weapons.' Hasegawa told him that a team from Geneva would arrive in Timor 'in not more than a month.' Gastão Salsinha emphasized the importance of UN involvement as the petitioners had lost trust in the F-FDTL: the government's investigation commission was 'too late' and not acceptable to them.²³⁹ On 17 May, U.S. Embassy staff met Gastão Salsinha in Gleno, along with with former Falintil commander Dudu. Gastão Salsinha was observed to appear 'insecure and out of his depth in his newfound leadership role.'²⁴⁰

The Fretilin Second National Congress 17–19 May 2006

On 17 May, the first day of the Fretilin Second National Congress, *Lusa* published a story citing Major Alfredo Reinado and Colonel Lere Anan Timor, which revealed that the deployment of the army on 28 April had been ordered by Prime Minister Mari Alkatiri without consulting President Xanana Gusmão, and had been 'unconstitutional.' *Lusa* reported a story damaging to Mari Alkatiri:

Major Alfredo Reinado told *Lusa* that Alkatiri ordered the army intervention in Dili . . . on April 28 . . . in an "unconstitutional decision." "Everything was ordered by Mari Alkatiri, the Prime Minister himself, and I witnessed the process" . . . Contacted by *Lusa*, Army chief Colonel Lere Anan Timor confirmed Reinado's account. Officials in the president's office also said there had been no meeting between Gusmão and Alkatiri to discuss the use of the military against the demonstrators and rioters. . . . Attempts by *Lusa* to contact the prime minister

235 "Foreign Affairs Minister Ramos-Horta: Border Patrol Units performing a patriotic duty with dedication and professionalism," Ministério dos Negócios Estrangeiros e Cooperação, 16 May 2006; UNOTIL *Situation Report*, 12–18 May 2006.

236 UNOTIL *Daily Media Review* 18 May 2006; *Lusa* reports 15 and 16 May 2006.

237 UNOTIL *Weekly Report*, 4–10 May 2006. The UNOTIL report comments that while the petitioners ostensibly had no political affiliation, the Democratic Party (PD) had at least two supporters (Barreto and Deker) who had emerged as leaders of the petitioners' group.

238 UNOTIL *Weekly Report*, 11–18 May 2006.

239 UNOTIL *Daily Media Review*, 17 May 2006.

240 "East Timor Sitrep for May 17, 2006," Cable 06DILI239, 17 May 2006, *Wikileaks Public Library of US Diplomacy*; "Report from Defence Attache – 18 May 2006," annex to "Timor-Leste: Constitutional Crisis," New Zealand Embassy Dili, DIL/POL/1, 18 May 2006.

for a reaction were unsuccessful, and Alkatiri's office declined to comment.²⁴¹

On 13 May *Agence France-Presse* had published an interview in which Prime Minister Mari Alkatiri claimed that if he lost the leadership of Fretilin at the National Congress, he would resign.²⁴² But alarming rumours had been swirling around Dili for weeks that if Mari Alkatiri lost, there would be war. Mari Alkatiri commented ambiguously: 'For those who feel this land belongs to them and love this land, there will be no war, but those who want to destroy this country [show] no love or responsibility for this country.'²⁴³ Deflecting responsibility for the crisis away from the government, Fretilin Vice President of the National Parliament, Jacob Fernandes, blamed the UN for the unstable situation. President of Parliament Lu'Olo opined that Timor's problems derived from the UNAMET and UNTAET period, and not the government.²⁴⁴

The strongest contenders for Mari Alkatiri's position as Fretilin Secretary General were Ambassador José-Luís Guterres, who had returned to Timor-Leste from New York on 3 May, and Minister of Development, Abel Ximenes (Larisina). On 8 May, Abel Ximenes announced his resignation from the government 'in the national interest:' he would concentrate on helping Fretilin to 'develop itself' and win the 2007 elections.²⁴⁵ On 15 May José-Luís Guterres and Egídio de Jesus²⁴⁶ declared their ticket to challenge the positions of Fretilin Secretary General and President. The challenging faction called itself Fretilin Mudansa (Fretilin for change).²⁴⁷ José-Luís Guterres was seen 'as having the competence and gravitas to lead the country.'²⁴⁸ José-Luís Guterres told UNOTIL officers that he believed that he could gain 40–60 percent of the votes at the Congress.²⁴⁹ However Mari Alkatiri had a reputation as a formidable opponent and 'a shrewd behind-the-scenes campaigner' who had bought votes, used strong-arm tactics and incited fear, controlled the party's finances and resources,²⁵⁰ and whose party

241 "East Timor: PM Alkatiri accused of illegally ordering army against demonstrators," *Lusa*, Dili, 17 May 2006.

242 "East Timor PM to resign if loses party leadership," *Agence France-Presse*, Lisbon, 13 May 2006.

243 *UNOTIL Daily Media Review*, 12 May 2006.

244 *UNOTIL Daily Media Review*, 13–15 May 2006.

245 *UNOTIL Situation Report*, 5–11 May 2006.

246 Egídio de Jesus: Secretary of State for Region III, who had been caught up in the Gleno incident on 8 May.

247 Among the group's high profile Fretilin party central committee supporters, in addition to Abel Ximenes, were members of the *Renovador* group that had unsuccessfully challenged Alkatiri in 2005, including Victor da Costa (former Director of CISPE), Vicente 'Maubosi' Ximenes, Aniceto Guterres (former CAVR Chair), Jorge Teme (former Ambassador to Australia and New Zealand), and lawyer Adérito Soares. *UNOTIL Daily Media Review*, 16 May 2006; *UNOTIL Daily Media Review*, 13–15 May 2006; "Timor-Leste: Update 17 May," New Zealand Embassy Dili, DIL/POL/1, 17 May 2006.

248 "Fretilin Party Congress: Recent Events Significantly Alter Prognosis," U.S. Embassy Dili, Cable 06DILI224, 11 May 2006, *Wikileaks Public Library of US Diplomacy*.

249 *UNOTIL Weekly Report*, 4–10 May 2006.

machinery had hand-picked the delegates to the Congress.²⁵¹

The PNTL had responsibility for providing security to the Fretilin Congress, but were pulled back at the behest of the party leadership to allow 'private security' to operate inside the congress venue, the university gymnasium.²⁵² The intimidating 'private security' presence included armed members of martial arts gangs affiliated with Fretilin, including Korca and Kung Fu Masters,²⁵³ as well as the recently activated Rai Los group.²⁵⁴ In an overtly political move, male Fretilin delegates were housed at the F-FDTL headquarters in Tasitolu.²⁵⁵ Elements of the F-FDTL First Battalion were moved closer to Dili, to Metinaru, apparently as part of a contingency plan.²⁵⁶

The Congress itself was tense, held in a menacing atmosphere, and tightly chaired by Alkatiri-loyalist Estanislau da Silva. In a dramatic development towards the end of the first day, a surprise procedural motion was introduced by the pro-Alkatiri faction and pushed through, which changed the rules for the leadership ballot from a secret ballot to an open show of hands, apparently in contravention of the 2004 law on political parties.²⁵⁷ Of the 580 delegates (464 district delegates and 116 ex-officio delegates), only 36 opposed the motion and a further 54 abstained.²⁵⁸ With the change in rules, and voices of dissent ignored by the chair, Mari Alkatiri's re-election became a foregone conclusion. On the following day, 18 May, the opportunity for debate was controlled and key opponents of the change, including José-Luís Guterres, were blocked from speaking.²⁵⁹ José-Luís Guterres concluded that his prospects for gaining election were comprehensively frustrated, and did not attend the final day of the congress. Despite not being a party member, on the afternoon of 18 May Ramos-Horta briefed the congress, on return from his tour to the districts. Apparently content with the situation, UNOTIL SRSG Hasegawa departed Dili for a holiday in Bali, due to return

250 "Fretilin Party Congress: Recent Events Significantly Alter Prognosis," U.S. Embassy Dili, Cable 06DILI224, 11 May 2006, *Wikileaks Public Library of US Diplomacy*.

251 "Ramos-Horta: Would accept Prime Minister Position," U.S. Embassy Dili, Cable 06DILI229, 12 May 2006, *Wikileaks Public Library of US Diplomacy*.

252 "Additional Report from PLO 18 May 2006," annex to "Timor-Leste: Constitutional Crisis," New Zealand Embassy Dili, DIL/POL/1, 18 May 2006.

253 "East Timor Sitrep for May 16, 2006," U.S. Embassy Dili, Cable 06DILI238, 16 May 2006, *Wikileaks Public Library of US Diplomacy*.

254 "Timor-Leste: Alkatiri rejects Railos 'hit squad' allegations," Press Statement, Prime Minister's Office, Dili, 20 June 2006.

255 *UNOTIL Situation Report*, 12–18 May 2006.

256 "Timor-Leste: Update 16 May," New Zealand Embassy Dili, DIL/POL/1, 16 May 2006.

257 According to Parliamentary Law 3/2004 On Political Parties, s.18 (c) 'the holders of leading organs can only be elected by means of a direct and secret vote of all party members or of an assembly representing them.'

258 *UNOTIL Weekly Report*, 11–18 May 2006.

259 "East Timor sitrep for May 18, 2006" U.S. Embassy Dili, Cable 06DILI240, 18 May 2006, *Wikileaks Public Library of US Diplomacy*.

on 24 May.²⁶⁰

On 19 May Mari Alkatiri and Lu'Olo were the sole surviving candidates for the positions of Fretilin Secretary General and President, but Mari Alkatiri insisted on going to a formal vote. Nominated earlier in the day by 515 out of 566 delegates present, with an open show of hands and no competition, Alkatiri and Lu'Olo received a despotically 97 percent of the vote: 550 votes for, 5 against, and 11 abstentions.²⁶¹ After the leadership ballot, a new 89-member party central committee was nominated, from which José-Luís Guterres and his supporters were 'conspicuous by their absence.'²⁶² An acerbic U.S. Embassy report captured the event:

The official nomination speech for Alkatiri was delivered by none other than the Minister of the Interior, Rogerio Lobato. Dressed entirely in white, the former diamond smuggler praised the Central Committee for its "exemplary transparency" and noted that the Congress had been observed by opposition parties and internationals. Lobato smugly announced the number of delegates supporting Alkatiri's nomination from each district, claiming that the signatures had been obtained through political savvy rather than strong-arm tactics. . . . Speaking to delegates before the vote, Alkatiri criticized [José-Luís] Guterres for not attending the final day of the congress and accused him of attempting to buy votes and ignoring the will of the people. . . . Alkatiri asked that the issue of voting by a secret ballot be revisited and . . . the decision to vote by a show of hands was readopted with near unanimity. . . . The poll was immediately followed by cheers of "Viva Alkatiri" from the crowd.²⁶³

Mari Alkatiri was 'bullish in victory.'²⁶⁴ With Mari Alkatiri's success at the party congress, tensions in Dili subsided and the city briefly seemed to relax and draw breath: the threat of civil war was averted. A Fretilin victory parade of some 500 vehicles circled Dili streets on 20 May, and festivities continued that evening with a government-sponsored concert at the *Palácio do Governo*.²⁶⁵ Alkatiri declared to the crowd that there were two important institutions in Timor: Fretilin and Falintil. If Falintil were divided, Fretilin could remain strong, but if Fretilin were divided, Timor-Leste would explode. He appealed to the party's militants to combat the *lorosa'e-loromonu* division as there was no such thing, and only one country, Timor-Leste.²⁶⁶ Newspapers reported that Mari Alkatiri planned to call in José-Luís Guterres and Egídio de Jesus to determine if they should be allowed to continue in their official

260 UNOTIL *Situation Report*, 12–18 May 2006.

261 UNOTIL *Situation Report*, 19–25 May 2006.

262 UNOTIL *Weekly Report*, 19–24 May 2006.

263 "East Timor sitrep for May 19, 2006" U.S. Embassy Dili, Cable 06DILI243, 19 May 2006, *Wikileaks Public Library of US Diplomacy*.

264 "East Timor: back to the old problems," Australian Embassy Dili, DI5476H, 22 May 2006, *FOI release*.

265 "Timor-Leste: Update 21 May," New Zealand Embassy Dili, DIL/POL/1, 21 May 2006.

266 UNOTIL *Daily Media Review*, 22 May 2006.

positions.²⁶⁷

José Ramos-Horta's hopes would have been disappointed by the congress, but he pressed ahead and on 19 May called in ambassadors to promote his plans for reconciliation with the petitioners. The president could convene a retreat in Dare, to be attended by everyone involved – the petitioners, the president, the prime minister, Taur Matan Ruak, Paulo Martins and himself – and they could talk for two days and then move on to the substance, while waiting for the human rights rapporteurs to arrive from Geneva.²⁶⁸ Three weeks on from the riot, the broken windows of the Ministry of Foreign Affairs library had yet to be repaired, but the Che Guevara banner had been removed.²⁶⁹

President Xanana Gusmão had held out hope that there might be a change of leadership at the Fretilin National Congress.²⁷⁰ On 18 May, with the prospect of change in Fretilin leadership in ruins on the first day of the congress, the president was absent from his office with incapacitating back pain. The president's office described the situation to the New Zealand Ambassador as a constitutional crisis:²⁷¹ there had been a serious breakdown of the normal functioning of the state, an unconstitutional mobilization of the F-FDTL, and political interference in the F-FDTL and PNTL. In the view of the president's office, the conditions now had been met for a constitutional dismissal of the government, as had occurred in Portugal in 2004. Considering the parlous situation of the country, there was little choice: the president had the responsibility to remove the government, and he believed that he could carry the council of state with him. The president would appoint an interim government that would pass a budget and electoral laws and hold a new election, perhaps in August. The people mistrusted the state and the government, and the situation could get even worse. But the president's planned visit to China from 28 May would go ahead.²⁷²

According to SRSG Hasegawa, it was the defeat of the leadership challenge at the Fretilin National Congress that was the 'final straw' for Xanana Gusmão, following two other crucial events: Mari Alkatiri's unilateral deployment of the F-FDTL on 28 April;

267 "Timor-Leste: Update 21 May," New Zealand Embassy Dili, DIL/POL/1, 21 May 2006.

268 "Timor-Leste: Update 21 May," New Zealand Embassy Dili, DIL/POL/1, 21 May 2006.

269 Author's Notebook 3, 19 May 2006.

270 "East Timor update: What is the President Thinking?" U.S. Embassy Dili, Cable 06DILI226, 11 May 2006, *Wikileaks Public Library of US Diplomacy*.

271 "Timor-Leste: Constitutional Crisis," New Zealand Embassy Dili, DIL/POL/1, 18 May 2006.

272 "Timor-Leste: Constitutional Crisis," New Zealand Embassy Dili, DIL/POL/1, 18 May 2006. The visit to China was also to include a leg in Macau, where the president hoped to negotiate for the employment of up to 100 of the petitioners as security guards in the casinos. On 24 May the visit to China was officially postponed. *UNOTIL Situation Report*, 19–25 May 2006.

and 'the act of disloyalty' when Xanana Gusmão was turned back by the F-FDTL from the Tasitolu checkpoint on 29 April. According to Hasegawa, the change from a secret ballot to a show of hands at the Fretilin National Congress convinced Xanana Gusmão that Mari Alkatiri would do anything to gain and strengthen his power in the pursuit of domination.¹²⁷³ 'It was Mari Alkatiri's insatiable desire for more power and authority that tipped the delicate balance that previously existed between him and Xanana Gusmão.'¹²⁷⁴

273 Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 149. Hasegawa also records that before the Fretilin congress he had urged Mari Alkatiri to retain the secret ballot.

After the congress Mari Alkatiri unconvincingly told Hasegawa that it had been his followers who had insisted on an open show of hands. Hasegawa, *Primordial Leadership*, 136–37.

274 Sukehiro Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 148.

Chapter Eight

Cry 'Havoc,' and let slip the dogs of war.¹

In the middle of May 2006, Timor-Leste was poised on the brink of violent conflict. Political tensions had sharpened between Mari Alkatiri and Xanana Gusmão, between factions within Fretilin, between the government and opposition parties, between the police and the army, within the police and the army, and between *loromonu* and *lorosa'e* communities in Dili. For politicians at the centre, tensions were based on conflict over access to power and to the resources of the new state. At stake especially was control over the new streams of revenue from petroleum resources. Mari Alkatiri had used his position to constrict the flow of resources to his political enemies and to those whom he regarded as politically useless. These material tensions coincided with escalating disappointment over Timor-Leste's economic decline since independence. Lack of employment opportunities, the stagnation of commerce and the dearth of public services left the vast majority of people worse off than they had been under Indonesian rule. Alkatiri's tactic of constriction had hampered economic development and left a growing part of the Timorese population locked in severe poverty. In these circumstances many Timorese were ready to believe that the state had been captured by a cabal of self-serving politicians who were hostile to their interests. This growing distrust was compounded by political antagonism lingering from the civil war, from Fretilin's own internal purges, and the divided strategies of the resistance during the Indonesian occupation. Moreover Timor-Leste's first parliamentary elections were due in 2007. The outcome of those elections would be crucial for control of the country and its petroleum fund. There was widespread apprehension that Mari Alkatiri would find a pretext for delaying or avoiding the election or that it would be rigged in Fretilin's favour. Among the political elite there was a feeling that Timor-Leste was at a critical juncture. In these circumstances, all sides were willing to take risks and to contemplate extra measures to secure their futures.

In Dili, two days after the Fretilin National Congress ended, armed chaos set in. The pressures and stresses on the police and the army caused them to fragment, and some fell back on the initiative of local commanders, as if they were resistance guerrilla units once again. No-one knew with any certainty all of what was going on. The government claimed that mysterious 'third forces' were at large, but failed to mention

1 Shakespeare, *Julius Caesar*, III, i.

that the government itself had prepared and armed irregular groups with police and military weapons.

By the middle of May, persistent reports of civilians holding police and army weapons led both Brigadier Taur Matan Ruak and Police Commissioner Paulo Martins to write to Prime Minister Mari Alkatiri. On 17 May Taur Matan Ruak requested an audit of the F-FDTL armoury in response to allegations that civilians had been observed carrying F-FDTL weapons.² On 19 May Police Commissioner Paulo Martins was informed by UPF commander António da Cruz that he had delivered police weapons (HK-33) to the house of Minister of the Interior Rogério Lobato,³ which were being given to civilians in Suai, Likisa and Tibar. The PNLT commander in Suai informed Martins that he had seen police weapons in the hands of a group of eight men led by Mau Rakat (Mateus dos Santos Pereira). Paulo Martins told José Ramos-Horta of the information he had received and then wrote to inform Prime Minister Mari Alkatiri.⁴ For some time Commissioner Paulo Martins had been playing 'cat and mouse' with Rogério Lobato over police weapons, and his purpose in writing to the prime minister appeared to be in the nature of formal notice, to let Mari Alkatiri know that he, Martins, knew what was happening and was prepared to say so. According to Martins, the letter was delivered to the prime minister's secretary on 19 May. Mari Alkatiri however denied ever receiving it. With conflicting testimony, the COI did not question that Martins had sent the letter, but found 'no evidence' that allowed it to conclude that Alkatiri had received the letter.⁵

Two days after the Fretilin congress ended on 19 May, Mari Alkatiri and Rogério Lobato did not wind down the arrangements they had made with the Rai Los group, ostensibly to provide security at the Fretilin congress. Instead, further police weapons secretly were given to Rai Los. According to the COI:

At about 9 p.m. on 21 May Commander da Cruz and Rai Los met at a deserted location, this time near Maubara.⁶ On the instructions of the Minister of the Interior, Rai Los received a further eight HK33 weapons and 16 magazines [of ammunition]. . . . The Rai Los group was sent to various locations, including to Tibar on 23 May. On 22 May the Minister [Rogério Lobato] paid US\$ 33,000 cash⁷

2 "Report of the UN Commission of Inquiry (2006)," 40.

3 Proc. N 82-006, 7 March 2007.

4 A copy of Martins' handwritten letter is one of the documents shown in the ABC documentary broadcast on 19 June 2006. Liz Jackson, "Stoking the Fires," *ABC Four Corners*, 19 June 2006.

5 "Report of the UN Commission of Inquiry (2006)," 39.

6 About 50 km west of Dili.

7 In the context this was a vast amount of money and could only have come from state funds. The prime minister's salary at the time was around US\$500 per month. Contemporary cash-for-labour schemes paid labourers US\$2 per day.

for two vehicles and arranged for the windows to be tinted overnight. The vehicles were delivered to Rai Los along with 31 URP PNTL uniforms on 23 May. On 24 May Rai Los and his men, dressed in these URP uniforms, participated in the attack on the patrolling F-FDTL soldiers. There is no evidence that the Lima Lima group was ever activated by the Minister of the Interior.⁸

The COI later struggled to establish the extent of Prime Minister Mari Alkatiri's involvement in the forming and arming of the irregular groups, although Rogério Lobato in June 2006 gave – and then retracted – formal statements implicating him. If Mari Alkatiri did not know earlier about the distribution of police weapons to civilians, which seems unlikely, he certainly knew by 21 May. But even then he took no action to retrieve the weapons:⁹

At around 8 p.m. on 21 May a meeting was held at the residence of the Prime Minister. Present were: Prime Minister Alkatiri, Minister for Foreign Affairs Ramos-Horta, Minister of Defence Rodrigues, Minister of the Interior Lobato, Chief of the Defence Force Brigadier General Ruak and PNTL General Commander Martins. It is clear that the general issue of weapons distribution was raised by Minister Ramos-Horta. The weight of the evidence before the Commission suggests that Minister of the Interior Lobato stated that weapons from UPF had been brought to Dili as a security measure and no one thereafter pressed the issue. Prime Minister Alkatiri requested an inspection of the armouries of both F-FDTL and PNTL.¹⁰

On 21 and 22 May clashes broke out in Bekora Market between *lorosa'e* and *loromonu* youths, despite a strong police presence,¹¹ and automatic gunfire, probably from police weapons, was heard in Bekora and Taibesi.¹² As tensions grew, on 22 May Foreign Minister José Ramos-Horta told diplomats that Taur Matan Ruak had written three letters to the prime minister. The first of these, he said, requested an official inspection of weapons holdings by both the F-FDTL and PNTL, in the context of rumours that government weapons were being distributed to civilians. The second requested an investigation into the 'operational problems' in the police in the disturbances on 28 and 29 April. Ramos-Horta said he did not know the contents of the third letter.¹³

Attack at Fatuahi, Tuesday 23 May 2006

On 23 May, Alfredo Reinado's irregular group, comprising F-FDTL military police, police URP members, and civilians, initiated a firefight with unsuspecting other

8 "Report of the UN Commission of Inquiry (2006)," 38–40. On 8 May the Lima Lima group had been given five HK-33 rifles and a crate of ammunition and told to await further instructions.

9 Afonso de Jesus, July 2014.

10 "Report of the UN Commission of Inquiry (2006)," 38–40.

11 "Dili Sitrep May 22," U.S. Embassy Dili, Cable 06DILI246, 22 May 2006, *Wikileaks Public Library of US Diplomacy*; UNOTIL *Situation Report*, 19–25 May 2006.

12 Author's Notebook 4, 22 May 2006

13 Author's Notebook 4, 22 May 2006.

F-FDTL and PNTL personnel at Fatuahi, near the summit of the main road running east from Dili towards Metinaru and Baukau. Since Major Alfredo Reinado deserted on 3 May, there had been persistent rumours that he and his men would attack Dili from the southern hills. In television news broadcast on 22 May, recorded in Aileu, Alfredo Reinado demanded action from the government, insisting that matters 'must be resolved this week.' He could not guarantee that Dili was safe, he said, and advised people to flee if they felt worried. Alfredo Reinado asserted that he now led the petitioners and would serve as their spokesman. He was certain that large numbers of weapons were missing from F-FDTL armouries and that both civilians and military had been armed.¹⁴ Responding to Alfredo Reinado's threats, plans were underway for a joint police-army post to be set up at Fatuahi. According to the COI:

At about 11 a.m. on 23 May two vehicles carrying nine F-FDTL 1st Battalion soldiers under the command of Lieutenant Colonel Falur arrived in Fatu Ahi to rendezvous with PNTL officers. . . . As the soldiers alighted from the vehicles they saw men in police uniforms behind the school and trees. These men were not the PNTL officers expected; they were members of Alfredo's group.

Major Reinado and 11 of his men had arrived in the area from Aileu that morning, with civilians and 10 URP officers armed with automatic rifles. At about 9 a.m. two journalists arrived and commenced a videotaped interview with Major Reinado. The start of the armed confrontation is captured on that footage. The shooting was initiated by Major Reinado on the count of 10 after issuing a warning to leave. Lieutenant Colonel Falur ordered the soldiers to return fire.

The confrontation at Fatu Ahi lasted until nightfall. . . . In total, five people were killed and 10 injured.¹⁵

Alfredo Reinado had come to Fatuahi from Aileu that morning for an interview with Australian television journalist David O'Shea and his local 'fixer,' José Belo. Alfredo Reinado's initiation of the incident appeared opportunistic, done for the benefit of O'Shea's camera. Alfredo Reinado was reported to be infuriated that his statement from Aileu had not been broadcast in full on television the night before.¹⁶ The two journalists were eventually extracted from their predicament in Fatuahi late in the day

14 "Dili Sitrep May 22," U.S. Embassy Dili, Cable 06DILI246, 22 May 2006, *Wikileaks Public Library of US Diplomacy*; Author's Notebook 4, 22 May 2006.

15 United Nations, "Report of the UN Commission of Inquiry (2006)," 31-32.

16 "East Timor sitrep #1 for May 23, 2006," U.S. Embassy Dili, Cable 06DILI247, 23 May 2006, *Wikileaks Public Library of US Diplomacy*. On 22 May, the U.S. Embassy reported that Alfredo Reinado was becoming 'increasingly egotistical.' Ramos-Horta told U.S. Embassy staff that if Alfredo Reinado's comments were as inflammatory as had been reported, he 'would exclude Reinado from the dialogue and seek to drive a wedge between him and the other groups.' "Dili sitrep May 22," U.S. Embassy Dili, Cable 06DILI246, 22 May 2006, *Wikileaks Public Library of US Diplomacy*.

by the Australian Embassy.¹⁷ According to Afonso de Jesus (then PNTL Head of Operations) URP officers already in Fatuahi had rung him and asked if they should join Alfredo Reinado. He had instructed them not to, and to withdraw from Fatuahi to avoid creating suspicion that the PNTL was fighting the F-FDTL. Afonso de Jesus had then informed Minister of the Interior Rogério Lobato, but Lobato had refused to believe that Alfredo Reinado was in Fatuahi.¹⁸ Soon after the fighting at Fatuahi began around 11.30 a.m., Prime Minister Mari Alkatiri received a text message on his mobile phone and calmly ended a meeting with the New Zealand Ambassador and visiting Deputy Secretary of Foreign Affairs. He did not acknowledge that fighting had broken out, but commented that if the situation got worse an international intervention might become necessary.¹⁹

Foreign Minister José Ramos-Horta was busy securing agreement to his proposal for all-party talks in Dare beginning on 25 May, and was caught off-balance. He had that morning cancelled his appointments and dashed off to Ermera with the U.S. Embassy Chargé and Defence Attaché, to meet 'petitioners and dissident military,' and was meeting Lieutenant Gastão Salsinha and Majors Tilman and Tara at the time of the attack at Fatuahi.²⁰ José Ramos-Horta was furious: it was only ten days since he had brokered the high-profile meeting between Alfredo Reinado and President Xanana Gusmão,²¹ and he had expected Alfredo Reinado to be in Ermera, or at least to abide by assurances that he would not cause trouble. On José Ramos-Horta's return to Dili on the afternoon of 23 May, he told ambassadors that only the day before, after several hours of meetings, the prime minister, CDF Taur Matan Ruak, Minister of Defence Roque Rodrigues and Police Commissioner Paulo Martins had all endorsed the Dare meeting proposal. As late as 11 p.m. the night before, Alfredo Reinado had given emphatic assurances that he would not launch any attack.²² Ramos-Horta colourfully described Alfredo Reinado as a 'show-off character,' 'a jerk,' and 'an individual without morals.'²³ The fear in Dili was 'palpable,' Ramos-Horta said, and he would discuss with the president and prime minister whether Timor should request urgent international

17 Vanessa Burrow, "SBS reporter caught up in Dili violence," *The Age*, 23 May 2006; Mark Forbes and Cynthia Banham, "Troops on stand-by as Timor fighting erupts," *Sydney Morning Herald*, 24 May 2006. Film footage from the confrontation was broadcast in O'Shea's report "Four Days in Dili," *SBS Dateline*, 31 May 2006.

18 Afonso de Jesus, Dili, July 2014.

19 "Timor-Leste: Update 23 May," New Zealand Embassy Dili, DIL/POL/1, 23 May 2006.

20 "Timor-Leste: Update 23 May," New Zealand Embassy Dili, DIL/POL/1, 23 May 2006.

21 Contacts with Xanana Gusmão provided fuel for Alkatiri's later claim that the Fatuahi attack by Alfredo Reinado was part of a plot to oust him. International Crisis Group, "Resolving Timor-Leste's Crisis," *Asia Report* (Jakarta/Brussels, October 10, 2006), 11.

22 "Timor-Leste: Update 23 May," New Zealand Embassy Dili, DIL/POL/1, 23 May 2006.

23 Author's Notebook 3, 23 May 2006.

police assistance, but – for reasons he did not explain – 'not peacekeepers.' A request would need to come from the 'three organs of state,' the prime minister, the president and the president of parliament. If required urgently, bilateral assistance might be sought. The Australian foreign minister had told him that Australia stood ready to assist, he said. If the situation deteriorated further, Ramos-Horta said, he would call for an urgent meeting of the UN Security Council.²⁴ Ramos-Horta related that, according to Prime Minister Mari Alkatiri, the F-FDTL had taken control of the situation and would 'see it through to the end.'²⁵ F-FDTL roadblocks had been reimposed at a number of places, including Bekora, Fatuahi, Tibar and at the airport roundabout before Tasitolu.²⁶ After a meeting that afternoon at the prime minister's residence involving Prime Minister Mari Alkatiri, Taur Matan Ruak, José Ramos-Horta, Roque Rodrigues, Rogério Lobato and Paulo Martins, Alfredo Reinado was declared a rebel, and Police Commissioner Paulo Martins was directed to have him arrested in Aileu.²⁷ That night, returning to Aileu with two of his men killed at Fatuahi, Alfredo Reinado called on all able-bodied petitioners to rally to him.

Early the next morning, on 24 May, the situation was judged by the UNOTIL security officer to be 'untidy and deteriorating.' As fighting broke out that morning at Tibar, UNOTIL raised its security warning level to Phase Two,²⁸ and Australian and U.S. citizens were advised by their embassies to leave.²⁹ As the day wore on, gunfire was heard all around the city and reports swirled of clashes involving police, military and armed civilians, near F-FDTL headquarters in Tasitolu, at the home of CDF Taur Matan Ruak in Lahane, and around the president's home at Balibar. Local groups were reported to be forming to fight each other in Hudilaran, Komoro market and elsewhere in the city. It was rumoured that petitioners, unhappy with the outcome of the Fretilin congress, had declared themselves to have lost all hope and to be 'ready to die,' and intended to burn everything in Dili except the churches, embassies and the hospital.³⁰

24 "Timor-Leste: Update 23 May," New Zealand Embassy Dili, DIL/POL/1, 23 May 2006.

25 "East Timor sitrep #1 for May 23, 2006," U.S. Embassy Dili, Cable 06DILI247, 23 May 2006, *Wikileaks Public Library of US Diplomacy*.

26 Author's Notebook 3, 23 May 2006.

27 UN Internal Paper, 8 August 2006.

28 Author's Notebook 4, 24 May 2006. 'Phase Two' limits movement of UN personnel and restricts travel into the country, one level short of evacuation of personnel.

29 "Timor-Leste: Sit-rep; 24 May: Morning 10 a.m.," New Zealand Embassy Dili, DIL/POL/1, 24 May 2006.

30 "Timor-Leste: Update 24 May 2006: 1300 hours," New Zealand Embassy Dili, DIL/POL/1, 24 May 2006.

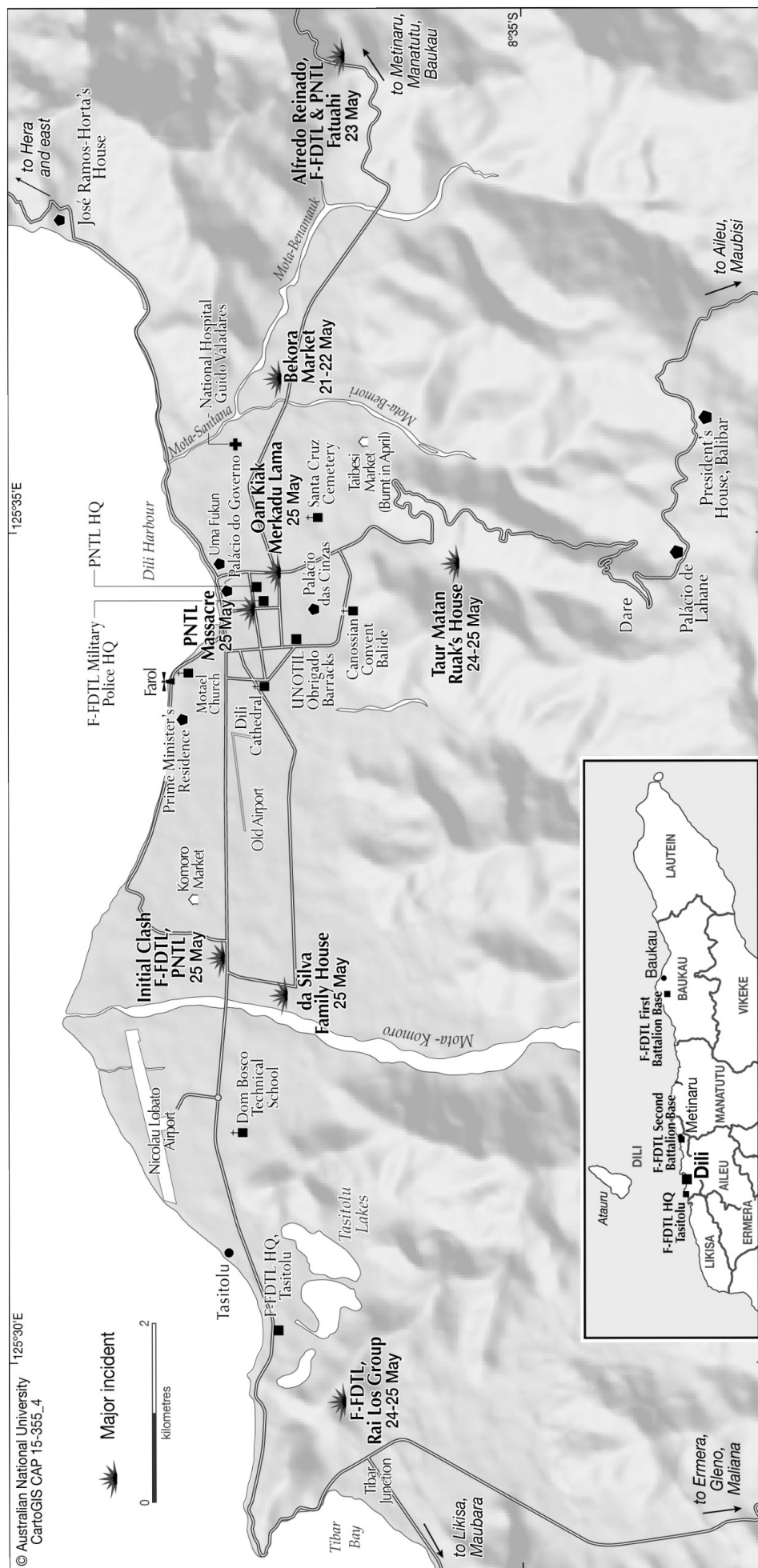


Figure 9: Location of Major Incidents in Dili 21–25 May 2006

Attack on the residence of Brigadier General Taur Matan Ruak, 24–25 May 2006

On the morning of 24 May, a police group led by the PNTL Deputy Commander of Dili District Abílio Mesquita (also known as Abílio Mausoko and Abílio Audian) attacked CDF Taur Matan Ruak's home in the southern hills of Dili at Marabia, Lahane. This PNTL group was known as a *loromonu* group aligned with Rogério Lobato.³¹ Neither Taur Matan Ruak nor his wife were at home, but their two small children were. Heavy gunfire was exchanged between the PNTL group and the F-FDTL protection unit stationed at the house. Abílio Mesquita used an F2000 machine gun and his men used Steyr rifles, while the soldiers used M16 weapons and rifle-propelled grenades. At least one police officer was killed. PSD Member of Parliament Leandro Isaac was also present, armed with a Steyr rifle. Abílio Mesquita and Leandro Isaac were both 'neighbours' who lived in the vicinity. With the assistance of Madre Guilhermina Marçal, Taur Matan Ruak's children were eventually rescued during a ceasefire on the evening of 24 May and taken to safety at José Ramos-Horta's house in Metiaut.³² The exchange of fire recommenced on the morning of 25 May³³ and continued into the night.

Armed clash in Tasitolu/Tibar 24–25 May 2006

After shooting broke out at Fatuahi on 23 May, the F-FDTL command sent staff to protect the unoccupied F-FDTL headquarters at Tasitolu. Sensitive to *loromonu-lorosa*'e tensions, CDF Taur Matan Ruak and Colonel Lere Anan Timor despatched Major Coliati (Calisto dos Santos) and Major Ular Rihik (Virgilio dos Anjos) from the Kaikoli temporary headquarters to Tasitolu. Major Coliati and Major Ular Rihik had operated in the resistance in the western districts and were well-known and respected there.³⁴ Fifty troops were also despatched from Metinaru.³⁵ F-FDTL commanders knew from several sources that there was an irregular group in the hills behind F-FDTL headquarters, which included members of the Likisa police.³⁶ The following day, on Wednesday 24 May, F-FDTL soldiers conducting an observation patrol in the hills

31 International Crisis Group, "Resolving Timor-Leste's Crisis," 12. Mausoko was also a senior member of the 'martial arts' PSHT group, to which many PNTL were reputed to belong. The COI did not give credence to Mausoko's claim some three months later, that he had been ordered by President Gusmão to attack Taur Matan Ruak's house.

32 Carrascalão, *Taur Matan Ruak: A Vida Pela Independência*, 379, 403; Madre Guilhermina Marçal, Dili, July 2014.

33 "Report of the UN Commission of Inquiry (2006)," 32–33.

34 Interviewee 12; "East Timor - Tasi Tolu Update," Australian Embassy Dili, DI5485H, 24 May 2006, FOI release.

35 "Timor-Leste: Update 24 May 2006: 1300 hours," New Zealand Embassy Dili, DIL/POL/1, 24 May 2006; Author's Notebook 3, 24 May 2006.

36 UN Internal Document 15 September 2006, 11; "Timor-Leste: Update 24 May 2006: 1300 hours," New Zealand Embassy Dili, DIL/POL/1, 24 May 2006.

behind Tasitolu were attacked from higher ground by a group of armed men.³⁷ F-FDTL commanders believed that this was an attack on its Tasitolu headquarters by the police.³⁸ When the F-FDTL ground force's ammunition started to run low, a patrol boat was brought around to Tibar from Hera (according to one source, in reverse at 5 km per hour, because of mechanical problems) and laid down supporting fire.³⁹ At the end of the day's fighting, the F-FDTL found on the battlefield items of police uniform and police weapons, which 'proved' police involvement and deepened F-FDTL hostility towards the PNTL. On 25 May fighting resumed around 7 a.m. Two F-FDTL squads led by Captain Kaikeri were deployed as reinforcements.⁴⁰ As many as nine people (including Captain Kaikeri) were killed and three were wounded in the two days of fighting.⁴¹ It would emerge nearly three weeks later that the group was under the command of Rai Los, at the behest of Rogério Lobato and Mari Alkatiri, and comprised civilians, police officers from Likisa and petitioners. The government's positioning of the Rai Los group near Tibar appeared to be intended to block the *loromonu* petitioners or 'ten districts' movement supporters from coming by road from Ermera to attack Dili.⁴² From a tactical point of view, the clash was an accident waiting to happen, a consequence of the covert placement of the armed group too close to F-FDTL headquarters, and it plunged the country into deeper chaos.

Formal request for an international intervention, 24 May 2006

As the violence escalated, Timor-Leste leaders reached agreement to request an international intervention. In the middle of the day on 24 May, José Ramos-Horta spoke by telephone to Australian Foreign Minister Alexander Downer and endeavoured to make urgent contact with his counterparts in New Zealand, Portugal and Malaysia, foreshadowing a formal request for international assistance, to calm the situation and assist negotiations with the rebels.⁴³ UNOTIL SRSG Hasegawa arrived back from holiday in Bali in the early afternoon. That afternoon diplomatic heads of mission were summoned to the president's office at the *Palácio das Cinzas*. Timor-

37 "Report of the UN Commission of Inquiry (2006)," 33.

38 "Report of the UN Commission of Inquiry (2006)," 40-41.

39 As soon as the patrol boat arrived off Tibar, one of the soldiers on board was wounded, forcing the boat to divert to Tasitolu beach to despatch the soldier to hospital, before returning to Tibar Bay and commencing shelling. Interviewee 12; "East Timor - Tasi Tolu Update," Australian Embassy Dili, DI5485H, 24 May 2006, *FOI release*.

40 Captain Kaikeri was the much-respected commander of the F-FDTL force logistics unit at Metinaru, and Gastão Salsinha's former commanding officer. "East Timor: sitrep 1330 hrs 25 May," Australian Embassy Dili, DI5496H, 25 May 2006, *FOI release*.

41 "Report of the UN Commission of Inquiry (2006)," 32.

42 Interviewee 7.

43 "Timor-Leste: Update 24 May 2006: 1300 hours," New Zealand Embassy Dili, DIL/POL/1, 24 May 2006.

Leste's leaders, President Xanana Gusmão, Prime Minister Mari Alkatiri and President of Parliament Lu'Olo were all present, as were Minister of Foreign Affairs José Ramos-Horta and Bishop Ricardo da Silva. Letters signed by all three 'organs of state' (Gusmão, Alkatiri and Lu'Olo) set out Timor-Leste's formal requests for assistance from Australia, Malaysia, New Zealand and Portugal.⁴⁴

President Xanana Gusmão was visibly disabled with back pain and moved with two walking sticks, and propped up by two members of staff. The president, speaking in Portuguese, with Ramos-Horta interpreting into English, told the assembled diplomats that the request had been precipitated by the unexpected turn for the worse the day before, when elements led by Major Alfredo Reinado had attacked in Fatuahi. For several days there had been sightings of 'armed elements' in the vicinity of Dili. The F-FDTL, the president said, had ignored the existence of a 'third element,' which had also launched an attack on F-FDTL headquarters and on the residence of Taur Matan Ruak. Bearing in mind the fragility of both the police force and the defence force, Xanana Gusmão said, he had convened a meeting with the prime minister, president of parliament, minister of defence and minister of the interior. They had concluded that it was necessary to request international assistance to stabilize the situation. This view was also supported by the church, he said. Australia was being asked to provide a robust police force supported by a modest but credible military contingent. Portugal was being asked to deploy a company-strength contingent of GNR paramilitary police. Requests were also being made to New Zealand and Malaysia. Steps were being taken to brief the Indonesian government.⁴⁵ Prime Minister Mari Alkatiri seemed to have little to say, but asked by one ambassador how confident the government was that the situation in Dili could be kept under control, he observed that the shooting was in the hills around Dili, not in the city itself.⁴⁶

Shortly after the meeting ended, President Xanana Gusmão received a call on his mobile phone, apparently from PNTL Commissioner Paulo Martins, advising the president of gunfire around his home in Balibar, where his wife and children were. In a chilling scene, President Xanana Gusmão staggered crippled and panicking through

44 "Timor-Leste: Update 24 May 2006: 1730 hours," New Zealand Embassy Dili, DIL/POL/1, 24 May 2006.

45 "Timor-Leste: Update 24 May 2006: 1730 hours," DIL/POL/1 New Zealand Embassy Dili, 24 May 2006; Author's Notebook 4, 24 May 2006. Wrangling between the prime minister and the president over control of the international forces was also evident in last-minute drafting amendments to the request for assistance.

46 "Timor-Leste: Update 24 May 2006: 1730 hours," DIL/POL/1 New Zealand Embassy Dili, 24 May 2006; Author's Notebook 4, 24 May 2006.

the room, shouting for a helicopter.⁴⁷ José Ramos-Horta loudly called for immediate international assistance and for Australian troops to be on the ground by the next day. Ramos-Horta told the New Zealand and U.S. Ambassadors and UNOTIL Deputy SRSG Bajwa, who had remained behind, that it was clear that Mari Alkatiri had to resign, and he was being pressed to do this 'voluntarily.' According to José Ramos-Horta, Mari Alkatiri was 'highly likely' to resign, but if he refused, the president would convene the council of state and invoke constitutional provisions to dismiss him, dissolve the government and appoint an interim government.⁴⁸ Pending elections, Ramos-Horta would be appointed prime minister, with two deputy prime ministers. The UN would be asked to organize the elections. Asked about the ability of the F-FDTL to contain the situation, Ramos-Horta said that according to Taur Matan Ruak, the F-FDTL would be able to manage, if it were not being 'stabbed in the back' by the PNTL. Taur Matan Ruak had told him that if it were just the rebels, the situation would be manageable, but many PNTL members had now joined the rebels.⁴⁹

Showing signs of a tussle between the president and the prime minister, the draft terms of the request seemed to vary over whether the assistance should be police or military, or a mix, whether international forces should be under the control of the president or the prime minister, or both, and where they should be deployed.⁵⁰ The prime minister's office attributed 'the attack on the F-FDTL at Tibar' to 'breakaway, renegade elements of the F-FDTL', pointing blame at the petitioners and the groups associated with Majors Alfredo Reinado, Tara and Marcos Tilman. The request for international assistance, the office said, was necessary due to 'the climate of fear that the renegade elements of the F-FDTL have created among the population and due to the difficulty experienced by the F-FDTL and PNTL in controlling the situation.'⁵¹

47 "Timor-Leste: Update 24 May 2006: 1730 hours," DIL/POL/1 New Zealand Embassy Dili, 24 May 2006; "East Timor sitrep #2 for May 24, 2006," U.S. Embassy Dili, Cable 06DILI253, 24 May 2006, *Wikileaks Public Library of US Diplomacy*.

48 The U.S. report correctly predicted that Ramos-Horta's assessment might under-estimate Alkatiri's tenacity. 'Indeed, whatever pressure Alkatiri may now feel to resign would presumably be [substantially] reduced if the presence of Australian forces succeeds in quickly restoring peace and stability.' "East Timor requests foreign military intervention; Prime Minister may resign," U.S. Embassy Dili, Cable 06DILI254, 24 May 2006, *Wikileaks Public Library of US Diplomacy*.

49 "Timor-Leste: Update 24 May 2006: 1730 hours," DIL/POL/1 New Zealand Embassy Dili, 24 May 2006; "East Timor requests foreign military intervention; Prime Minister may resign," U.S. Embassy Dili, Cable 06DILI254, 24 May 2006, *Wikileaks Public Library of US Diplomacy*. By 24 May a large group of PNTL had in fact joined the F-FDTL. See below.

50 "Timor-Leste: Update 24 May 2006: 1730 hours," DIL/POL/1 New Zealand Embassy Dili, 24 May 2006 and attached request (in Portuguese) and English draft translation; "Timor-Leste requests international support," *Informação à Imprensa, Gabinete do Primeiro-Ministro, República Democrática de Timor-Leste*, 24 May 2006.

51 "Timor-Leste requests international support," *Informação à Imprensa, Gabinete do Primeiro-Ministro, República Democrática de Timor-Leste*, 24 May 2006.

Loromonu-lorosa'e (west-east) communal tensions were taking their toll on the police and the army, both within and between the two institutions. The F-FDTL and its senior commanders had become increasingly identified in public perception as a *lorosa'e* institution, aligned with Mari Alkatiri and Fretilin, and the petitioners with *loromonu* and Xanana Gusmão. The PNTL had become increasingly perceived as *loromonu*, especially since the 8 May incident in Gleno, and because Commissioner Paulo Martins and Deputy Commissioner Babo were both from the western districts (but ironically so also was Minister of the Interior Rogério Lobato). The PNTL was in disarray. At the end of 24 May, the police force in Dili had large numbers absent from duty, and at least one police station was empty.⁵² The police force had fragmented into small parts: elements of the URP and UIR police paramilitary units had joined Alfredo Reinado and his F-FDTL military police in Aileu, and were involved in the clash at Fatuahi on 23 May. Some of the Likisa police force were engaged alongside Rai Los in the conflict with the F-FDTL at Tasitolu/Tibar. Some of the Dili police force under the command of Abílio Mesquita were fighting the F-FDTL guard at Taur Matan Ruak's house in Lahane. A number of PNTL officers had fled to the southern hills at Dare. A large group hung on at PNTL headquarters in Kaikoli. But a sizeable group of *lorosa'e* police officers, including Deputy Commissioner Lino Saldanha, had gone over to join the F-FDTL in Kaikoli.

Distribution of F-FDTL weapons to civilians

As the situation spiralled out of control, and anxious about the risk of being killed before international assistance arrived, the government authorized the arming of civilian auxiliaries with F-FDTL weapons and ammunition at military police/F-FDTL temporary headquarters in Kaikoli.⁵³ The weapons were taken from some 1,000 F-FDTL weapons that had been transferred 'for safekeeping' from the F-FDTL base at Metinaru to the F-FDTL base at Baukau.⁵⁴ The story is a murky one and an official version was later constructed to provide a cover of legitimacy and orderliness that in truth did not exist.⁵⁵ The official version claims that weapons were issued to army 'reserve' or Falintil veterans, and were returned in 48 hours. The F-FDTL later produced records of some of the weapons issued, to 206 civilians. These civilians

52 "East Timor – sitrep 2200 hrs 24 May," Australian Embassy Dili, DI5493H, 24 May 2006, *FOI release*. In contrast, in most of the districts the PNTL remained relatively unaffected at this time. Ray Murray, July 2014.

53 A number of sources claim that F-FDTL weapons and ammunition were issued to civilians from 23 May (rather than from 24 May, as suggested in the COI report).

54 International Crisis Group, "Resolving Timor-Leste's Crisis," 12.

55 Ed Rees, November 2014.

included Falintil veterans, 64 PNTL officers, and involved leaders of former clandestine organizations.⁵⁶ But the existence of an army reserve was both a legal and physical fiction⁵⁷ and eye-witnesses in Dili saw youths, on the streets with weapons and ammunition, who had never used firearms before.⁵⁸ F-FDTL documents, evidently generated in June 2006 to satisfy an audit, indicated that F-FDTL weapons and ammunition were issued to a number of irregular groups.⁵⁹ The COI report was silent on the question of other distributions of F-FDTL weapons to civilians.

The COI found that F-FDTL weapons had been distributed to civilians on 24 May and after, on the order of Brigadier Taur Matan Ruak and with the knowledge of the Minister of Defence, Roque Rodrigues. However there is evidence to suggest that the direction came from Prime Minister Mari Alkatiri,⁶⁰ but that Roque Rodrigues agreed to accept the blame, 'for the party.'⁶¹ Given Roque Rodrigues' reluctance to issue orders to the F-FDTL, it seemed unlikely that he would order the distribution of weapons to civilians without Mari Alkatiri's instruction, and equally unlikely that Taur Matan Ruak would comply unless Mari Alkatiri backed it. Despite the recommendations of the COI, no judicial investigation appeared to take place and neither Taur Matan Ruak nor Roque Rodrigues were prosecuted. The International Crisis Group tells one version of the story:

One source said that Taur Matan Ruak went to Mari Alkatiri that afternoon and gave him an ultimatum – we either arm a reserve unit, or you call in the international troops. Alkatiri, according to this account, agreed that Matan Ruak could distribute arms to a group of ex-Falintil fighters including some followers of Elle Sette (L-7). . . . Taur Matan Ruak and Alkatiri both deny that Alkatiri was involved in the decision.⁶²

56 "Report of the UN Commission of Inquiry (2006)," 40.

57 In 2009 government payments of \$200 were made to numerous claimants from the *Forças Falintil Reservadas* (Falintil Reserve Forces) ostensibly for 'helping to restore stability in Dili on 23 May 2006' and for 'the eight months they served.' Interviewee 8.

58 Fortunately many used up all their ammunition in the hills, trying to work out how to use the weapons. Madre Guilhermina Marçal, July 2014. While the COI report says that the weapons were issued in Metinaru, according to witnesses, weapons were distributed in both Baukau and Kaikoli, but not in Metinaru.

59 Three documents on F-FDTL Baukau letterhead were later posted on internet sites. "*Lista Do Material Gasto Na Operacao Prodemocracia*" (List of ammunition consumed in Operation Pro-democracy) shows ammunition issued in Baukau to various F-FDTL units as well as to a number of irregular groups, including some 2,276 rounds of M16A2 ammunition issued to 'Grupo I4.' A second document lists ten civilians and the F-FDTL M16A2 weapons issued to them. A third document, dated 18 June 2006, lists 64 PNTL officers and the serial numbers of F-FDTL weapons, mainly M16 rifles, issued to them.

60 UN Internal Report, 13 September 2006, 9.

61 Ed Rees, November 2014.

62 International Crisis Group, "Resolving Timor-Leste's Crisis," 12. This account, if true, would suggest that Alkatiri did not tell Taur Matan Ruak either that international forces were on their way, or that the group that had 'attacked F-FDTL headquarters' was under the direction of Rogério Lobato.

The order for the arming of auxiliaries went to Colonel Lere and Lieutenant-Colonel Falur, then to Falur's deputy, Major Mau Buti and from there to veteran Falintil commanders L-7 (Cornelio Gama) and his nephew L-4 (Andre da Costa Belo).⁶³ During the night of 24 May, F-FDTL soldiers and 'auxiliaries' armed with F-FDTL weapons were deployed in various places around Dili. L-4 and his group were stationed on the road below Lahane, to block an attack from Aileu, and Police Deputy Commissioner Lino Saldanha's group were sent to guard the power station in Fomento and the water treatment station at Manleuana. Hundreds of other fighters were gathering in Baukau.⁶⁴ Eighty-four F-FDTL soldiers were also positioned in Kaikoli at the military police headquarters, 200 metres from PNTL headquarters.⁶⁵

The massacre of unarmed police in Kaikoli, 25 May 2006

The clashes at Tibar and the PNTL attack on Taur Matan Ruak's house, and resulting deaths and injuries, gave rise to intense feelings of betrayal in the F-FDTL command, and Taur Matan Ruak believed that he was the subject of a number of assassination attempts by the PNTL.⁶⁶ The clashes at Tasitolu/Tibar and Lahane on 24 and 25 May became a key element driving the F-FDTL's 'retaliation' on PNTL headquarters on 25 May. The situation in Dili deteriorated rapidly on 25 May. That morning, reports from around the city reflected growing mayhem. Gunfire had continued overnight in Lahane, Bekora and Hudilaran, and in the early morning was heard also in Fatuhada, Kolmera and Kaikoli. At 7 a.m. the road to the airport was blocked by about a hundred youths wielding machetes. The Dom Bosco compound in Komoro, sheltering thousands of refugees, was under attack by youths armed with knives and rocks, and a religious brother came close to being shot by police at Komoro market. Fighting had resumed in Tibar, UN vehicles were being attacked, and the UN Obrigado Barracks compound was under fire.⁶⁷ That morning numerous houses including that of PNTL Deputy Commissioner Ismael Babo⁶⁸ were burnt by roving gangs. Youths joined

63 Ed Rees, November 2014. The U.S. Embassy also picked up reports of the distribution of weapons to civilians through Commanders L-7 and L-4. "Dili Update: Fighting in Dili increases, President assumes control of security forces," Cable 06DILI263, U.S. Embassy Dili, 25 May 2006, *Wikileaks Public Library of US Diplomacy*.

64 The F-FDTL was reported to be issuing weapons to civilians in Baukau on 24 and 25 May, including 'its stock of old TNI weapons.' "TIMOR-LESTE: SIT-REP 27 May: 01.30 hours," New Zealand Embassy Dili, [26] May 2006; Ed Rees, November 2014.

65 "UN Commission of Inquiry (2006)," 33–37.

66 "Timor-Leste: Update 25 May 2006: 1615 hours (Dili time)," New Zealand Embassy Dili, DIL/POL/1, 25 May 2006.

67 This turned out to be 'overshoot' from F-FDTL-PNTL exchange of fire: spent rounds were landing in the Obrigado Barracks compound. UNOTIL eyewitness account, 13 August 2006.

68 Babo himself was at this point in the police reserve (URP) compound in Aileu. "East Timor: sitrep 1330 hrs 25 May," Australian Embassy Dili, DI5496H, 25 May 2006, *FOI release*.

several F-FDTL soldiers to burn down a house belonging to relatives of Minister of the Interior Rogério Lobato, killing six people, including four children under the age of 18.⁶⁹ Special protection unit police bodyguards in Farol, complete with their automatic weapons and abandoned by their VIPs, asked for (and were gently refused) sanctuary in the undefended New Zealand Embassy. In the early afternoon a volley of automatic gunfire, loosed from a military vehicle accompanying the body of Captain Kaikeri, killed at Tibar, went through the front windows of Hotel Timor.⁷⁰

The events leading to the massacre of unarmed, surrendering PNTL officers by F-FDTL troops near Obrigado Barracks on 25 May 2006 were later examined in detail by the COI.⁷¹ On 25 May none of the top police command remained at PNTL headquarters. Several senior *lorosa'e* PNTL officers, including Lino Saldanha (Deputy Commissioner, Administration) and Armando Monteiro (Dili UIR Commander) and numerous other police officers had gone over to join the F-FDTL.⁷² The highest ranking officers still at PNTL headquarters were Dili District Commander Eugenio Pereira, Basilio de Jesus (Director of Finance and Budget), Afonso de Jesus (Head of Operations), and Hermenegildo da Cruz (Director of Administration and Planning).⁷³ That morning Police Commissioner Paulo Martins had been at home in Bairro Pite⁷⁴ but left for Dare and that evening commanded a police guard at the president's house in Balibar. Paulo Martins later explained to U.S. Embassy officers that he had fled Dili after receiving warnings that Rogério Lobato planned to have him killed that day at a meeting to discuss a 'surprise' trip to Portugal.⁷⁵

Rumours of a planned attack by F-FDTL upon the PNTL headquarters had begun to circulate by the evening of 24 May. Deputy Commissioner Lino Saldanha was among those who made phone calls to PNTL headquarters threatening that the F-FDTL was coming to attack.⁷⁶ On the morning of 25 May, a PNTL officer was wounded in an

69 "Report of the UN Commission of Inquiry (2006)," 37; International Crisis Group, "Resolving Timor-Leste's Crisis," 12.

70 "Timor-Leste: Update 25 May 2006: 1615 hours (Dili time)," New Zealand Embassy Dili, DIL/POL/1, 25 May 2006.

71 "UN Commission of Inquiry (2006)," 33-37.

72 Gab. Adm-Plan-PNTL/V/2006, 29 May 2006, letter by PNTL survivors to President Xanana Gusmão, copied to the Minister of Foreign Affairs, Minister of the Interior, Minister of Justice, Prosecutor General, Vice Minister of the Interior and PNTL General Commander, (but not the Prime Minister) signed by PNTL Inspector Hermenegildo da Cruz and ten others on 31 May 2006. *Wikileaks*. (Original in Tetun; author's translations.)

73 Gab. Adm-Plan-PNTL/V/2006, 29 May 2006.

74 PNTL eyewitness account, 2. *Wikileaks*.

75 "Emboffs interview national police commissioner in hiding," Cable 06DILI279, U.S. Embassy Dili, 31 May 2006, *Wikileaks Public Library of US Diplomacy*.

76 While the COI refers to 'tip-offs,' a telephone call from PNTL Deputy Commander Lino Saldanha to his colleagues is described by them as a threat (*ameasa*): 'Soon at two in the morning or between seven and eight a.m., I and F-FDTL forces will attack you in the PNTL headquarters.' One of the police

exchange of fire between PNTL and F-FDTL vehicles (including a red pick-up truck) near the Leader store in Komoro. At both headquarters the PNTL and F-FDTL each believed that they had been attacked by the other.⁷⁷ An hour later, at about 11 a.m., when a red pick-up truck drove towards the PNTL headquarters, PNTL officers believed that an attack was about to be launched. One fired a single warning shot and almost immediately two grenades were fired by F-FDTL from the military police building. One landed over the road near the university gym and the second exploded on the PNTL building, injuring three officers, and an intense exchange of fire followed.⁷⁸

UNPOL officers working at PNTL headquarters made radio contact with Obrigado Barracks at about 11.30 a.m. At this point UNPOL Senior Adviser Saif Malik and UNOTIL Chief Military Training Adviser (MTA) Colonel Fernando Reis became aware that the UNPOL officers were trapped, that PNTL officers had been injured, and that PNTL wanted to arrange a ceasefire, but were unable to contact F-FDTL commanders. At around 12.30 p.m. Saif Malik and Fernando Reis each spoke to UNOTIL SRSG Hasegawa, and each was separately granted permission to intervene, and then coordinated with each other. Unarmed, Colonel Reis and two MTA officers left Obrigado Barracks in a UN vehicle, with the UN flag held from the rear passenger window. On reaching the military police headquarters, Colonel Reis spoke for a few minutes with Brigadier Taur Matan Ruak and gained his agreement to a ceasefire. It was agreed between Colonel Reis and CDF Taur Matan Ruak that PNTL officers would be disarmed and that the weapons would be collected up by the UN officers. Any PNTL officer who remained behind in PNTL headquarters would be 'subject to a new attack' by the F-FDTL. Taur Matan Ruak gave his officers the order to cease fire and Colonel Lere sent runners to communicate the order to the soldiers not within earshot.⁷⁹ At PNTL headquarters the ceasefire arrangements were explained by Colonel Reis. Further UN vehicles and Saif Malik arrived as the process of collecting PNTL weapons began. Around this time an F-FDTL soldier was killed by gunfire from

officers taking the phone call said 'Commander, why do you have bad intentions towards us?' and he replied "Don't worry yourselves [about my intentions], I am no longer police, I am a civilian." (*Orsida tuku rua dader ka tuku hitu to'o walu, hau ho forsa F-FDTL sei ba Asalta imi iha Quartel Geral PNTL.* 'Nusa mak Komandante hanoin aat fali mai ami.' 'Imi keta hanoin hau tamba hau laos Policia ona, hau ema sivil.') Gab. Adm-Plan-PNTL/V/2006, 29 May 2006.

77 The COI investigation was satisfied that F-FDTL personnel fired first in the incident in Komoro.

78 According to the COI, at some time during 25 May, Prime Minister Mari Alkatiri made phone calls to both CDF Taur Matan Ruak and PNTL Head of Operations Afonso de Jesus asking them to work together, and provided Taur Matan Ruak with Afonso de Jesus' phone number. "UN Commission of Inquiry (2006)," 33-34.

79 "UN Commission of Inquiry (2006)," 35.

the PNTL compound, despite the ceasefire. As the weapons collection was completed, the PNTL officers assembled in columns on the road, flanked by UN vehicles.⁸⁰ The ill-fated procession comprising more than 90 PNTL officers, 3 UNOTIL Military Training Advisers, 15 UN police and eight UNPOL vehicles (with the PNTL weapons and ammunition loaded into the vehicles), set off from PNTL headquarters at about 1.45 p.m.⁸¹ Carrying the UN flag, Colonel Reis bravely led the PNTL officers on foot along the road towards Obrigado Barracks and across the intersection outside the Ministry of Justice. The COI dispassionately records the terrible massacre that followed:

When most of the policemen had walked through the intersection, one F-FDTL soldier appeared to be agitated and searching for someone among the police officers. The F-FDTL soldiers say that one of the policemen had made a rude hand gesture at them. Mr. Malik attempted to speak with the agitated soldier, but the soldier sidestepped and fired into the policemen. There was then gunfire from three corners of the intersection. The soldiers fired at PNTL officers already on the ground. Evidence before the Commission indicates that at least six F-FDTL soldiers were involved in the shooting. . . . The shooting lasted about two or three minutes and involved at least 100 rounds of ammunition. Eight PNTL officers were killed and 27 others suffered serious gunshot injuries.⁸²

Amateur film footage of the aftermath shows a terrible scene of utter carnage, of the dead and the dying and seriously wounded police, on the road outside the Ministry of Justice.⁸³ UNPOL senior adviser Saif Malik coordinated the evacuation of the wounded to Obrigado Barracks. Colonel Reis and his deputy remonstrated with Brigadier Taur Matan Ruak, who apologized for the attack, and the three soldiers allegedly responsible were paraded before him.⁸⁴ Sixty-one unarmed PNTL officers arrived on foot at Obrigado Barracks⁸⁵ and others hid at the Cathedral.⁸⁶ The three PNTL officers wounded earlier had been taken to the U.S. Embassy clinic, and later that afternoon were brought to the UN clinic at Obrigado Barracks. Six critically wounded police officers were later evacuated to Australia for further treatment.

A letter to the president from the PNTL survivors names most of the victims, and concludes with a cry from the heart:

80 "UN Commission of Inquiry (2006)," 36-7.

81 UNOTIL eyewitness account.

82 "UN Commission of Inquiry (2006)," 37. Another PNTL officer died soon after of his wounds. Two UNPOL officers were wounded, one critically. Although the COI report refers to 'policemen,' five police women were among the wounded, two of them among the critically wounded.

83 Broadcast in O'Shea's television report "Four Days in Dili," *SBS Dateline*, 31 May 2006.

84 "UN Commission of Inquiry (2006)," 37.

85 UNOTIL eyewitness account.

86 PNTL eyewitness account.

As police or officials of the state and government, we have no interest other than to maintain law and order. We consistently heard orders from the general command to maintain security, but until the last, there was not one clear order, just phone calls. We felt abandoned and no notice was taken of us, but we were attacked. We also know that those who attacked us had F-FDTL uniforms and weapons, but who will take responsibility?⁸⁷

The COI later found that the massacre was a result of individual actions outside the orders of the F-FDTL command, that Brigadier Taur Matan Ruak could not be held responsible, and recommended the prosecution of six soldiers.⁸⁸ The COI also found that individual UNOTIL personnel had intervened at great personal risk, and that responsibility for the shooting could not be ascribed to UNOTIL. However the multiple 'shortcomings' the COI found in UNOTIL's approach⁸⁹ added up to a serious failure on the part of the UNOTIL senior leadership.

Soon afterwards, having missed out on the action, an F-FDTL 'auxiliary' set up his own checkpoint just a few hundred metres from the scene of the PNTL massacre:

At about 3 p.m. a roadblock was established . . . on Avenida Bispo de [Medeiros], about 50 metres south of the roundabout at Mercado Lama. It was manned by Oan Kiak, an ex-FALINTIL soldier, and his men for the purpose of finding and detaining armed PNTL officers. Vehicles were stopped and searched. At about 5 p.m. a vehicle passed at speed. Mr. Kiak and his men opened fire, injuring the priest who was driving. Shortly thereafter, a red Polytron truck approached the roadblock from the north and accelerated. . . . Mr. Kiak and others opened fire on the vehicle, killing one man and injuring one other.⁹⁰

The arrival of international assistance

On 24 May Timor-Leste's request for bilateral international assistance was also conveyed to the UN Secretary-General in New York, in a letter signed by the three 'organs of state.'⁹¹ On the same day, 24 May, Australia and New Zealand each advised the President of the Security Council that they were giving serious consideration to Timor-Leste's request and asked the security council to give the matter urgent attention. Australia advised the UN and Timor-Leste that it intended to send a team of senior officials to Timor-Leste on 25 May to discuss the terms and nature of any deployment.⁹² Portugal parried, reluctant to pick up the costs of a bilateral deployment, and observed that a deployment of Portuguese gendarmerie 'would gain

87 Gab. Adm-Plan-PNTL/V/2006, 29 May 2006. Author's translation.

88 "UN Commission of Inquiry (2006)," 49–50.

89 "UN Commission of Inquiry (2006)," 63–64.

90 "UN Commission of Inquiry (2006)," 38.

91 UNSC S/2006/319 "Letter Dated 24 May 2006 from the Secretary-General Addressed to the President of the Security Council," 24 May 2006.

92 UNSC S/2006/321 (from Australia) and S/2006/320 (from New Zealand).

a great deal if it took place in close cooperation with the United Nations.¹⁹³

With the arrival of intervention forces imminent, Mari Alkatiri and Xanana Gusmão vied to assert primacy. An official letter signed by Prime Minister Mari Alkatiri on 25 May welcomed 'the immediate deployment of Australian forces to secure the perimeter of Dili International Airport.'¹⁹⁴ At around 4 p.m. on 25 May, the president's office advised embassies that President Xanana Gusmão had 'announced his decision as President of the Republic and Supreme Commander of the Defence Force, that he is taking control of the entire security affairs in the country in accordance with the relevant articles of the RDTL Constitution.' All matters related to security were to be referred directly to the office of the president.¹⁹⁵ On Portuguese radio, Prime Minister Mari Alkatiri rejected the president's announcement, asserting that the constitution allowed him to retain 'all competencies in the area of security.'¹⁹⁶ At 4.30 p.m. the prime minister's office advised that the international support requested by the government had begun to arrive.¹⁹⁷ Around 5 p.m. the Australian frigate *HMAS Adelaide* appeared over the horizon and in a show of force sailed up and down the reef off Dili, and relieved residents flocked to the shore.¹⁹⁸ Truckloads of armed men coming in from the east to join the fighting, on sighting the *Adelaide* from the road summit at Fatuahi, were seen to turn back.¹⁹⁹ Australian Prime Minister John Howard gave a press conference in Canberra at 6.45 p.m. (5.45 p.m. in Dili) in which he made it clear that Australia was prepared to intervene without further ado. 'It's quite clear that this situation in Dili has deteriorated . . . and there are widespread reports of a very chaotic situation. The airfield has been secured by the advance detachment of some 130 commandos. Given the deteriorating situation, we will go ahead without without any conditionality, and

93 UNSC S/2006/326 (from Portugal).

94 Letter to Prime Minister John Howard from Prime Minister Mari Alkatiri, Dili, 25 May 2006, *laohamutuk.org*.

95 Letter from the Chief of Staff of the Office of the President, Dili, 25 May 2006; "Dili Update: Fighting in Dili increases, President assumes control of security forces," U.S. Embassy Dili, Cable 06DILI263, 25 May 2006, *Wikileaks Public Library of US Diplomacy*.

96 *UNOTIL Daily Situation Report*: 1801hrs 24 May – 1800hrs 25 May 2006.

97 *UNOTIL Daily Situation Report*: 1801hrs 24 May – 1800hrs 25 May 2006.

98 "Timor-Leste: Australian Interim Agreement on Deployment," New Zealand Embassy Dili, DIL/POL/1, 25 May 2006; "East Timor: sitrep 2230hrs 25 May," Australian Embassy Dili, DI5498H, 25 May 2006, *FOI release*. See also "Operation Astute – The RAN in East Timor," updated 24 August 2009, *navy.gov.au*.

99 According to President Xanana Gusmão that evening, hearing that commander L-7 was coming to Dili with trucks of armed men, Gusmão had asked them to go back to Baukau. Author's Notebook 2, 25 May 2006. The U.S. Embassy separately heard that followers of L-7, gathering in the east, had dispersed after calls from Taur Matan Ruak and the prime minister. "Dili Update: Fighting in Dili increases, President assumes control of security forces," U.S. Embassy Dili, Cable 06DILI263, 25 May 2006, *Wikileaks Public Library of US Diplomacy*.

the 1,300 [ADF personnel] will be in place in a very short order.¹⁰⁰ Some of the Australian helicopters and forces indicated by John Howard were in the event delayed by bad weather, and *HMAS Kanimbla* was diverted to the south coast to assist.¹⁰¹

Shortly before 6 p.m. an Australian air force C130 Hercules landed, bringing elements of an Australian Defence Force contingent and the team of Australian officials who were to work through the terms of the deployment. The arrival of the RAAF C130 was not welcomed by all: there was gunfire from the hills as the aircraft came in to land.¹⁰²

The Australian team, led by Vice-Chief of the Australian Defence Force Lieutenant-General Ken Gillespie, included Department of Foreign Affairs and Trade Deputy Secretary David Ritchie and Australian Ambassador Margaret Twomey. At the New Zealand Government's request the team was accompanied by New Zealand Ambassador Ruth Nuttall and Defence Attaché Colonel John McLeod. The Australian team was met by Foreign Minister José Ramos-Horta and the president's chief of staff, Agio Pereira. General Gillespie advised that the Australian government was willing to help Timor-Leste, but it needed to get from the Timorese leadership a clear understanding about the task. Australia did not wish to take sides, he said, but it could help stabilize the security environment so that the parties could start talking, 'to allow Timor-Leste to start its process of healing.'¹⁰³ Australia's conditions for the deployment would include the disengagement of the conflicting parties and the signatures of the government and the president to an interim deployment agreement.¹⁰⁴

José Ramos-Horta confirmed that the deployment was welcomed by all parties, including 'dissidents' and the church. It was obvious, José Ramos-Horta said, that within a few days the prime minister would be compelled to resign, due to the 'absolute failure' of government. José Ramos-Horta said that he expected to be appointed interim prime minister, or 'executive' prime minister if Mari Alkatiri refused to resign, with an election to follow in 2007.¹⁰⁵

100 Mark Colvin "PM - John Howard holds press conference on East Timor engagement," 18:43:00, 25 May 2006, *ABC Online*.

101 "Operation Astute - The RAN in East Timor," updated 24 August 2009, *navy.gov.au*; "Dili Update: Fighting in Dili increases, President assumes control of security forces," U.S. Embassy Dili, Cable 06DILI263, 25 May 2006, *Wikileaks Public Library of US Diplomacy*.

102 An earlier attempt to bring in officials in another aircraft had to be abandoned because of the gunfire. The C130 later departed with a backload of 52 non-essential Embassy staff, dependants, as well as other Australians and approved foreign nationals. "East Timor: sitrep 2230hrs 25 May," Australian Embassy Dili, DI5498H, 25 May 2006, *FOI release*.

103 Author's Notebook 2, 25 May 2006.

104 Author's Notebook 2, 25 May 2006; "Timor-Leste: Record of Discussions on 25 May 2006," Wellington C07998/DEF, 30 May 2006.

105 Ramos-Horta and Agio Pereira had each made similar remarks to the U.S. Ambassador earlier in the day. "Dili Update: Fighting in Dili increases, President assumes control of security forces," U.S. Embassy Dili, Cable 06DILI263, 25 May 2006, *Wikileaks Public Library of US Diplomacy*.

The draft interim agreement brought by the Australian team envisaged the deployment of an Australian Defence Force battalion group of approximately 1300 personnel. It would assist the Government of Timor-Leste to facilitate evacuation of Australian and other approved foreign nationals; stabilize the situation and facilitate the concentration of conflicting groups into safe and secure locations; audit and account for the location of weapons for each group; and create a secure environment for the conduct of a successful dialogue to resolve the crisis. Operations would be underpinned by the principle of the primacy of the civil power, and the agreement envisaged the cantonment of PNTL and F-FDTL personnel. The duration of the deployment would be for a period of not less than one month, and subject to further consultation and negotiation.¹⁰⁶ The command of JTF 631¹⁰⁷ would rest with the Australian Force Commander.

José Ramos-Horta advocated going ahead and getting the interim deployment agreement signed that night. The group left the airport in a convoy, coming under tracer fire in Lahane, and arrived at the president's house at Balibar at about 8.20 p.m.¹⁰⁸ At Balibar, President Xanana Gusmão lamented the chaotic situation. The problem, he said, had become a constitutional one. As the situation was deteriorating into a civil war, he had that day assumed control of national defence and security. He had asked the F-FDTL to cooperate with the international forces, and he had also asked commander L-7, whose group appeared to have been armed by the F-FDTL, not to participate in the conflict. After lengthy consideration, Xanana Gusmão signed without alteration the interim agreement. Asked by the New Zealand Ambassador what the next steps would be, Xanana Gusmão said he expected to dismiss the government for irresponsibility and incompetence. That might take place in two to four weeks' time, after which there would be fresh elections.¹⁰⁹ The convoy was delayed at Balibar and on the road back to Lahane by increasing gunfire, and eventually arrived at the prime minister's residence in Farol at about 10.10 p.m., where the group met Prime Minister Mari Alkatiri and President of Parliament Lu'Olo.¹¹⁰

106 "Arrangement Between the Government of Australia and the Government of the Democratic Republic of Timor-Leste concerning the Restoration and Maintenance of Security in Timor-Leste," attached to a Letter to Prime Minister John Howard, signed by President Kay Rala Xanana Gusmão, President of Parliament Francisco Guterres (Lu-Olo), and Minister Mari Bim Amude Alkatiri, 25 May 2006, laohamutuk.org.

107 Joint Task Force 631 (JTF 631), later known as the International Stabilisation Force (ISF).

108 For a full account of this excursion, see John McLeod, *Elusive Peace: A Kiwi Peacekeeper in Angola* (Wellington: Steele Roberts, 2015), 209–10.

109 Author's Notebook 2, 25 May 2006.

110 According to Ramos-Horta, Lu'Olo had been sheltering at the residence of the Portuguese Ambassador, along with Vice Minister of the Interior, Alcino Baris. Author's Notebook 2, 25 May 2006.



Figure 10: The Interim Agreement for the Deployment signed, 25 May 2006.

Front row from left: Australian Department of Foreign Affairs and Trade Deputy Secretary David Ritchie, Vice Chief of the Australian Defence Force Lieutenant-General Ken Gillespie, Prime Minister Mari Alkatiri. Top Row: Australian Ambassador Margaret Twomey, New Zealand Ambassador Ruth Nuttall, Minister of Foreign Affairs and Cooperation José Ramos-Horta, far end of row, Minister of the Interior Rogério Lobato.

Also present were Minister of the Interior Rogério Lobato, Vice Minister of Natural and Mineral Resources José Teixeira, and Mari Alkatiri's chief of staff José Guterres. Where President Xanana Gusmão had been emotional, Prime Minister Mari Alkatiri seemed to have nerves of steel.¹¹¹ Mari Alkatiri said little but commented wryly that it was a difficult time. In response to General Gillespie's explanation and questions about the proposal for the force deployment, Mari Alkatiri responded 'the sooner the better, the first step is to control Dili.'¹¹² Mari Alkatiri and Lu'Olo added their signatures to the agreement and cans of beer were produced from the prime minister's refrigerator to

111 Although a visitor to Mari Alkatiri and Defence Minister Roque Rodrigues that evening reported that they, 'like everyone else,' seemed paralysed: 'they were like autistic children, sitting in the dark, hunched forward, hands clasped between their knees, rocking back and forth.' International Crisis Group, "Resolving Timor-Leste's Crisis," 13.

112 Author's Notebook 2, 25 May 2006.

mark the occasion. The convoy then went on to the *Palácio do Governo* arriving at about 10.50 p.m., where General Gillespie briefed CDF Taur Matan Ruak, accompanied by Minister of Defence Roque Rodrigues. Brigadier Taur Matan Ruak and General Gillespie amicably agreed on the outlines of a process for the disengagement of the F-FDTL, although Roque Rodrigues seemed rather more prickly about it.¹¹³

On 25 May in New York, Australia notified the President of the Security Council that Australia had 'responded positively' to Timor-Leste's request of 24 May, and as a result of the deterioration of the security situation, had commenced deploying security forces on 25 May 2006.¹¹⁴ New Zealand notified the Security Council of its decision to deploy defence force aircraft and personnel to Australia (Darwin) in readiness.¹¹⁵

New Zealand Prime Minister Helen Clark however held back on a decision to deploy into Timor-Leste, cautious about being drawn into 'a complex and delicate factional conflict.'¹¹⁶ Following a late night meeting in New York, the President of the Security Council issued a statement expressing deep concern at the deteriorating security situation. It acknowledged the request made by the Government of Timor-Leste to the Governments of Portugal, Australia, New Zealand and Malaysia to dispatch defence and security forces under bilateral arrangements, welcomed the positive responses made by the governments concerned and fully supported 'their deployment of defence and security forces to urgently assist Timor-Leste in restoring and maintaining security.'¹¹⁷ Very late that night after the signing of the interim agreement between Australia and Timor-Leste, the New Zealand Ambassador reported to Wellington: 'While political motives clearly remain in play in inviting the international intervention, it is abundantly clear that the security situation has deteriorated to the extent that external military intervention is now the only viable means of preventing a total descent into civil war and communal violence.'¹¹⁸

On 26 May in Dili a bilateral status of forces agreement (SOFA) was confirmed by an exchange of Notes between Timor-Leste and Australia, completing the formal diplomatic process. On 26 May the New Zealand Government decided to add its offer of assistance and formally associated itself with the arrangements that had been agreed

113 "Timor-Leste: Australian Interim Agreement on Deployment," New Zealand Embassy Dili, DIL/POL/1, 25 May 2006; Author's Notebook 2, 25 May 2006.

114 UNSC S/2006/325.

115 UNSC S/2006/327.

116 Executive News Service, Wellington, 25 May 2006.

117 UNSC S/PRST/2006/25.

118 "Timor-Leste: Australian Interim Agreement on Deployment," New Zealand Embassy Dili, DIL/POL/1, 25 May 2006.

between Timor-Leste and Australia.¹¹⁹ UN Secretary-General Kofi Annan remarked on the worsening security situation and advised that he had had telephone contacts with President Xanana Gusmão and Prime Minister Mari Alkatiri, and the Prime Ministers of Australia, Malaysia, New Zealand and Portugal. Kofi Annan announced that he had also asked Ian Martin (head of the 1999 UNAMET mission) to travel to Timor-Leste to assess the situation.¹²⁰ Portugal advised that it had decided to deploy a contingent of the National Republican Guard (GNR) to Timor-Leste, but it required Timor-Leste to contribute to the cost.¹²¹ Portugal's Protocol of Agreement stipulated that 'in the absence of financial coverage by the United Nations' half of the expenses of the operation and logistical support would be met by Timor-Leste.¹²²

In Dili on 26 May, the security situation remained unstable. As the roads could not be secured, a UN helicopter moved around 60 PNTL officers who had taken refuge at UNOTIL Obrigado Barracks to the airport, where arriving Australian troops would ensure their safety. But about 45 PNTL officers still remained in Obrigado Barracks after the middle of the day.¹²³ In the wake of the previous days' events, UN staff were afraid that the PNTL presence might invite attack, and a panic ensued when armed 'ninjas' were reported to be inside Obrigado Barracks. It was later established that a group of ten armed men in civilian and military clothing had been outside the compound, who left after Australian troops arrived.¹²⁴ A visitor to the national hospital reported that the morgue was full and that several bodies, including that of a uniformed soldier, were lying in the heat outside.¹²⁵

Due to logistical bottlenecks in Dili, few vehicles and no accommodation, the Australian army contingent initially were forced to camp out on open ground at the airport. Australian amphibious transport vessel *HMAS Kanimbla* arrived in Dili harbour late on 26 May, followed by *HMAS Manoora* and heavy landing ship *HMAS Tobruk*, bringing further troops, heavy equipment, and stores. An Australian Defence

119 Australian Embassy Dili Note No 159/2006 and Annex, 26 May 2006; Letter from Foreign Minister José Ramos-Horta and Timor-Leste Note in reply, 26 May 2006; New Zealand Embassy Dili Note 2006/19, 26 May 2006. Texts of the documents exchanged between Timor-Leste and Australia, New Zealand and Portugal are posted on *laohamutuk.org* as 'Status of Forces Agreements May 2006–January 2007.'

120 UNSC S/2006/338. According to one observer, it was only after the 25 May massacre of police that UN headquarters in New York woke up to what was going on in Dili. Ed Rees, November 2014.

121 UNSC S/2006/337. The first part of the Portuguese GNR contingent arrived on 4 June.

122 See 'Status of Forces Agreements May 2006–January 2007,' *laohamutuk.org*

123 "East Timor: Sitrep 2000hrs 27 May," DI5508H, Australian Embassy, Dili, 27 May 2006, *FOI release*.

124 *UNOTIL Situation Report 26 May – 01 June 2006*.

125 "East Timor Sitrep for May 26, 2006," U.S. Embassy Dili, Cable 06DILI268, 27 May 2006, *Wikileaks Public Library of US Diplomacy*.

Force operations base was established at Dili port.¹²⁶ On 26 and 27 May the first elements of the Malaysian and New Zealand contingents arrived.¹²⁷ On 27 May, UNOTIL raised its security level to Phase Three¹²⁸ and 190 non-essential UN personnel and dependants were evacuated to Darwin on 28 May. Indonesian news media reported that 1286 Indonesian citizens had been airlifted from Dili.¹²⁹ By 29 May around 1300 Australian troops were on the ground, supported by 500 Malaysian troops and a company of New Zealand infantry.¹³⁰ The intervention stopped the armed violence, but it took several days for the force establish control, during which time gangs ran rampant and many dwellings were burnt.

126 "Operation Astute -The RAN in East Timor," updated 24 August 2009, *navy.gov.au*.

127 Malaysian communications do not appear among the UNSC documents.

128 "United Nations Moves to Security Phase Three," *UNOTIL Public Information Office*, Dili, 27 May 2006.

129 *UNOTIL Situation Report*, 26 May–1 June 2006.

130 John C. Blaxland, *The Australian Army from Whitlam to Howard* (Port Melbourne: Cambridge University Press, 2014), 201. As of mid July 2006, 199 New Zealand Defence Force personnel and 25 New Zealand police were serving in Timor-Leste. *UNOTIL Situation Report 7–13 July 2006*.

Chapter Nine

The Struggle for Hearts and Minds

After the intervention, rather than sorting out their problems, Mari Alkatiri and Xanana Gusmão continued to wrangle, their personal security now provided by the Australian Defence Force. The arrival of the intervention force effectively ruled out the use of armed violence, and instead the two sides launched a series of political manoeuvres and counter-manoevres, organized demonstrations, and unleashed gang attacks. The international forces became a new factor to manipulate in the political equation, and were soon confronted with accusations of being partisan. Brigadier Mick Slater, the Australian Commander of JTF 631, who had served with the INTERFET entry force in 1999, found the situation in the first five days in Dili in 2006 in some ways more complex and uncertain than that faced by INTERFET in 1999:

This time, there was no cohesive force on the ground that could guarantee security while we attempted to get a firm foot in place, and there was far more actual violence within Dili. . . . Secondly, the range of actors with arms of varying types – from military assault weapons through to melee weapons such as swords, machetes, and even darts fired from slingshots – was quite bewildering. It was a very demanding environment, and the complexity was increased because many of the instruments of the state had collapsed. We had few reliable, legitimate sources of information about the range of actors rampaging through Dili when we arrived.¹

Australian and New Zealand defence forces watching rising tensions in Timor-Leste in 2006 had begun contingency planning of the kind that had allowed the rapid deployment of INTERFET forces in September 1999.² In 2006 the intervention force arrived with expectations heavily influenced by the deployment in 1999, but in 2006 there were important differences. In 1999, INTERFET had been accorded extraordinary powers under Chapter VII of the UN Charter to use 'all necessary measures' to restore peace and security.³ But in 2006, Timor-Leste was a sovereign state, and the conflict was internal and political. The status of forces agreement left Timor-Leste's sovereign authority intact, and JTF 631's rules of engagement were also tightly constrained. Those restrictive rules of engagement reflected a 'deliberate

1 Mick Slater, "Point Blank: An Interview with Brigadier Mick Slater, Commander JTF 631," *Australian Army Journal* III, no. 2 (2006): 10; see also Blaxland, *The Australian Army from Whitlam to Howard*, 198–201.

2 Bob Breen and Greg McCauley, *The World Looking over Their Shoulders: Australian Strategic Corporals on Operations in Somalia and East Timor*, Study Paper 314 (Canberra: Land Warfare Studies Centre, 2008), 104–07.

3 UNSC S/RES/1264 (1999).

calculation' on the part of the Australian Defence Force to ensure that, as Timor-Leste teetered on the brink of civil war, the responses of troops to provocation and violence would calm rather than aggravate the situation.⁴ Neither equipped nor trained for a 'less-than-lethal' response, JTF 631 was proud of firing no shots in the first days of its deployment. But local gangs soon scoped JTF 631's constraints and exploited the situation: international forces were rendered observers while gang violence and destruction escalated. Actions by gangs attacking refugee camps, looting and burning houses, and diverting the intervention forces, appeared coordinated and paid for.⁵ Australian Minister of Defence Brendan Nelson explained to *Lusa* on 29 May, 'our rules of engagement do not include use of force against those who are engaged in gang violence.'⁶ However most Timorese found the situation incomprehensible and were greatly distressed to see the Australian and New Zealand troops, whom they had seen as their saviours in 1999, appearing to stand and watch while their houses burnt down, again. Some of the Timorese leadership advocated less restraint, and shocked JTF 631 by asking if the troops could not perhaps shoot arsonists and looters Indonesian-style 'just in the leg.'

On 26 May Mari Alkatiri reiterated that he remained in charge of the security forces and, in contradiction to the agreement he had signed the night before, asserted that the F-FDTL would continue to patrol the perimeter of Dili as well as key government offices, 'in coordination' with the Australian troops. The police massacre on 25 May was attributed to just one soldier who had been detained.⁷ Defence Minister Roque Rodrigues told U.S. Embassy officers that while Australian assistance was appreciated, it was not necessary as the F-FDTL had already secured Dili.⁸ In a speech at Obrigado Barracks, José Ramos-Horta loudly called on Prime Minister Mari Alkatiri to resign, but Alkatiri said that while he had the support of the (Fretilin) party he had no intention of doing so.⁹ In a press conference on 27 May, Prime Minister Mari Alkatiri commended the efforts of the Australian and Malaysian forces 'in conjunction' with the F-FDTL to implement a security perimeter 'defined by the Government in coordination

4 Breen and McCauley, *The World Looking over Their Shoulders: Australian Strategic Corporals on Operations in Somalia and East Timor*, X.

5 "Timor-Leste: Update 5 June 2006," New Zealand Embassy Dili, DIL/POL/1, 5 June 2006; Madre Guilhermina Marçal, July 2014; Joanico da Silva, July 2014.

6 Cited in *UNOTIL Situation Report*, 26 May–1 June 2006.

7 "East Timor Sitrep for May 26, 2006," U.S. Embassy Dili, Cable 06DILI268, 27 May 2006, *Wikileaks Public Library of US Diplomacy*.

8 "East Timor Sitrep for May 26, 2006," U.S. Embassy Dili, Cable 06DILI268, 27 May 2006, *Wikileaks Public Library of US Diplomacy*.

9 "East Timor Sitrep for May 26, 2006," U.S. Embassy Dili, Cable 06DILI268, 27 May 2006, *Wikileaks Public Library of US Diplomacy*.

with the President.' The violence, he said, was no longer due to 'confrontations between our Defence Force and a few members of the Police. It is rather violence stemming from the planned and opportunistic action of gangs, who have [been] looting and burning houses and goods, and threatening our martyred People.' At no time had the government ceased to function, Mari Alkatiri asserted. World Bank President Paul Wolfowitz had 'applauded' Timor-Leste, he said. In just one month had Timor ceased to be an exemplary case of success and become a case of clear incapacity? he asked. 'What is in motion is in an attempt to stage a coup d'etat. However I am confident that the President of the Republic . . . [will] not cease to respect the Constitution of the Democratic Republic of Timor-Leste which he swore to comply with.'¹⁰ In the sidelines of the press conference, two of the prime minister's close supporters, Harold Mucho and José Teixeira, told journalists that Australian troops had been slow to help and were standing by, watching houses burn and people being hurt.¹¹ The prime minister also claimed to journalists that former members of pro-Indonesian militias were involved in the violence in Dili, to the annoyance of the Indonesian government.¹² On 28 May Foreign Minister José Ramos-Horta told the diplomatic corps that President Xanana Gusmão had asked Alfredo Reinado, who had based himself at the Maubisi Pousada (guesthouse), to come to Aileu, and Majors Tara, Tilman and Lieutenant Salsinha had been asked to go to Gleno.¹³

The government appeared to cultivate distrust between Portugal and Australia, and to try to divide and divert the intervention forces. Timor-Leste's agreement with Australia provided for 'visiting personnel' to be under Australian operational command, although under the national and administrative control of their contributing government.¹⁴ Timor-Leste's agreement with Portugal, however, specified that the operational command of the Portuguese GNR contingent would be exercised by the GNR commander, 'under the direct dependency' of the president and the prime

10 "Statement by the Prime Minister," Office of the Prime Minister, Dili, 27 May 2006.

11 "TIMOR-LESTE: SITREP: 27 May 19.30 hours," New Zealand Embassy Dili, 27 May 2006.

12 "East Timor Prime Minister says former members of pro-Indonesian militias linked to violence," *Associated Press*, Dili, 3 June 2006; "Foreign Minister rejects reports linking RI to Timor Leste unrest," *Antara*, 2 June 2006; "No evidence Indonesia behind ETimor unrest: Australian FM," *Agence France-Presse*, Dili, 3 June 2006.

13 "TIMOR-LESTE: SITREP: 28 May 19.00 hours," New Zealand Embassy Dili, 28 May 2006. A handwritten note published by Wikileaks, dated 29 May 2006, apparently from Xanana Gusmão to Alfredo Reinado reads (in translation): "I have already made arrangements with the Australian forces and you [your group] must go and remain at Aileu. Please obey this order! If there are petitioners with us [conosco] they must go and gather in Gleno. I am also writing to Lieutenant Salsinha to implement this order."

14 Note No 159/2006, Annex A, Australian Embassy, Dili, 26 May 2006.

minister.¹⁵ Both Mari Alkatiri and José Ramos-Horta seemed arrogantly to take the international assistance for granted.¹⁶ At the first opportunity, in a meeting with the New Zealand Ambassador and the New Zealand Defence Force Senior National Officer, Prime Minister Mari Alkatiri tried to divert newly arrived New Zealand troops away from Dili, asserting that the troops should be pursuing Alfredo Reinado in the mountains. There was a perception, Alkatiri said, that the international forces were taking sides.¹⁷

Amidst the chaos in Dili, on 29 May the prosecutor general's office was looted.¹⁸ The looting appeared suspiciously targetted to dispose of cases inconvenient to the prosecutor general, but international attention was distracted by the prosecutor general's claim that the files on the 1999 serious crimes had been taken. After it was pointed out that an official copy of the files had been lodged with the UN in New York in early May, the Dili files serious crimes turned up again on 5 June. On 30 May UN agencies revised upwards refugee (IDP) numbers: 100,000 people, including 65,000 in camps in Dili.¹⁹

Crisis declared, at last

On 29 May, President Xanana Gusmão convened the Council of State and asked it to issue a 'declaration of crisis' under Law 2004/7, to give him direct authority over defence and security matters, including the police and defence forces for the duration of the crisis, and for weapons held illegally to be surrendered to the international forces. After two days of wrangling, agreement was reached on emergency measures for a period of 30 days,²⁰ to which Mari Alkatiri's agreement was given grudgingly, reportedly to avoid outright dismissal.²¹ The president also told a press conference that he had advised the prime minister to dismiss the ministers of defence and the interior (Roque Rodrigues and Rogério Lobato), as they had failed in their responsibilities. On 1 June, Prime Minister Mari Alkatiri convened cabinet, and later that day announced

15 Protocol of Agreement between the Governments of Portugal and Timor-Leste, n.d. *laohamutuk.org*; UNOTIL *Situation Report*, 2–8 June 2006.

16 "Timor-Leste: Update 5 June 2006," New Zealand Embassy Dili, DIL/POL/1, 5 June 2006.

17 "Timor-Leste: Meeting with Prime Minister Mari Alkatiri," New Zealand Embassy Dili, DIL/POL/1, 4 June 2006.

18 "East Timor Sitrep for May 29, 2006," U.S. Embassy Dili, Cable 06DILI274, 29 May 2006, *Wikileaks Public Library of US Diplomacy*.

19 OCHA/GVA OCHA Situation Report No. 2 Timor-Leste – Population Displacement, 30 May 2006. Refugee/IDP numbers are problematic in that the numbers were fluid and people came and went from the camps. Registration in a camp assisted important access to food and water, and later on to financial compensation payments. Nonetheless the scale of the dislocation of the population is evident in these numbers.

20 "*Medidas de Emergência para Ultrapassar a crise*," Declaração Presidencial, Dili, 30 May 2006

21 "East Timor Sitrep for May 29, 2006," U.S. Embassy Dili, Cable 06DILI274, 29 May 2006, *Wikileaks Public Library of US Diplomacy*.

that Lobato and Rodrigues had submitted their resignations to him. This did not mean they had been accused of wrong-doing, Alkatiri said. Roque Rodrigues had resigned because of the problems that started with the petitioners and Rogério Lobato had resigned because of divisions within the PNTL.²² Both Lobato and Rodrigues seemed to accept their fates with a degree of equanimity. The defence portfolio went to José Ramos-Horta and the interior portfolio to Lobato's former deputy, Alcino Baris, who were sworn in on 3 June.²³ On 4 June, Mari Alkatiri convened a meeting of the Fretilin central committee, which reaffirmed its support for him as Secretary General, and promoted Rogério Lobato to a new position as party Vice President.²⁴

The appointment of José Ramos-Horta as Minister of Defence allowed the F-FDTL to reassert itself, and claim that while the police had disintegrated, the F-FDTL had remained solid. José Ramos-Horta had insisted that he would only accept the defence portfolio if he were also appointed deputy prime minister in a government of national unity, but Mari Alkatiri turned him down.²⁵ Ramos-Horta told the diplomatic corps that he agreed to take on the defence role only after being urged to do so by Brigadier Taur Matan Ruak.²⁶ Taur Matan Ruak attended the swearing-in, and prior to the ceremony, he and Xanana Gusmão reportedly had a 'tearful reconciliation.' Taur Matan Ruak and José Ramos-Horta were also seen to exchange a warm embrace after the ceremony.²⁷ But after he became Minister of Defence, José Ramos-Horta's criticisms of the F-FDTL underwent a sudden reversal. The F-FDTL had done its own analysis of the crisis, which reportedly implicated in each of the key events one or more of four main political players, Xanana Gusmão, Mari Alkatiri, José Ramos-Horta and Rogério Lobato²⁸ – thus making out the F-FDTL to be the innocent instrument of political manipulation. José Ramos-Horta abandoned his insistence on the cantonment and disarmament of the F-FDTL, and now described the F-FDTL as an 'absolutely solid institution' which should not be disarmed as it would be a 'complete political disaster.'²⁹

22 *UNOTIL Situation Report*, 26 May–1 June 2006.

23 "East Timor Weekend Update: June 3–5, 2006," U.S. Embassy Dili, Cable 06DILI293, 5 June 2006, *Wikileaks Public Library of US Diplomacy*.

24 "East Timor Weekend Update: June 3–5, 2006," U.S. Embassy Dili, Cable 06DILI293, 5 June 2006, *Wikileaks Public Library of US Diplomacy*; "Sacked interior minister elected ruling Fretilin party's V-P," *Lusa*, Dili, 4 June 2006.

25 "East Timor Situation Report for May 31," U.S. Embassy Dili, Cable 06DILI281, 31 May 2006, *Wikileaks Public Library of US Diplomacy*.

26 "Ambassador's Meeting with Taur Matan Ruak," U.S. Embassy Dili, Cable 06DILI291, 3 June 2006, *Wikileaks Public Library of US Diplomacy*.

27 "East Timor Weekend Update: June 3–5, 2006," U.S. Embassy Dili, Cable 06DILI293, 5 June 2006, *Wikileaks Public Library of US Diplomacy*.

28 "Timor-Leste: Changing political perceptions of the F-FDTL," New Zealand Embassy Dili, 9 June 2006.

29 "Timor-Leste: Changing political perceptions of the F-FDTL," New Zealand Embassy Dili, 9 June 2006.

Two weeks after the international intervention there was no end in sight in the political contest between Xanana Gusmão and Mari Alkatiri. Both sides were seen to recruit supporters in the districts and bring them into Dili for demonstrations, which the international forces calmed and managed.³⁰ The first of these protests was on 6 June, when anti-Alkatiri demonstrators came into Dili from the western districts. PD leader and Xanana Gusmão ally, Lasama, later admitted to being involved in organizing demonstrations from the western districts, with support from businessman Rui Lopes.³¹ On 8 June, President of Parliament Lu'Olo declared that to dissolve parliament 'as Major Tara demanded' would be difficult: constitutional procedures had to be followed. An early election was not possible, he said, due to the proximity to a general election, because of the absence of electoral legislation, and also because a budget needed to be passed. Lu'Olo went on to deny reports that Fretilin had distributed weapons to militants: it was really Fretilin that was the victim, as two Fretilin buildings in Ermera had been 'burned and damaged.'³² L-7 (Cornelio Gama) told journalists that Rogério Lobato should answer in court for the destruction and deaths in Dili, and that, speaking for Falintil veterans, he would like the country's leaders to sit and conduct a dialogue, to find a solution to the crisis.³³

Prime Minister Mari Alkatiri refused to resign. In an interview with a Brazilian newspaper published on 9 June, he reiterated his refusal to stand down and ambiguously observed: 'The reason [for the unrest] is always the same: the 2007 elections are near and no-one doubts that the governing party will win. So, violence is the only way,' he said. 'I am ignoring any pressure and I will not resign.'³⁴ SRSG Hasegawa told New Zealand officials that not only was Prime Minister Mari Alkatiri determined to stay, but Alkatiri was openly advertising that he could not be removed, constitutionally, by the president. He knew this because he had drafted the constitution. Alkatiri, Hasegawa said, was motivated by political power and oil revenues, and simply refused to step down.³⁵ According to Hasegawa armed groups aligned with Alkatiri and Fretilin and associated with the F-FDTL were assembling in

30 UNSC S/2006/628, 5.

31 O'Shea and Martinkus, "Downfall of a Prime Minister," *SBS Dateline*, 11 August 2006. Rui Lopes was a powerful former Indonesian-era *Bupati* of Kovalima with Kopassus and militia connections; a wealthy businessman, horse-breeder and an opponent of the Alkatiri government. Keta Haluha, "Covalima, East Timor: Political conflict can lead to constitutional crisis," posted on *GlobalVoices*, 1 October 2009.

32 *UNOTIL Daily Media Review*, 9 June 2006. Lu'Olo's mention of the proximity of the general election appears to be a reference to the constitutional provision barring elections in the last six months of a government's term of office.

33 *UNOTIL Daily Media Review*, 9 June 2006.

34 "I will not resign: Alkatiri," *Agence France-Presse*, 9 June 2006.

35 "Timor-Leste: Update 2: 13 June 2006," DIL/POL/1, New Zealand Embassy Dili, 13 June 2006.

the east, in Baukau and Vikeke.³⁶ The UN mission had heard of 150 trained and armed men in Vikeke, and there seemed to be 2,000 police Glock pistols unaccounted for. Hasegawa lamented the UN's past role in the creation of paramilitary units in the police force: 'we have created a monster.' A culture of impunity had been created in Timor-Leste, he said, and had to be stopped.³⁷

On 8 June, Foreign Minister José Ramos-Horta wrote to the UN Secretary-General to request an Independent Special Commission of Inquiry into the incidents of April and May 2006, superseding his request of 10 May to the High Commissioner for Human Rights.³⁸ The requests for UN commissions of inquiry involved an element of shifting responsibility for the chaos away from Timor-Leste's leaders, but it was also clear that Timor-Leste would struggle to pursue its own investigations. On 11 June, the president, the prime minister and the president of parliament signed a further letter to the UN Secretary-General, requesting – evidently on UN advice – the establishment of a UN police force comprising 870 officers for a minimum of a year 'in view of the forthcoming presidential and parliamentary elections in 2007,' as well as a follow-on UN mission in Timor-Leste – 'a robust UN police, military and civilian mission.'³⁹

'Stoking the Fires'⁴⁰

Foreign news media teams pursued interviews with rebel commander Alfredo Reinado and various parties to the conflict. On 31 May, the *SBS Dateline* documentary 'Four Days In Dili' was broadcast in Australia, and viewed in Dili by a scattering of residents and hostellers with satellite receivers. The documentary included footage of the interview underway with Alfredo Reinado when he triggered the Fatuahi clash on 23 May, as well as searing scenes of the aftermath of the massacre of police in Kaikoli on 25 May.⁴¹ Over the weekend of 10–11 June, Indonesian television channel, Metro, broadcast allegations by Fretilin militant Rai Los (Vicente da Conceição), that Prime Minister Mari Alkatiri was involved in the distribution of weapons to civilians.⁴² Rai

36 "East Timor – F-FDTL views on allegations against PM Alkatiri," Australian Embassy Dili, DI5619H, 20 June 2006. *FOI Release*.

37 "Timor-Leste: Update 2: 13 June 2006," DIL/POL/1, New Zealand Embassy Dili, 13 June 2006.

38 UNSC S/2006/391. The UN Secretary-General appointed Paulo Sergio Pinheiro (Brazil), Zeldia Holtzmann (South Africa) and Ralph Zacklin (U.K.) to this task in late June. UNSC S/2006/628, 6.

39 "Establishment of a United Nations Police Force in Timor-Leste and follow-on UN Mission," Letter from the President, Prime Minister and President of Parliament of Timor-Leste to the UN Secretary-General, 11 June 2006.

40 "Stoking the Fires," *Four Corners* (Australia: ABC, 19 June 2006).

41 John O'Shea, "Four Days In Dili," *Dateline* (Australia: SBS, 31 May 2006).

42 The story had already been reported by Australian and Portuguese news media: "Alkatiri 'recruited own armed force,'" *ABC News*, 8 June 2006 and by *Lusa* "Ramos-Horta calls for investigation into alleged Govt 'death squad,'" 9 June 2006.

Los' claims were hotly denied by President of Parliament Lu'Olo: this was just propaganda to bring down Fretilin.⁴³ Rai Los also revealed that the F-FDTL's clash at Tibar on 24 and 25 May had not been with the PNTL (as CDF Taur Matan Ruak still believed) but rather with Rai Los' group, whose members had been given police weapons and uniforms and positioned there by Rogério Lobato and Mari Alkatiri.

Rai Los' story fastened the reconciliation between Brigadier Taur Matan Ruak and President Xanana Gusmão.⁴⁴ The implications of the story were profound. Brigadier Taur Matan Ruak and the F-FDTL command had mistakenly believed on 24 May that the F-FDTL had been attacked by the PNTL at Tibar/Tasitolu. F-FDTL feelings of 'betrayal' by the PNTL had culminated in the retaliatory attack on PNTL Headquarters and the PNTL massacre on 25 May. It appeared that Mari Alkatiri had knowingly withheld – and had continued to withhold – crucial information from the F-FDTL senior command, that he and Rogério Lobato had formed irregular groups and armed them with police weapons. Taur Matan Ruak's belief of being under attack by a 'third force' (which he might have believed was the PNTL) had also led to the F-FDTL's distribution of hundreds of weapons to civilians around 24 May, which without the rapid arrival of the Australian-led intervention force late on 25 May would have led to many more deaths.⁴⁵

On 13 June, the Rai Los story was broken wide open in Dili in a series of articles in the *Timor Post*, dominated by a front page photograph of members of the group in police uniform, toting their automatic police weapons. Rai Los claimed that the death of four of his men in the clash at Tibar on 24 May had caused his change of heart about his Fretilin group, and caused him to contact the president to let him know what had happened. According to Rai Los, 'Comrade Mari ordered us to maintain security and then ordered the F-FDTL to shoot us from behind.'⁴⁶ José Ramos-Horta confirmed to journalists that the 'attack on the F-FDTL Headquarters' had been carried out not by

43 *UNOTIL Daily Media Review*, 12 and 13 June 2006.

44 According to New Zealand Embassy reporting, on the evening of 12 June the president showed Taur Matan Ruak (unidentified) damning evidence of Alkatiri's complicity in the crisis in Timor-Leste. "Timor-Leste: Update 2: 13 June 2006," DIL/POL/1, New Zealand Embassy Dili, 13 June 2006. A few days later Xanana Gusmão told the U.S. Ambassador that Taur Matan Ruak felt betrayed and set-up by Alkatiri: Taur Matan Ruak now understood that Alkatiri ordered the attack on Tasitolu and let him think it was the police. "President Gusmao says he will dismiss Prime Minister this week," Cable 06DILI316, U.S. Embassy Dili, 19 June 2006, *Wikileaks Public Library of US Diplomacy*. The Australian Embassy similarly reported: 'Senior leadership within F-FDTL are reportedly surprised and disappointed by recent allegations against PM Alkatiri.' "East Timor - F-FDTL views on allegations against PM Alkatiri," Australian Embassy Dili, DI5619H, 20 June 2006. *FOI Release*.

45 See also President Xanana Gusmão's speech on 22 June 2006 (below).

46 *Kamarada Mari haruka ami halo siguransa e depois haruka F-FDTL tiru fali ami husi kotuk*. Rai Los' detailed chronology, published in the *Timor Post*, appears to be based on the text of his letter to the President of 28 May (see below).

the petitioners but by a group formed by Rogério Lobato. That and the involvement of Prime Minister Mari Alkatiri in the forming of a secret death squad, Ramos-Horta said, would be among the issues for the UN to investigate.⁴⁷

President Xanana Gusmão's short address to parliament on 14 June⁴⁸ appeared to be a factual update on developments, but it was an assertion of control. A hurried press release from the prime minister's office dated 13 June, however, pre-empted some of the president's announcements.⁴⁹ On 14 June, Xanana Gusmão did not mention the prime minister by name, and referred only briefly to the distribution of weapons to civilians, without naming names. He announced a draft budget (not his prerogative) involving a substantial increase of funding, including provision for public grants, food and reconstruction, and an increase in public sector salaries and allowances to those in remote areas. Appearing to try to mollify Fretilin members of parliament, he also announced a 'political compromise' that he and the prime minister had reached over the defamation provisions in the penal code: defamation would be criminalized, but would carry the penalty of a fine rather than prison. He also explained that meetings of the Council of State and the Superior Council of Defence and Security had adopted 'a working mechanism' to put aside blame for the crisis:

What happened yesterday, has already happened; we will not talk about yesterday today because our very first priority is to put an end to all the violence and destruction of goods and property and ensure that humanitarian assistance is provided to the population in need. With regard to what happened yesterday, we will have a long time to talk about it later and to execute the action plan to re-establish the normal functioning of the activities of the State as well as private activities, let us spare ourselves from pointing our fingers at each other.⁵⁰

On 19 June the ABC broadcast its *Four Corners* documentary, 'Stoking the Fires,' about the crisis in Timor-Leste. Interviews with Police Commissioner Paulo Martins, Commander of the Police Border Patrol Unit António da Cruz, Major Tara, and Rai Los, all claimed that police weapons had been distributed to civilians on the orders of Rogério Lobato and Prime Minister Mari Alkatiri.⁵¹ Rai Los alleged that a Fretilin

47 "Horta: Markas FDTL Tasitolu Diserang Kelompok Bentukan Rogério," *Suara Timor Lorosa'e*, 14 June 2006, 1,7.

48 Presidência da República Gabinete do Presidente, "Address of H.E. the President of the Republic, Kay Rala Xanana Gusmão, to the National Parliament," 14 June 2006.

49 República Democrática de Timor-Leste, Gabinete do Primeiro-Ministro "Press Release," Dili, 13 June 2006.

50 Presidência da República Gabinete do Presidente, "Address of H.E. the President of the Republic, Kay Rala Xanana Gusmão, to the National Parliament," 14 June 2006.

51 Supporting documents, posted on the ABC website, were: from Rai Los, a log of the activities between 7 and 20 May of the Fretilin secret security team (*Equipa Seguranca Secreto Fretilin*, ESSF); a list of sixteen men under Rai Los' command, alongside the serial number of the police weapon held by each; a letter from Rai Los to President Xanana Gusmão dated 28 May 2006, elaborating on the ESSF's

Secret Security Team had been created and tasked under his command until after the 2007 elections, to go to the mountains and undertake guerrilla actions to eliminate the petitioners; to search out the vocal opposition leaders and kill them all; to pursue Major Alfredo Reinado, Major Tara, Major Marcus Tilman and their groups and kill them, to prevent them creating problems in Dili; and to eliminate (*halakon*) Fretilin comrades who did not want to 'serve together' and opposed comrade Mari Alkatiri, to prevent them causing problems inside the 'historic' party.⁵² Theatrically, Rai Los provided proof of his continuing phone contact with Rogério Lobato, and showed a short text message from Mari Alkatiri that he had received in the first week of June. Prime Minister Mari Alkatiri and José Ramos-Horta were also interviewed for the programme. Ramos-Horta declared that if just ten percent of the allegations were true and he were in Alkatiri's position, he would step down. Alkatiri denied Rai Los' claims, stuttering. Pushed by the reporter as to whether he would step down if the accusations were true, he said: 'This is always your target Stand down or step down or not. I've made it clear I will never step down.'⁵³ Rai Los repeated his allegations on local television, and Mari Alkatiri denied them in a press statement on 20 June.⁵⁴

President Xanana Gusmão used the Rai Los story to push for Mari Alkatiri's resignation, and behind the scenes had been closely involved in bringing it out in the open.⁵⁵ Rai Los claimed only to have contacted the president after four of his men were killed at Tibar on 24 May, but their contact seems to have been established earlier. Mari Alkatiri and Rogério Lobato believed that they were activating Fretilin militant groups, whose members, like Rai Los, held grudges against the F-FDTL. But the complex cross-hatching of Timorese politics retained elements and loyalties of the resistance and clandestine networks, not always known to them. Unknown to Mari Alkatiri and Rogério Lobato, at some point Rai Los made contact with President

activities between 7 and 24 May, when four of their number were killed at Tibar; from UPF commander António da Cruz, faxed lists of HK-33 rifles despatched on 8 and 21 May on the orders of the minister of the interior, the serial numbers of which corresponded with the weapons held by the Rai Los group; a handwritten letter of 19 May 2006 marked 'secret' from Commissioner of Police Paulo Martins to Prime Minister Mari Alkatiri asking for an explanation of police HK-33 weapons seen in the hands of a group of civilians in Suai on 8 May, which were among police border unit weapons given to the Minister of the Interior. Many of Rai Los' allegations, but not all, were supported by the subsequent COI enquiry.

52 "Relatorio Informasi Aktual," Report from Rai Los (Vicente da Conceição) to President Xanana Gusmão, Likisa, 28 May 2006. (Author's translation.)

53 "Stoking the Fires," (ABC, 19 June 2006).

54 "Alkatiri rejects Railos 'hit squad' allegations," Office of the Prime Minister, Dili, 20 June 2006.

55 According to Paul Cleary, Bendito Freitas, an associate of Xanana Gusmão, provided assistance in creating and backdating Rai Los' letters, and also translated the Four Corners interview. Paul Cleary, *Shakedown: Australia's Grab for Timor Oil* (Crows Nest NSW: Allen and Unwin, 2007), 254–55.

Xanana Gusmão, letting him know that he was being asked to receive police weapons from Rogério Lobato, and asking for advice. The instruction came back, just take them for now.⁵⁶ The existence of contact prior to 24 May is also supported by confirmation from multiple sources that the president's military adviser, Lieutenant-Colonel Pedro Klamar Fuik (Donaciano Gomes), was with Rai Los' group at Tibar when the clash broke out on 24 May.⁵⁷ Pedro Klamar Fuik then fled from Tibar to Oekusi, from where he asked for an Australian Defence Force helicopter to return to Dili – but was refused. Furthermore Colonel Lere Anan Timor testified to the COI that President Xanana Gusmão tried to visit Tibar on 24 May, but was turned back by F-FDTL troops who considered the situation too dangerous for the president to proceed.⁵⁸ Around 2 June an adviser accompanying UN envoy Ian Martin to a meeting at the president's house at Balibar was surprised when Rai Los, accompanied by a sizeable armed group, arrived from Likisa. President Xanana Gusmão and his chief of staff, Agio Pereira, were heard to instruct Rai Los that he would need to be prepared to talk to the Australian news media.⁵⁹

Despite accumulating evidence of the distribution of weapons to civilians, initially no judicial action was taken to interview Rogério Lobato, Rai Los, Mari Alkatiri or anyone else. But on 20 June, the day after the screening of the ABC documentary, Rogério Lobato attempted to flee Dili for Darwin. The Air North flight to Darwin was cancelled, and a warrant for Lobato's arrest was issued by international prosecutors. The same day, Prosecutor General Longuinhos Monteiro and Minister of Foreign Affairs José Ramos-Horta publicly met Rai Los in Likisa district, to collect Rai Los' testimony.⁶⁰ On 22 June, Rogério Lobato appeared at a hearing in the Dili District Court on charges related to Rai Los' allegations – criminal association, illegal possession of arms, conspiracy and attempted revolution⁶¹ – and was ordered to

56 'Terima dulu,' Interviewee 6; 'Ambil aja,' Interviewee 7. Other civilian groups or groups associated with the Rai Los group who were armed with police weapons at this time included those associated with Mau Rakat (Arakat, Mateus dos Santos Pereira), and Roke (Jacinto Viegas), Interviewee 12.

57 Interviewee 9. In August 2006 Pedro Klamar Fuik left for a lengthy training programme in Portugal and was unavailable to testify to the COI. UN Internal Paper, 27 August 2006.

58 UN Internal Document, 13 September 2006, 10.

59 Ed Rees, November 2014.

60 "East Timor: Ex-Interior Minister investigated for allegedly arming civilians," *Lusa*, 20 June 2006; "Arrest Warrant Issued Against Former Minister Lobato," *UNOTIL* Press Release, 20 June 2006. Hasegawa takes credit for unblocking judicial inertia by providing moral support to intimidated international judges and prosecutors on 14 and 15 June, as a result of which 'they acted expeditiously' issuing arrest warrants for Rogério Lobato, Alfredo Reinado and Abílio Mesquita. Sukehiro Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste* (Tokyo: United Nations University Press, 2013), 158.

61 "East Timor: Ex-PM Alkatiri questioned by prosecutors on on hit team allegations," *Lusa*, 20 July 2006.

remain under house arrest while awaiting trial.⁶² A court official told waiting journalists that Rogério Lobato had corroborated evidence that he and Prime Minister Alkatiri had recruited and armed a secret political hit squad to eliminate opponents of the government.⁶³ Prosecutor General Longuinhos Monteiro appeared to confirm that story on 24 June.⁶⁴ Rogério Lobato reportedly reiterated his confession implicating Mari Alkatiri on 1 July, but around 6 July, on legal advice, retracted his statements and took all the responsibility on himself.⁶⁵ Rogério Lobato had become a liability to Mari Alkatiri, but with high-powered legal assistance, he very nearly managed to wriggle off the hook. In early July his lawyers challenged the validity of the legal process on the grounds that Prosecutor General Longuinhos Monteiro's term of office had expired, but their challenge failed in court.⁶⁶

On the evening of 20 June, President Xanana Gusmão sent Prime Minister Mari Alkatiri a letter telling him that the evidence implicating him in the distribution of weapons to civilians required him to resign or be dismissed. A meeting of the council of state considered the matter on 21 June, and Xanana Gusmão's gleeful use of a videotape of the ABC documentary as leverage made Mário Carrascalão, a member of the council, feel uneasy.⁶⁷ The meeting however ended inconclusively, with a request by the prime minister for more time to consult with his party.⁶⁸

On 20 June 2006 the UN Security Council extended the mandate of the UNOTIL mission for a further two months until 20 August,⁶⁹ pending a report on the shape of a successor mission to UNOTIL. In response to Timor-Leste's request on 11 June for further UN assistance, the UN Secretary-General's Special Envoy, Ian Martin, returned to Dili on 26 June with a multi-disciplinary assessment team.⁷⁰ Emerging out of that assessment was the Secretary-General's report of 8 August 2006⁷¹ which would recommend the establishment in Timor-Leste of a new UN 'multidimensional,

62 *UNOTIL Situation Report*, 16–22 June 2006.

63 "Timor's PM implicated in hit squad," *Sydney Morning Herald*, 22 June 2006.

64 *UNOTIL Daily Media Review*, 24–26 June 2006.

65 Lindsay Murdoch "Lobato retracts statement that he armed hit squad," *SMH* 26 July 2006; Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 148.

66 "East Timor: Ex-PM Alkatiri questioned by prosecutors on hit team allegations," *Lusa*, 20 July 2006. Longuinhos Monteiro was reappointed by the president to a new term of office as prosecutor general on 17 July 2006.

67 Mário Carrascalão, July 2014.

68 UNSC S/2006/628, 4.

69 UNSC S/RES/1690 (2006). UNSC S/RES/1703 (2006) extended the mandate to 25 August 2006.

70 *UNOTIL Daily Media Review*, 27 June 2006. Ian Martin's initial visit was from 29 May–7 June and his second visit was from 26 June–9 July 2006.

71 UNSC S/2006/628.

integrated mission,' for an initial period of twelve months.⁷²

Arming civilians

In conjunction with the intervention force, an international weapons audit team (IWAT) began work in June 2006, to recover and account for firearms and to reconcile them with the holdings of police and military armouries. By 18 June some 509 weapons had been recovered from civilians.⁷³ By September, the audit had identified that 45 F-FDTL M16 rifles were still missing. Perhaps most worrying was the existence of an unexpected extra 342 'ex-Falintil' weapons whose provenance could not be established, which had not showed up in audits going back to 2002. Still missing were 219 PNTL weapons (190 Glock 9 mm pistols, 13 Steyr semi-automatic assault rifles, 10 HK-33 semi-automatic assault rifles, 2 FN-FNC semi-automatic assault rifles and 4 12-gauge shotguns).⁷⁴ The audit team did not find evidence of the rumoured two missing containers of weapons.⁷⁵ But there was a brief public flurry in September 2006 when an arsenal of 19 weapons were found at Mari Alkatiri's residence in Farol.⁷⁶

In Timor-Leste there were glimpses of a wider pattern of distribution of weapons than was exposed either by the COI report or later prosecutions. Rumours of the distribution of weapons to civilians were widespread well before the crisis. A Fretilin senior party member wrote to Mari Alkatiri twice, in 2005 and in 2006, asking for the armouries to be audited, but was brushed off.⁷⁷ Similar claims were made in 2006 by Alfredo Reinado, Police Commissioner Paulo Martins, and Brigadier Taur Matan Ruak. The military-style weapons and ammunition provided to police paramilitary units in 2004 and 2005 provided the reservoir of HK-33 weapons used by Mari Alkatiri and Rogério Lobato to supply the Rai Los and Antonio Lima Lima irregular groups in May 2006. The F-FDTL weapons distributed to civilians were variously understood to be

72 UNSC "The Situation in Timor-Leste, Repertoire of the Practice of the Security Council (2004–2007)," 2007, 511.

73 Australian Federal Police official cited in Hamish McDonald, "Timor Minister equipped police as private army," *Sydney Morning Herald*, 19 June 2006.

74 The COI noted irregularities in F-FDTL weapons holdings spanning several years. The baseline of 1,200 M16 weapons issued to F-FDTL by the Government had been established by 2002 records. In February 2004 F-FDTL held 1,230 M16 weapons. The additional 30 weapons were not provided by the government. By November 2005 the F-FDTL could account for only 1,073 M16 weapons. Although F-FDTL stated that in 2006 they held 1,200 M16 weapons, the records reveal that 45 M16 weapons were missing. In addition, three FN-FNC semi-automatic rifles, three SKS semi-automatic rifles and two Uzi weapons previously within the custody and control of F-FDTL were missing. F-FDTL was also in possession of one Minimi, one .38 Special, one Browning 9 mm, two G3 semi-automatic rifles, one M16 A1 rifle and one M2 .50-calibre firearm, the provenance of which was unexplained, along with the 342 'ex-Falintil' weapons.' "UN Commission of Inquiry (2006)," 41–42; See also TLAVA, "Dealing with the Kilat," *Timor-Leste Armed Violence Assessment Issue Brief*, no. 1 (October 2008).

75 *UNMIT Weekly Report*, 25–31 August 2006.

76 *UNMIT Situation Report*, 1–8 September 2006; *UNMIT Daily Media Review*, 6 September 2006.

77 Interviewee 13.

used 'to protect the nation,' 'against the enemy,' or 'to hunt down Fretilin's political enemies.' The government's provision of F-FDTL uniforms and weapons to *lorosa'e* (easterners), and PNTL uniforms and weapons to *loromonu* (westerners), sowed the seeds for what very nearly became a civil war.

Both Mari Alkatiri and Rogério Lobato told the COI that they regarded the distribution of weapons to civilians as legitimate, under the terms of the Internal Security Act (2003), but the Commission plainly disagreed.⁷⁸ The Alkatiri government's hard-line approach to governance and to provoking the violence of the 2006 crisis was attributed by some Timorese to the Maputo group's 'African experience,' and seen as alien and out of keeping with local tradition.⁷⁹ At least one event in Angola's political history seemed to be echoed – disturbingly if faintly – in the events in Timor-Leste in 2006. In Angola in October 1992, following UN-monitored elections, conflict broke out between the two major political parties. Dissatisfied with the prospect of having to go to a second round of presidential elections, the ruling MPLA government distributed police weapons to its civilian supporters, and in the following days over 10,000 opposition UNITA and FNLA supporters were hunted down and killed by government 'ninjas' (rapid deployment unit police) and vigilantes, in the so-called battle for Luanda. Similarly vicious contests for the possession of other towns and cities in Angola over the following two years resulted in some 300,000 dead.⁸⁰

At the point of the international intervention, armed conflict between the army and the police appeared to be at the epicentre of the crisis. Government statements on 24 and 25 May also blamed the army and the police and deflected attention away from its part in the conflict. It was true that there was rivalry between the army and the police, but significant fragmentation and disintegration had occurred in both institutions. What occurred in Timor-Leste was not a military or police-led coup, and neither CDF Taur Matan Ruak nor Police Commissioner Paulo Martins had ambitions to political power by this means. Rather, the government played loose and free with both institutions and armed irregular groups in pursuit of its political objectives, and lost control of the situation.

78 "UN Commission of Inquiry (2006)," 40;

79 Interviewee 12.

80 See Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press, 2005), 608–10; Pedro Rosa Mendes, *Bay of Tigers: A Journey through War-torn Angola* (London: Granta Books, 2003), 136.

'Message to Fretilin,' 22 June 2006

The president's stolid address to parliament on 14 June had no perceptible effect on Mari Alkatiri, and on 22 June the Fretilin party central committee once again reaffirmed support for its leader. On the evening of 22 June, President Xanana Gusmão gave it his all and delivered a powerful, charismatic speech, a lengthy 'Message to Fretilin.'⁸¹ This was a rivetting, unscripted, televised address in Tetun that lasted an hour and a half, spiced with tasty titbits and barbed mockery of Fretilin leaders. Xanana Gusmão clawed back East Timor's resistance history from Fretilin, describing his own political journey from its beginnings in Fretilin, to enlightenment in national unity, the transformation of Falintil to become the armed forces of the resistance, not just Fretilin, and in the formation of the CNRM. Members of the Fretilin party in exile, however, just fought among themselves, and would not admit to the crimes that Fretilin had committed 'in the jungle.' The 1991 Santa Cruz demonstration was not a Fretilin initiative: it came from the sole Command of the Struggle, the CNRM. And in 1998 it was he, Xanana Gusmão, who had authorized a broad range of Timorese representatives, including Manuel Tilman, Father Francisco Fernandes, Father Domingos Maubere and Father Filomeno Jacob to go to Portugal to help José Ramos-Horta, Fretilin and UDT organize the Peniche conference which transformed the CNRM into the CNRT. It was he, Xanana Gusmão, who had asked CNRM political adviser and Fretilin member Mau Hodu to attend the Fretilin congress in Sydney in 1998. At the Fretilin conference in May 2000, Xanana Gusmão had asked Fretilin to 'rehabilitate' Francisco Xavier do Amaral,⁸² as well as those killed by Fretilin, and asked that Fretilin apologize. He, Xanana Gusmão, had offered to take responsibility for his part, as a member of the Fretilin until half-way through the war, if Fretilin would also acknowledge its part. But Mari Alkatiri and Lu'Olo had responded only that they had established a committee to look into the matter. When Fretilin left the CNRT in August 2000, Mari Alkatiri had claimed this was because Xanana Gusmão had allowed people to speak who damaged Fretilin's image. Xanana Gusmão said he had told Alkatiri:

You do not have any reason to be afraid, because you could say to the people: I, Mari, have nothing to do with the wrongs that occurred in our country. I, Mari, in Maputo, suffered for 24 years, but I washed my hands, every day, with soap. I, Mari, have clean hands. If you want to ask, you ask Xanana, his are the dirty hands, the hands with blood on them.

81 "Mensagem ba Fretilin," Dili, 22 June 2006. Spoken in Tetun, text published in *Timor Post*, 23 June 2006. (Author's translation.)

82 ASDT/Fretilin's first president.

Xanana Gusmão continued: in exile in Mozambique, Rogério Lobato, 'perhaps hearing of the actions of Indonesian militias,' attempted to 'get experience'⁸³ by having the members of his own group stab each other. Ramos-Horta had also become Lobato's prisoner and it was Mozambique [former] President Chissano, then Minister of Foreign Affairs, who had freed him. 'If I'm lying, just ask those who lived peacefully, studying to become doctors⁸⁴ for 24 years in Mozambique.' In 1989 Xanana Gusmão received a letter from Rogério Lobato accusing everyone in the diaspora of doing nothing for the struggle and after the war was over they should all receive 'popular justice.' Rogério Lobato had also informed him that in Maputo Mari Alkatiri had been 'busy caring for his rabbits and chickens.' Fretilin President Lu'Olo was no better, Xanana Gusmão suggested. It was only as a result of Xanana's tolerance towards Fretilin and because Lu'Olo's betters had died for the struggle that he had become Fretilin president:

Lu'Olo claims that for 24 years he carried the Fretilin flag in his bag. This may be true, but I never saw it. When I went . . . into the interior to reorganize the resistance, I remember that he, Lu'Olo, was hiding at Builo. Perhaps he was sewing the bag to keep the Fretilin flag in. . . . Ask Lu'Olo why, in the end, it was he who led the Directive Commission of Fretilin [CDF] in the jungle. Was it not because Mau Hunu and Mau Hudo had been captured and Konis Santana was dead?

Xanana Gusmão attacked the government's politicization of the police and the army and celebrated his reconciliation with Brigadier Taur Matan Ruak, and declared himself to ready to wear a military uniform again:

On 2 June . . . Brigadier Taur came to talk to me and said "President, I said to Dr Roque Rodrigues, you made a big mistake to try to take F-FDTL back under Fretilin." At that moment I was very glad, because I had reunited with my younger brother, whom I had lost.

It was not he, Xanana Gusmão, but Fretilin who had divided the country:

I know the real meaning of the word 'divide.' It means, to the politicians and intellectuals, truly, the people must all join Fretilin. Police, FDTL, public servants, business people, villages, hamlets, buffaloes, ants, trees and grass, everything must join Fretilin. Timor-Leste is Fretilin and Fretilin is Timor-Leste. There must not be anything else, or anyone else. This explains that 'Xanana divides Timor' and because of this 'it is Xanana who must step down.' They speak as if I want to rule for fifty years.

After the Fretilin Congress in May, he said, some delegates and some administrators of districts and subdistricts had received weapons from the government:

83 get experience: the original, '*hetan pengalaman*,' mixes Tetun and Bahasa Indonesia and implies that it would be an unpleasant experience.

84 i.e. studying to gain academic qualifications.

We see on television, hear on the radio, read in the newspapers, the clever politicians, who 'rode a horse to the summit' say repeatedly 'if Mari falls, blood will be spilled!' 'If Mari falls, Timor will become dust!' 'If Mari falls, there will be war!' But the commander might be Rogerio. Members of the party central committee might become political counsellors, for the ideology of 'Bloodshed' and the ideology of 'Timor is dust!'

Xanana Gusmão appealed to Fretilin to stop the violence, and mocked its clumsy recruitment of demonstrators:

The history of a blood-thirsty people will be arduous and protracted. Because everywhere small commanders are emerging, scattered across all of Timor, to make a din [with gunfire], and to frighten people. Some people, perhaps from the Central Committee's Communications Department, frequently sent SMS texts to their delegates, their administrators. But being in a hurry, they pushed the wrong number, and everyone got it, the SMS asking for 10,000 people from this district, 5,000 from that district, to support comrade Lu'Olo and comrade Mari.

Fretilin's one and only concern, Xanana Gusmão said, was how to stay in power, forever. The Fretilin leadership, he said, knew only how to blame others: in their arrogance they admitted no mistakes. Everything they did had just one objective: to stay in power. Fretilin did not care about the suffering of the people, or their deaths, just as it had not confronted the purges of its own members between 1975 and 1978. Rogério Lobato did not deserve to be a member of the party, Xanana Gusmão went on. He had resigned from government, but then had been promoted to Vice President of Fretilin. Rogério Lobato had then gone to police headquarters to get fuel for his car. A staff member refused as he was no longer Minister of the Interior. Rogério swore at him: 'you monkey, I'm now more important than a minister, don't you know?' 'Everyone knew' that Rogério Lobato was more interested in making money than doing his work, about the holes that were dug in Tibar and elsewhere because he was looking for Japanese gold, and about his smuggling of diamonds in Angola. And Fretilin, 'because his name is Lobato, or because some people were injured,' had promoted him to become Vice President. Xanana Gusmão issued an ultimatum:

Because of [all] this, I, as President of the Republic, do not accept the results of the [Fretilin] Congress 17-19 May, and demand that the National Political Commission of the Fretilin party hold immediately an Extraordinary Congress to elect, in accordance with Law 3/2004 on political parties, new party leadership. . . . I give [Fretilin] a deadline of one week to hold this Extraordinary Congress, because the current Fretilin leadership is illegitimate.

All weapons, he added, should be handed over to the international forces. This brought him to a 'crucial point.' Mari Alkatiri had claimed that he did not know about the distribution of weapons to Fretilin delegates, however on 24 May Mari Alkatiri did

know that the Rai Los group had been armed by Rogério Lobato:

Properly, the Prime Minister should have informed Brigadier Taur Matan Ruak about this, that these police weapons were not distributed by the commissioner of police, but by Rogerio [Lobato]. I consider that if the Prime Minister had informed Brigadier Taur, the Brigadier probably would not have called up civilians to give them weapons and to come to Dili with the FDTL, searching for police, to kill them. I asked him, the Prime Minister [Mari Alkatiri], if he knew of the illegal weapons that had been imported into our country. He replied he did not know. . . . All of the problems that have arisen, other people caused them, other people wanted to ruin [Fretilin's] image, to bring down Fretilin in the 2007 elections.

Xanana Gusmão laid down a final ultimatum to Fretilin party members:

Either ask your comrade Mari Alkatiri to take responsibility for this major crisis, for the survival of this state with democratic rights, or, tomorrow it is I who will send a letter to the National Parliament, to advise that I resign as President of the Republic, because I am ashamed of the wrongs done by the state to the people, and I do not have the courage to look people in the eye.⁸⁵

Following the president's speech, there was a stand-off between him and Fretilin.⁸⁶ But the party's support for Prime Minister Mari Alkatiri began to crumble, and on 23 June José Ramos-Horta advised diplomatic heads of mission that Mari Alkatiri had agreed to resign. A public announcement was expected on 24 June.⁸⁷ Police Commissioner Paulo Martins gave testimony to the prosecutor general and said publicly that Mari Alkatiri should be tried along with Rogério Lobato.⁸⁸ But Mari Alkatiri was in no hurry to stand down. On 25 and 26 June, José Ramos-Horta and several other government ministers, including Minister of Transport Ovídio do Amaral, Minister of Education Armindo Maia, Vice Minister of Health Luís Lobato, Secretary of State for Region II Virgílio Smith, Secretary of State for Region III Egídio de Jesus and Secretary of State for Region IV César da Cruz, all resigned in protest.⁸⁹

85 "Mensagem ba Fretilin," Dili, 22 June 2006. This ultimatum was widely misinterpreted in the international news media as threatening Xanana Gusmão's imminent resignation, but to a local audience, Gusmão's statement was rhetorical. The use of the word 'if' (*karik*) is an important modifier, as is the term for 'tomorrow' (*aban*) which contains a wider range of possibilities than the English term. There was little incentive for the president to resign: indeed Gusmão also pointed out elsewhere in his speech that should he resign, the position of president of Timor-Leste would go to Lu'Olo, and Lu'Olo's position would go to Vice President of Parliament Jacob Fernandes, thereby providing Fretilin with control of all three 'organs of sovereignty.' Furthermore, under the Constitution, s.81(3), if he resigned Gusmão would be excluded from re-election as president for at least five years.

86 UNSC S/2006/628, 5.

87 "Timor-Leste: Prime Minister to Resign," New Zealand Embassy, Dili, 23 June 2006.

88 "Arrest East Timor PM: local police chief," *Sydney Morning Herald*, 25 June 2006.

89 UNSC S/2006/628, 4; UNOTIL *Situation Report*, 23–29 June 2006.

Prime Minister Mari Alkatiri resigns

On 26 June Mari Alkatiri advised in ambiguous terms his readiness to resign 'to avoid the resignation of the president.'¹ He declared that he would resume his 'functions as a member of the national parliament until the end of the parliamentary term,'¹⁹⁰ which appeared to be aimed at asserting entitlement to the legal immunities of members of parliament.⁹¹ Later the same day, a second, less equivocal statement of resignation was accepted by President Xanana Gusmão, with immediate effect.⁹² On 27 June, the president called a meeting of the council of state, which agreed to extend the emergency measures issued on 30 May by another month.⁹³ Xanana Gusmão called in ten members of Alkatiri's former cabinet – mainly those who had resigned – to discuss an interim government.⁹⁴ A warrant for Alkatiri's arrest was issued and a court hearing was scheduled for 30 June.⁹⁵ However on 30 June, Mari Alkatiri did not appear before the court, but instead sent a letter stating that he was waiting for his lawyers, and contended that as a member of parliament he could not be prosecuted over the alleged distribution of weapons to civilians.⁹⁶ Mari Alkatiri assembled a high-powered legal defence team comprising nine lawyers, four from Portugal and five from Asia and Australia, and only on 20 July made his first appearance before a prosecutor. In the two-hour hearing, according to his lawyers, Mari Alkatiri responded to all questions and denied any responsibility in the case involving Rogerio Lobato.⁹⁷

After Mari Alkatiri's resignation, Xanana Gusmão announced that he would begin immediate talks with political leaders to form a new government, and would dissolve parliament and call early elections if that failed,⁹⁸ and insisted that the Fretilin National Congress be re-run to determine that party's leadership.⁹⁹ Although President Xanana Gusmão had gained the resignation of the prime minister, he found himself in a

90 Statement of the Prime Minister, Dili, 26 June 2006.

91 In standing down as Prime Minister, Alkatiri would lose the protection from criminal liability and immunities of members of government under s.113 and s.114 of the Constitution. The immunities available to members of parliament under s.94 are reduced but could still form part of an argument at law. However in becoming a member of government, Alkatiri had surrendered his status as a member of parliament, which meant he had to find a way to reverse the process.

92 *UNOTIL Situation Report*, 23–29 June 2006. But even on 4 July, there were discussions in Parliament as to whether Alkatiri was still prime minister. *UNOTIL Situation Report*, 30 June–6 July 2006.

93 *UNOTIL Situation Report*, 23–29 June 2006.

94 Those who participated in this meeting were José Ramos-Horta, Rui de Araújo, Luís Lobato, Armindo Maia, Alcino Baris, Arsénio Bano, Ovídio do Amaral, Virgílio Smith, Egídio de Jesus and César da Cruz. *UNOTIL Daily Media Review*, 28 June 2006.

95 *UNOTIL Daily Media Review*, 27 June 2006.

96 *UNOTIL Situation Report*, 30 June–6 July 2006.

97 *UNOTIL Situation Report*, 14–20 July 2006; "East Timor: Ex-PM Alkatiri questioned by prosecutors on hit team allegations," *Lusa*, 20 July 2006.

98 "Gusmão threatens early elections if new government not possible," *Lusa*, 27 June 2006.

99 "Timor-Leste: Political Update 29 June," New Zealand Embassy, Dili, 29 June 2006.

constitutionally sticky situation. The president's ability to dismiss the prime minister had hinged on a number of circular and limiting elements in the constitution, which appeared to bear out Mari Alkatiri's claim that there was no constitutional way that the president could remove him.¹⁰⁰ The resignation of the prime minister did constitutionally trigger the dismissal of the government (government ministers remained in office until a new government was sworn in),¹⁰¹ but the constitution was silent on whether the dismissal of the government in turn triggered a dissolution of parliament. And the constitutional provisions for the dissolution of parliament contained further layers of restriction and circularity.¹⁰²

President Xanana Gusmão still seemed to hold out hope that he could find a way to dissolve parliament and call an early general election. But UN Special Envoy Ian Martin advised that it would be difficult to pass electoral law and organize the ballot in such a short length of time.¹⁰³ A UN official told journalists that the UN had rejected a proposal for early elections due to insufficient time to organize logistics and voter security.¹⁰⁴ In the event President Xanana Gusmão did not dissolve parliament or call for elections. The upshot of all of this was that under the constitution, despite the resignation of the prime minister, the Fretilin party retained political power based on its parliamentary majority, the prerogative to nominate the prime minister, and hence the members of government. Indeed, according to Fretilin statutes, the secretary general of Fretilin – which Mari Alkatiri was still, although he had reportedly promised to resign that position too – should be prime minister. Mari Alkatiri showed

100 According to s.86 (g), the President had the competency 'to dismiss the government and remove the Prime Minister from office after the National Parliament has rejected his or her programme for two consecutive times.' S.112 'On the dismissal of government' (1) states: The dismissal of government shall occur when: a) a new legislative term begins; b) the President of the Republic accepts the resignation of the Prime Minister; c) the Prime Minister dies or is suffering from a permanent physical disability; d) its programme is rejected for the second consecutive time; e) a vote of confidence is not passed; f) a vote of no confidence is passed by an absolute majority of the members in full exercise of their functions. S.112 (2) states: The President of the Republic shall only dismiss the Prime Minister in accordance with the cases provided for in the previous item and when it is deemed necessary to ensure the regular functioning of the democratic institutions, after consultation with the Council of State.

101 UNSC S/2006/628, 5.

102 According to s.100 of the constitution, the National Parliament cannot be dissolved during the six months after a general election, during the last six months of the president's term of office, or during states of siege or emergency (NB states of crisis are not referred to in the constitution). In a circular and contradictory provision, the president is in theory able to dissolve parliament according to s. 86 (f) in 'a serious institutional crisis preventing the formation of a government or the approval of the State Budget and lasting more than sixty days, after consultation with political parties sitting in the parliament and with the Council of State, . . . taking into consideration provisions of s.100.'

103 "Timor-Leste: Political Update 29 June," New Zealand Embassy, Dili, 29 June 2006.

104 "UN rejects early poll for Timor," *The Australian*, 1 July 2006. The UN Secretary-General later appointed a special electoral certification team, comprising Lucinda Almeida, Reg Austin and Michael Maley, to advise on issues around the 2007 election, and between November 2006 and July 2007 the team produced an influential set of technical reports and recommendations. Electoral legislation was eventually passed at the end of December 2006, but only under considerable pressure from the UN.

that he, and Fretilin, were still forces to be reckoned with, and held out on the appointment of a new prime minister and government. In late June Fretilin mounted a large gathering of thousands of *lorosa'e* Fretilin supporters east of Dili, at Hera. Mari Alkatiri's televised speech at Hera whipped up the crowd, generating a new wave of fear and another surge of violence in Dili.¹⁰⁵ However a demonstration of Fretilin supporters into Dili, carefully escorted by international forces, passed off without incident.¹⁰⁶ As the political crisis persisted, at the end of June, the UN further revised its estimates of refugees (IDPs) to exceed 150,000: 72,000 in Dili and 79,000 displaced to the districts.¹⁰⁷

José Ramos-Horta appointed prime minister

For a fortnight wrangling continued between the Fretilin leadership and President Xanana Gusmão and José Ramos-Horta, over who should be appointed to succeed Mari Alkatiri. An indication of Fretilin softening appeared on 4 July, when a delegation headed by Deputy Secretary General José Reis met Bishop Basilio Nascimento in Baukau, in a Fretilin initiative 'to create a stronger partnership with the church in the Dili and Baukau dioceses.'¹⁰⁸ Ramos-Horta was determined to be appointed prime minister, but on 6 July, a Fretilin spokesman could not resist tweaking his tail, telling the press that Ramos-Horta was not one of the candidates proposed by the party.¹⁰⁹ On 10 July José Ramos-Horta – who, unlike Mari Alkatiri, was not an elected member of parliament – was at last sworn in as prime minister, of a Fretilin government, with Estanislau da Silva and Rui de Araújo as deputy prime ministers.¹¹⁰ Among those attending the swearing-in were the bishops and members of the diplomatic corps.¹¹¹ The President of Fretilin, Lu'Olo, was quick to claim the government as Fretilin's and a continuation of the first government headed by Mari Alkatiri.¹¹² As his part of the deal, José Ramos-Horta was obliged to consult closely with the Fretilin party, to have weekly meetings with Mari Alkatiri and Lu'Olo, and

105 UNOTIL *Daily Media Review*, 29 June 2006.

106 Estimates of numbers varied: international forces estimated up to 4,000 while Fretilin estimated 10,000–15,000. "Alkatiri supporters rally in capital under int'l security clampdown," *Lusa*, 29 June 2006. "Alkatiri supporters rally in capital under int'l security clampdown," *Lusa*, 29 June 2006.

107 David Nason "150,000 displaced by Timor Violence," *The Australian*, 29 June 2006.

108 UNOTIL *Daily Media Review*, 6 July 2006.

109 UNOTIL *Situation Report*, 30 June–6 July 2006.

110 As chair of the Fretilin congress in May, Estanislau da Silva, an Alkatiri loyalist and close member of the 'Maputo Group,' had presided over the procedural change from a secret ballot to a show of hands. Dr Rui de Araújo, a respected technocrat and an independent, would join Fretilin in 2010 and run for parliament on Fretilin's party list in 2012.

111 UNOTIL *Daily Media Review*, 8–10 July 2006.

112 UNOTIL *Daily Media Review*, 11 July 2006.

monthly meetings with the Fretilin National Political Committee.¹¹³ José Ramos-Horta talked down investigations into the events of April and May: to know the truth about the crisis, he said, the government would wait for the findings and recommendations of the UN Independent Special Commission of Inquiry.¹¹⁴

On 14 July, a new government was announced.¹¹⁵ But the new government was in substance much the same as its predecessor. Alkatiri loyalists retained key positions: Estanislau da Silva maintained oversight of policy and finance; Ana Pessoa remained minister of state administration; Madalena Boavida remained finance minister; and José Teixeira took over Alkatiri's vacated portfolio of natural and mineral resources and energy. José Ramos-Horta took the appointment of Fretilin Mudansa leader José-Luís Guterres as foreign minister as an important concession – apparently with the hope that José-Luís Guterres might yet become Fretilin Secretary General. But most of the government's dissident members were discarded and loyal supporters of Mari Alkatiri back-filled the vacated posts.¹¹⁶ Despite the public ambitions of José Ramos-Horta and Xanana Gusmão for a much smaller cabinet,¹¹⁷ its numbers slightly increased, from 35 to 36 members. The U.S. Ambassador reported to Washington on José Ramos-Horta's appointment as prime minister:

Ramos-Horta is a talented, energetic, likeable man who sincerely wants to make East Timor a mature and participatory democracy governed by the rule of law. . . . If Ramos-Horta has a tragic flaw, it is the opposite of Alkatiri's: he likes to be liked, he himself sometimes likes and trusts people he shouldn't, and he believes implicitly that everything can be worked out. As his close friend Bishop [Basilio] Nascimento puts it, "Ramos-Horta is a negotiator. His instinct is to equilibrate between Almighty God and the Devil. This sets bad precedents."¹¹⁸

Opposition parties, which had opposed Mari Alkatiri and backed Xanana Gusmão, were most unhappy with the arrangement, which in the absence of a parliamentary election they considered anti-democratic. The government was mostly a reshuffle of the previous government and the constitution did not require the prime minister or any member of the government to be an elected representative. PD leader Lasama stated in a formal communique that his party considered the new government

113 "Ramos-Horta becomes Prime Minister in new Fretilin Government," U.S. Embassy Dili, Cable06DIL1355, 10 July 2006, *Wikileaks Public Library of US Diplomacy*.

114 "Address by Dr Ramos-Horta at his swearing-in ceremony as PM," Dili, 10 July 2006.

115 See Annex H. While most were sworn in on 14 July, José-Luís Guterres and José Agostinho Sequeira were sworn in on 21 July, and the remainder of the cabinet on 9 August.

116 Those not reappointed to government included Ovídio Amaral, Armindo Maia, Abel Ximenes, Virgílio Smith, Egídio de Jesus and César da Cruz.

117 *UNOTIL Situation Report*, 30 June-6 July 2006.

118 "Ramos-Horta becomes Prime Minister in new Fretilin Government," U.S. Embassy Dili, Cable06DIL1355, 10 July 2006, *Wikileaks Public Library of US Diplomacy*.

unconstitutional, and considered the appointments of José Ramos-Horta, Estanislau da Silva and Rui de Araújo 'illegal' as the constitutional provisions requiring consultations with parties in parliament (s.106) had not been complied with.¹¹⁹ PSD leader Mário Carrascalão, Major Marcus Tilman, and Major Tara¹²⁰ also objected strenuously to the president's deal with Fretilin on the new government, and insisted in vain that parliament should be dissolved and new elections held.¹²¹

After Mari Alkatiri's resignation, negotiations for the surrender of armed rebel groups gathered pace. Major Tara and Major Marcus Tilman surrendered their weapons in Gleno on 5 July. After a meeting with the president at the *Palácio das Cinzas* on 4 July,¹²² Rai Los handed over weapons on 11 July. Alfredo Reinado met President Xanana Gusmão at Balibar 15 June, and at the *Palácio das Cinzas* on 5 July,¹²³ and was sighted around Dili on several occasions in the middle of July, claiming to have permission from the president to be cantoned in a house in Dili, before being arrested in dramatic circumstances in Dili on 25 July.¹²⁴ The peculiar circumstances of Alfredo Reinado's arrest in Dili suggested that his presence had been known but deliberately ignored by Timorese authorities. Alfredo Reinado was then detained in Bekora prison until decamping in broad daylight with 56 others on 30 August 2006, for which Prime Minister José Ramos-Horta handily passed the blame to New Zealand troops. In September 2006 it emerged that President Xanana Gusmão had paid for Major Alfredo Reinado's bills at the Maubisi Pousada (guesthouse) where he and his entourage had stayed for six weeks.¹²⁵

On 6 July members of Fretilin Mudansa lodged a legal challenge against the change in voting rules enacted at the Fretilin Second National Congress in May. They were confident of forcing a Fretilin extraordinary congress to re-run the party leadership elections with a secret ballot. But on 11 August 2006, just two days after the final members of the new Fretilin government had been sworn in, the Court of Appeal rejected Fretilin Mudansa's claim, asserting that there was a limit of ten days under the

119 UNOTIL *Daily Media Review*, 11 July 2006.

120 Now known as coordinator for the Frente Nacional ba Justisa no Paz (FNJP). UNOTIL *Daily Media Review*, 8–10 July 2006.

121 UNOTIL *Situation Report*, 30 June–6 July 2006.

122 UNOTIL *Situation Report*, 30 June–6 July 2006.

123 UNOTIL *Daily Media Review*, 17–19 June and 6 July 2006. According to Hasegawa, Alfredo Reinado handed over [some] weapons to the ISF in Maubisi on 16 June. Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste*, 140.

124 UNOTIL *Situation Report*, 21–27 July, 2006.

125 Mark Dodd, "Claim that the President paid major's hotel bill," *The Australian*, 12 September 2006. The funds to pay Alfredo Reinado's bill in Maubisi came from the Alola Foundation, headed by the president's wife Kirsty Sword Gusmão. Ed Rees, November 2014.

civil procedure code to apply to the courts for remedy, which Fretilin Mudansa had failed to meet. Furthermore, despite the provisions of Law 3/2004 on political parties, the court also rejected the substance of the case, in effect endorsing the position of the Fretilin leadership and putting to an end the prospect of any further legal challenge.¹²⁶ The court's decision was seen as a clear victory for Mari Alkatiri and his supporters.¹²⁷ Fretilin Mudansa and others complained about the bias of the courts and the prosecutor general, and about the sluggish pursuit of court processes against Mari Alkatiri and Rogério Lobato.¹²⁸ A skilled political survivor, Mari Alkatiri remained very much in charge of the government, albeit behind the scenes, firmly at the helm of the Fretilin party, and ready to face the 2007 elections. Rather than accept any blame for the events of 2006, Mari Alkatiri continued to point fingers and suggest that a coup d'état had occurred.¹²⁹ Within weeks, he would accuse José Ramos-Horta of staging a coup against Fretilin.¹³⁰

The prosecution of the 2006 crimes

The UN Independent Special Commission of Inquiry (COI), undertaken between July and September 2006, remains the principal investigation into the events at the onset of the 2006 crisis, between 28 April and 25 May 2006.¹³¹ The COI found that during April and May 2006 as many as 38 people were killed and 69 were injured; that there had been no massacre at Tasitolu 28–29 April; that 150,000 people were displaced; and that 1,650 dwellings were destroyed in the aftermath, mainly in late May and early June.¹³² The inquiry produced impressive results in the short time it had, but it was constrained by its terms of reference and tight time-frames and was seen to reach rather narrow and legalistic conclusions, focusing on laws that had been broken rather than overall responsibility for the crisis. Some who had broken the law trying to retrieve the situation seemed to be found as culpable as those who actually caused the problems.¹³³ The COI did not itself have judicial powers, but it made numerous recommendations for prosecutions and further investigation, including that of a number of senior figures.

126 Sukehiro Hasegawa, *Primordial Leadership: Peacebuilding and National Ownership in Timor-Leste* (Tokyo: United Nations University Press, 2013), 136; "Sumário, Tribunal de Recurso Proc. No PP-Div/2006/1," *Jornal da República*, Série I, No. 13, 23 August 2006.

127 *UNOTIL Weekly Report*, 11–17 August 2006.

128 *UNMIT Daily Media Review*, 6, 11 and 20 September 2006.

129 Mark Dodd/Stephen Fitzgerald "Conspiracy theory haunts East Timor," *The Australian*, 15 July 2006.

130 *UNMIT Daily Media Review*, 11 September 2006.

131 "Report of the UN Commission of Inquiry (2006)."

132 "Report of the UN Commission of Inquiry (2006)," 42.

133 Taur Matan Ruak reportedly commented that it was as if the COI authors were in a disco but couldn't hear the music. Interviewee 15.

Former Minister of Defence Roque Rodrigues, Brigadier Taur Matan Ruak, and Colonel Lere Anan Timor were among those recommended for prosecution in respect of the distribution of F-FDTL weapons to civilians.¹³⁴ Former Minister of the Interior Rogério Lobato, Eusebio Salsinha,¹³⁵ António da Cruz¹³⁶ and Vicente da Conceição (Rai Los) were among those recommended for prosecution in relation to the distribution of PNTL weapons to civilians.¹³⁷ Dozens of members of the F-FDTL, PNTL and civilians who had been involved in the incidents in April and May 2006 were also named and recommended for prosecution or further investigation. Investigations were also recommended to determine whether former Prime Minister Mari Alkatiri bore criminal responsibility with respect to weapons offences. In addition, particular responsibility was assigned to him for breaches of the law in relation to calling out the F-FDTL to aid the civil power. Xanana Gusmão was criticized for failing to exhaust 'available mechanisms' before making his inflammatory speech of 23 March. Xanana Gusmão was also criticized for intervening personally with Alfredo Reinado. But the COI declared itself satisfied that this contact was no more than an attempt to contain and control Alfredo Reinado, and found no evidence that Alfredo Reinado's group carried out criminal actions on the orders or with the authority of the president.¹³⁸ The COI did not recommend prosecution or investigation of Police Commissioner Paulo Martins, although it was critical of some of his actions – responsibility for which he was deemed to share with Rogério Lobato.¹³⁹

The COI also pointed to multiple failings on the part of state institutions, but this observation subsequently had the effect of allowing responsibility to be diffused away from the individuals in positions of power. Many of the institutional failings identified were attributable to the deliberate actions and inactions of powerful individuals, and were politically calculated. The COI was cognizant of the fragility of Timor-Leste's judicial system and – reconfirming the judgement of the 2005 commission of experts¹⁴⁰ – acknowledged that the office of the prosecutor general failed to function independently from the state. It concluded nonetheless that investigations and prosecutions should take place within Timor-Leste's justice system, albeit with some

134 "Report of the UN Commission of Inquiry (2006)," 51.

135 Rogério Lobato's Chief of Staff.

136 PNTL border patrol unit (UPF) Commander.

137 "Report of the UN Commission of Inquiry (2006)," 51.

138 "Report of the UN Commission of Inquiry (2006)," 30, 63.

139 "Report of the UN Commission of Inquiry (2006)," 58-60.

140 on the prosecution of the 1999 serious crimes.

strengthening.¹⁴¹ But controversially, in what appeared to be a politically influenced decision, in August 2006 the UNDP contracts of the international prosecutors were not renewed and a fresh new batch of prosecutors was recruited.¹⁴²

As time passed, there appeared to be a growing degree of collusion on the part of those in high places to avoid accountability for the crimes committed in 2006. Deeply flawed trial processes threw little light on the 2006 events, their causes and accountability. The prosecutor general's investigations and prosecutions were not pursued with any vigour, and no new cases emerged outside those already known and reported by the COI. Trials proceeded at such a slow pace that some of those accused of crimes in 2006, still at liberty, became involved in the attempted assassinations of President José Ramos-Horta and Prime Minister Xanana Gusmão on 11 February 2008.¹⁴³ After he returned to Dili in April 2008 from hospitalization in Darwin, President José Ramos-Horta pushed to end investigations and grant judicial amnesties to those prosecuted for the 2006 and 2008 cases, including those related to his own near-fatal shooting. In 2008, 2009 and 2010, President José Ramos-Horta granted a series of commutations and pardons.¹⁴⁴

In February 2007, judicial investigations into former Prime Minister Mari Alkatiri were dropped ahead of the presidential and general elections. A letter by one of the new international prosecutors, dated 3 February 2007, discussed Alkatiri's case in superficial terms, and then only in respect of the distribution of weapons to the Rai Los group. The prosecutor concluded that Mari Alkatiri did meet Rai Los and others on 8 May at his residence, but attributed no weight to Rogério Lobato's (retracted) statements and Rai Los' implication of Alkatiri. The prosecutor instead rather implausibly believed that Alkatiri's proposal on 21 May 2006 that armouries be examined 'showed that he was not part of any probable initiative.' The prosecutor did

141 The COI recommended the appointment of a senior international prosecutor as a deputy prosecutor general to prosecute the cases 'impartially and without political reference,' and that international legal actors undertake the lead role in investigations and prosecutions, supported by national prosecutors. United Nations, "Report of the UN Commission of Inquiry (2006)," 64–65, 68.

142 "Departure of International Judges and Prosecutors Causes Problems in Timor-Leste Judicial System," *Judicial System Monitoring Programme*, Dili, 22 August 2006.

143 For example, Alfredo Reinado and his adjutant, Leopoldinho Exposto, were killed that morning at President José Ramos-Horta's house; and Gastão Salsinha led the group that attacked Prime Minister Xanana Gusmão.

144 On 23 May 2008, by Presidential decree 53/2008, President José Ramos-Horta halved the sentences of more than 80 convicted prisoners, including that of Rogério Lobato. At the end of 2009, the President granted a number of further commutations and pardons in Presidential decree 34/2009, and on 20 August 2010, under Presidential decree 31/2010, he controversially pardoned 23 of the 24 men who had been convicted for their involvement in the 11 February 2008 attacks, including Gastão Salsinha and 'Susar' Amaro da Costa; together with three other offenders who had been gaoled for the massacre of the unarmed PNTL officers at Kaikoli on 25 May 2006, who were promptly reinstated in the F-FTDL.

not appear to examine the legal basis of Alkatiri's mobilization of the F-FTDL on 28 April 2006, nor his role in the F-FTDL distribution of weapons to civilians around 24 May 2006.¹⁴⁵ Interleaved with court hearings related to Rogério Lobato's case, in a press conference in Dili on 5 February 2007, Mari Alkatiri announced his own exoneration, saying that the prosecutor general's office found no evidence of criminal wrong-doing and had cleared him of all charges. The prosecutor general, travelling in Australia, was not available for comment, and the deputy prosecutor general said that it was too early for Alkatiri to make such a statement,¹⁴⁶ but that seemed to be an end to the matter.

The prosecution of Rogério Lobato proceeded only on 9 January 2007, having been delayed in November 2006 by the failure of one of his co-accused to appear. But it was immediately evident that many more people were involved in the case than faced charges.¹⁴⁷ On 10 January 2007 Vicente Conceição (Rai Los) – the recipient of weapons and himself recommended for prosecution by the COI – appeared as a witness for Rogério Lobato's prosecution.¹⁴⁸ In February 2007, in a curious twist, both José Ramos-Horta and Taur Matan Ruak gave evidence for Rogério Lobato's defence.¹⁴⁹ On 8 March 2007, Rogério Lobato was sentenced to seven years and six months in prison for murder and the distribution of weapons to civilians, in relation to his role in the clashes at Tibar/Tasitolu on 24–25 May. Former Prime Minister Mari Alkatiri, Minister of Finance Madalena Boavida and Minister of Natural Resources José Teixeira were prominently in the court room for the sentencing, and were seen 'to give moral support to the accused.'¹⁵⁰ This was widely seen as a sacrifice on the part of Rogério Lobato for his senior colleagues and the party. On 10 May 2007, the Court of Appeal confirmed the conviction and sentence, and Lobato was moved to Bekora prison,¹⁵¹ where he was

145 Dili District Prosecution, Records of Inquiry No. 662/PDD/2006, 3 February 2007.

146 "East Timor: Former PM says he's been found innocent," *AKI*, Dili, 5 February 2007.

147 "Court proceedings in the case of Rogerio Tiago Lobato and Co-accused," *Judicial System Monitoring Programme*, Dili, 10 January 2007.

148 "Hearing of evidence in the trial of the defendant Rogerio Lobato and the other co-accused," *Judicial System Monitoring Programme*, Dili, 11 January 2007. While a judicial hearing for Rai Los was then scheduled on 26 January 2007, the first date for Rai Los' trial was not set until January 2009, and the trial eventually got underway in May 2009. "The Crisis 2006: A Lesson for the Future," *Judicial System Monitoring Programme*, Dili, 2009, 26–27. In the meantime, Rai Los campaigned for CNRT in the 2007 elections.

149 "The [current] Prime Minister present to give testimony at the hearing in connection with the case of the alleged arming of civilians," *Judicial System Monitoring Programme*, Dili, 6 February 2007; "Taur Matan Ruak the latest witness in civilian gun distribution case in East Timor," *Judicial System Monitoring Programme*, Dili, 13 February 2007.

150 "Rogerio Lobato sentenced to 7 years 6 months prison," *Judicial System Monitoring Programme*, Dili, 8 March 2007.

151 "Appeal decision in case of Rogerio Tiago Lobato," *Judicial System Monitoring Programme*, Dili, 17 May 2006.

accommodated in style.¹⁵² He would spend less than three months in prison. On 8 August 2007, timed to coincide with the swearing-in of the new government, Rogério Lobato attempted to depart Dili in a Kuwaiti private jet, ostensibly to seek medical treatment in Malaysia. After 24 hours' stand-off on the tarmac, the aircraft was permitted to depart with Lobato on board.¹⁵³

The judicial enquiry into the shootings of unarmed police in Kaikoli (25 May 2006) began on 12 January 2007. Eleven members of the F-FDTL and one member of the PNTL were prosecuted.¹⁵⁴ On 29 November 2007, the court acquitted eight of them. Four soldiers were sentenced to between eight years six months and ten years' imprisonment.¹⁵⁵ The trial relating to the attack on the residence of Brigadier Taur Matan Ruak in Lahane (24–25 May 2006) began in June 2007, but was retried in 2008 and again in 2009. In the first two trials, the four members of a group led by PNTL commander Abílio Mesquita (Mausoko) were given prison sentences, despite a letter from Taur Matan Ruak requesting that the defendants be granted clemency and released.¹⁵⁶ In 2010, after the third trial, in a confusing outcome, the judges decided to acquit the four defendants 'for lack of evidence.'¹⁵⁷

Vicente Conceição (Rai Los) and Leandro Lobato (Grey Harana) were eventually brought to trial in relation to the Tibar clash (24–25 May 2006) and sentenced on 9 October 2009. After sentencing the court somehow failed to issue an arrest warrant and Rai Los began to serve his sentence only on 22 December 2009. Three days later a presidential commutation reduced Rai Los' sentence, and both he and Leandro Lobato were released in early January 2010.¹⁵⁸ In respect of the shootings at the Merkadu Lama (25 May 2006), Oan Kiak (Frederico Florindo de Jesus) was sentenced to eight years prison and his co-defendant Abetu Osu (Alberto da Costa) to six years and six months prison, on 15 February 2010.¹⁵⁹ This sentence was overturned on appeal in May

152 In prison Lobato was accorded 'luxurious conditions' including another prisoner to wait on him and especially installed air conditioning. Ray Murray, July 2014.

153 "Timor-Leste: Political Unrest; and the departure of Rogerio Lobato," New Zealand Embassy Dili, DIL/POL/1, 10 August 2007. Rogério Lobato benefitted from a presidential amnesty in 2008 and returned to Timor-Leste in time to unsuccessfully contest the 2012 presidential elections, gaining 3.49 percent of the vote in the first round of the presidential elections on 17 March 2012.

154 "First Judicial Inquiry for eleven members of F-FDTL and one of PNTL held in the Dili District Court," *Judicial System Monitoring Programme*, Dili, 13 January 2007.

155 Proc. N. 137-2007, 29 November 2007.

156 *Judicial System Monitoring Programme* press release 13 August 2007.

157 *Judicial System Monitoring Programme* "Overview of the Justice Sector in Timor-Leste 2010," March 2011.

158 "Facing the Future: Periodic report on Human Rights Developments in Timor-Leste: 1 July 2009–30 June 2010," UNMIT/OCHCR 2010, 25.

159 "Tribunal distrital hamonu sentensa ba Autor Tiruteius iha krize 2006 iha Merkadu Lama Dili," *Judicial System Monitoring Programme*, February 2010. Another of the accused in the Merkadu Lama case, Afonso Kuda Lai, was assassinated in Vikeke while campaigning for CNRT, during the 2007 election.

2010, and the defendants acquitted on the grounds that the prosecution had failed to prove intent for the crimes with which they were charged.¹⁶⁰

The trial relating to the Fatuahi clash (23 May 2006) began in the Dili District Court on 3 May 2010 and ended on 17 September 2010. Twenty-eight defendants were produced, comprising former F-FDTL and PNTL officers led by Alfredo Reinado (who himself had been killed on 11 February 2008). A weak case was mounted by the prosecution, and the court concluded that the person responsible for the incident was Alfredo Reinado – the others had just followed his orders. All of the defendants were acquitted, including some who had been convicted in March 2010 for the 11 February 2008 attacks, and then pardoned by President José Ramos-Horta in August 2010. As civil society organization JSMP commented: 'The decision to acquit in this case adds to the long list of of people given impunity for their involvement in a range of cases related to the 2006 crisis.'¹⁶¹

Trials in relation to the attempted assassinations of President José Ramos-Horta and Prime Minister Xanana Gusmão on 11 February 2008 seemed to fare no better. The trials of the 2008 cases began in July 2009, and the court's decision was delivered on 3 March 2010, and after an appeal, a final judgement was delivered on 14 June 2010. But as in the 2006 crimes, critical questions were left unasked and unanswered,¹⁶² and even after the trials were over and sentences were handed down, 'the community still [did] not know what happened in this case, in particular who injured the President and who killed Alfredo Reinado and his adjutant Leopoldino Exposto.'¹⁶³

By late 2010, cases involving former Prime Minister Mari Alkatiri, former Minister of Defence Roque Rodrigues, CDF Taur Matan Ruak and Colonel Lere Anan Timor had all been closed; and pardons had been granted to Minister of the Interior Rogério Lobato and Vicente Conceição (Rai Los). In January 2011 not one person remained in prison in relation to the 2006 criminal cases, although some investigations were notionally 'still in process.'¹⁶⁴

160 "Facing the Future: Periodic report on Human Rights Developments in Timor-Leste: 1 July 2009–30 June 2010," UNMIT/OCHCR 2010, 25.

161 "Dili District Court acquits defendants in case of attack in Fatu-ahi," *Judicial System Monitoring Programme Justice Update* 20 September 2010; "Prosecutor's Indictment Weak: Defendants Fully Acquitted in Fatu-Ahi case," *Judicial System Monitoring Programme Justice Update* 26 October 2010.

162 "The 11 February 2008 case: More Questions Than Answers: Implications for the Justice Sector in Timor-Leste," *Judicial System Monitoring Programme*, February 2011.

163 "Overview of the Justice Sector in Timor-Leste 2010," *Judicial System Monitoring Programme*, March 2011, 8.

164 Centre for International Governance Innovation, "Timor-Leste No.4," *Security Sector Reform Monitor* (Waterloo, Ontario, January 2011), 13–14.

Chapter Ten

Conclusion

The 2006 crisis was a profoundly damaging event in Timor-Leste's post-independence history. In the space of four weeks in April and May 2006, the small country plunged from 'UN success story' into catastrophe. Amidst communal violence, and armed conflict among police, army and irregular groups, the 'organs of state' – the president, prime minister and president of parliament – requested an international military intervention to restore the peace. Despite its gravity the crisis remains poorly understood both inside and outside the country, and many of its critical details have been lost to sight in the wake of subsequent events. The crisis resulted from a complex set of circumstances, and the political nature of the crisis and the violence accompanying it exposed unresolved issues and deep divisions rooted in Timor's history. The failure of the leadership to resolve pressing issues before the crisis, and their failure afterwards to account publicly for and to atone for what happened, sacrificed democratic and legal principle in the interest of political deal-making, embedded undesirable precedents in Timor-Leste's political and judicial practice and added to the young country's growing number of problems.

East Timor's experience of political contestation and civil war, brutal invasion and occupation, dislocation and famine, illiteracy and poverty, resistance and accommodation, exiled elites and local survivors, set it up for difficulties at independence. A new political leadership was unskilled in the best practices and constraints of governing a sovereign state, and the institutions of the state at independence were embryonic and easily waylaid. The massive trauma visited on the population under Indonesian rule, reprised with a vengeance in the context of the 1999 popular consultation, made for a population that was susceptible to subjugation by intimidation and political manipulation, but whose experience of armed conflict and resistance also threw up many people willing to resort to arms in defence of themselves and their country – against each other. Those historical flaws and fractures lay beneath the surface, however, and were underestimated by outsiders in the collective euphoria over Timor-Leste's achievement of independence in 2002.

The political parties and internal conflicts that emerged in 1974, and the individuals associated with them, proved to be a durable thread in Timor-Leste's history, re-surfacing periodically and at independence and in the 2006 crisis. Members of a small

local 'assimilated' elite, mostly in their twenties, well-known and often closely related to one another, led the political associations that formed after the Carnation Revolution in Lisbon in 1974. The power struggle at the heart of the 2006 crisis was a struggle between two people who had both been members of the Fretilin party central committee in 1975: Mari Alkatiri and Xanana Gusmão. But whereas Mari Alkatiri had risen to third in rank in the Fretilin party by the time he went into exile in December 1975, and thus was the most senior member of the party in exile, Xanana Gusmão was a lowly ranked member of the Fretilin party central committee, who in 1976 was a mere platoon commander in Falintil, the armed wing of Fretilin.

However the 2006 crisis was about much more than a conflict of personalities. It was also about the divergence between the ideology of the Fretilin diaspora elite – in some ways still locked in the past – and that of a society that had changed during 24 years of Indonesian occupation. It was about who 'owned' the country, and who had fought more and sacrificed more in the independence struggles. It was also about conflicts in the vision for the nascent state – which after independence did not grow to resemble the lofty vision of a pluralist and democratic state, incorporating comprehensive UN human rights principles, that had been set out in the 1998 Peniche Magna Carta.

The dominating, brutal role of the military in Timor-Leste's history – in Portuguese colonial authority before and reimposed after the Second World War, in the Japanese occupation, in the Indonesian occupation and subsequent *bumi hangus* (scorched earth) departure – conditioned the population's expectation of violence at the hands of the state, among both victims and perpetrators. The training given by Portugal to its colonial conscripts, and its modern armouries of NATO small arms and light weapons, became crucial to the armed resistance in East Timor from late 1975. But the legacy of the colonial power's military mindset also played a fateful role in escalating UDT and Fretilin political tensions in 1975, during Portuguese political chaos after the Carnation Revolution, and amidst Indonesian destabilization operations on the ground. The 'UDT coup' instigated by João Carrascalão in August 1975, using police troops, resulted in retaliation by Fretilin, using army troops, and precipitated a short and ugly civil war, in which Fretilin prevailed and in UDT forces were pushed over the border into Indonesian hands. The use and opposition of police and army in political contestation thus became an historical founding principle of East Timor, which its leaders would perpetuate after independence.

Xanana Gusmão and Mari Alkatiri both understood through Fretilin doctrine and experience the importance of control over the armed forces and the police. In 1998 the UNTAET vision for East Timor did not envisage the creation of an army, only a police force incorporating a paramilitary element (the 'Costa Rica model'). But the formation of an army became a political imperative for the Timorese, to honour the history of the armed resistance and its veterans, and to create employment. Timor-Leste's new defence force was seen to be loyal to Xanana Gusmão, Falintil's commander in chief 1981-2000. But in the constitution and legislation a clear separation in the roles of the army and the police was never defined, and unlike the police (PNTL), the army (F-FDTL) had no real tasks. These factors dangerously set the conditions for friction and rivalry between the two forces. Unable to gain full control of the F-FDTL, Mari Alkatiri put Rogério Lobato in charge of the police force (PNTL), and appointed Roque Rodrigues as a quiescent secretary of state in the defence portfolio. The government purposely left the F-FDTL to languish, underfunded and demoralized. Against meagre resistance from the leadership of successive UN missions, the government blatantly created and built up police paramilitary units and armed them with military-style weapons, the purchases of some of which lined the pockets of Alkatiri family businesses. Rogério Lobato treated the police force as personal property, undermined and circumvented the PNTL Commissioner, improperly involved himself in police operations, and created conflicting lines of command. In 2006 stresses within and between the F-FDTL and PNTL came dangerously to a head, and elements of both institutions became caught up and used in the political struggle, and the weapons of both institutions were distributed to civilians by the government.

After the Indonesian invasion in December 1975, the Fretilin leaders who remained in East Timor became resistance leaders, while UDT and Apodeti leaders were co-opted into the Indonesian administration. Political killings, mainly of UDT enemies by Fretilin, continued after the invasion. And between 1976 and 1978, the Fretilin resistance under the leadership of Nicolau Lobato adopted increasingly radical Maoist doctrines, and turned on itself. In disputes between political and military commanders over tactics and strategy for the resistance war, the party purged a number of its best military commanders and their followers, deeply corroding its capacity to fight the Indonesian forces. The Fretilin party also brutalized, tortured, starved and executed large numbers of men, women and children, whom it chose to regard as traitors. Fretilin's first president, Francisco Xavier do Amaral was among its victims, denounced, tortured and imprisoned as a traitor to the cause in 1977, before escaping a

year later, into Indonesian hands. By early 1979, the armed resistance was burnt out and crushed, and most of its leaders were dead. The Timorese-on-Timorese blood debts and crimes committed from 1975 and into the 1980s, in the name of the political parties, remain largely unresolved, enduring in deep political rifts and unforgotten wounds, as markers in personal relationships, within and between extended families, and as a persistent element of contemporary politics.

After the death of most of the Fretilin resistance leaders in East Timor by early 1979, and the loss of radio contact with the party in exile for six years, a new resistance leadership emerged, and the ideological paths of the resistance in East Timor and in exile diverged. In 1981 Xanana Gusmão appeared initially as an 'unknown' new Fretilin leader and the commander of its armed wing, Falintil. Over several years – and against some bitter opposition – he pulled together a resistance of 'national unity' that abandoned Fretilin's rigid doctrines, its 'political infantilism and thoughtless adventurism,' and sought to put aside the enmities among the political parties in the interests of the resistance struggle. Xanana Gusmão's 'ideological turnaround' resulted in a restructuring of the resistance in 1987 and 1998. This shift marked the point at which Xanana Gusmão placed himself unmistakably at the vanguard of the resistance. In 1987, as commander of Falintil – which at this point comprised only about 100 guerrillas – Xanana Gusmão detached it from Fretilin and declared it instead to be politically neutral and a nationalist resistance force, and he resigned from Fretilin. A year later, in 1988, Xanana Gusmão formed and became president of the National Council for the Maubere Resistance (CNRM), which embraced all the political parties in the resistance. The resistance-in-exile declined to join the CNRM, and after this Xanana Gusmão abandoned further dealings with the Fretilin party in exile. In 1989 Xanana Gusmão appointed José Ramos-Horta – who also resigned from Fretilin – to head a CNRM off-shore 'diplomatic front,' and to act as Xanana Gusmão's personal representative overseas. After the creation of the CNRM, little more was heard of the Fretilin exile group, whose nominal president, Abílio Araújo, was eventually ejected from the party in 1993 for embezzling party funds and collaborating with Indonesian 'conciliation' efforts.

In 1990 Xanana Gusmão also brought under the CNRM structure proliferating 'clandestine' (unarmed, non-Falintil) resistance groups or cells (*kaixa*) that had begun forming across the country since about 1985. These clandestine cells came under Xanana Gusmão's 'command of the Maubere resistance' in the CNRM from 1990–1998, and in the CNRT from 1998–2001. The rise of the clandestine resistance in East Timor

in the 1980s accompanied a growing connection with the outside world, influenced by the advent of mass media, television and radio, and also found common cause with a student democracy movement in Indonesia that began to grow at the end of the Cold War. A younger generation that identified itself with the clandestine resistance gained prominence in the Santa Cruz massacre in 1991, and progressively took on a growing role, especially in the western districts and after the capture and arrest of resistance leaders Xanana Gusmão, Mau Hodu and Mau Hunu in 1992 and 1993.

East Timorese society suffered deep trauma and dislocation under the Indonesian occupation. But between 1982 and 1992, Governor (former senior UDT member) Mário Carrascalão used his influence with President Soeharto to do what he could to ameliorate the appalling conditions, pushing for the 'normalization' of the territory, and gaining its 'opening up' at the end of 1988. Although conditions remained terrible, there were some gains. A post-war generation of Timorese children entered and graduated from a mass education system, and thousands gained scholarships to pursue tertiary studies in Indonesia that Mário Carrascalão had secured from President Soeharto. For the new generation, Bahasa Indonesia was not just the language of the occupier but also the language of educated Timorese. But at independence the language issue became a sharp point of contention: by adopting Portuguese as an official language, returning and 'older generation' leaders secured their domination of the new state against the claims of so-called younger generation leaders. Members of the lusophone diaspora became the principal beneficiaries of the language policy.

The Roman Catholic Church came to play a central role in East Timor during the 1980s and 1990s, as a defender of human rights, as a moderating influence with the resistance, as a mediator of contacts between the resistance and the Indonesian authorities, and as an important provider of education. The church played a crucial role with its network across the territory, and in conveying credible reports of human rights violations to the outside world, generating a new groundswell of international public support for East Timor's cause. Nominal religious adherence to the Roman Catholic Church rose from less than 25 percent in 1975 to around 80 percent in the 1990s. The importance of the role of the church was recognized in the award of the Nobel Peace Prize to Bishop Belo with José Ramos-Horta in 1996, as well as in the inclusion of church representatives in the Peniche meeting and in the CNRT structure in 1998. However Mari Alkatiri was hostile to the church and its influence, and after independence sought to marginalize it. Resentments accumulated and resulted in the confrontation between the church and the government in the large demonstrations in

2005, and in public demands for the dismissal of the prime minister by some members of the clergy. The government's desire to use violence to crush the church demonstrations in 2005 – as it had the demonstrations by Falintil veterans in 2004 – was frustrated only by the brave refusals of Police Commissioner Paulo Martins and Chief of Defence Force Taur Matan Ruak.

The formation of the inclusive CNRM in 1988 gave impetus for the first time towards a national resistance, and helped breath new life into an international campaign for East Timor. In the 1990s, Xanana Gusmão, Bishop Belo, and José Ramos-Horta became the faces of the resistance inside and outside East Timor. The formation of the National Council for the Timorese Resistance (CNRT) at the Peniche meeting in April 1998 – replacing the CNRM – marked the first time that the political parties in exile also agreed to form a united front. This unity was particularly important for the 1999 popular consultation, but it was a marriage of convenience and did not last long.

Despite the illusion of unity produced at the 1998 Peniche meeting, very deep divisions persisted among the Timorese. There were significant differences among and within the diaspora groups, as well as unresolved blood debts and crimes resulting from the civil war and internal political contestations. While the ideology of the resistance in East Timor and that of exile groups had diverged radically, the exile groups had many advantages over the clandestine resistance cells and the beleaguered remnants of Falintil that survived the resistance war. The tightly organized 'Mozambique,' or 'Maputo' Fretilin group, under the leadership of Mari Alkatiri had a clear political focus and it had the benefits of the Fretilin party's well-established structure and rules. Its members had the opportunity of superior education and academic qualification, they had been able to maintain ideological purity and self-confidence, and they had been able to observe politics in independent countries. In exile they had access to medical care and had not starved, been tortured, or wounded. They had lived when most of their Fretilin contemporaries in East Timor had died. And despite their intense internal rivalries, the Maputo group formed a small and very cohesive group that coalesced around focussed political strategy and objectives.

Mari Alkatiri's road from obscurity in exile to power as the first Prime Minister of Timor-Leste can be traced quite clearly. In 1998, the leader of the Mozambique Fretilin group in exile, Mari Alkatiri, had no public profile inside or outside East Timor, unlike Xanana Gusmão, Bishop Belo and José Ramos-Horta. But as the most senior surviving member of the original Fretilin party – apart from the deposed Francisco Xavier do

Amaral—Mari Alkatiri felt unjustly excluded from the top ranks of the newly formed CNRT. He felt entitled to the leadership of Fretilin, the historic party of the resistance, and entitled therefore to the leadership of the new country. He reactivated the dormant Fretilin party in exile, and after the Peniche meeting reasserted himself in the Fretilin leadership at its 1998 Sydney extraordinary meeting. Mari Alkatiri claimed some part in drafting the 1975 constitution, and in exile in his years in Mozambique, he had undertaken studies in law. The draft constitution that he tabled in Sydney in 1998 became the basis of the constitution adopted at independence in 2002. Mari Alkatiri had also long retained an interest in East Timor's oil and gas resources, and on his return took on roles in the CNRT and UN transitional administration that placed him at the centre of negotiations over Timor Sea resources. He also claimed leadership of the Fretilin party in East Timor, systematically organizing Fretilin party machinery throughout the districts, leading to the first Fretilin National Congress in 2001, at which he was elected secretary general of the party. The CNRT united front under Xanana Gusmão collapsed after it was abandoned by Fretilin and UDT in August 2000. With Fretilin's political nous, and the CNRT flag of unity gone, Fretilin easily won the 2001 Constituent Assembly election. And with the assistance of ASDT leader Francisco Xavier do Amaral, Fretilin commanded the two-thirds majority it needed to pass the constitution it wished for. Mari Alkatiri's Maputo Fretilin group emerged as the victor in the political and constitutional processes under UNTAET, and dominated the first government at independence in May 2002.

UNTAET allowed and even encouraged an exiled elite to return to East Timor, to claim political ownership and to place itself in charge of a new nation with promising petroleum resources. Unlike UNAMET in 1999, which had worked closely with CNRT networks, the UNTAET mission depended principally on the lusophone elite—including Mari Alkatiri, Xanana Gusmão and José Ramos-Horta—to transact its mission. They were the Timorese with whom the UNTAET mission was most comfortable, who were literate in Portuguese and familiar with an international environment, and thus could ease UNTAET's difficulties in operating in a devastated and uncomfortable place. But the reliance of UN missions on the lusophone elite marginalized the voices of the vast majority of the population.

Despite the extraordinary powers accorded to UNTAET, the transitional administrator, Sergio Vieira de Mello, allowed a flawed and confusing constitution to be put in place in an unduly short time-frame, riding rough-shod over extensive and important public consultations necessary to developing a public consensus on constitutional principles.

Rather than building the new state on the society that had emerged under Indonesian rule, and utilizing the multi-party CNRT networks, UNTAET threw out the baby with the bath water. By taking its lead from the exile and lusophone elite, the UNTAET mission profoundly misunderstood the politics of the situation, and furthermore the extent to which, in 24 years of occupation, the lives of Timorese had changed, and in which not everything Indonesian was bad. Yet after independence thousands who had been employed in the Indonesian administration and could contribute to the new state found themselves out of work.

The UN-supervised process of granting independence to Timor-Leste inadvertently created the conditions for new political conflict. In April 2002 Xanana Gusmão was elected president of Timor-Leste with almost 83 percent of the vote, but the position was a largely ceremonial one: he had been decisively outmanoeuvred for political power by Mari Alkatiri. The 2002 constitution pushed most of the formal powers of the state into the hands of the prime minister, without the robust checks and balances that might have been expected in the UN's 'state of the art' project. Constitutional provisions were hedged about with incomplete laws, and the new state lacked the institutions or competence to allow effective judicial or constitutional challenge. Parliament had little voice and the president's veto powers were heavily constrained. These judicial and constitutional weaknesses had a profound impact in contributing to the 2006 crisis, when it became apparent that recourse to the law was futile, and that the most powerful figure in the land, the prime minister, could choose to be accountable only to himself.

Mari Alkatiri's sense of entitlement to the leadership of Timor-Leste translated in government to a belief in the Fretilin party's right to own and control the new country and its resources, with himself at the helm. After independence, Prime Minister Mari Alkatiri exercised tough control over the Fretilin party, an autocratic approach to government, and an iron rule over its finances; and left the responsibility for building state institutions, economic development and rebuilding infrastructure to international agencies and bilateral donors. In the districts, the government appointed predominantly Fretilin district administrators and deputies, who doubled as Fretilin party bosses in the districts, with district police commanders as their enforcers.

Mari Alkatiri notoriously ignored and denigrated the contributions of the clandestine resistance and Falintil veterans, who had operated under Xanana Gusmão's command in the independence struggles. Mari Alkatiri favoured friends and excluded and

persecuted opponents, and declared that Fretilin should rule Timor-Leste for fifty years. The government displayed an arrogant disregard for the welfare of its citizens, and in the years after independence its unpopularity grew. The government seemed unwilling or unable to address a series of major protests and incidents that occurred in the years after independence, and exercised unnecessary violence on many occasions. Mari Alkatiri saw political power in 'all or nothing' terms and displayed a tough and uncompromising determination to get his way. With his divisive politics and arrogant and abrasive style, Mari Alkatiri managed to make many enemies, whom he disparaged and constantly accused of plotting coups d'état.

In 2005, Timor-Leste's first significant petroleum revenues came on stream and political tensions increased. The UNOTIL mission was set to depart in May 2006 and Timor-Leste's first parliamentary election was due, but no electoral legislation had been passed. Mari Alkatiri restructured his government in July 2005, accommodating some critics and muffling others, and clearing the decks to deal with a leadership contest in 2006 and then elections in 2007. The restructure boosted the government's focus on matters relevant to elections – youth, veterans, and a strengthened presence in the districts – and Alkatiri also took on a new portfolio for Natural Resources, Minerals and Energy Policy. The police and the courts were used to harass and intimidate Fretilin's political enemies, and 'death lists' of enemies were widely rumoured. The Fretilin party went about cultivating new sources of support, affiliating gangs, former clandestine groups and Falintil veterans. And opponents of Mari Alkatiri agitated for change and sounded out possible candidates for his job.

By the beginning of 2006, international interest in Timor-Leste had largely drained away. After six years of international support and with its influx of petroleum revenues it was expected to be able to stand on its own feet. Prime Minister Mari Alkatiri had reason to be confident of international acquiescence to his style of government, and the departure of the UNOTIL mission would get rid of inconvenient eyes and ears. Xanana Gusmão's visits to New York and Washington in January 2006 showed him that there was vague good-will, but waning interest, on the part of the UN and the U.S. In Timor-Leste, Xanana Gusmão's standing as a national hero was sinking fast, in the face of his impotence against the actions and inactions of the government.

The beginnings of the 2006 crisis lay in the protest in January 2006 by army (F-FDTL) petitioners, over complaints of discrimination and neglect that had been rumbling for years. In March the government – hiding behind the F-FDTL command – decided to

discharge almost 600 soldiers, nearly half of the army, mostly from the western (*loromonu*) districts. The dismissal was timed for the president's absence overseas, and back-dated, and it humiliated Xanana Gusmão, its commander in chief. The dismissal of almost half of the army was a forceful, deliberate act, that in almost any environment would be seen as a perilous political misjudgement. However the dismissal served an important political purpose for Mari Alkatiri: to break the F-FDTL in two, and thereby weaken President Xanana Gusmão.

At some point President Xanana Gusmão decided to abandon his conciliation and mediation of conflicts between the government and protestors – which he had consistently done since independence – and stand his ground. His intemperate speech on 23 March 2006 after his return to Timor-Leste laid open the political contest, generated public consternation over the prospect of conflict between the petitioners and the government, and inadvertently propagated a wave of *loromonu-lorosa'e* (west-east) communal violence in Dili.

The emergence of *loromonu-lorosa'e* conflict came as a shock to Timorese, as it had not previously featured as a problem of any magnitude, even during the terrors of Indonesian army and militia actions in 1999. But the *loromonu* and *lorosa'e* divide increasingly took on political dimensions. Prime Minister Mari Alkatiri, the government, Fretilin and the F-FDTL came to be seen as aligned with *lorosa'e* (east); and Xanana Gusmão, opposition parties, the PNTL, and the F-FDTL petitioners as aligned with *loromonu* (west). In reality the conflict cut through political party affiliations, split families, ruptured the institutions of government, and set in train the disintegration of the police and the F-FDTL. Communal conflict in Dili escalated and began to take on the appearance of a cause of the political crisis. By the end of May 2006, fear of communal violence had caused virtually the entire population of Dili to leave their homes, to flee the city or to seek sanctuary in refugee camps.

Was the petition the result of political manipulation? Did Xanana Gusmão or his allies elicit the petition to attack Mari Alkatiri? Did Mari Alkatiri or his allies elicit it to create dissension in the F-FDTL and undermine Xanana Gusmão? A close analysis of the early shape and progress of the petition tends to suggest that at its origins the petition was just another protest in the string of protests that had occurred since independence. The petition itself was not sophisticated in its drafting or demands, and mainly repeated the same complaints that had been investigated by commissions in 2004, still not acted on. The leadership of the petitioners was low-level and invisible

until the emergence in February of Lieutenant Gastão Salsinha – not a signatory of the original petition – as its coordinator/spokesman. Lieutenant Gastão Salsinha was a relatively young and junior officer, who did not appear to have any connection to Xanana Gusmão, but he did to Rogério Lobato: he had been in trouble with the F-FDTL command in 2005 for his involvement in Rogério Lobato's smuggling activities.

However it was not inevitable that the petitioners' protest would turn into a crisis. The government could have addressed and resolved the petitioners' issues at many points along the way. Instead it temporized, creating still more commissions, more window-dressing, which no-one, least of all the government, expected to achieve anything. Senior members of the government, Rogério Lobato, Mari Alkatiri, and Ana Pessoa were seen to encourage the petitioners, pitting them against the F-FDTL command, while equivocally backing F-FDTL commander Taur Matan Ruak for 'his' decisions. All of this undermined the F-FDTL as an institution and the authority of CDF Taur Matan Ruak in particular.

President Xanana Gusmão found himself wedged in a cleft stick: if he supported the petitioners, he alienated the F-FDTL command, and appeared to align himself with the west (*loromonu*); and if he supported the F-FDTL command, he alienated the petitioners and appeared to align himself with the east (*lorosa'e*). The failure to bridge that gap is why Xanana Gusmão's speech of 23 March generated unrest and won him no friends. The fact that the petitioners' problem was not resolved speaks to the underlying political struggle, between Mari Alkatiri and Xanana Gusmão.

An understanding of the relationship between Rogério Lobato and Mari Alkatiri is a crucial to explaining events in 2006. In 2005 Rogério Lobato had led a 'power interest' faction in Fretilin competing with Mari Alkatiri – and he had played a murky role in the 2002 riots – but in 2006 Rogério Lobato was solidly on side with Mari Alkatiri. Their relationship went back to the early days of Fretilin, under the leadership of Rogério Lobato's brother Nicolau Lobato. Rogério Lobato had gone into exile with Mari Alkatiri in December 1975 and was a close member of the Fretilin Maputo group. Rogério Lobato was a dangerous thug – his hostage-taking in Maputo in 1978 springs to mind – but a useful one. He raised funds for the exile group by his diamond-smuggling activities, although when this went out of control he was shopped by them and spent six years in prison in Angola between 1983 and 1989. In 2006 Mari Alkatiri and Rogério Lobato lived next door to each other in Farol, and they 'worked together and betrayed each other.'

The crisis proper began on 28 April 2006, when a permitted demonstration by unarmed *loromonu* petitioners in Dili erupted into a riot. The involvement of outsiders (non-petitioners) in the demonstration appeared instrumental in the violence. Some were undoubtedly spontaneous protestors, disaffected members of the public, angry and ready for a fight. But Minister of the Interior Rogério Lobato's links to petitioners' spokesman Gastão Salsinha and to Colimau 2000/PDRT leader Osorio Leki appear significant. The evidence is fragmentary, but it appears likely that Rogério Lobato not only encouraged the petitioners 'to stick to their demands,' but – with Alkatiri's knowledge – fomented the riot through the intervention of outsiders, to provide the pretext for a violent response. Rogério Lobato was found to have moved police units around without the knowledge of the police commissioner, undermining the effectiveness of the police operation. Both Rogério Lobato and Mari Alkatiri seemed to expect and anticipate trouble when most others – including Police Commissioner Paulo Martins, José Ramos-Horta, and Acting UNOTIL SRSG Anis Bajwa – did not.

Prime Minister Mari Alkatiri did present the riots as the reason he had deployed the 'loyal' F-FDTL against the *loromonu* petitioners on 28 April. But it was later established that he had called out the F-FDTL some three hours in advance of the riots starting, and furthermore he had side-stepped the constitutional and legal processes for calling aid to a civil power, which he knew well. Compounding the deceit, Mari Alkatiri's official report to parliament falsely claimed that legal and constitutional procedures had been followed, and falsely implied that the mobilization had the president's concurrence. Mari Alkatiri's subsequent order to Colonel Lere: 'Destroy them all!' and Rogério Lobato's to the police: 'Kill them all!' were out of all proportion to the threat posed by the unarmed petitioners. It is significant that neither José Ramos-Horta nor President Xanana Gusmão were included in the meetings at Prime Minister Mari Alkatiri's residence on 28 and 29 April that discussed the situation and the deployment of the F-FDTL. Unlike Mari Alkatiri, José Ramos-Horta and Xanana Gusmão did go out on 28 and on 29 April to try to persuade refugees to return to their homes. But President Xanana Gusmão and CDF Taur Matan Ruak appeared to be the figures whose public reputations were most damaged by the riots and the aftermath. Mari Alkatiri provided no convincing explanation of his decisions and gave varying accounts of his actions on 28 and 29 April. The most likely explanation for his actions appears to be that Mari Alkatiri wanted simply to finish the petitioners off and put an end to the matter. The use of the 'loyal' F-FDTL against the petitioners stood to further damage the army, compromise CDF Taur Matan Ruak (absent in Denpasar),

undermine President Xanana Gusmão, and dispose of any political challenge the petitioners might pose to the government 'from the west.' If anything remained of the F-FDTL, it might even be reclaimed as if it were Falintil, the armed wing of the Fretilin party.

The mobilization of the F-FDTL against the petitioners prompted the desertion by Major Alfredo Reinado with members of the military police and paramilitary police (UIR) on 3 May. Major Alfredo Reinado's desertion in turn accelerated an exodus of thousands of people from Dili, and thousands of more into places of refuge in Dili. All of this in turn precipitated a further disintegration in the F-FDTL and the desertion of a significant number of *loromonu* officers as well as men.

After 28 April, Foreign Minister José Ramos-Horta seems to have decided that Prime Minister Mari Alkatiri had gone too far, and that the welfare of Timor-Leste was at risk. José Ramos-Horta had stood solidly behind Mari Alkatiri in his dealings with the petitioners. José Ramos-Horta, former member of the Fretilin Maputo group, turned head of the CNRM diplomatic front and 1996 Nobel Prize co-laureate, had been accommodated by Mari Alkatiri in the second transitional government and the First Constitutional Government. He maintained good relations with Xanana Gusmão, and although given high rank in the cabinet, as an apostate member of Fretilin, he was always on the outer fringe of the government. After 28 April, a gap between José Ramos-Horta and Mari Alkatiri started to become visible. At the beginning of May, José Ramos-Horta openly raised the possibility of an international intervention with the Australian Government, and began to mark out a role for himself as a peace-maker in Timor-Leste, setting about an energetic programme of mobile phone and shuttle diplomacy among the various players. And while publicly maintaining his support for Mari Alkatiri, José Ramos-Horta positioned himself to become Prime Minister, expecting that Mari Alkatiri would be defeated by Fretilin Mudansa candidate José-Luís Guterres at the Fretilin National Congress (17–19 May). Xanana Gusmão and Mari Alkatiri allowed José Ramos-Horta to take on the role of mediator and conciliator and run around, but the political struggle between Xanana Gusmão and Mari Alkatiri persisted at the heart of the crisis.

The Fretilin Second National Congress (17–19 May 2006) was more important to Prime Minister Mari Alkatiri than the petitioners and the 28 April riots. Mari Alkatiri needed to defeat a significant challenge to retain his leadership as Fretilin secretary general, and therefore as prime minister, before tackling the issue of the 2007 elections. One

week after the 28 April riots, Mari Alkatiri and Rogério Lobato secretly mobilized two Fretilin irregular groups – reportedly tasked to destroy various opponents of Mari Alkatiri and his government – which Rogério Lobato armed with police uniforms and weapons. One of these, the Rai Los group, was used along with the party's affiliated martial arts gangs, to provide intimidating 'security' during the Fretilin party congress. Mari Alkatiri emerged from the congress triumphant, receiving 97 percent in an unopposed vote. He had left nothing to chance in the preparations for the congress, buying votes, using strong-arm tactics and intimidation, and hand-picking delegates. The coup de grâce for his opponents, Fretilin Mudansa, had been a surprise procedural motion that changed the rules for the leadership ballot from a secret ballot to an open show of hands, in contravention of the 2004 law on political parties.

For Mari Alkatiri's opponents, and Xanana Gusmão in particular, the outcome of the congress meant the end of any prospect for peaceful change to the country's leadership from within Fretilin. In the fourth week of May, in a heated and confused atmosphere, the situation in Dili unravelled very quickly. Two days after the Fretilin congress, rather than standing down the irregular Rai Los group, the government secretly provided it with further weapons and supplies, and stationed it near Tibar, over the ridge from F-FDTL headquarters at Tasitolu. Armed conflict broke out in the eastern suburb of Bekora on 21–22 May. And on 23 May at Fatuahi, near the main road to the east, Major Alfredo Reinado's group – involving army, police and 'civilians' – staged an attack on unsuspecting PNTL and F-FDTL colleagues. On 24 May fighting between police and army groups broke out around Brigadier Taur Matan Ruak's house at Lahane, and between the army and the irregular Rai Los group – which included police and 'civilians' – at Tibar. The fighting 'proved' to the F-FDTL command that it was under attack by the police. As the situation spiralled out of control, on 24 May the 'pillars of state' (Prime Minister Mari Alkatiri, President of Parliament Lu'Olo and President Xanana Gusmão), fearing for their lives, agreed to formally request international assistance from Australia, Malaysia, New Zealand and Portugal, and sought UN Security Council endorsement of their request. In parallel with the request for international assistance, the government covertly authorized distribution of hundreds of F-FDTL weapons to civilians. On 25 May, as fighting at Lahane and Tibar continued, armed conflict broke out between army and police elements in Dili, involving a 'retaliation' by the F-FDTL against PNTL headquarters, and culminating in the massacre by soldiers of unarmed, surrendering police officers on the street outside the Ministry of Justice. A worse bloodbath was prevented only by the rapid

deployment of Australian forces late on 25 May.

If Prime Minister Mari Alkatiri had softened his approach to governance, a crisis in 2006 might have been avoided, but it was not in his nature to back down. Mari Alkatiri instead made a series of decisions that were responsible for creating deep social divisions and for the unnecessary deaths and injuries of many people in April and May 2006. Mari Alkatiri's overwhelming victory at the Fretilin Second National Congress in May 2006, dishonestly won, showed that he would brook no compromise, from inside or outside the party. His, and Rogério Lobato's, actions to create and mobilize Fretilin secret security groups only a week after the 28 April riots suggests that the arming of civilians formed part of a larger plan to retain political power. The distribution of weapons to civilian irregular groups also appears to have been much more extensive than came to light in judicial processes. Prime Minister Mari Alkatiri's 'insatiable desire for more power and authority' (as UN SRSG Hasegawa put it), resisted by Xanana Gusmão, made a confrontation inevitable.

Although President Xanana Gusmão lacked formal powers, he retained the qualities of a formidable political opponent, a wily strategist and charismatic manipulator, and in 2006 he became the focal point for the opposition including a constellation of excluded and disaffected parties. In May 2006, as the situation deteriorated, Xanana Gusmão made a point of advertising his rectitude in staying within the law and the constitution. For the most part he appears to have waited as events unfolded, collecting evidence to justify Mari Alkatiri's dismissal, and hoping that the Fretilin congress would deliver a new party and government leadership. But while Xanana Gusmão was careful to keep on the right side of the law, he was not always so scrupulous in the company he kept. He still had contacts with pre-independence clandestine and Falintil networks which he appears to have used. The UN COI later found no evidence to support a claim by Mari Alkatiri that Alfredo Reinado had made the attack at Fatuahi on 23 May at Xanana Gusmão's instigation. Nonetheless Alfredo Reinado's protests, and those of other *loromonu* F-FDTL officers, would have suited the president, who was himself constrained from openly voicing complaints against Mari Alkatiri. Xanana Gusmão's contacts with Rai Los raises other questions, such as when he was informed that the group had been offered weapons by Rogério Lobato, and whether or not by denouncing the group he could have prevented them from causing harm. However it seems likely that the Rai Los group had no intention of attacking the F-FDTL at Tibar on 24 May, but once the clash was triggered had no way of stopping it. The presence of the president's military adviser, Pedro Klamar Fuik, at Tibar when the fighting broke

out, and his subsequent flight to Oekusi, suggests that the clash was unexpected. But the strategies of both Mari Alkatiri and Xanana Gusmão in relation to the Rai Los group remain questionable.

The arrival of international assistance late on 25 May put a stop to the armed conflict but, in securing the personal safety of the main protagonists, paradoxically enabled the unfinished political struggle between Mari Alkatiri and Xanana Gusmão to resume. The international intervention arguably did result in a shift in the political balance in favour of Xanana Gusmão, principally because Mari Alkatiri and Rogério Lobato were then hindered from deploying armed police, military or irregular groups to do their bidding. For his part, at the end of May, Xanana Gusmão ordered Alfredo Reinado and petitioner groups to surrender their weapons to the international forces, which they did, but only piecemeal over the following two years.

Despite the disasters of April and May, Prime Minister Mari Alkatiri refused point blank to resign and asserted that there was no constitutional way that the president could remove him from office. When in late June Mari Alkatiri did eventually resign under pressure from the party, he salvaged a remarkable amount from the wreckage. Parliament was not dissolved, and there would be no election until 2007. Mari Alkatiri remained secretary general of Fretilin and maintained thinly-veiled control over the new Fretilin government formed in July under Prime Minister José Ramos-Horta. The defeat of Fretilin Mudansa's legal challenge in August 2006 disposed of any further challenge to Alkatiri's position at the helm of the party. And with the assistance of a high-powered legal team, Mari Alkatiri avoided taking any responsibility for any of his actions during the 2006 crisis, and the judicial investigation into him was closed in February 2007, with no further action taken.

If Mari Alkatiri's political method was 'no compromise,' and José Ramos-Horta's was 'to equilibrate' (as Bishop Basilio Nascimento put it), then Xanana Gusmão's was 'to divide the spoils.' In contrast with Mari Alkatiri, who liked to humiliate and destroy his opponents, Xanana Gusmão preferred if possible to accommodate and buy his off. The accommodation that Xanana Gusmão reached at length with Mari Alkatiri – Alkatiri's resignation, and the formation of a Fretilin Second Constitutional Government under Alkatiri's control – was to the disgust and disappointment of many of his allies, including PD leader Fernando de Araújo (Lasama), PSD leader Mário Carrascalão, Major Marcos Tilman and Major Tara. They felt that the new government was anti-democratic and contrary to the constitution, and that they had been short-

changed and their sacrifices betrayed. Despite the recommendations of the UN Independent Special Commission of Inquiry (COI) in October 2006, judicial investigations and prosecutions into the 2006 crimes were pursued in a dilatory and erratic manner, if at all, and ultimately resulted in more questions than answers. The lackadaisical investigations and prosecutions left the impression that an understanding had been reached among the leadership to minimize or avoid mutual recrimination. Only one senior figure, Rogério Lobato, was prosecuted. Lobato had confessed early and then retracted under legal advice. Rogério Lobato became seen as something of a sacrificial lamb, and took the blame for Mari Alkatiri and the party without betraying them. Rogério Lobato received a prison sentence of seven years and six months, of which he served less than three months in Bekora prison, before being whisked off to Malaysia in a private Kuwaiti jet.

After President Xanana Gusmão became Prime Minister in 2007, in a coalition led by his new CNRT party (now the acronym for National Congress for the Reconstruction of Timor-Leste) friends, foes and criminals were all rewarded, as if to buy peace. Between 2007 and 2009 state funds, notoriously manipulated and skimmed by politicians and others, were used to make compensation payments to refugees and to those whose houses had been destroyed. In 2009, 'Falintil reservists' were among those rewarded from state funds for their services in helping 'to restore stability in Dili on 23 May 2006' and for eight months afterwards. Most of those involved in the violence firmly believed themselves to be 'nationalists' or patriots with the country's best interests at heart, and felt that if they did wrong, it was because they had been used. After a series of presidential commutations and pardons by José Ramos-Horta, who became president in 2007, in January 2011 not one person remained in prison in relation to the 2006 crimes.

Annex A

Glossary

ABRI	Angkatan Bersenjata Republik Indonesia	Indonesian Armed Forces 1962-1999
ADITLA	Associação Democrática Integração Timor Leste-Australia	Democratic Association for the Integration of Australia and East Timor
AIETD		All-Inclusive Intra-East Timor Dialog(ue)
Apodeti	Associação Popular Democrática Timorese	Timorese Popular Democratic Association
ASDT	Associação Social Democrata Timorese	Timorese Social Democratic Association
BAKIN	Badan Koordinasi Intelijen Negara	State Intelligence Coordination Agency (Indonesia)
Brimob	Brigade Mobil	(Police) Mobile Brigade (Indonesia)
CAVR	Comissão de Acolhimento, Verdade e Reconciliação	The Commission for Reception, Truth and Reconciliation in Timor-Leste
CDF		Chief of Defence Force
CDF	Comissão Directiva da Fretilin	Fretilin Directive Commission
CISPE		Department of Civil Service and Public Employment
CNRM	Conselho Nacional de Resistência Maubere	National Council of Maubere Resistance
CNRT (1998)	Conselho Nacional de Resistência Timorese	National Council of the Timorese Resistance
CNRT (2007)	Congresso Nacional de Reconstrução de Timor-Leste	National Congress for the Reconstruction of Timor-Leste
COI		UN Independent Special Commission of Inquiry for Timor-Leste (2006)
Colimau 2000/Kolimau 2000	Comando Libertasaun Povo Maubere 2000	Command for the Liberation of the Maubere People 2000
CPD-RDTL	Conselho Popular pela Defesa da República Democrática de Timor Leste	People's Council for the Defence of the Republic of Timor Leste
CRRN	Conselho Nacional da Resistência Revolucionário	National Council of the Revolutionary Resistance

CSIS		Centre for Strategic and International Studies (Jakarta)
CSP	Corpo de Segurança Pessoal	(Paramilitary Police) VIP Protection Unit
DEF	Delegação Externa da Fretilin	Fretilin External Delegation (from 1988)
ETPS		East Timor Police Service (2000–2002)
ETTA		East Timor Transitional Administration (2000–2002) (also called UNTAET)
Falintil	Forças Armadas de Libertação Nacional de Timor Leste	Armed Forces for the National Liberation of East Timor (1975–2001)
FDTL	Forças de Defesa de Timor-Leste	Defence Force of East Timor (2001–2002)
F-FDTL	Falintil-Forças de Defesa de Timor-Leste	Falintil-Defence Force of Timor-Leste (from 2002)
Frelimo	Frente de Libertação de Moçambique	Mozambique Liberation Front
Fretilin	Frente Revolucionária do Timor Leste Independente	Revolutionary Front for an Independent East Timor
GNR	Guarda Nacional Republicana	National Republican Guard (Portuguese paramilitary police)
ICJ		International Court of Justice
ICRC		International Committee of the Red Cross
INTERFET		International Force for East Timor (1999–2000)
IDP		Internally Displaced Person (UN)
ISF		(Australian-led) International Stabilisation Force (2006–2013)
Kopassus	Komando Pasukan Khusus	Army Special Forces Command (Indonesia)
Kopkamtib	Komando Operasi Pemulihan Keamanan dan Ketertiban	Operational Command for the Restoration of Security and Order (Indonesia)
Korka/Kork	Klibur Oan Timor Rai Klaran	martial arts group
Kostrad	Komando Strategis Angkatan Darat	Army Strategic Reserve Command (Indonesia)
KOTA	Klibur Oan Timor Asuwain	Sons of Timorese Warriors (political party)
<i>liurai</i>		traditional leader/ruler/king

<i>loromonu</i>		west; sunset
<i>lorosa'e</i>		east; sunrise
MFA	Movimento das Forças Armadas	Armed Forces Movement (Portugal)
MPR	Majelis Permusyawaratan Rakyat	People's Consultative Assembly (Indonesia)
NGO		Non Governmental Organization
Opsus	Operasi Khusus	Office for Special Operations (i.e. covert operations) (Indonesia)
PAIGC	Partido Africano da Independência da Guiné e Capo Verde	African Party for the Independence of Guinea and Cape Verde
<i>Palácio do Governo</i>		Government Offices
<i>Palácio das Cinzas</i>		President's Office (Kaikoli)
PD	Partido Democrático	Democratic Party
PKF		Peacekeeping Force (UN)
PMLF	Partido Marxista-Leninista Fretilin	Fretilin Marxist-Leninist Party
PNTL	Polícia Nacional de Timor-Leste	Timor-Leste National Police
PSD	Partido Social Democrata	Social Democrat Party
PSHT/ Setia Hati	Persaudaraan Setia Hati Terate	martial arts group
RDTL	República Democrática de Timor-Leste	Democratic Republic of Timor-Leste
Renetil	Resistência Nacional dos Estudantes de Timor Leste	Timorese Students' National Resistance
<i>suku</i> (also <i>suco</i>)		Village administrative unit; tribe
TNI	Tentara Nasional Indonesia	Indonesian National Army (from 1999) (also prior to 1962)
UDT	União Democrática Timorense	Timorese Democratic Union
UIR	Unidade Intervenção Rápida	(Paramilitary Police) Rapid Intervention Unit
UNAMET		United Nations Mission in East Timor (1999)
UNDERTIM	União Nacional Democrática de Resistência Timorense	National Democratic Union of the Timorese Resistance
UNDP		United Nations Development Programme

UNMISSET		United Nations Mission of Support in East Timor (2002–2005)
UNMIT		United Nations Integrated Mission in Timor-Leste (2006–2012)
UNOTIL		United Nations Office in Timor-Leste (2005–2006)
UNPOL (also CIVPOL)		UN Police
UNSC		United Nations Security Council
UNSG		United Nations Secretary-General
UNSRSG/SRSG		Special Representative of the UN Secretary-General
UNTAET		United Nations Transitional Administration in East Timor (1999–2002)
UPF	Unidade Patrulha de Fronteiras /Unidade Patrulhamento de Fronteiras	(Paramilitary) Police Border Patrol Unit
URP	Unidade de Reserva da Polícia	(Paramilitary) Police Reserve Unit

Annex B
Nomes de Guerra

Nome de Guerra (Pseudonym)	Nome de Batismo (Baptismal name)
Aitahan Matak	Antonio Tomas Amaral da Costa
Aluk Deskart	João Miranda
Amiko/ Amico	Domingos da Camara
Antonio Lima Lima/ Antonio 55	Antonio Lourdes
Bere Malae Laka/ Malay Laxta	Frederico Raimundo
Bersama Klalatek Bahafou	Mario Baptista
Coliati	Calisto dos Santos
David Alex Daitula	David da Costa
Deker	Domingos Augusto
Dudu	Ernesto Fernandes
Falur Rate Laek	Domingos Raul
Grey Harana	Leandro Lobato
Haksolok	Cesario C S M Ximenes
Hata	Hamis Bassarewan
Kai Keri/ Kaikeri	Domingos de Oliveira
Keri Laran Sabalae	Pedro Nunes
Kilik Wae Gae	Reinaldo Correia Freitas Belo
Kranek Hali Mesak	Virgílio Smith
Labadain/Labadaen	Marcos da Silva Piedade
Labarik Maia	José dos Santos Lemos
Lari Sina/Larissina/Larisina	Abel Freitas Ximenes
Lasama/ Fernando Lasama	Fernando de Araújo
Lere Anan Timor /Tito Ililawa	Tito Cristavão da Costa
L-4	Andre da Costa Belo

L-7 /Ele Sete/Ele Fohorai Boot /Leki Nahak Fohorai Boot	Cornelio Gama
Lito Rambo	Carlito Bonifacio
Loro Mesak	Julio Conceição
Lu' Olo	Francisco Guterres
Maubosi /Maubocy	Vicente Guterres
Maubrani	Cirilo Nunes
Mau Buti	Manuel Freitas
Mau Hodu Ran Kadalak	José Amancio da Costa
Mau Huno Bulerek Karatainu/Ma Huno/Manecas	António Manuel Gomes da Costa
Mau Konis/ Nino Konis Santana	António Santana
Mau Kruma	Hélio Pina
Mau Laka/Julio Cesar	César Correia
Mau Lear	António Carvarino
Mau Leki	Augustinho do Espírito Santo
Mauk Moruk (Teki Timor Ran Nakali Lemo Rai)	Paulino Gama
Mau Nana (Kaer O Mate)	Cornelio Ximenes
Maurakat/ Arakat	Mateus dos Santos Pereira
Mausoko / Abilio Audian	Abílio Mesquita
Meno	Filomeno Paixão
Nakfilak	José Manuel Fernandes
Oan Kiak	Frederico Florindo de Jesus
Ologari Asuwain	Adelino Sarmiento
Pedro Klamar Fuik/Adano	Donaciano Gomes
Polito	Cesar Valente
Rai Los	Vicente da Conceição
Rai Ria	João Pedro da Silva
Rama Metan	Lucas da Costa

Riak Leman	Vidal de Jesus
Roke	Jacinto Viegas
Ruin Falur	Marcos da Costa
Sabika Besi Kulit	Americo Ximenes
Sa'he/ Vicente Sa'he/ Bieki Sa'he	Vicente dos Reis
Shalar Kosi	Avelinho Coelho
Samba Sembilan	Jaime Ribeiro
Sera Key	Juvenal Inácio dos Reis
Susar	Amaro da Costa
Somotxo	José Agostinho Sequeira
Tara A Anan	Augusto de Araújo
Taur Matan Ruak	José Maria de Vasconcelos
Terus	Constâncio Pinto
Trix	José da Costa
Tubir Loke Dalan	Paulo Alves
Fernando Txai/Txay/Falo Chai	Fernando Teles
Ular Rihik	Virgílio dos Anjos
Wairaha	Ilda Maria da Conceição
Xanana/Kay Rala Xanana	José Alexandre Gusmão

Annex C

Biographical Notes

Mari Alkatiri

b. 1949

Founder member of ASDT/Fretilin 1974.

Minister of Economic Affairs in RDTL Government 1 December 1975.

In exile from December 1975 until late 1999, mainly in Mozambique.

Fretilin First Vice General Coordinator, Presidential Council (1998–2001).

Fretilin Secretary General (May 2001–).

Chief Minister in Second UNTAET Transitional Government (2001–2002).

First Prime Minister of Timor-Leste (May 2002 – June 2006).

Francisco Xavier do Amaral

b. 1937

First President of ASDT/Fretilin 1974–1977.

Proclaimer of the unilateral declaration of independence, 28 November 1975.

Deposed in 1977 and imprisoned by Fretilin until 1978, when captured by Indonesian forces.

Leader of new ASDT party (2000–2012) and Vice President of Parliament (2002–2007?).

d. 2012

Fernando de Araújo (Lasama)

b. 1963

Founder of clandestine student resistance group, Renetil, in Bali 1988.

1991 arrested and imprisoned, and served time in Cipinang prison, Jakarta, with Xanana Gusmão. Released in 1998.

1992 Amnesty International Prisoner of Conscience.

1999 CNRT organizer.

Founder and leader of Partido Democrático (PD) (2001–2015).

Vice Minister of Foreign Affairs and Cooperation, Second UNTAET Transitional Government (2001–2002).

President of Parliament, succeeding Lu'Olo (2007–2012).

d. 2015

Rui Maria de Araújo

b. 1964

Trained in medicine (Indonesia) and health administration (New Zealand).

Minister of Health, Second UNTAET Transitional Government (2001–2002) and First Constitutional Government (2002–2006) (Independent).

Vice Prime Minister and Minister of Health, Second Constitutional Government (2006–2007).

Vice Prime Minister and Minister of Health, Third Constitutional Government (May–August 2007).

Joined Fretilin in 2010 and became a member of the Fretilin Central Committee in 2011.

Prime Minister (succeeding Xanana Gusmao), Sixth Constitutional Government (2015–2017).

Carlos Felipe Ximenes Belo

b. 1948

Apostolic Administrator of Dili, replacing Mgr Martinho da Costa Lopes (1983–2002).

Appointed Bishop of Lorium in 1989.

Nobel peace prize co-laureate (with José Ramos-Horta) 1996.

Mário Carrascalão

b. 1937

Founder member of UDT and member of UDT party central committee 1974.

Governor of Timor Timur, under Indonesian rule (1982–1992).

Vice President, CNRT (1998–2001).

Founder and leader of PSD.

João Carrascalão

b. 1945

Younger brother of Mário Carrascalão.

1974 founder member of UDT party, co-instigator of 11 August 1975 coup.

In exile in Portugal and Australia (1976–1999).

Leader of UDT party (1999–?).

Timor-Leste Ambassador to the Republic of Korea (2009–2012).

d. 2012

Lere Anan Timor (Cristovão da Costa)

b. 1952

Military service in Portuguese army 1974–1975.

Served in Falintil ca. 1978–2001.

Appointed to Fretilin Central Committee in 1981.

Falintil Commander of Central Region 1987.

Falintil Commander of Region 1 1998.

Deputy Commander in cantonment in Aileu 1999–2000.

2001 Chief of Staff FDTL.

2002–2011 Chief of Staff and Deputy Commander F-FDTL.

Xanana (José Alexandre) Gusmão/ Kay Rala Xanana Gusmão

b. 1946

Joined Fretilin 1975 and became a junior member of the party central committee.

Commander of the resistance and Falintil Supreme Commander (1981–2000).

CNRM President (1988–1998).

Captured in 1992, tried 1993 and imprisoned in Cipinang prison in Jakarta. Released in 1999.

CNRT President (1998–2001).

First President of Timor-Leste (2002–2007).

Prime Minister (succeeding José Ramos-Horta) in the Fourth Constitutional Government (2007–2015).

Lu'Olo (Francisco Guterres)

b. 1954

Joined Fretilin 1974.

Member of the Directive Commission of Fretilin (CDF) from 1988, becoming CDF

Secretary on the death of Nino Konis Santana in 1998.

Appointed General Coordinator of Fretilin at the Sydney extraordinary meeting in 1998.

President of Fretilin (2001-).
President of Parliament (2002-2007).

José-Luís ('Lugu') Guterres

b. 1954

Founder member of ASDT/Fretilin 1974.

In exile 1975-1999, in the Fretilin external delegation in Mozambique, Angola and Portugal.

Vice Minister of Foreign Affairs and Cooperation (2002-2003).

Permanent Representative to the United Nations (2003-2006).

In May 2006 unsuccessfully challenged Mari Alkatiri for position of Fretilin Secretary General.

Minister of Foreign Affairs and Cooperation, Second Constitutional Government (July 2006-May 2007).

Vice Prime Minister, Fourth Constitutional Government (2007-2012).

Nicolau Lobato

b. 1946

Founder member and Secretary General of ASDT/Fretilin 1974.

Prime Minister in RDTL Government sworn in on 1 December 1975.

Fretilin President succeeding Xavier do Amaral (1977-1978).

d. 1978

Rogério Lobato

b. 1949

Younger brother of Nicolau Lobato.

Officer cadet (*aspirante*) in Portuguese army in August 1975.

Minister of Defence in in RDTL Government sworn in on 1 December 1975.

In exile from December 1975, mainly in Angola and Mozambique.

Served six years' prison ca. 1983-1989 in Angola for diamond smuggling.

Returned to East Timor in 2000.

Minister of Internal Administration (2002-2003).

Minister of the Interior (2003-2006). Resigned 1 June 2006.

Appointed Vice President of Fretilin, 4 June 2006.

March/May 2007 convicted of crimes in relation to the 2006 crisis. Left in August 2007 'for medical treatment' in Malaysia. Sentence commuted/pardoned.

Paulo de Fátima Martins

b. 1950

From 1977 served as a police officer in the Indonesian police force, and eventually as District Police Commander in Vikeke.

In January 2001, appointed Director of the Police College, under UNTAET.

In October 2001, appointed Commissioner of the East Timor Police Service.

From 2002 PNTL Commissioner (also known as PNTL General Commander).

Stood down after the 2006 crisis and in 2007 elected a member of parliament for CNRT.

Ana Pessoa Pinto

b. 1956

In exile, principally in Mozambique 1976-1999.

Married to José Ramos-Horta with one son, divorced.

Trained and worked as an official in the Mozambique Government.

Senior member of Fretilin Central Committee.

Minister of Justice, Second UNTAET Transitional Government (2001–2002) and in the First Constitutional Government (2002–2003).

Minister of State and Minister of the Presidency of the Council of Ministers (2003–2006), and Minister of State Administration (2003–2007).

José Ramos-Horta

b. 1949

Founder member ASDT/Fretilin 1974.

Minister of Foreign Affairs and External Information in RDTL Government 1 December 1975.

In exile from December 1975, in Mozambique, New York and Australia.

Married to Ana Pessoa with one son, divorced.

1989 Appointed CNRM Special Envoy.

Nobel peace prize co-laureate (with Bishop Belo) 1996.

CNRT Vice President (1998–2001).

Senior Minister of Foreign Affairs and Cooperation, First Constitutional Government (May 2002–July 2006), and Minister of Defence (June–July 2006).

Prime Minister (succeeding Mari Alkatiri) and Minister of Defence, Second Constitutional Government (July 2006–May 2007).

President (succeeding Xanana Gusmao) (2007–2012).

'Roque' Felix Rodrigues

b. 1949

In exile from mid 1975 until late 1999, mainly in Mozambique and Angola.

Senior member of Fretilin Central Committee.

Vice Minister of Education, Culture and Youth, Second UNTAET Transitional Government (2001–2002).

Secretary of State for Defence, First Constitutional Government (2002–2005).

Minister of Defence (2005–2006). Resigned 1 June 2006.

Estanislau Aleixo da Silva

b. 1952

In exile in Mozambique, Portugal and Australia between 1975 and 1999.

Member of Fretilin Central Committee.

Minister of Agriculture and Fisheries, Second UNTAET Transitional Government (2001–2002).

Minister of Agriculture, Forestry and Fisheries, First Constitutional Government (2002–2006).

Vice Prime Minister and Minister of Agriculture, Forestry and Fisheries, Second Constitutional Government (2006–2007).

Prime Minister and Minister of Defence, Third Constitutional Government (May–August 2007).

Taur Matan Ruak (José Maria de Vasconcelos)

b. 1956

Appointed deputy chief of staff in Falintil high command in 1987.

Operational commander of the armed front (Falintil) from 1993.

Operational commander of Falintil in cantonment in Aileu (1999–2000).

Succeeded Xanana Gusmao as Falintil Commander in August 2000.

FDTL Commander (2001–2002).

Chief of Defence Force F-FDTL (2002–2011).

President of Timor-Leste (2012–).

Annex D

República Democrática Timor Leste (28 November 1975)¹

President	Francisco Xavier do Amaral
Government sworn in on 1 December 1975:	
Prime Minister	Nicolau Lobato
Minister of State for Political Affairs	Mari Alkatiri
Economic and Social Affairs	Abílio Araújo (<i>in absentia, in Portugal</i>)
Economic Coordination and Statistics	José Gonçalves
Defence	Rogério Lobato
Home Affairs and Security	Alarico Fernandes
Foreign Affairs and External Information	José Ramos-Horta
Education and Culture	Hamis Bassarewan (Hata)
Finance	Juvenal Inácio (Sera Key)
Justice	António Carvarino (Mau Lear)
Labour and Welfare	Vicente dos Reis (Sa'he)
Communications and Transport	Eduardo Carlos dos Anjos
Vice Ministers:	
Economic Coordination and Statistics	Hélio Pina (Mau Kruma)
National Defence (first)	Guido Soares
National Defence (second)	Hermenegildo Alves
Labour and Welfare	Guido Valadares
Communications and Transport	Domingos Ribeiro
Internal Administration and Security	Fernando Carmo
Foreign Affairs and External Information	Guilhermina dos Santos de Araújo (<i>in absentia, in Portugal</i>)

¹ source: Jolliffe (1978), 219–20.

Annex E

Second UNTAET Transitional Government (20 September 2001)²

Transitional Administrator

Sergio Vieira de Mello

Chief Minister and Minister of Economy and Development

Mari Alkatiri³

Fretilin

Senior Minister of Foreign Affairs and Cooperation

José Ramos-Horta

Independent

Minister of Justice

Ana Maria Pessoa

Fretilin

Minister of Finance

Fernanda Mesquita Borges

Independent

Minister of Internal Administration

Antoninho Bianco

Fretilin

Minister of Health

Rui Maria de Araújo

Independent

Minister of Water and Public Works

César Vital Moreira

Fretilin

Minister of Transport and Communications

Ovídio de Jesus Amaral

Fretilin

Minister of Education, Culture and Youth

Armindo Maia

Independent

Minister of Agriculture and Fisheries

Estanislau Aleixo da Silva

Fretilin

Secretary of State for Labour and Solidarity

Arsénio Paixão Bano

Independent

Vice-Minister of Foreign Affairs and Cooperation

Fernando de Araújo

PD

Vice-Minister of Foreign Affairs and Cooperation

Jorge da Conceição Teme

Fretilin

Vice-Minister of Justice

Domingos Maria Sarmiento

Independent

Vice-Minister of Finance

Arlindo Rangel da Cruz

Fretilin

Vice-Minister of International Administration

Ilda Maria da Conceição

Independent

² source: UNTAET Press Release 20 September 2001; official website at timor-leste.gov.tl

³ These lists reproduce the form of names as published in the source documents. The name of some figures, including Mari Alkatiri, appear with slight variations in different lists.

Vice-Minister of Health João Soares Martins	PD
Vice-Minister of Education, Culture and Youth Roque Félix Rodrigues	Independent
Secretary of State for the Council of Ministers Gregório de Sousa	Fretilin
Secretary of State for Natural and Mineral Resources Egídio de Jesus	Fretilin
Inspector-General of the Transitional Government Mariano José Lopes da Cruz	Independent
Secretary of the Commission on Planning of the Transitional Government Emília Pires	Independent
Advisor on Human Rights Isabel da Costa Ferreira	Independent
Advisor on the Promotion of Equality Maria Domingas Fernandes Alves	[affiliation not advised]
Advisor on the Development of the Commission on Planning António da Conceição	PD
30 April 2002 appointments:	
Secretary of State for Defence Roque Félix Rodrigues	Fretilin
(following the resignation of Fernanda Borges): Minister of Finance Maria Madalena Brites Boavida	Fretilin

Annex F

First Constitutional Government (20 May 2002)⁴

Prime Minister and Minister of Development and Environment

Mari Bin Amude Alkatiri

Minister of State and Minister of Foreign Affairs and Cooperation

José Ramos-Horta

Minister of Justice

Ana Maria Pessoa

Minister of Planning and Finance

Maria Madalena Brites Boavida

Minister of Transport, Communications and Public Works

Ovídio Amaral

Minister of Internal Administration

Rogério Tiago Lobato

Minister of Agriculture, Forestry and Fisheries

Estanislau Aleixo da Silva

Minister of Education, Culture, Youth and Sports

Armindo Maia

Minister of Health

Rui Araújo

Secretary of State for Defence

Roque Félix Rodrigues

Secretary of State for Labour and Solidarity

Arsénio Bano

Secretary of State for Trade and Industry

Arlindo Rangel

Secretary of State for the Council of Ministers

Gregório Sousa

Secretary of State for Parliamentary Issues for the PM

Antoninho Bianco

Vice-Minister of Foreign Affairs and Cooperation

José Luís Guterres

Vice-Minister of Foreign Affairs and Cooperation

Jorge Teme

Vice-Minister of Transport, Communications and Public Works

César Vital Moreira

Vice-Minister of Justice

Manuel Abrantes

Vice-Minister of Justice

Domingos Sarmiento

⁴ source: official website at timor-leste.gov.tl

Vice-Minister of Planning and Finance

Aicha Bassarewan

Vice-Minister of International Administration

Ilda Conceição

Vice-Minister of Health

Luís Lobato

Secretary of State for Electricity and Water at the Ministry of Transport,
Communications and Public Works

Egídio de Jesus

Secretary of State for Tourism, Environment and Investment at the Ministry of
Development and Environment

José Teixeira

Secretary of State for Education, Culture, Youth and Sports

Virgílio Smith

Annex G

First Constitutional Government (March 2003 reshuffle)⁵

Prime Minister and Minister of Development and Environment
Mari Alkatiri

Minister of Foreign Affairs and Cooperation
José Ramos-Horta

Minister of State and Minister of the Presidency of the Council of Ministers; and
Minister of State Administration (interim):
Ana Pessoa

Minister of Planning and Finance
Madalena Boavida

Minister of Transport, Communications and Public Works
Ovídio de Jesus Amaral

Minister of the Interior
Rogério Tiago Lobato

Minister of Justice
Domingos Sarmiento

Minister of Agriculture, Forestry and Fisheries
Estanislau Aleixo da Silva

Minister of Education, Culture, Youth and Sports
Armindo Maia

Ministry of Health
Rui de Araújo

Secretary of State for Defence
Roque Rodrigues

Secretary of State for Employment and Solidarity
Arsénio Paixão Bano

Secretary of State for Commerce and Industry
Arlindo Rangel da Cruz

Secretary of State for the Council of Ministers
Gregório de Sousa

Secretary of State for Parliamentary Affairs (Assistant to the Prime Minister)
Antoninho Bianco

5 source: ETAN March 2003

Secretary of State for Electricity and Water (Ministry of Transport, Communications and Public Works)

Egídio de Jesus

Secretary of State for Public Works

João Alves

Secretary of State for Tourism, Environment and Investment (Ministry of Development and Environment)

José Teixeira

Secretary of State for Education, Culture, Youth and Sports

Virgílio Smith

Deputy Minister for Foreign Affairs and Cooperation

Jorge Teme

Deputy Minister for Foreign Affairs and Cooperation

Olímpio Branco

Deputy Minister for Transport, Communications, Public Works and Water

César Vital Moreira

Deputy Minister for Justice

Manuel Abrantes

Deputy Minister for Planning and Finances

Aicha Bassarewan

Deputy Minister for State Administration

Ilda Maria da Conceição

Deputy Minister for the Interior

Alcino Barris

Deputy Minister for Agriculture, Forestry and Fisheries

Francisco Tilman Benevides

Deputy for Education, Culture, Youth and Sports

Rosária Corte Real

Deputy Minister for Health

Luís Lobato

Deputy Minister for Development and Environment

Abel Ximenes

Annex H

First Constitutional Government (26 July 2005 restructure)⁶

Prime Minister and Minister of Natural and Mineral Resources, and Energy Policy
Mari Hamude Alkatiri

Minister of State and Minister of Foreign Affairs and Cooperation
José Ramos-Horta

Minister of Planning and Finance
Madalena Boavida

Minister of State Administration
Ana Pessoa

Minister of Transport and Communications
Ovídio Amaral

Minister of the Interior
Rogério Tiago Lobato

Minister of Defence
Roque Rodrigues

Minister in the Presidency of the Council of Ministers
Antoninho Bianco

Minister of Agriculture, Forestry and Fisheries
Estanislau da Silva

Minister of Education and Culture
Armindo Maia

Minister of Health
Rui Araújo

Minister of Justice
Domingos Sarmiento

Minister of Development
Abel Ximenes

Minister of Public Works
Odete Vítor

Minister of Labour and Community Reinsertion
Arsénio Bano

⁶ source: official website at timor-leste.gov.tl

Secretary of State for the Council of Ministers
Gregório Sousa

Secretary of State for Youth and Sports
José Manuel Fernandes

Secretary of State for Environmental Coordination, Territorial Ordering and Physical Development
João Alves

Secretary of State for the Coordination of Region I (Lautein, Vikeke and Baukau)
José Maria dos Reis

Secretary of State for the Coordination of Region II (Manatutu, Manufahi and Ainaru)
Virgílio Smith

Secretary of State for the Coordination of Region III (Dili, Aileu and Ermera)
Egídio de Jesus

Secretary of State for the Coordination of Region IV (Likisa, Bobonaru and Kovalima)
César da Cruz

Secretary of State resident in Oekusi
Albano Salem

Vice-Minister of Foreign Affairs and Cooperation
Olimpio Branco

Vice-Minister of Planning and Finance
Aicha Bassarewan

Vice-Minister of State Administration
Valentim Ximenes

Vice-Minister of Natural and Mineral Resources, and Energy Policy
José Teixeira

Vice-Minister of Interior
Alcino Baris

Vice-Minister for Coffee and Forestry
Francisco Sá Benevides

Vice-Minister for Primary and Secondary Education
Rosária Corte-Real

Vice-Minister of Health
Luís Maria Lobato

Vice-Minister of Justice
Manuel Abrantes

Vice-Minister of Development
Arcanjo da Silva

Vice-Minister of Public Works
Raúl da Cunha Mousaco

Secretary of State for Veterans and Former Combatants
David Ximenes

N.B. Minister of Interior Rogério Tiago Lobato and Minister of Defence Roque Rodrigues resigned on 1 June 2006, replaced respectively by Alcino Baris and José Ramos-Horta on 3 June 2006.

Annex I

Second Constitutional Government (10 July 2006–May 2007)⁷

Prime Minister and Minister of Defence

José Ramos-Horta

Vice Prime Minister and Minister of Agriculture, Forestry and Fisheries

Estanislau A. da Silva

Vice Prime Minister and Minister of Health

Rui Araújo

Minister of State Administration

Ana Pessoa Pinto

Minister of Planning and Finance

Maria Madalena Brites Boavida

Minister of Foreign Affairs and Cooperation

José-Luís Guterres

Minister of the Interior

Alcino Baris

Minister in the Presidency of the Council of Ministers

Antoninho Bianco

Minister of Justice

Domingos Sarmento

Minister of Education and Culture

Rosária Corte-Real

Minister of Labour and Community Reinsertion

Arsénio Paixão Bano

Minister of Development

Arcanjo da Silva

Minister of Public Works

Odete Vítor

⁷ source: official website at timor-leste.gov.tl

Minister of Natural and Mineral Resources, and Energy Policy

José Teixeira

Minister of Transport and Communications

Inácio Moreira

Secretary of State for the Council of Ministers

Gregório de Sousa

Secretary of State for Youth and Sports

José Manuel Fernandes

Secretary of State for Environmental Coordination, Territorial Ordering and Physical Development

João Batista Alves

Vice-Minister of State Administration

Valentim Ximenes

Vice-Minister of State Administration

Filomeno Aleixo

Vice-Minister of Foreign Affairs and Cooperation

Adalgiza Magno

Vice-Minister of Planning and Finance

Aicha Bassarewan

Vice-Minister of Agriculture, Forestry and Fisheries

Francisco Tilman de Sá Benevides

Vice-Minister of Health

Luís Lobato

Vice-Minister of the Interior

José Agostinho Sequeira

Vice-Minister for Technical and Higher Education

Víctor da Conceição Soares

Vice-Minister for Primary and Secondary Education

Ilda da Conceição

Vice-Minister of Justice

Isabel da Costa Ferreira

Vice-Minister of Development

António Cepeda

Vice-Minister of Public Works

Raúl Mousaco

Secretary of State for Veterans and Former Combatants

David Ximenes

Secretary of State for the Coordination of Region I

José Reis

Secretary of State for the Coordination of Region II

Adriano Corte Real

Secretary of State for the Coordination of Region III

Carlos da Conceição de Deus

Secretary of State for the Coordination of Region IV

Lino de Jesus Torrezão

Secretary of State resident in Oekusi

Albano Salem

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