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Indonesia's East Timor Policy: 1998-2002

Kumiko Mizuno

A THESIS SUBMITTED FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY
IN THE DEPARTMENT OF POLITICAL AND SOCIAL CHANGE
RESEARCH SCHOOL OF PACIFIC AND ASIAN STUDIES
THE AUSTRALIAN NATIONAL UNIVERSITY
CANBERRA

May 2003
I hereby declare that this thesis is my own work and has not been submitted for any other degree in the same or other form to any other university.

Kumiko Mizuno

14 May 2003
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Abstract

This study is concerned with Indonesia's approach to East Timor in the post-authoritarian period. It examines Indonesia's rule over East Timor, the process of self-determination in East Timor, and its approach to residual issues after its hand-over to the United Nations (UN).

Indonesia's rule over East Timor was never recognised by the UN. During the Soeharto period, both its rule over East Timor and human rights violations in the territory had been constantly questioned by the international community; but little was changed in the government's approach. With the fall of Soeharto, however, the Indonesian government quickly moved to offer East Timor 'wide-ranging autonomy', and then, to the surprise of everybody, an opportunity to choose independence. This led to the holding of a UN-sponsored 'popular consultation' (essentially a referendum) on 30 August 1999. In the process of the referendum, however, massive violence took place. And, this violence left two serious human rights questions of concern to the international community: accountability of those accused of crimes on one hand and treatment and the repatriation of East Timorese left in West Timor on the other. Both problems are dragging on even today.

This study focuses essentially on three questions: the government decision to give an opportunity for independence to East Timor, the violence in the process of separation, and the government's approach to East Timor over the unresolved issues. It observes the interplay of international and domestic pressures that the Indonesian government faced, and identifies key factors influencing the government's behaviour. The relative impact of international and domestic pressures on the government's behaviour varied according to circumstances and the particular issues that were subjected to pressure. However, as far as the most critical event, namely independence of East Timor, is concerned, its materialisation was facilitated by an unusual confluence of circumstance and pressures.

Overall, this study argues that the explanatory power of domestic pressure was far stronger than conventional wisdom suggests; international pressure only works through domestic political players, and the interests of these political players had a substantial impact on the government's behaviour on East Timor. This study proves this by closely examining the interests and behaviour of key domestic players within the political elite over East Timor policy.
Glossary, Abbreviations & Acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Name</th>
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<tbody>
<tr>
<td>ABRI</td>
<td>Angkatan Bersenjata Republik Indonesia (the Indonesian armed forces)</td>
</tr>
<tr>
<td>AGO</td>
<td>Attorney General's Office</td>
</tr>
<tr>
<td>AIETD</td>
<td>All-Inclusive Intra-East Timorese Dialogue</td>
</tr>
<tr>
<td>Aitarak</td>
<td>'Thorn', Pro-integration militia based in Dili</td>
</tr>
<tr>
<td>ATTI</td>
<td>Associação para a Integração de Timor na Indonésia (the Association for the Integration of Timor into Indonesia)</td>
</tr>
<tr>
<td>Apodeti</td>
<td>Associação Popular Democrática Timorense (the Timorese Popular Democratic Association)</td>
</tr>
<tr>
<td>ASDT</td>
<td>Associação Social Democrata Timorense (Timorese Social Democratic Association)</td>
</tr>
<tr>
<td>BAKIN</td>
<td>Badan Kordinasi Intelijen Negara (the State Intelligence Coordinating Agency)</td>
</tr>
<tr>
<td>BAI</td>
<td>Badan Intelijen Strategis (Strategic Intelligence Agency)</td>
</tr>
<tr>
<td>BIA</td>
<td>Badan Intelijen ABRI (Armed Forces Intelligence Agency)</td>
</tr>
<tr>
<td>BMP</td>
<td>Besi Merah Putih (Red and White Iron), pro-integration militia based in Liquiça</td>
</tr>
<tr>
<td>BRTT</td>
<td>Barisan Rakyat Timor Timur (East Timor People's Front), pro-autonomy political group</td>
</tr>
<tr>
<td>CGI</td>
<td>Consultative Group on Indonesia (donor consortium for Indonesia)</td>
</tr>
<tr>
<td>CIDES</td>
<td>Centre for Information and Development Studies</td>
</tr>
<tr>
<td>Civpol</td>
<td>Civilian Police</td>
</tr>
<tr>
<td>CNRM</td>
<td>Conselho Nacional da Resistência Maubere (National Council of Maubere Resistance)</td>
</tr>
<tr>
<td>CNRT</td>
<td>Conselho Nacional da Resistência Timorense (National Council of Timorese Resistance)</td>
</tr>
<tr>
<td>CSIS</td>
<td>Centre for Strategic and International Studies</td>
</tr>
<tr>
<td>Danrem</td>
<td>Korem Military Commander</td>
</tr>
<tr>
<td>DFAT</td>
<td>(Australian) Department of Foreign Affairs and Trade</td>
</tr>
<tr>
<td>Deplu</td>
<td>Departemen Luar Negeri (the Department of Foreign Affairs)</td>
</tr>
<tr>
<td>DKM</td>
<td>Dewan Kehormatan Militer (Military Honour Council)</td>
</tr>
<tr>
<td>Dili</td>
<td>the Capital of East Timor</td>
</tr>
<tr>
<td>DOM</td>
<td>Daerah Operasi Militer (Military Operations Region)</td>
</tr>
<tr>
<td>DPR</td>
<td>Dewan Perwakilan Paskal (People’s Representative Council, or the parliament)</td>
</tr>
<tr>
<td>ETAN</td>
<td>East Timor Action Network (US NGO)</td>
</tr>
<tr>
<td>Falintil</td>
<td>Forcas Armadas de Libertação Nacional de Timor-Leste (Armed wing of Falintil)</td>
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<tr>
<td>5 May Agreement</td>
<td>The Agreements on the ballot in East Timor between the UN, Indonesia, and Portugal</td>
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<tr>
<td>Fretlin</td>
<td>Frente Revolucionária de Timor-Leste Independente (the Revolutionary Front for an Independent East Timor)</td>
</tr>
<tr>
<td>FPDK</td>
<td>Forum Perdamaian, Demokrasi dan Keadilan (Forum for Peace, Democracy, and Justice), pro-autonomy political group</td>
</tr>
<tr>
<td>Golkar</td>
<td>Golongan Karya (Functional Group, government party under the New Order)</td>
</tr>
<tr>
<td>GPK</td>
<td>Gerombolan (or Gerakan) Pengacau Keamanan (Peace Disturbance Movement)</td>
</tr>
<tr>
<td>HANKAM</td>
<td>Defence and Security</td>
</tr>
<tr>
<td>HAM</td>
<td>Hak Asasi Manusia (Human rights)</td>
</tr>
<tr>
<td>NTT</td>
<td>Nusa Tenggara Timur (East Nusa Tenggara province)</td>
</tr>
<tr>
<td>ICIGET</td>
<td>International Commission of Inquiry on East Timor</td>
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<tr>
<td>ICMI</td>
<td>Ikatan Cendekiauw Muslim Indonesia (Indonesian Association of Muslim Intellectuals)</td>
</tr>
<tr>
<td>IDP(s)</td>
<td>Internally Displaced Person(s)</td>
</tr>
<tr>
<td>IMET</td>
<td>US International Military Education and Training</td>
</tr>
<tr>
<td>Interfet</td>
<td>International Force East Timor</td>
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<tr>
<td>IGGI</td>
<td>Inter-Governmental Group on Indonesia (donor consortium, disbanded in 1992)</td>
</tr>
<tr>
<td>(I)NGO</td>
<td>(International) Non-Governmental Organisation</td>
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<tr>
<td>IOM</td>
<td>International Organisation for Migration</td>
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<tr>
<td>Keppres</td>
<td>Keputusan Presiden (Presidential Decree)</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form (Name)</td>
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<tr>
<td>Kodam</td>
<td>Komando Daerah Militer (Regional Military Command)</td>
</tr>
<tr>
<td>Kodim</td>
<td>Komando Distrik Militer (District Military Command)</td>
</tr>
<tr>
<td>Kolakops</td>
<td>Komando Pelaksana Operasi (the Operations Implementation Command)</td>
</tr>
<tr>
<td>Komnas HAM</td>
<td>Komisi Nasional Hak Asasi Manusia (the Indonesian National Human Rights Commission)</td>
</tr>
<tr>
<td>Kopassus</td>
<td>Komando Pasukan Khusus (Special Forces Command)</td>
</tr>
<tr>
<td>Kopkamtib</td>
<td>Komand Pemulihan Keamanan dan Ketertiban (the Operational Command for the Restoration of Security and Order)</td>
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<td>Korem</td>
<td>Komando Resort Militer (Military Resort Command)</td>
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<tr>
<td>Kostrad</td>
<td>Komando Cadangan Strategis Angkatan Darat (the Army's Strategic Reserve)</td>
</tr>
<tr>
<td>KPN</td>
<td>Komisi Penyelidikan Nasional (National Commission of Inquiry)</td>
</tr>
<tr>
<td>KPP HAM Timtim</td>
<td>Komisi Penyelidikan Perlanggaran Hak Asasi Manusia untuk Timor Timur (National Commission of Inquiry on East Timor)</td>
</tr>
<tr>
<td>KPS</td>
<td>Komisi Perdamaian dan Stabilitas (the Commission of Peace and Stability)</td>
</tr>
<tr>
<td>KUHP</td>
<td>Kitab Undang-Undang Hukum Pidana (Criminal Code)</td>
</tr>
<tr>
<td>LIPI</td>
<td>Lembaga Ilmu Pengetahuan Indonesia (Indonesian Academy of Science)</td>
</tr>
<tr>
<td>Mahidi</td>
<td>Mati Hidup demi Integrasi (Dead or Alive for Integration, pro-integration militia based in Ainaro)</td>
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<tr>
<td>Maubere</td>
<td>ordinary East Timorese people</td>
</tr>
<tr>
<td>Menko Pol(sos)kam</td>
<td>Menteri Koordinator Bidang Politik (Sosial) dan Keamanan [Coordinating Minister for Political (Social) and Security Affairs]</td>
</tr>
<tr>
<td>MPR</td>
<td>Majelis Permusyawaratan Rakyat (the People's Consultative Assembly)</td>
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<tr>
<td>NAM</td>
<td>Non-Aligned Movement</td>
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<tr>
<td>New Order</td>
<td>Soeharto era</td>
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<tr>
<td>Opsus</td>
<td>Operasi Khusus (Special Operations)</td>
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<tr>
<td>PAN</td>
<td>Partai Amanat Nasional (the National Mandate Party)</td>
</tr>
<tr>
<td>Pam Swakarsa</td>
<td>Pengamanan Swakarsa (Volunteer Community Security)</td>
</tr>
<tr>
<td>Pangdam</td>
<td>Panglima Daerah Militer (Territorial Military Commander)</td>
</tr>
<tr>
<td>PDI-P</td>
<td>Partai Demokrasi Indonesia Perjuangan (Indonesian Democratic Party for Struggle)</td>
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<tr>
<td>Perpu</td>
<td>Peraturan Pemerintah Pengganti Undang-undang (Government regulation in lieu of law)</td>
</tr>
<tr>
<td>PKB</td>
<td>Partai Kebangkitan Bangsa (the National Awakening Party)</td>
</tr>
<tr>
<td>PKI</td>
<td>Partai Komunis Indonesia (the Indonesian Communist Party)</td>
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<tr>
<td>Polri</td>
<td>Polisi Republik Indonesia (Indonesian National Police)</td>
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<tr>
<td>PP</td>
<td>Peraturan Pemerintah (Government Regulation)</td>
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<td>PPP</td>
<td>Partai Persatuan Pembangunan (United Development Party)</td>
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<tr>
<td>PPI</td>
<td>Pasukan Pejuang Integrasi (Warriors for Integration)</td>
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<tr>
<td>SARA</td>
<td>Suku, Agama, Ras, Antara-golongan (ethnicity, religion, race, and class)</td>
</tr>
<tr>
<td>Satgas P3TT</td>
<td>Satuan Tugas Pelaksanaan Penentuan Pendapatan di Timor Timur (The Indonesian Task Force for the Implementation for the Popular Consultation)</td>
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<tr>
<td>SGi</td>
<td>Satuan Gabungan Intijen (Kopassus Intelligence Joint Taskforce)</td>
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<tr>
<td>Solidamor</td>
<td>Solidaritas untuk Penyelesaian Damai Timor Leste (Solidarity for Timor Leste Peace Settlement)</td>
</tr>
<tr>
<td>Tim Advokasi HAM</td>
<td>The Advocacy Team for Military and Police Officers' Human Rights</td>
</tr>
<tr>
<td>Perwira TNI/Polri</td>
<td>TNI Tentara Nasional Indonesia (Indonesian National Army)</td>
</tr>
<tr>
<td>TPG</td>
<td>Tim Penyidik Gabungan (Joint Investigation Team)</td>
</tr>
<tr>
<td>UDT</td>
<td>União Democrática Timorense (the Timorese Democratic Union)</td>
</tr>
<tr>
<td>UNCHR</td>
<td>United Nations Commission of Human Rights</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
<tr>
<td>UNIF</td>
<td>United Front for East Timor, pro-autonomy political group</td>
</tr>
<tr>
<td>UNAMET</td>
<td>United Nations Mission in East Timor</td>
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<tr>
<td>UNMISET</td>
<td>United Nations Mission of Support in East Timor</td>
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<td>UNTAET</td>
<td>United Nations Transitional Administration in East Timor</td>
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<td>UNTAS</td>
<td>Uni Timor Aswain (United Heroes of Timor)</td>
</tr>
<tr>
<td>Wanra</td>
<td>Perlawanan Rakyat (People's Resistance)</td>
</tr>
<tr>
<td>Yayasan HAK</td>
<td>Dili-based human rights foundation</td>
</tr>
<tr>
<td>YLBHI</td>
<td>Yayasan Lembaga Bantuan Hukum Indonesia (Indonesian Legal Aid Foundation)</td>
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Chapter 1

Introduction

This dissertation is concerned with Indonesia’s rule over East Timor, the process of self-determination in East Timor, and Indonesia’s approach to East Timor after its handover to the United Nations (UN). It examines how the Indonesian government responded to domestic and international concerns over its approach to East Timor.

Indonesia’s rule over East Timor had been the subject of controversy due to the political status of the territory—a territory that was never recognised by the UN as belonging to Indonesia—and human rights violations that had been rampant in the territory after Indonesia invaded the Portuguese colony in 1975 and annexed it in the following year. During Soeharto’s New Order, Indonesia rarely responded to criticisms regarding its handling of East Timor. For Soeharto, the status issue was final and he staunchly objected to giving East Timor special status or autonomy. With regard to the question of human rights violations, the government almost always defended the perpetrators, namely the Indonesian military and their supporters, who were portrayed as upholding national unity against separatists. The majority of East Timorese, the government claimed, supported integration with Indonesia.

The Soeharto regime was resilient for three decades, its firm hold grounded in political repression and the tactical distribution of the benefits of economic growth between sectors of the Indonesian people. However, by the mid-1990s the stability of this system came into doubt as the President faced increasing domestic pressure for change. The regime came to an end in May 1998 in the wake of huge riots and mass demonstrations on the heels of the Asian financial crisis. Soeharto’s successor, B. J. Habibie, recognising the crisis facing the country and his own weak political standing, immediately put many democratic and human rights issues on the political agenda. These included releasing most political prisoners, freeing the press, enacting human rights laws and regulations, and advancing the general and Presidential elections. Moreover, he surprised the world when his government announced in January 1999
that it would give the East Timorese an opportunity to choose between two options—autonomy within Indonesia or independence. This announcement was immediately followed by negotiations between Indonesia, Portugal, and the UN that yielded the 5 May Agreements. These Agreements authorised the UN to hold a ‘popular consultation’ (essentially a referendum) in East Timor in August 1999. Controversially, the Agreements entrusted responsibility for security prior to, during, and after the ballot entirely to the Indonesian security forces, which had been morally and logistically supporting the pro-integration militias. The ballot eventually took place on 30 August 1999, when the overwhelming majority of the population opted for independence; however, the results sparked the militias to go on a rampage throughout East Timor. About 1,000 people were killed and two-thirds of a total population of 850,000 was displaced, including 250,000 who were expelled into West Timor.

On 25 October 1999, East Timor was handed over to the UN to be ruled by a UN transitional administration, but the impact of the violence was very grave. Two human rights problems surrounding Indonesia and East Timor became the foci of international concern and dragged on during the years since the ballot. One was the question of the accountability of those who committed crimes surrounding the ballot. The other was the problem of repatriating the refugees and curbing militia activities in West Timor. In the former case, the Indonesian government initially took bold steps to identify perpetrators, but then failed to follow up with satisfactory action. In the latter case, the government did very little in the first year after the ballot, but then began to attempt to control militia activities and has since gradually taken various positive steps to repatriate and relocate the refugees.

How can the policies and behaviour of the Indonesian government be explained in regard to East Timor? Answering this question requires a systematic and close observation of domestic discourse, policymaking processes, and interactions between the government and external actors. A substantial number of articles and books dealing with developments surrounding the UN ballot were published between 1999 and 2002. Most are based on the direct observation of, and/or involvement in, the ballot. UN staff, volunteers, journalists, and East Timorese themselves have described and analysed the process leading towards independence. Their foci are various: the
violence committed by militia and the Indonesian military; the approaches and roles of foreign governments and the UN; and the struggle of the East Timorese themselves.\footnote{The memoir by the Head of the United Nations Mission in East Timor (UNAMET), Ian Martin, details the mandate of UNAMET and gives a clear picture of the limitations on the UN role surrounding the referendum. (Ian Martin, Self-determination in East Timor: the United Nations, the Ballot, and International Intervention, Boulder: Lynne Rienner, 2001). There are several edited volumes focusing on the referendum. Among those widely quoted are: James J. Fox and Dionisio Babo Soares, eds., Out of the Ashes: Destruction and Reconstruction of East Timor, Adelaide: Crawford House Publishing, 2000; the Special Edition of Bulletin of Concerned Asian Scholars (Vol. 32, Number 1 and 2, 2000), later published as Richard Tanter, Mark Selden, and Stephen R. Shalom, eds., Bitter Flowers, Sweet Flowers: East Timor, Indonesia and the World Community, Lanham, Md: Rowman & Littlefield Publishers, 2000; Damien Kingsbury, ed., Guns and Ballot Boxes: East Timor’s Vote for Independence, Melbourne: Monash Asia Institute, 2000. Focusing more on foreign activists and foreign governments’ approaches to the East Timor problem is Paul Hainsworth & Stephen McCloskey, eds., The East Timor Question: The Struggle for Independence from Indonesia, London: I. B. Tauris Publishers, 2000. There are several works dealing with the struggles and strategies of the East Timorese themselves, although book-length works are scarce. An interview-based study on the strategies of the new generation of East Timorese in the lead-up to the ballot was prepared by Dan Nicholson, The Lorikeet Warriors: East Timorese new generation nationalist resistance, 1989-99, Honours thesis, Melbourne: Department of History, Faculty of Arts, the University of Melbourne, October 2001. Dionisio Babo Soares’s forthcoming PhD thesis deals with social divisions among the East Timorese that emerged after the referendum and questions the strength of the nationalism that served as the basis of the struggle for independence. (Title to be determined, Department of Anthropology, Research School of Pacific and Asian Studies, the Australian National University, forthcoming). Besides this, many journalists, officials, and volunteers have also written books based on their own observation of developments on the ground surrounding the ballot. In Indonesia as well a number of books dealing with the ballot have been published, but most were written by military officers, their associates and lawyers to defend the acts of Indonesian security and pro-integration forces. (These books are introduced in several chapters in this thesis).} Importantly, however, it was Indonesia itself that made the decision to offer East Timor an opportunity for independence; the process of separation was largely guided by Indonesia; and East Timor continues to be vulnerable to the influence of Indonesia due to the existence even today of unresolved issues. Yet, only a handful of attempts have been made to systematically analyse the Indonesian government’s approach to East Timor prior to, during, and after the referendum. A recent book by Greenlees and Garran (2001) is the first attempt to look at developments inside the Indonesian government and presents a number of interesting episodes in domestic politics; nevertheless, its treatment of domestic pressure influencing the government’s January 1999 decision and its discussion of more recent developments, especially the two crucial issues related to justice and refugee issues, are sketchy.\footnote{Don Greenlees and Robert Garran, Deliverance: The Inside Story of East Timor’s fight for freedom, Sydney: Allen & Unwin, 2002.} Australia’s Department of Foreign Affairs and Trade (2001) also gives insights into the behaviour of the Indonesian government especially during interactions between the Australian and
 Indonesian governments, but its report suffers from similar shortcomings to those of
the Greenlees and Garran's book. This study aims to fill this empirical gap.

While we are concerned with the large questions of Indonesia's policy on East
Timor, this thesis pays special attention to the issue of human rights. This is the most
contentious issue in the process of self-determination and post-ballot developments.
The implications of the 1999 violence are substantial for the East Timorese who
continue to suffer from their experience at the time; for Indonesia whose attitude
towards accountability remains in doubt; and for the international community whose
continuing commitment to the new nation is questioned.

Glasius (1999) argues that democratic governments are less likely to commit
human rights violations in order to remain in power, but such violations are not the
monopoly of dictatorship's or authoritarian regimes, and occur as well in democracies
and in countries in the midst of democratic transitions. The violence we have most
commonly witnessed in new democracies that emerged after the end of the Cold War is
communal violence spurred by the central government's loss of control over regions
and society. Bloody communal conflicts in new democracies were in fact a major
paradox in the 1990s (Snyder, 2000). Post-authoritarian Indonesia also saw serious
communal conflicts, most notably, in Maluku, Kalimantan, and Central Sulawesi. If we
look at the violence in East Timor surrounding the ballot, the Indonesian government
persistently depicted it, too, as a conflict between pro-Jakarta and anti-Jakarta factions
that had been ongoing since 1974. And, the Indonesian government portrayed itself as
a moderating force in this conflict. This framework has often conveniently been used
by the civilian elite in the government and the military even after the separation of East
Timor, in order to defend the behaviour of the Indonesian security forces in the 1999
violence and to attempt to avoid their own responsibility for the problem surrounding

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4 Marlies Glasius, *Foreign Policy on Human Rights: Its Influence on Indonesia under Soeharto*, Antwerpen, the Netherlands: Intersentia-Hart, 1999, p. 342. But, according to her, if there is a perceived threat to the nation, democracies also may respond with human rights violations, including torture and other inhumane treatment (e.g., UK vis-à-vis suspected members of IRA) and formation of death squads (e.g., Spain vis-à-vis the Basque separatist movement).
5 Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict*, New York: W. W. Norton, 2000. Snyder argues, "While the world would undoubtedly be more peaceful if all states became mature democracies(...).Transition to democracy often gives rise to warlike nationalism and violent ethnic conflicts"(pp. 15-16).
the refugees and militia activities in West Timor. However, it is very clear that what happened in 1999 was not mere violence between rival East Timorese groups. The military as an institution morally and logistically supported the pro-integration militias and the government financially assisted them.

In what sense was the Indonesian government itself responsible for the violence surrounding the ballot of 1999? Following the fall of the Soeharto authoritarian regime, the Indonesian government lost much of its authority and coherence. While President Habibie believed that his 'two-options' policy offered a way to resolve the East Timor impasse, other elements in the government were passionately committed to keeping East Timor as part of Indonesia. Of these elements, the most crucial was the military, but similar sentiments were held by political parties, the bureaucracy and part of the Indonesian population. At the lowest level, the direct perpetrators of much of the violence were the East Timor pro-integration militia forces. But these militia groups had been fostered and supported by the Indonesian military. Were the militia units reacting spontaneously or were they in fact under the control of the military? And if the military was indeed responsible, at what level? Did local commanders themselves take the initiative or were they acting on orders from the highest level in the military hierarchy? A further question relating to responsibility focuses on the central government. Did President Habibie anticipate the violence that was to accompany the referendum and what measures were taken to prevent it? In examining the events of 1999 we need to search for the motivations of those who instigated the violence and explain how the initial policy digressed, or possibly, ran out of control of the central government.

The violence in East Timor led to demands both domestic and international that the Indonesian government make the perpetrators of the violence accountable for their actions. But Indonesia's government, like other weak post-authoritarian governments, had great difficulties in enforcing the law. In many cases those responsible for human rights violations continued to remain in positions of power either within the government or the military and police. And, in any case, many Indonesians believed that their actions were either justifiable or at least understandable because their goal

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had been to serve the national interest of maintaining Indonesia's unity. We need to explain the general backtracking in pursuit of justice despite international and domestic demands that justice be upheld.

Finally, attention will be given to Indonesia's treatment of the refugees who had crossed into West Timor and remained in camps effectively under the control of the Indonesian military and their militia allies. Initially, there had been widespread international fears that these camps would become bases for hostile incursions into East Timor. In particular, the international community expressed much concern about the apparent domination of the camps by militia groups. But, in the end, the Indonesian government prevented militia groups from re-constituting themselves in West Timor and eventually facilitated the return of the large majority of the refugees to their homes in East Timor.

Questions

The thesis will examine a series of specific questions which are presented in rough chronological order below.

1) How and why did the East Timor problem start and then become a pivotal one for the Indonesia government? Why did human rights violations prevail in the territory even though there had been incessant criticisms from the international community? How did the civilian political elite and the public perceive the status quo in East Timor policy during the New Order? What attempts, if any were made, to break this status quo?

2) Why did the Indonesian government eventually decide to give the East Timorese an opportunity to opt for independence? What enabled the government to make such a drastic proposal which touched the core question of unity of the nation? Why was the proposal made at that particular time? Why was there little immediate backlash to the decision domestically? Was it largely explained by a favourable environment for acceptance of a new policy? Or, was it based on more strategic calculations and tactics of important decision-makers?
3) How can one explain the large-scale violence witnessed before and after the referendum? To what extent was it initiated or supported by sections of the Indonesian government? Why did the government resist the presence of an international security force until much of East Timor’s infrastructure was severely destroyed, and why did the government eventually accept such a force? What was the domestic response to the decision?

4) What was the government’s approach to East Timor after East Timor was handed over to the UN? How did the government respond to strong international pressure to be accountable for the 1999 violence and solve residual problems? What influenced progress on those issues?

This study combines empirical analysis and an eclectic use of theoretical discussions to explain Indonesian government responses to domestic and international pressure in relation to its approach to East Timor. It moreover combines individual and organisational levels of analysis, where we try to avoid confusion between individual and organisational responses.

This study often refers to three broad political forces: government, extra-state, and international actors. It is useful to categorise them here. By the government, we refer to a set of dominant policy-makers including the President, cabinet members, higher-level bureaucratic authorities and the military leadership. However, it must be noted that some actors who belong to the government in this definition may pursue policies that differ from the government’s basic policy line. In our study, the military (both as an institution and as individuals) is most marked by this tendency. The legislature is in most cases treated as a body separate from the government, especially when its views contradict government policies. The term extra-state actors is interchangeable with domestic societal actors. The general public, domestic NGOs, the press, and the militia (from a certain point of view) are particularly important in our study. The international actors refers to any non-Indonesian actors, but we will pay special attention to potentially crucial pressure-exerting foreign actors: several western nations, in particular, the United States, Australia, and Portugal; international organisations—most notably the United Nations; and international NGOs which supported East Timor.
independence and the press covering developments in East Timor in the lead-up to and after the referendum. The East Timorese are regarded as either Indonesian state actors, extra-state actors, or foreign actors, depending on the political positions of individual actors and the time. For example, leading members of the East Timor pro-integration forces, including militia commanders, had characteristics of Indonesian state actors as loyal civil servants with relatively high status and/or military associates at least until the end of 1999; however, they increasingly demonstrated characteristics as extra-state actors who acted against the government policy line and often obstructed government’s policies. Pro-independence East Timorese are treated as extra-state actors when they were attempting to act with, or as a part of, the Indonesian public. When they were acting together with the international community and acting in the post-separation period, they are treated as foreign actors.

*Indonesia’s ‘world view’*

The Indonesian government’s approach to East Timor was shaped by several characteristics of its society and features of what could be called its world view. These characteristics help to explain the overall approach of the government to the issue of East Timor.

First of all, due to the country’s experience under Dutch colonial rule and its achievement of independence through its armed struggle against Dutch military power, Indonesians tend to react strongly against foreign intervention into what they regard as essentially domestic matters. It is especially so when such intervention comes from western nations, for example thorough implicit or explicit linkage between aid and reform, that can be easily linked to revived colonialism.7 This feature is of course not unique to Indonesia. Political management is a very touchy issue for governments and political elites in any country that achieved independence relatively recently, and where nationalism is a major force to unite and guide the nation.8 It is often observed

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7 Remember that even pro-democracy segments of the society were very much offended when Soeharto, who was already regarded as the core problem in the national crisis, was shown on television signing the IMF rescue package in January 1998 with the managing director of the International Monetary Fund (IMF) standing behind him with arms folded. It was then often heard that IMF’s approach was like that of a colonial master.

8 For this point, see, Franklin B. Weinstein, Indonesian Foreign Policy and the Dilemma of Dependence: From Sukarno to Soeharto, Ithaca, NY: Cornell University Press, 1976; Joan Nelson with Stephanie J. Eglinton,
that governments, regardless of the types of regime, seek to rally part of the population—at least the administrative-intellectual-urban segments of society—against foreign intervention. Nationalist resentment against ‘foreign intervention’ of the ‘western world’ was prominent in Indonesia’s reaction to developments in East Timor.

Secondly, related to the first point, Indonesia’s sense of ‘national pride’ or ‘prestige’ seems to be strong. The Indonesian government almost always seeks a ‘face-saving’ formula when having to yield to international pressure. This propensity is derived from various factors: the size of the nation, its geopolitical position—in particular, its traditionally leading position within the Association of Southeast Asian Nations (ASEAN) and Non-Aligned Movement (NAM), remarkable economic development during the New Order period, and again, its achievement of independence through a successful war against colonialism. Although Indonesia’s national pride is real, the government can also foster such emotions as a political tactic. The Indonesian government exploits the hesitation among foreign actors to openly confront Indonesia and can use this sensitivity as an important bargaining tool in its dealing with more powerful nations.

Thirdly, although not officially an Islamic state, Indonesia is a predominantly Muslim nation, with nearly 90 percent of its population being Muslim. Although its people have maintained respect for religious differences under the state ideology Pancasila, serious regional religious conflicts costing thousands of lives have erupted in the post-Soeharto period. In East Timor, there had never been a massive bloody conflict based on religion; however, there was occasional intimidation against Muslim immigrants by the East Timorese—the majority of whom are Catholic. Moreover, the Bishop of East Timor, Carlos Belo, is a very influential figure in East Timor and enjoys worldwide recognition. His political comments often irritated Indonesian Muslims, in particular urban Muslim intellectuals. It is likely that Bishop Belo’s attitude affected Indonesians’ general perception of Catholics in East Timor to some extent.


10 See, for example, Timo Kivimäki, Distribution of Benefits in Bargaining Between a Superpower and a Developing Country: A Study of Negotiation Process between the United States and Indonesia, Commentationes Scientiarium Socialium, Vol. 43, Helsinki: Societas Scientiarum Fennica, 1993, pp. 176-180.

11 Pancasila consists of the five principles: belief in God (here, importantly, not Allah), humanitarianism, national unity, Indonesian democracy based on consultation and consensus, and social justice.
Fourthly, Indonesia is acutely conscious of separatist threats. In the early years of the independent republic, regionalist movements threatened to tear the country apart. Several serious regional revolts continued to challenge Sukarno’s Guided Democracy regime. Moreover, some of these regional revolts were supported by western nations. During the New Order period, three provinces—East Timor, Aceh, Irian Jaya—were considered by the government as inclined towards separatism. And, in the post-New Order period, after the separation of East Timor, separatism in the latter two remains as great concerns of the nation—even today. In brief, the unity of this nation cannot be taken for granted, and the government has been motivated to make an extra effort to prevent national disintegration. The Indonesian military considers itself to be responsible for national security and is naturally the central promoter of this cause.

Lastly, the political role of the military has been very strong in Indonesia. During the New Order, the ‘dual function (dawifungsi)’ doctrine served to legitimise the military’s political role and its presence was seen in every segment of the society throughout the archipelago. Since the end of the New Order, its political role in the formal political system was gradually reduced, for example, in the form of the reduction and eventual elimination of its representation in the legislature and removal of active military personnel from civilian posts in the government. However, it is generally believed that its political power still remains strong. Although the military did not determine the Habibie government’s East Timor policy, it played a major role in the events of 1999 and continued to play an important—although less direct—role in the post-Habibie period with regard to East Timor.

Power relationships within the political elite

Elite power competition is a marked feature of Indonesian politics in the post-authoritarian period. During the New Order, although there was certainly elite power competition, including that between the President and the military, such competition did not greatly affect government policy on East Timor and the situation on the ground. This is because of

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12 The most notable revolt was the PRRI-Permesta rebellion occurred in Sumatra and Sulawesi in 1957-8. This rebellion contributed to the end of parliamentary democracy and the launching of ‘Guided Democracy’ in 1959. The United States supported this rebellion with arms and funds.
the dominant role of the President in determining East Timor policy. Soeharto did not favour change in East Timor and the harsh policies on the ground were his preferred policies. In the post-authoritarian period, however, substantial numbers of influential policymakers emerged within the political elite to influence the government’s East Timor policy. This new political configuration in post-Soeharto Indonesia had crucial implications for the government’s approach to East Timor and produced divergent responses within the government and state institutions. Here, it is useful to introduce the main actors within the political elite and their orientations together with the possible roles of respective actors with regard to East Timor.

At the centre of national policymaking is, of course, the President. But as far as East Timor policy is concerned, especially in the field of politics and security, the President had to compete with the military. The cabinet was not a distinct entity separate from the military. The cabinet usually included several senior officers, and, in the case of the period surrounding the UN-supervised ballot, the Commander-in-Chief of the Armed Forces (ABRI, later TNI), Gen. Wiranto, served concurrently as the Minister of Defence and Security. Moreover, the authority of the Minister of Defence and Security was balanced by the Coordinating Minister for Political and Security Affairs (Menko Pol kam). In the Habibie cabinet, this post was held by Gen. (ret.) Feisal Tanjung, who had been Wiranto’s predecessor as the Commander-in-Chief of the Armed Forces. Policy on East Timor, therefore, was significantly influenced by military interests.

The Foreign Minister also played a key role. In the past, however, foreign ministers did not have their own independent power base and their preferred options were often overruled by the military. But still, the Foreign Minister provided crucial input to the cabinet and the President, and as a member of the cabinet’s Committee on Political and Security Affairs, was able to exercise influence over political and security matters as well. Moreover, Foreign Minister Ali Alatas, who served in the post between 1989 and 1999, had been deeply involved in the East Timor issue as much of his diplomatic energy was devoted to defending Indonesia’s position on the world stage.

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13 Since the government of Abdurrahman Wahid was formed in October 1999, the Defence Minister has always been a civilian but the Menkopol(sos)kam has always been a retired military officer. During the Abdurrahman presidency, the mandate of Menko Polkam was widened to Menkopolsoskam, through the inclusion of social affairs; but under the Megawati government a new post, the Coordinating Minister for People’s Welfare Affairs (Men tert Koordinat or Bidong Kesejahteraan Rakyat, or Menko Kesra), was created, and the post of Menko Polkam was revived.
The influence of the economics' ministers was limited on political and security issues. Nevertheless, the economics' ministers had to cope with pressure from the donor nations, which increasingly linked their lending decisions to non-economic issues, including East Timor which became a hot topic during the Asia-Pacific Economic Cooperation (APEC) summit in September 1999 and during the preparation for the annual meeting of the Consultative Group on Indonesia (CGI) in October 2000, where the Coordinating Minister for the Economy became a target of international pressure in relation to the East/West Timor problem. It is often noted that economics' ministers had to persuade the President and the cabinet members that the threat of economic sanctions was real, while, at the same time, persuading aid donors and other relevant foreign actors of the seriousness of the government's commitment. Overall, the economics' ministers, however, could only play a subsidiary role in policymaking on East Timor.

During the New Order period, the legislature was regarded as a mere tool of the regime, as elections were highly rigged; however, after the end of the New Order, the two legislative bodies—the People's Consultative Assembly (MPR) and the People's Representative Council (DPR)—became independent centres of political power. Through a series of constitutional amendments that started in the MPR session of 1999, the MPR and DPR were strengthened. On the East Timor issue, many members of the DPR shared the nationalistic approach of the military and threatened to obstruct the policies of the executive. In particular, members of Commission I (Komisi I) of the DPR which deals with foreign and defence matters often demonstrated a xenophobic attitude, especially when it perceived indications of foreign intervention. It tended to react strongly whenever the government adopted a conciliatory attitude towards international pressure.

The attitude of the MPR and DPR reflected, of course, the attitude of the political parties that made up most of their memberships. Of the major parties, only the National Mandate Party (PAN) led by Amien Rais showed open support for self-determination in East Timor. On the other hand, the former government party, Golkar, and the Indonesian Democracy Party for Struggle (PDI-P) led by Megawati Sukarnoputri had close relationships with hardcore pro-integration East Timorese, some of whom were even party

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14 The MPR was a kind of super-parliament which elected the president and vice-president, and had authority to amend the Constitution. The DPR was primarily concerned with legislation and monitoring the government's performance. Recent constitutional amendments, however, have transformed the MPR's role.
members. Abdurrahman Wahid of the National Awakening Party (PKB) was also against independence, although he made clear his support for a referendum after the new policy on ‘consultation’ was adopted. And, the United Development Party (PPP) led by Hamzah Haz at least did not oppose the new policy.

As noted earlier, the military had been a dominant player in Indonesian politics during the New Order and continued to play a key political role in the post-New Order period. Recognising strong criticism from the public, the military promoted reform in various areas, in particular during the first year after the end of the Soeharto regime; however, East Timor was not within the area of its reform agenda in the lead-up to the ballot when the separation of the territory was increasingly a possibility. During the year after the ballot, bitter sentiments due to the loss of the territory influenced its behaviour on East Timor, in particular, in regard to the problem of militia activities in West Timor.

The Structure of the Thesis

Because the questions raised earlier in this chapter follow a roughly chronological order, the following chapters are also organised chronologically. However, the last set of questions with regard to the government’s post-ballot approach to East Timor will be answered by looking at the cases of two contentious issues: the punishment of the perpetrators of human rights violations that occurred in the referendum and the associated problems of refugees’ repatriation and the position of militias in West Timor. This selection is justified as these two issues were and are obviously central to international concerns involving Indonesia and East Timor in the post-referendum period. We will see that both cases practically encompass the full range of issues surrounding Indonesia, East Timor, and the international community.

Chapter 2 provides an overview of developments surrounding East Timor during the New Order period to clarify the nature of the East Timor problem. The first part of the chapter examines political developments between 1974 and 1998, paying special attention to the international context. The chapter explains: why and how East Timor was incorporated into Indonesia, the motives of then Indonesian policy-makers, and why East Timor became a prominent issue at the beginning of the 1990s and continued to remain a prominent issue throughout the rest of the New Order period. The latter half of the chapter
analyses Indonesian discourse on East Timor in order to grasp to what extent domestic pressure for change was present in the government's handling of East Timor. We first examine the perceptions and approaches of the important actors within and outside the government. And we also see if there was any internal attempt to change the status quo in East Timor. Reports, interviews, and opinion pieces carried in the Indonesian media from the early to late 1990s are especially valuable in evaluating such domestic pressure.

In Chapter 3, we examine the critical proposal made by the Habibie government on 27 January 1999 to give the East Timorese an opportunity to choose between autonomy within Indonesia and independence. We attempt to answer why and how such a drastic proposal was made, and why it was made at that particular time. The question is complex and multi-dimensional. In this thesis, we argue that the decision was not so much an abrupt decision motivated by pressure from foreign actors as is generally regarded. Rather, we argue that this decision came about as a result of accumulating domestic and international pressure, and the arrival of an extremely favourable environment at the beginning of 1999. A close examination of debates among people close to President Habibie on East Timor is particularly important in the discussion in this chapter.

Chapters 4 and 5 deal with developments surrounding the UN-supervised ballot in 1999. The period is divided by the 5 May Agreements. These agreements defined Indonesian responsibility prior to, during, and after the referendum. This time division aims to clarify the extent to which the Indonesian government responded to such international responsibility. In Chapter 4, we first focus on diplomatic negotiations after the government decided to consult the East Timorese about their wishes. Then, we turn our eyes to the military's behaviour. In particular, we examine its relationship with the militias, and developments on the ground from late January to April. The chapter aims to show that different logics were at work at the diplomatic and ground levels ahead of the conclusion of the 5 May Agreements.

In Chapter 5, we analyse developments on the ground after the signing of the 5 May Agreements. This chapter examines the dynamics surrounding the preparation of the ballot, the violence following the ballot, the resistance of the government to international security intervention, and the eventual government decision to accept such intervention. In this chapter, we will pay special attention to the cause of the violence before and after the ballot. Here we attempt to assess the extent to which violence was state-sanctioned, or at
least a policy of the military as an institution, and look into motivations of key actors behind the violence.

Chapter 6 and Chapter 7 examine Indonesian responses to domestic and international pressure related to accusations that the Indonesian military was responsible for the violence that happened surrounding the ballot. Chapter 6 observes the investigation into the 1999 human rights violations. Our concern here is the initial cooperative response of the government, when a government-sponsored investigation team revealed the role of high-ranking military officers and their backers in the 1999 violence, and the less vigorous response that followed on the heels of the team’s work. An explanation of these different responses is the central question of this chapter.

Chapter 7 deals with another crucial human rights problem, the issue of refugees’ repatriation and militia activities in West Timor. Our aim is to explain the initial slow progress in West Timor and positive moves that began to emerge one year after the ballot. What explains this change? We assume that while the issue of punishment of officers and their accomplices can largely be explained by elite politics in Jakarta, the issue of the refugees is more complex. In dealing with the refugees, there was direct involvement by many extra-state actors, including refugees themselves and militias (many of whom were also refugees), as well as the local government. By disentangling this complex decision-making structure, we are able to explain the changing pattern of the government’s behaviour.

Chapter 8 draws together the overall conclusion of this study.
Chapter 2

The East Timor Problem in the New Order Period

Following Indonesia’s integration of East Timor as its 27th province in 1976, two interrelated issues became the subject of controversy both in academic and policy realms. The first concerned the political status of the territory, and the second focused on the problem of human rights violations. East Timor was never recognised by the United Nations as an Indonesian territory. This gave Indonesia weak legal footing and reinforced a sustained East Timorese resistance movement at home and abroad. This resistance then in turn strongly motivated the state apparatus—the military in particular—to take repressive action which often led to grave human rights violations in East Timor.

This chapter has two objectives. The first objective is to clarify how and why the East Timor issue became a pivotal one for the Indonesian government. By establishing a historical overview, we attempt to answer this question. We first focus on three key events that occurred in East Timor during the New Order period: Indonesia’s annexation of East Timor, the opening-up of the province in January 1989, and the Santa Cruz massacre of 12 November 1991. Here we closely look at the background, immediate impacts, and political implications of these events. This examination is followed by an observation of political developments surrounding East Timor during the post-Santa Cruz period, where we attempt to demonstrate how Indonesia’s endeavour to domesticate the East Timor problem was derailed by changing international perceptions.

The second objective of this chapter is to get a firm understanding of domestic pressures—both at the popular and elite levels—for a change of government policy on East Timor. These pressures were less conspicuous under the authoritarian governance of the Soeharto regime; nevertheless, this study suggests that they were a crucial factor behind the government’s eventual release of East Timor in 1999. In this sense, this chapter at the same time serves to provide a base for discussion of the decision made by the Habibie government to offer ‘two options’—an issue that will be examined.
closely in the next chapter.

**Historical Overview of the East Timor Issue**

*Indonesia’s annexation of East Timor*

It is generally agreed that until 1974, Indonesia had little concern with Portuguese Timor, let alone a desire to annex the territory.¹ Unlike other Portuguese African and Asian colonies, East Timor had been calm, sustaining its traditional *Maubere* (ordinary East Timorese)² culture and society. It had not posed any security threat to Indonesia. The catalyst for Indonesia’s annexation of the territory was the coup mounted against the Salazar-Caetano authoritarian regime in Portugal by the leftist-leaning Armed Forces Movement in Lisbon in April 1974.³ Responding to the new government’s intention to decolonise its colonies, a small number of new political parties were born in East Timor within several months. The three main parties were the pro-Portugal UDT (the Timorese Democratic Union), the leftist-leaning Fretelin (the Revolutionary Front for an Independent East Timor; initially called Timorese Social Democratic Association, or ASDT), and the pro-Indonesia Apodeti (the Timorese Popular Democratic Association, initially called the Association for the Integration of Timor into Indonesia, or AITI).⁴ Observing the new

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¹ Although President Sukarno was attracted to the concept of the ‘Great Indonesia (*Indonesia Raya*)’, considering Indonesia as a continuation of two ancient empires, Sriwijaya and Majapahit—which, he apparently believed, included East Timor. However, he had had no clear design to integrate East Timor, and the annexation was not realistic in light of the domestic and international context at that time. When Sukarno and Hatta declared independence, the new nation was defined by the boundaries of the Dutch East Indies. It included West Timor, but did not include East Timor.

² Literally *Maubere* refers to a common name found among the *Manbue* people, the largest ethnic group in East Timor. During the Portuguese colonial period, *Maubere* was generally used to distinguish native Timorese from the upper class, educated Portuguese and, to some extent, the *mestiço*. Dionisio Babo Soares, “Political Developments Leading to the Referendum” in Fox and Soares, eds., op. cit., p. 60.


⁴ UDT was initially the most popular party, led by the traditional administrative elite and prosperous farmers. Its founders included Mario Viegas Carrascalão—who later became East Timor Governor between 1982-1992, and Francisco Lopes da Cruz, who served as Indonesia’s Roving Ambassador for East Timor Affairs under the Soeharto and Habibie governments. UDT favoured close association with Portugal and supported gradual independence. Fretelin was popular among students, teachers, and middle-level administrative officials. It was led by Francisco Xavier do Amaral, Nicolau dos Reis Lobato, and José Ramos-Horta. (José Alexandre ‘Xanana’ Gusmão joined them during Fretelin’s first anniversary celebrations). Its platform focused on basic education, health programs, and agricultural development. It
leadership in Lisbon and its association with domestic and overseas communist parties, and the growing popularity of Fretilin in East Timor, the leadership of the Indonesian armed forces (ABRI) was alarmed that a new leftist country would be created on the doorstep of the Republic. The Indonesian Communist Party (PKI) which had wielded considerable power during the last years of the Sukarno era had already been eliminated in the 1965-66 massacre; however, in the military’s mind, its survivors taking refuge in East Timor would become a source of subversion in Indonesia. The military also feared that a leftist government in East Timor might offer military base facilities to foreign communist governments such as the Soviet Union and China. Such ‘fear of communist revival’ was at the same time used as propaganda by military intelligence to achieve its own purposes. Another concern for the military was that East Timor’s achievement of independence might spark secessionist sentiments in other restive regions in the Indonesian archipelago, most notably Aceh and Irian Jaya. These fears were also shared by Soeharto and much of the civilian elite of the still fragile nation.

In response, military hardliners designed and started a destabilisation campaign code-named Operasi Komodo (Operation Giant Lizard: 1974-75). Maj. Gen. Ali Moertopo—Deputy Head of BAKIN (the State Intelligence Coordinating Agency) and

supported immediate independence. Apodeti was established with full financial and political support of the Indonesian government, and had virtually no social base, although some of its leaders had been involved in an abortive revolt against Portugal in the late 1950s. The leaders included Amando dos Reis de Araujo—the first governor of East Timor (1976-78) and José Fernando Osorio Soares—a brother of Abilio Osorio Soares, East Timor Governor of 1992-99. In January 1975, a Fretilin-UDT coalition was formed with the support of Portugal, with the main aim of establishing an Independent East Timor. For details on the three parties, see Chapter 2 of Jill Jolliffe, East Timor: Nationalism and Colonialism, St. Lucia, Queensland: University of Queensland Press, 1978.

5 The name ABRI (Angkatan Bersenjata Republik Indonesia) was used until it was renamed the Indonesian National Military (Tentara Nasional Indonesia or TNI) with the separation of the police from the armed forces in April 1999.

6 “Cablegram to Canberra” (Jakarta 10 July 1995) in Department of Foreign Affairs and Trade (DFAT), Australia and the Indonesian Incorporation of Portuguese Timor, 1974-1976, Carlton South, Victoria: Melbourne University Press, 2000. The Australian government released this substantial archive in August 2000. In the above telegram, fear of the influence of Soviet Union and China was well described by Harry Tjan Silalahi of Centre for Strategic and International Studies (CSIS), Jakarta. (On Silalahi and CSIS, see Footnote 10 of this chapter).

7 Carmel Budiarjo and Lien Soei Lion, The War against East Timor, London: Zed Books, 1984, p. 19; Benedict R.O'G. Anderson, “East Timor and Indonesia: Some Implications” in Peter Carey and G. Carter Bentley, eds., East Timor at the Crossroads: The Forging of A Nation, London: Cassell, 1995, pp. 59-60. Aceh is the northernmost province of Sumatra, and the last part of the Indonesian archipelago to fall to Dutch rule. On the other hand, Irian Jaya is the western half of the island of New Guinea, and was formally incorporated into the Republic of Indonesia only in 1969. Unlike East Timor, both provinces are very rich in natural resources; however, those resources were exploited by Jakarta to improve Jakarta’s living standards. Economic grievance and human rights violations by the military have helped sustain armed resistance movements in the two provinces.
the head of the *Opus* (Special Operations) group—led this early operation. Moertopo, who had served under Soeharto in Central Java in the 1950s, had earlier earned Soeharto’s trust in various political stratagems such as the overthrowing of Sukarno in 1966, the incorporation of West New Guinea (Irian Jaya) in 1969, and the manoeuvring in the formation of political parties in the national election of 1971. *Operasi Komodo* launched a propaganda offensive against Fretlin and UDT, which was then in coalition to counter Indonesia-backed Apodeti and to achieve independence. But due to Indonesia’s enticement of UDT leaders with various monetary and political incentives as well as internal ideological conflict, the coalition of the two parties broke down in May 1975. *Operasi Komodo* was followed by the invasion operation *Operasi Seroja* (Operation [Blossoming] Lotus: 1975-78), under the overall command of Brig. Gen. Leonardus Benyamin (‘Benny’) Moerdani, Moertopo’s protégé and the head of the intelligence Task Force (*Satgas Intel*) at the Department of Defence and Security (HANKAM). Moertopo and Moerdani were also to become the two dominant players in the entire East Timor annexation process.

Although President Soeharto left the East Timor project to the Moertopo group, he himself was not enthusiastic about an all-out invasion. This was primarily

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8 *Opus* was initiated by Moertopo in 1962 (disbanded in 1974) and was primarily a task-oriented covert political ‘fix-it’ agency with no set structure. (Robert Lowry, *The Armed Forces in Indonesia*, Sydney: Allen & Unwin, 1996, p. 71). BAKIN (established in 1967) was Indonesia’s main intelligence body, which aimed at the surveillance of the non-military population such as political parties and dissidents. In 1975, it was headed by Lt. Gen. Yoga Soegomo, another Soeharto confidant. Yoga was a leading figure in both *Opus* and KOPKAMTIB (the Operational Command for the Restoration of Security and Order), ABRI’s main internal security body thorough which ABRI wielded almost limitless power (disbanded in 1988).

9 In the following month, the Portuguese government organised a conference in Macao, in an effort to bring the three parties together to agree on a time table for elections to decide the future status of East Timor. However, Fretlin turned down the invitation due to the participation of Apodeti which Fretlin regarded as supporting colonialism. (See, chapter 7 of José Ramos-Horta, *Funn: the Unfinished Saga of East Timor*, Trenton, NJ: The Red Sea Press, 1987). This refusal by Fretlin was later repeatedly criticised by the Indonesian government as evidence of pro-independence forces’ rejection of peaceful decolonisation.

10 Another key officer was Moerdani’s associate Col. Dading Kalibadi, who led the field operation under the overall directive of Moerdani. The work of securing support from Western nations was handled by two *Opus* operatives: Liem Bien Kie (Jusuf Wanandi) (handling the US) and Harry Tjan Silalahi (handling Australia and Europe). Both were based at CSIS in Jakarta. CSIS was founded by Moertopo and Maj. Gen. Sudjono Humardhani—best-known as Soeharto’s spiritual advisor and active as an intermediary for business between Indonesia and Japan. During the early period of the New Order, Soeharto relied heavily on a group of personal advisors called Aspri (*Asisten Pribadi*) including Moertopo, Humardhani, and other CSIS-associated generals. Soeharto appreciated these colleague’s opinions and advice because they were from the same 1945 generation who fought for independence. Foreign relations was one of those areas in which Soeharto was least experienced so that CSIS gave considerable input into Soeharto’s decisions in this field.

11 In fact Soeharto had hesitated in supporting military intervention for one year. An Australian diplomatic cable of September 1975 recorded Soeharto’s advisors’ irritation about Soeharto’s attitude.
because he had been concerned about the damage that the invasion might cause in his country’s relationship with donor nations. After all, his government had just been shaken by a large-scale riot in Jakarta (The Malari Affair) and the financial disaster of the state oil company Pertamina (The Pertamina Crisis). Soeharto’s concern was clearly recorded in the Australian diplomatic cable dated 17 June 1975, which very much reflected Soeharto’s low-profile, donor-oriented foreign policy.

The President’s argument in meetings with his senior advisors is based on the fact that Indonesia has no legitimate territorial claim to Portuguese Timor, the claim that he was elected with a mandate to develop Indonesia and that rash action in Timor would divert resources from development and possibly prejudice the flow of foreign economic assistance to Indonesia; and that Indonesia should avoid any action which smacked of Sukarno’s adventurist foreign policy.

Furthermore, the initial stance of the Indonesian Foreign Ministry (Deplu) deviated even further from that of the military. Fretilin international spokesman José Ramos-Horta has stated on many occasions that Foreign Minister Adam Malik assured Ramos-Horta of his country’s respect for the sovereignty of an independent East Timor. When Ramos-Horta visited Jakarta in 1974 and finished their third round of talks, Malik addressed a letter to Horta which read in part:

The Independence of every country is the right of every nation, with no exception for the people of Timor; The Government as well as the people of

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13 This riot, which occurred on 15 January 1974, broke out following students’ demonstrations against government corruption and foreign domination in the Indonesian economy. There also was the confrontation between the Moertopo group—who was one of the main targets of students—and the then head of KOPKAMTIB, Gen. Sumitro—who appeared to be encouraging the students. Because of the close relationship between the Moerdani group and Japanese economic interests, the riot was also seen as being anti-Japanese, and it occurred on the visit of Japanese prime minister Kakuei Tanaka. The Pertamina Crisis was the financial disaster caused by the financial mismanagement by Lt. Gen. Ibnu Sutowo, president-director of Indonesia’s huge state oil company, Pertamina. For background of the Malari affair, see, Harold Crouch, “The ’15th January Affair’ in Indonesia”, Dyson House Papers, Vol.1, August 1974, pp. 1-5; Chapter 6 in John Bresnan, Managing Indonesia: The Modern Political Economy, New York: Columbia University Press, 1993. For the Pertamina Crisis, see, for example, Chapter 7 in Bresnan, op. cit.

14 “Cablegram to Canberra”, op. cit., p. 376.
Indonesia have no intention to expand their territory, or to occupy other territories other than what is stipulated in their Constitution; Whoever will govern in Timor in the future after independence can be assured that the Government of Indonesia will always strive to maintain good relations, friendship, and cooperation for the benefit of both countries. Please convey my message to your people in Timor.\(^5\)

However, in the decision-making process, Malik was being marginalised by the Moertopo group. Malik soon rescinded his previous stance. Seemingly, he feared being blamed if a more diplomatic path led to a quagmire where he had little information on developments on the ground.\(^6\) A few months before the invasion, Soeharto himself appeared to have already been convinced by the Moertopo group, who insisted that countries like the US, Australia and Japan, not to speak of ASEAN neighbours, would not make a fuss if Indonesian troops moved into Timor.\(^7\)

Due partly to the Indonesian military’s increasing ‘Fretelin equals Communist’ propaganda, UDT launched a coup on 11 August, which led to a brief civil war (August-September). Amid the war, the Portuguese authorities evacuated to Aetauro, an island off the coast of Dili. The Portuguese government was preoccupied with domestic matters and left political tension growing in the colony, and its plan of

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\(^{5}\) Quoted from a copy of the original letter in Jill Jolliffe, op. cit., p. 66. Malik even raised the issue of East Timor joining ASEAN. (Ramos-Horta, op. cit., p. 42). At that time, Ramos-Horta told James Dunn, Australian Consul-General in Dili, that if Malik’s magnanimous response were to prevail in Jakarta, he felt that his party would consider inviting Indonesia to be responsible for East Timor’s foreign affairs and defence when the territory eventually became independent. (James Dunn, “The Timor Affair in International Perspective” in Carey and Bentley, op. cit., p. 61). Malik served as foreign minister (1966-78), and vice president (1978-83). During his tenure as foreign minister, he was sometimes in conflict with the military and Soeharto due to his support for a soft-line foreign policy—such as Konfrontasi with Malaysia (1963-1966), the West Irian referendum (1969), and the issue of the normalisation of Sino-Indonesia relations in the 1970s.

\(^{6}\) Hamish McDonald, *Suharto’s Indonesia*, Blackburn, Victoria: the Dominion Press, 1981, p. 207. Concerning Malik’s backdown, Ramos-Horta wrote, “It wouldn’t be long before I learned two things about Indonesia: 1) Malik was little more than a figurehead and what he said did not necessarily reflect the position of the military; and 2) the word of an Indonesian official, civilian or military, is meaningless.” (Ramos-Horta, op. cit., p. 43).

\(^{7}\) On why the Moertopo group was so eager for an invasion, Ben Anderson suggests that besides the security concern mentioned earlier, it can be explained by domestic power competition at that time. Following the Malari riot, Moertopo’s power had been diminishing, which motivated him to demonstrate to Soeharto his usefulness by initiating the East Timor campaign. ABRI Commander, Gen. Panggabean—who had been marginalised by his capable deputy, Gen. Sumitro—wanted to show his leadership. Anderson suggests that considering the quite different setting of domestic politics around 1974-5, if the Caetano regime in Lisbon had fallen a few years earlier, Indonesian intervention was much less likely to have occurred. (See, Anderson, 1995, op. cit., pp. 140-142). For general information on the power struggle within the military leadership from early to mid-1970s, see Chapter 12 in Harold Crouch, *The Army and Politics in Indonesia* (Revised Edition), Ithaca, NY: Cornell University Press, 1988.
decolonisation was never completed. Meanwhile, Indonesia started covert incursions of Indonesian ‘volunteers (sukarelawan)’ in the name of protecting East Timor supporters of integration. Fretillan eventually controlled virtually all the territory by September and declared the ‘Democratic Republic of East Timor’ on 28 November. Responding to this, on the following day, the leaders of four parties (UDT, Apodeti, and the much smaller KOTA and TRBALHISTA) declared integration with Indonesia, signing what has been referred to as the ‘Balibo Declaration’ in a border town on the 30th. The Indonesian government later often referred to this event as ‘an expression of the will of the majority of the East Timorese people in support of East Timor’s integration with Indonesia’.

The invasion formally started on 7 December 1975. Major Western nations shut their eyes to the action. Symbolically, the invasion took place within hours after US President Gerald Ford and State Secretary Henry Kissinger departed from Jakarta after meeting with Soeharto. The widely-held recognition of US tacit support for invasion was confirmed in official documents declassified in 2001, which included a record of the 6 December conversation between Soeharto and Ford-Kissinger. This attitude of the US government towards East Timor’s growing independence was clearly manifested when US President Richard Nixon wrote to Soeharto on 7 December 1975: “The United States does not oppose Indonesia’s taking the necessary measures to protect itself against subversion and guerrilla attack. We recognize Indonesia’s right to self-defence. But the United States does not approve government attempts to suppress the opposition within East Timor, whether they be Indonesian or Timorese”.


19 Akhisa Matsuno, “The Balibo Declaration: Between Text and Fact” in Pedro Pinto Leite, ed., The East Timor Problem and the Role of Europe, Leiden: International Platform of Jurists for East Timor, 1997, pp. 160-161. This declaration, however, was hardly regarded as an act of expression of the will of the majority of the people. Even Guilherme Maria Gonçalves, who signed the declaration as the representative of Apodeti, rejected the declaration in 1995. José Martinis, President of Kota Farty, who also signed the declaration, later revealed that it had been imposed by BAKIN, and that it was signed in Bali. Balibo was also the place where Indonesia’s first major military offensive started in October 1975. It was at this place and time where the so-called ‘Balibo killings’ occurred, in which two Australian, a New Zealander, and two British journalists were killed by the Indonesian troops. This event greatly angered the Australian public and this issue remains alive. For the background of the event, see, Desmond Ball and Hamish McDonald, Death in Balibo lies in Canberra, Sydney: Allen & Unwin, 2000.

20 In the conversation, Soeharto first reminded his visitors that Indonesia had no territorial ambitions, and then explained that Fretillan had not cooperated with negotiations and had declared its independence unilaterally; thus, “we want your understanding if we deem it necessary to take rapid or drastic action”. Ford stated, “We will understand and will not press you on the issue. We understand the problem and the intentions you have”. Kissinger stressed, “[t]he use of US-made arms could create problems”, but then added that “[t]he depends on how we construe it; whether it is in self-defence or is a foreign operation(. . .). It is important that whatever you do succeeds quickly”, but “[w]ould be better if it were done after we returned” to the United States. (“Embassy Jakarta Telegram 1579 to Secretary State, 6 December 1975 (Text of Ford-Kissinger-Suharto Discussion), Secret/Nodes(24)” in Gerald R. Ford Library, Kissinger-Scowcroft Temporary Parallel File, Box A3, Country File, For East-Indonesia, State Department Telegrams 4/1/75-9/22/76]. This document and other declassified documents in relation to the US role in the invasion are in William Burr and Michael L. Evans, eds., Ford and Kissinger Give Green Light to Indonesia’s Invasion of East Timor, 23
government can be clearly understood by examining America’s position in the international environment at that time. The US was in the midst of the Cold War and its troops had just painfully withdrawn from Indochina, where they had been defeated by communist forces. Jakarta’s persistent portrayal of Fretin as a Communist party therefore easily alarmed the US government.

Australia under the Whitlam and Fraser governments took a similar approach. Political stability in, and economic relations with, its neighbour Indonesia were too important to be sacrificed by supporting East Timor. In fact, it later became the only western country that gave de jure recognition of Indonesia’s incorporation of the territory. The Australian government feared that an independent East Timor would become ‘a focus of Great Power rivalries and a rallying point for Indonesian irredentist movements’, and recognised that “[T]imor was not a viable economic entity(...)the logical long term development is that it should become part of Indonesia”. It is widely understood that the meeting between President Soeharto and Prime Minister Gough Whitlam at Wonosobo near Yogyakarta in September 1974 had a crucial impact on Soeharto’s calculations. Apparently Whitlam’s preference for incorporation over independence of East Timor was also influenced by his expectation that Soeharto’s Indonesia would be more accommodating than Portugal or an independent Timor in negotiating over the Timor Gap—the oil-rich waters between Australia and East Timor. Australia’s formal recognition of Indonesia’s sovereignty over East Timor in


21 “Minute from Evans to Curtis” (Canberra, 10 May 1974) in the DFAT archive, op. cit., p. 53.
23 Australian cable recorded:

[At the Wonosobo meeting], Prime Minister [Whitlam] stated that he felt two things were basic to his own thinking. 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(...)The President shared the belief that this [incorporation] occur on the basis of the freely expressed wishes of the people of Portuguese Timor. (“Record of Meeting between Whitlam and Soeharto, State Guest House, Yogyakarta, 6 September 1974, 10. am” in the DFAT archive, op. cit., p. 97).

February 1979 intended to facilitate negotiations over the Timor Gap.\textsuperscript{25}

Other major western nations and Japan took the same line, although without \textit{de jure} recognition. Since the start of the New Order, richer nations had treated the Soeharto government as an essential partner in Southeast Asia. It was not only because of its crucial role as a bulwark against Communism in Southeast Asia, but also because of its favourable environment for foreign business. Its abundant natural resource, cheap labour, open economic policy, and stable political environment were all very attractive to their multinational business operations.

Five days after Indonesia invaded East Timor, the United Nations General Assembly adopted a resolution rejecting the annexation, and calling for an act of self-determination in the territory.\textsuperscript{26} The UN Security Council also twice called for troop withdrawal from the territory.\textsuperscript{27} Despite these pleas, however, on 17 July 1976, Soeharto signed a bill accepting an appeal for integration from the 37 members of the East Timorese ‘Popular Assembly’ convened by the Indonesian military, and formally declared the integration of the territory.\textsuperscript{28} On the same day, the parliament formally incorporated East Timor to become the 27th province of the country by issuing Law No.7/1976 (UU No.7/1976).

In his state address on 16 August 1976, Soeharto stated:

\begin{quote}
Now the people of East Timor have made the decision about their own future, namely integration with the People and the State of the Republic of Indonesia. There is no other way, therefore, but to accept with full responsibility such integration.\textsuperscript{29}
\end{quote}

A Deplu document (1977) declared:

\begin{itemize}
\item[\textsuperscript{25}] The Timor Gap Treaty was signed by Australia and Indonesia on 11 December 1989. Critics argue that the Australian government wanted to ensure that these negotiations would be conducted on a legal footing to offset the possibility of a third party challenging any agreement brokered with Jakarta under the terms of international law. Jim Aubrey, “Canberra: Jakarta’s Trojan Horse in East Timor” in Hainsworth & McCloskey, eds., op. cit., p. 142.
\item[\textsuperscript{26}] UN GA. Resolution 3485 (1975), 12 December 1975.
\item[\textsuperscript{27}] UN SC. Resolution 384 (1975), 22 December 1975; UN SC. Resolution 389 (1976), 22 April 1976.
\item[\textsuperscript{28}] This popular assembly consisted only of Apodeti and UDT members and some traditional leaders.
\item[\textsuperscript{29}] Department of Foreign Affairs, Republic of Indonesia, \textit{Decolonization in East Timor}, March 1977, p. 45.
\end{itemize}
The wishes of the people of East Timor have been fulfilled, the process of
decolonisation has been completed, and the right of self-determination has
been exercised in a manner of the people’s own choosing and in accordance
with their traditional democratic system.\textsuperscript{30}

Then, on 23 March 1978, the People’s Consultative Assembly (MPR) issued a
decree endorsing the entry of East Timor into the Unitary State of the Republic of
Indonesia (\textit{Tap MPR RI/No.VI/MPR/1978 tentang Pengukuhan Wilayah Timor Timur ke
dalam Negara Kesatuan Republik Indonesia}).\textsuperscript{31}

By massive aerial and naval bombardment on Fretillen-controlled areas, the
Indonesian military by 1977 succeeded in containing Fretillen in the interior. From June
to November 1978, the Indonesian army launched ‘Operation Total Encirclement and
Annihilation’. A population of 250,000-300,000 was ‘encircled’ in camps, where
substantial numbers of the population died as a result of famine caused by the effects
of the use of chemical weapons, poor harvest due to the destruction of traditional
agriculture, and the absence of opportunities to search for alternative food.\textsuperscript{32} On 22
November 1978, the Indonesian army occupied Mt. Matebian, the last stronghold of
Falintil (the armed wing of Fretillen), and in the following month, the
Commander-in-Chief of Falintil, Nicolau Lobato, was killed by Indonesian troops.
(Thereafter, Xanana Gusmão became the commander-in-chief of Falintil). In 1979, the
Indonesian authorities proclaimed the end of the \textit{Seroja} operation and announced that
from then on East Timor would be fully under civilian administration. However, the
military offensive continued. The notorious ‘\textit{pagar betis} (fence of legs)’ was adopted
intensively under \textit{Operasi Kaamanan} (Operation Security) in 1981 and \textit{Operasi Kikis}
(\textit{Operation Final Cleansing}) in 1986-87. The army marched into villages, took men aged
between 8 and 50, and forced them to walk in front of units of soldiers, searching for
\textsuperscript{30} Ibid.
\textsuperscript{31} Sri Soemantri, “Referendum untuk Timor Timur”, \textit{Forum Keadilan}, 8 February 1999. As noted in
the introduction, the MPR is the national supreme decision-making body. During the New Order period, its
major functions were to elect the president and vice president and decide the Broad Guideline of State
Policy (GBHN). More general legislative functions were performed by the People’s Representative Council
(DPR). The MPR was convened every five years during the New Order.
Chapter 10.
Fretilin cadres. In this operation, Fretilin groups were faced with the choice either of surrendering or of fighting with Indonesians by firing on their own people.\textsuperscript{33} Other human rights violations such as extrajudicial executions, torture, and disappearances during the period were detailed by Amnesty International (1985).\textsuperscript{34} About 100,000-200,000 East Timorese reportedly died either as a direct or indirect consequence of the invasion.\textsuperscript{35}

Despite devastation of Fretilin and the ordinary East Timorese population, the first fifteen years of the occupation cannot be evaluated as successful for the Indonesian army and the government, either. Admittedly, Falintil had been reduced to several hundred active combatants by the late 1980s, and armed rebellion was no longer a serious threat to Indonesia.\textsuperscript{36} However, the invasion and the following subjugation of the territory were far more dreadful projects than the military had at first envisioned.\textsuperscript{37} More than 3,400 soldiers died and 2,400 were injured.\textsuperscript{38} Furthermore, the prolonged operations drained the government of significant financial resources. It was estimated that more than Rp. 1 trillion (US$400 million, Rp. 2,500/dollar) was

\textsuperscript{33} Taylor, op. cit., p. 117, 143. A ceasefire was signed between new Falintil commander Xanana Gusmão and East Timor commander Col. Purwanto on 25 July 1983, but under the direction of Benny Moerdani, new offensive called Operasi Persatuan (Operation Unity) started shortly afterwards.


\textsuperscript{35} The death toll of 200,000 has been widely quoted, but several recent articles by Robert Cribb question this figure. According to him, 80,000-100,000 is more logical figure. See, for example, Robert Cribb, “How many deaths? Problems in the statistics of massacre in Indonesia (1965-1965) and East Timor (1975-1980)” in Ingrid Wessel and Georgina Wimböfer, eds., Violence in Indonesia, Hamburg: Apera, 2001, pp. 82-98.

\textsuperscript{36} According to a Fretilin commander Paulino Gama, by 1981, 79 per cent of the members of the Supreme Committee were killed; 80 per cent of the 4,000 Falintil troops were lost together with 90 per cent of their weapons; all Fretilin support bases were destroyed; all lines of communications between the remaining resistance fighters were severed; and communication with the outside world was cut off. Peter Carey, “Introduction” in Carey & Bentley, op. cit. pp. 6-7.

\textsuperscript{37} In his biography, Moerdani admitted that the invasion operation was chaotic largely due to lack of experience and discipline of the Indonesian troops. He apparently wanted to use intelligence operations as much as possible. See, Chapter 19 of Julius Pur, Benny Moerdani: profil prajurit negarawan, Jakarta: Yayasan Kejuangan Fanglima Besar Sudirman, 1993.

\textsuperscript{38} This figure was provided by Wiranto to the DPR. “Wiranto: 4 Alasan Pemerintah RI Terima Pasukan Multinasional”, Suara Pembaruan, 20 September 1999. The number of names of fallen listed on the Serola Monument at the TNI headquarters in Cilankap is about 2,200. However, the pro-independence East Timorese believe that about 20,000 soldiers died. Personal communication from Dionisio Babo Soares, The Australian National University, 2 October 2002.
spent for combat purposes.\textsuperscript{39}

Returning to the international context, crucially, the United Nations did not recognise—and, in fact, never recognised—Indonesia’s sovereignty over East Timor until the territory seceded from Indonesia in 1999. The United Nations regarded East Timor as a \textit{non-self governing territory} and Portugal as the \textit{administering power} in East Timor.\textsuperscript{40} From 1975 to 1982, the UN General Assembly adopted a resolution every year, demanding that Indonesian troops be withdrawn, and that the right to self-determination be given to the East Timorese people. Beginning in 1982, in an attempt to find an internationally acceptable solution, the UN arranged a series of tripartite talks involving Indonesia and Portugal under the auspices of its Secretary General’s office. Although the shift in the forum for discussion from the General Assembly to the tripartite talks was considered by the Deplu as Indonesia’s diplomatic victory,\textsuperscript{41} it in reality benefited Portugal more than Indonesia in the diplomatic realm. This is because the margin between supporting and opposing votes at each General Assembly session had been gradually narrowing.\textsuperscript{42} Moreover, the tripartite talks also convinced the international community that Portugal was the legitimate power over East Timor and therefore had the right to discuss the status issue independently. It also enabled Portugal—which became a full member of the European Community (EC) in 1986—to lobby the EC more intensely.\textsuperscript{43} Although the international community’s

\textsuperscript{39} “Sayonara, Timor Leste”, \textit{Tajuk}, 1-18 February 1999.

\textsuperscript{40} Note that Portugal did not recognise Fretelin’s Timorese Republic, either. This helped Portugal to be recognised by the UN as the legitimate administrative authority.

\textsuperscript{41} Hasan Wirajuda, “Kita Sering Memberi Amunisi Kelompok Anti Integrasi”, \textit{Republika}, 18 November 1996.

\textsuperscript{42} The results of voting at the General Assembly were as follows:

\begin{tabular}{|c|c|c|c|c|}
\hline
& support & reject & abstain & absent & Total \\
\hline
1975 & 72 & 10 & 43 & NA & NA \\
1976 & 68 & 20 & 49 & NA & NA \\
1977 & 67 & 26 & 47 & 8 & 148 \\
1978 & 59 & 31 & 44 & 25 & 149 \\
1979 & 62 & 31 & 45 & 13 & 151 \\
1980 & 58 & 35 & 46 & NA & NA \\
1981 & 54 & 42 & 46 & 14 & 156 \\
1982 & 50 & 46 & 50 & 10 & 156 \\
\hline
\end{tabular}


concern over the East Timor issue remained very low, it is important to note that the East Timor issue was never removed from the UN agenda. Nor had the status of East Timor been changed by the UN in line with Indonesia's wishes.

The 'opening-up' policy

As discussed above, the issue of East Timor managed to survive in the UN agenda during the 1970s and 1980s; however, what was actually happening in East Timor was little known to the ordinary Indonesian public and to the international community. This was a result of the territory having been virtually shut off from the outside world. Political and ideological indoctrination through formal and informal education started as early as 1976 in Indonesian-controlled areas in East Timor. And the transmigration policy adopted by Soeharto around 1980 brought people from other parts of Indonesia to East Timor, contributing to the ruin of indigenous culture and the administrative structure in the villages. During this period, human rights violations were reported only by testimonies or reports made by Timorese refugees, journalists and humanitarian workers who were allowed to enter the territory on a very restricted basis.

As far as the Indonesian public was concerned, they could only rely on thin local media coverage that invariably reflected the government's claim to popular support for integration. The governments of the major western and Asian nations as well had shown little concern about what was really happening inside the territory.

It was not until the 'opening-up' of the province in January 1989 that the Indonesian public and the international community gained first-hand information on the human rights situation there. This new policy was initiated by Soeharto shortly after his visit to Dili in October 1988. It allowed tourists, journalists, and human rights organisations to have more access to the territory. Senior military officers opposed the policy, arguing that opening up the territory was premature. Responding to the new decision, Benny Moerdani lashed out in a speech in Dili, “Don’t dream about having a state of Timtim (East Timor). There is no such thing!” In the end, however, Soeharto

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44 Personal communication from Dionisio Babo Soares, 2 October 2002.
45 In a fiery tone, Moerdani continued:
went ahead with the policy.

This leads us to a question: why did Soeharto decide to open up the territory? First of all, this policy was based on a strong request from East Timor Governor Mario Viegas Carrascalão (1982-92). Carrascalão had initially been opposed to opening-up the province due to his concern that the likely rapid immigration from other Indonesian provinces might have a negative impact on Timorese economic life. However, he became an active supporter of this option once he calculated that the new policy might instead provide new job opportunities to Timorese through an influx of private investments. He also appeared to expect that the policy would strengthen his bargaining position vis-à-vis the military. When Carrascalão asked newly-appointed Minister of Home Affairs Gen. (ret.) Rudini about the new policy, Rudini suggested that Carrascalão directly consult Soeharto. Soeharto’s response was, according to Carrascalão, “Just open it up. What’s the problem?”

Secondly, Soeharto himself had enough reason to agree with the proposal. At that time he had an aspiration to play larger roles in world affairs. His government was particularly eager to win the chairmanship of the NAM. Despite the government’s continuing attempts since the early 1980s, Indonesia’s rule over East Timor had hampered Indonesia from being elected as the chair and Soeharto felt the need to

There have been bigger rebellions, there have been greater differences of opinion with the government than the small number calling themselves Frettilin, or whoever their sympathisers are here. We will crush them all! This is not in order to crush East Timorese but to safeguard the unity of Indonesian territory physically and in other ways(...)Yelling in front of ambassador(...)won’t solve the problem. And if those who yell are those who are paid by the government, then that is treachery. (“Don’t dream or else...”, Inside Indonesia, No. 23, June 1990, pp. 14-15, quoted in Adam Schwarz, A Nation in Waiting: Indonesia’s Search for Stability, Sydney: Allen & Unwin, 1999, p. 210).


48 The NAM is a grouping of the developing countries (108 member countries in 1992), which represents a voice of poorer countries vis-à-vis richer nations. Hosting a meeting was prestigious for the member countries, and the chair leads the group for three years. Indonesia managed to get the chairmanship for the 1992-95 term. For the international aspirations of Soeharto including those related to NAM chairmanship at that time. See, for example, Leo Suryadinata, Indonesia’s Foreign Policy under Suharto: Aspiring to International Leadership, Singapore: Times Academic Press, 1996.
demonstrate his government’s commitment to further steps to solve the East Timor problem. Soeharto may also have felt that psychological integration of the East Timorese had already been achieved during the previous decade so it was time to treat the territory as a normal province.

Thirdly, this decision had much to do with the domestic political struggle at the time. Soeharto wanted to use this opportunity to weaken Defence Minister Benny Moerdani by undermining Moerdani’s virtual monopoly over East Timor operations in various fields. In fact, as noted earlier, Moerdani was among those who strongly opposed the new policy. This aspect reflected the increasing rift between Soeharto and Moerdani from 1988 on.49

Lastly, personal suggestions from Foreign Minister Ali Alatas (1988-99) appear to have influenced Soeharto’s decision. He was then still continuing the UN tripartite dialogue and had every motivation to make it easier to get the issue off the UN agenda by making this big concession. It is suggested that Alatas believed the military claim that the situation in East Timor was calm. To prove this, he then took the initiative to invite a Portuguese parliamentary delegation to see the situation there.

The opening-up of the territory spurred a change in the military’s operational posture there as well. The military reoriented its presence inside East Timor from ‘combat’ to ‘territorial’ operations—the latter included participation in a variety of civil development projects in villages.50 In early 1990, the post of Commander of Operations in East Timor (Pangkolakops) was transferred from a hardline officer, Brig. Gen. Mulyadi, to Brig. Gen. Rudolph Warouw, whom Carrascalão evaluated as the best

49 Moerdani assumed the post of ABRI commander in 1983-88. During this period, he exerted extraordinary power by his dominance of the formal and informal intelligence network, where political control was greatly tightened throughout Indonesia. As Moerdani strengthened his power as ABRI commander, Soeharto worried that Moerdani’s power would eventually threaten his own position as the President. Soeharto also reportedly had a deep suspicion when Moerdani dared to speak to him about his children’s overreaching business activities. Moerdani was dismissed from his post as ABRI commander by Soeharto in February 1988. Although he still exerted his influence as Defence Minister between 1988 and 1993, his power gradually declined.

50 During the 1980s, the military had employed a dual structure in East Timor—‘combat’ and ‘territorial’. Combat operations were carried out by the Operations Implementation Command (Kolakops), while territorial operations in East Timor were under the control of Korem 164/Wiradhharma. The latter officially aimed to provide auxiliary support for Kolakops; however, Kammen (1999) notes that this was “the fiction of normalcy”—Jakarta’s attempt to show the territory was administered as an ordinary province. See, Douglas Kammen, “Notes on the Transformation of the East Timor Military Command and its Implications for Indonesia”, *Indonesia* (April 1999), pp. 63-64.
commander East Timor had ever had. Warouw promoted a more 'persuasive' approach to anti-integrationists. He removed many roadblocks which limited travel in East Timor, \(^{31}\) released political prisoners, and, reportedly, punished many undisciplined officers. \(^{32}\) However, observing the increasing boldness of pro-independence East Timorese, some hardline segments of the military and their civilian allies began to believe that the opening-up was a terrible mistake. These people then began sponsoring a campaign of terror and intimidation, frequently using East Timorese paid agents (often called 'Ninjas'). There was sufficient reason to believe that such activity was made without Warouw's knowledge, and that in fact it was a plot of those who wanted to discredit Warouw and his ally Carrascalão. Many believed that the President's son-in-law, Lt. Col. Prabowo Subianto, sponsored these activities. Prabowo had already been on duty four times in East Timor, had nurtured close ties with Apodeti people and local mafias there since the 1970s, and was at odds with Carrascalão. \(^{33}\) That this type of Ninja-style operation—which later became a nation-wide phenomenon—was Prabowo's speciality makes this speculation more convincing.

*The Dili (Santa Cruz) massacre* \(^{34}\)

For pro-independence East Timorese youths, the opening-up of the territory was a perfect opportunity to express their aspirations. They began to stage demonstrations

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\(^{31}\) Before the opening-up policy was adopted, the East Timorese were unable to go out of the province without permission from the military and, even within the province, there was considerable restriction of mobility. To quote Carrascalão, "The East Timorese were living in a concentration camp". *Koran Tempo* interview with Mario Carrascalão, op. cit.

\(^{32}\) Note the hierarchical relationship between Kolakops and Korem commander (Danrem). Warouw was first appointed as Danrem Wiradharma in April 1989. It was after he was promoted to the post of Pangkolakops in May 1990 that he became able to address irregularities in the operations of combat troops. (Kolakops was formally dissolved in April 1993). See Kammen, op. cit., p. 65

\(^{33}\) Carrascalão was so appalled by Prabowo's behaviour that he requested Prabowo's removal from East Timor. Responding to this, Prabowo accused Carrascalão of being a Fretelin sympathiser and called for the sacking of the governor. Carrascalão, then, explained this situation to Soeharto but was persuaded by Soeharto to stay on. Schwarz, op. cit., p. 219

\(^{34}\) The Indonesian government has always referred to this event as the Dili 'incident'. During the New Order, when there was little freedom of expression, the term 'massacre' was rarely used to describe this or similar events in Indonesia. Western governments also hesitated to call the event a 'massacre'. Among academics too, there were many who hesitated to use the term. However, since the fall of the Soeharto regime, and as the military's past human rights violations were revealed one after another, the term 'Dili (or Santa Cruz) massacre' (and the term 'massacre' itself) has been more commonly used both in and outside Indonesia.
with increasing boldness and frequency. They took advantage, in particular, of visits by high-profile figures such as Pope John Paul II (October 1989), US ambassador to Indonesia John Monjo (January 1990), and the Jakarta-based Papal Nuncio (September 1990). However, to their great disappointment, the scheduled visit of a Portuguese parliamentary delegation was cancelled at the last minute due to governmental objections regarding the inclusion of an Australian investigative journalist, Jill Jolliffe, in the delegation. It was in such an environment that the so-called ‘Dili (Santa Cruz) massacre’ occurred. On 12 November 1991, Indonesian army troops opened fire on an unarmed crowd of two to three thousand people walking to the Santa Cruz cemetery to place flowers on the grave of a young independence supporter who had been killed in a clash with pro-Indonesia youths two weeks earlier. Human Rights NGOs and local sources reported that the death toll climbed to between 100 and 270, some suggesting even more. Crucially, this tragedy was witnessed by foreign observers, and a film was taken by a British filmmaker, Max Stahl and smuggled out. Fresh images showing the Indonesian soldiers shooting and beating demonstrators immediately spread throughout the world. These pictures were likely to have more impact than all the oral testimonies on the human rights situation collected over the year.

The international reactions were very powerful and came in quick succession after the killings. The reactions from Australia, New Zealand, Portugal, the Netherlands were especially strong. The US Congress, the Japanese Diet, and the EU parliament also strongly condemned the action taken by the Indonesian troops. They demanded that the Indonesian government conduct an immediate inquiry into the killings and bring those who were responsible to justice. The governments of Denmark, the Netherlands, and Canada within weeks suspended new aid to Indonesia. Even domestic media gave unprecedented coverage of the tragedy and related issues in East Timor. The incident coincided with a period of keterbukaan (political openness), when political control was somewhat loosened, and the Indonesian press enjoyed a certain degree of freedom in reporting. The military responded to the accusations against the

55 For a vivid illustration of underground activities during this period, see, Chapter 9-12 in Constâncio Pinto and Matthew Jardine, East Timor’s Unfinished Struggle: Inside the Timorese Resistance, Boston: Southend Press, 1996.

56 For keterbukaan, see, for example, Edward Aspinall, 1995, “Students and the Military: Regime Friction and Civilian Dissent in the Late Suharto Period”, Indonesia, 59 (April 1995), pp. 21-44; Max Lane, ‘Openess’, Political Discontent and Succession in Indonesia: Political Developments in Indonesia, 1980-91, Centre for the Study of Australia-Asia Relations, Griffith University, Brisbane, 1991.
military with defiance. The first official version of the events given two days after the killings bluntly placed the blame on ‘GPK’ (Security Disturbance Movement)—the military’s code-name for the Fretilin resistance movement, and ‘brutal’ demonstrators. It claimed that only 19 people had been killed and 91 others were wounded. Two weeks later, ABRI Commander Try Sutrisno gave further explanations: The crowd had fired in the direction of the soldiers and a grenade had been thrown at troops near the cemetery; the soldiers, as professionals, shot back in order to defend themselves.\(^{57}\)

While the military was continuing to defend themselves against accusations of wrongdoing, President Soeharto installed a National Commission of Inquiry (KPN). On 26 December, the KPN—heaved by former Supreme Court Judge Djaelani—issued its findings. These were unusually frank by Indonesian standards at that time. Contradicting the Commander of ABRI, the commission concluded that about 50 people had been killed on 12 November, with over 91 wounded and about 90 missing.\(^{58}\) Two days later, President Soeharto took another step. He transferred the two generals—Pangkolakops Brig. Gen. Rudolph Warouw, and his superior, Bali-based Region IX/Udayana commander (Pangdam Udayana) Maj. Gen. Sintong Panjaitan. He also instructed Tri Sutrisno to find the 90 or so missing people. Further, he ordered Army chief-of-staff Gen. Edi Sudradjat to establish a Military Honour Council (DKM) to determine whether any officers should be court-martialled in this case.\(^{59}\) Given that public criticism of the military was quite rare in Indonesia, these responses from the government were above and beyond what most observers had expected.\(^{60}\) Representatives of major western nations and Japan described these steps

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\(^{57}\) “Penjelasan resmi Pangab tentang kerusakan Dili (1), Angkatan Bersenjata, 29 November 1991. Try’s explanation was widely regarded as incredible.

\(^{58}\) Komisi Penyelidik Nasional, *Laporan Pendahuluan Komisi Penyelidik Nasional Peristiwa/Insiden 12 November 1991 di Dili*, 26 December 1991. The KPN report attracted wide media coverage in Indonesia as well. The tone of the media was generally sympathetic to the team’s work. They understood that the team worked in a difficult environment, while the results were much more thorough than those made by various other parties thus far. However, there were some shortcomings in the report. Among them were that it accused the unarmed demonstrators of incitement and that the number 50 was considered arbitrary.

\(^{59}\) DKM finally determined that 19 officers be disciplined, but did not make clear who actually gave the orders to shoot. The harshest sentence was 18 months in jail for firing on the crowd.

\(^{60}\) These disciplinary actions taken by Soeharto against military officers increased the tension between the President and the military. Crouch (1992) observes that many officers seemed to believe that the troops in Dili were only doing their duty in difficult circumstances; they believed that the real cause of the problem was the government’s policy of opening East Timor. (Harold Crouch, “An Ageing President, An Ageing Regime” in Crouch and Hill, op. cit., pp. 53-54). Soeharto took advantage of this event for his own political purposes, especially to round on the pro-Moerdani groups in the military. Both Warouw and Panjaitan, who were punished, were considered Moerdani’s people. Furthermore, Panjaitan had been one of the main rivals of Wismoyo Arismunandar, Soeharto’s brother-in-law, for the position of Army chief-of-staff. Note
as credible responses, and their pressure on Indonesia over this event relaxed substantially.

However, Soeharto appeared to be extremely irritated by the continuing pressure over this issue, and soon launched an offensive. The most drastic action taken against international criticism was Soeharto's March 1992 decision to reject all aid from the Netherlands, which was then assuming the chair of the donor consortium Inter-Governmental Group on Indonesia (IGGI).\(^{61}\) Such government resistance was seen in the post-Santa Cruz Timor policy as well: the posts of Warouw and Panjaitan went to hardline officers, Brig. Gen. Theo Syafei and Maj. Gen. Mantiri; Popular Governor Mario Carrascalão was replaced by Prabowo's favourite, Abilio Osorio Soares; and the East Timorese allegedly responsible for the demonstration were given far tougher sentences in the courts than the military officers.\(^{62}\) In the end, the positive effects of Warouw's 'persuasive approach' were largely cancelled out by these later developments.

However, this did not mean the reversal of the opening-up policy. The ban on foreign journalists travelling to East Timor was re-imposed in February 1992; however, the government did not or, perhaps, could not control ordinary foreign visitors and the media coverage on East Timor. The military also continued to promote the 'territorial' approach as at least the official policy. The government appeared to acknowledge that the international climate did not permit Indonesia to re-seal the territory.

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\(^{61}\) Also that Wisnoyo was then the commander of the army's strategic reserve unit (Kostrad), which was involved in the killings; however, he was not punished at all. ABRI Commander Try Sutrisno—who was close to Moerdani but was still very loyal to Soeharto—was not punished, either. In addition, Prabowo's role was not even investigated even though many believed that he was involved in the incident in one way or another. These two cases added to anti-Falise feelings among the officer corps. See, "Current Data on the Indonesian Military Elite: July 1, 1989-January 1-1992", *Indonesia* (April 1992), pp. 99-100.

\(^{62}\) This event attracted much scholarly attention with regard to the effectiveness of link between aid and reform. (See, for example, Peter Baehr, "Problems of aid conditionality: The Netherlands and Indonesia", *Third World Quarterly*, Vol. 18, No.2, 1997, pp. 363-376; Nico G. Schulte Nordholt, "Aid and Conditionality: The Case of Dutch-Indonesia Relationship" in Olav Stokke, ed., *Aid and Political Conditionality*, London: Frank Cass, 1995, pp. 110-28). This action taken by Soeharto was generally perceived as a victory on his side. The amount of money the government lost was small (actually it was Indonesian NGOs that were hit hardest), and Soeharto earned domestic applause for this tough stance he had taken vis-à-vis what the government perceived as the former coloniser's arrogance. Soeharto instructed his Minister of Information Harmoko to encourage the media to write on Dutch Minister for Development of Co-operation Jan Pronk's attitude as negatively as possible.

\(^{63}\) Thirteen East Timorese, including two people arrested in Jakarta during demonstrations, were tried on a variety of charges. Four among them were jailed for between nine years and life. Schwarz, op. cit., p. 216.
Despite the initial success in alleviating the world’s fury, foreign pressure did not stop as Indonesia had wished. In February 1992, Indonesia was subjected to sharp criticism at the UN Commission on Human Rights (UNCHR). Portugal, then occupying the EC presidency, lobbied throughout 1992 to take a harder line with Indonesia over East Timor. Also notable were a series of strong US actions. In June 1992, the Congress voted to cut off the controversial International Military Education and Training (IMET) program for Indonesia. This was the first time that the US had cut aid to the Soeharto government on human rights grounds. The transition of the US Presidency from Republican George Bush to Democrat Bill Clinton in 1993 led to greater US pressure on Indonesia over East Timor. From the outset, the Clinton Administration gave higher priority to the East Timor issue than the Bush administration. To the surprise of many, the US spearheaded a vote against Indonesia at the UNCHR session in March 1993, where a draft resolution was presented. Under congressional pressure, the State Department also blocked a transfer of US-made F-5 fighter planes from Jordan to Indonesia, citing human rights as one of the reasons. Certainly, East Timor was not a priority if we look at the overall US foreign policy agenda; the US government treated the East Timor issue carefully by balancing it with other economic and political interests in Indonesia. However, due to strong congressional pressure in the aftermath of the Dili massacre, the East Timor issue became something which always had to be raised in highest-level US-Indonesia meetings in one way or another. Clinton met Soeharto almost every year between 1992 and 1998; during these meetings he almost always raised the issue of human rights in East Timor. This US stance also reflected the general shift in international norms resulting from the end of the Cold War.

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43 IMET is the Pentagon's program for training foreign military officers in the US. Initially both the State Department and Pentagon defended the program by stressing its role in exposing Indonesian officers to democratic ideas and humanitarian standards; however, under strong pressures from grass roots organisations and several Congressmen who had untringly voiced support for the East Timor cause, the decision to stop the program was made. Allan Nairn, “Forward” in Pinto & Jardine, op. cit., p. xxi.

44 In a letter to Clinton of 15 November 1993, 37 Senators urged him to raise their concerns with Soeharto during the November 1994 APEC summit in Jakarta. They reiterated the need for an authentic long-term solution to the Timor struggle under the auspices of the UN. When Clinton met with Soeharto in Tokyo before the G7 summit there in July 1994, Clinton passed on a letter from 43 Senators urging the Soeharto government to facilitate serious negotiations in pursuit of self-determination for the East Timorese. Pat Walsh, “The United States: from Complicity to Ambiguity” in Hainsworth & McCloskey, op. cit., p. 124.
Western governments now refrained from unconditional support of pro-Western authoritarian regimes. They instead increasingly turned to new issues such as human rights and democratisation. Moreover, with the end of the Cold War, donor after donor issued statements on the need for political reform of recipient nations and began to link allocation of their financial assistance to recipients’ political reforms, including observance of human rights.

Support for the East Timor cause was further highlighted by a worldwide solidarity movement. In November 1991, immediately after the Dili massacre, the East Timor Action Network (ETAN) was established in the United States to support self-determination and human rights for the East Timorese people. Similar organisations advocating ‘Free East Timor’ emerged in Europe, Canada, Australia, Japan, and the Lusophone countries before and shortly after the killings. They vigorously put pressure on their respective governments and international organisations and widened their transnational network by taking advantage of Internet communication. Moreover, support from church networks played a crucial role in sustaining international concern for East Timor. The Vatican’s political weight and extensive network also undermined Indonesia’s attempts to gain legitimacy for its integration of East Timor. The significant role of (International) Non-Government Organisations (INGOs) in governmental decision-making processes in industrialised nations was another distinct post-Cold War phenomenon. Western governments too were quite often embarrassed by NGO’s activities; nevertheless, they were unable to flatly dismiss demands from these NGOs because NGOs were often quite sophisticated in influencing the opinions of constituents. Later, looking back on his East Timor

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65 ETAN appears to be the best organised and influential single grassroots organisation campaigning for East Timor. It has a special focus in Washington on the areas of military aid, military training, and arms sales. As for transnational networks, the International Federation for East Timor (IFET) and the Asia-Pacific Coalition on East Timor (APCET) were most prominent. IFET was formed in 1991 by groups from Europe, Japan, and North America, and coordinated their campaigns transnationally. APCET was centred in the Philippines and included groups from East and Southeast Asia, Australia and other Oceanian nations. This transnational organisation was dedicated to putting pressure on Indonesia's neighbouring countries. Those INGOs closely cooperated with East Timorese independence leaders both in Indonesia/East Timor and in exile. And even after East Timor was separated from Indonesia, they are still active in pressuring the national governments and international organisations for the Timorese cause. See Charles Scheiner, "Grassroots in the Field—Observing the East Timor Consultation" in Tanter et al., eds., op. cit., pp. 109-124.

66 Since the Vatican had never recognised Indonesia’s annexation of East Timor, senior Catholic leaders in East Timor were directly appointed by, and communicated directly, with the Pope. Note also that the Soeharto government, which advocated religious harmony, respected voices from church groups at home and abroad more than other types of NGOs supporting East Timor.
diplomacy, Foreign Minister Ali Alatas on various occasions said, “Don’t underestimate the [disruptive] role of NGOs!”.

It was ironic that Soeharto’s desire for a higher international profile created opportunities for resistance groups often with support from the transnational solidarity groups, to further discredit the Indonesian government. At the much-fanfared APEC summit in Jakarta in November 1994, twenty-nine East Timorese staged a twelve-day sit-in at the US embassy, calling on US President Bill Clinton—who they knew was prepared to raise the East Timor issue with Soeharto—for support. In the background, East Timorese students based in Indonesia had a clear strategy to ‘Indonesianise’ their struggle. Another paradox for the Soeharto government was its capture of Falintil Commander José Alexandre Gusmão under the nom de guerre Kay Rala ‘Xanana’ Gusmão on 20 November 1992 and his imprisonment thereafter. His capture should have meant a big victory for the Soeharto government, and for the military, in particular; however, the timing favoured the resistance movement. It was already the post-Cold War era, and the Dili massacre was still very fresh in the minds of many. Reflecting this political setting, Xanana was not summarily executed like his predecessor Nicolau Lobato. He was given a trial, where some international observers were admitted. He was sentenced to life-imprisonment, rather than death, and this sentence was commuted a few months later to twenty years in prison. Xanana himself admitted that he was not physically abused while in imprisonment. Moreover, his imprisonment put him in the spotlight, and he became a focal point of negotiations. In prison, he became much more accessible to foreign governments, the United Nations, human rights organisations, and even his own resistance forces. Thanks to these contacts, he was recognised by the international

67 Comments at several interviews, seminars, and a parliament hearing held in Jakarta between 1999 and 2001.
68 Nicholson, op. cit.
70 “Saya Menaruh Pada Amien Rais”, Tempo, 16 November 1998 (in Tri Agus S. Siswowiharjo, ed., Xanana Gusmão, Timor Leste Medeka, Indonesia Bebas, Jakarta: Solidamor, p. 89). On why the military did not kill Xanana immediately, a close observer suggests from a different angle that ABRI commander Try Sutrisno did not have the nerve to do so. In fact, Try failed to reply to anything during the first 24 hours after Xanana’s capture when asked by Pangkolakops Theo Syafei about the handling of Xanana. (Confidential interview, May 2001). As for the overall softer treatment for Xanana by the government, Harry Tjaj Silalahi suggests that it was due to not only international pressure, but also domestic pressure. At that time, there was strong public demand for more humane treatment for prisoners including the treatment of Xanana. Interview with Harry Tjaj Silalahi, Director of CSIS, 7 September 1999.
community as a moderate and far-sighted leader. In Jakarta’s Cipinang prison, Xanana was also able to forge strong links with high-profile Indonesian political prisoners such as noted labour union leader Moctar Pakpahan and anti-Soeharto parliamentarian Sri Bintang Pamungkas. Communications between Timorese political prisoners and non-Timorese Indonesian political prisoners promoted mutual understanding of the problems each faced. There emerged a perception that essentially they were in the same struggle against Soeharto’s authoritarian regime.

A pinnacle of success was achieved in October 1996, when the Nobel Peace Prize of the year was awarded to two East Timorese, Bishop Carlos Xiemenes Belo and José Ramos-Horta, ‘to honour their sustained and self-sacrificing contributions for a small but oppressed people’. The Indonesian government reacted to the news with shock and resentment. The government was not—or perhaps tried not to be—so much annoyed by the award to Belo, on the basis that he was an ‘Indonesian’, was endeavouring to protect the rights of a religious community, and did not openly object to integration. However, the case of Ramos-Horta was different. Over a period of weeks, the media highlighted condemnations of Ramos-Horta by government officials and intellectuals about Ramos-Horta. Such labels as, ‘opportunist’, ‘trouble-maker’, or ‘NGO puppet’ were thrown at him. Whatever the reactions, the awarding of the world’s most prestigious peace prize to two East Timorese gave the international community the impression that Indonesia was an occupying force and that the East


72 Pakpahan made clear his stance in his support for a referendum in East Timor in 1996, while Sri Bintang publicly took the same stance in 1998. Sri Bintang previously said, referring to the awarding of the Nobel Peace Prize to Belo and Horta, ‘The prize was an invaluable lesson for the Indonesian government by the international community on the consequences of invading other people’s territory’. (Gerry van Klinken, “How Indonesia reads the Nobel Peace Prize”, *Digest No.23*, Indonesia-L, 15 October 1996). For his views on East Timor, see Sri Bintang Pamungkas, "Timor Timur: Dulul, Kini dan Esok", *Republika*, 21 September 1999.

73 Chisako M. Fukuda, “Peace through Nonviolent Action: The East Timorese Resistance Movement’s Strategy for Engagement”, *Pacific Review*, 2000, p. 24. *Solidarom* (Solidarity for Timorese Peace Settlement)—an Indonesian NGO, which systematically campaigned for human rights and self-determination for the East Timorese—was born in such an experience. Solidarom was established in July 1998, shortly after the fall of Soeharto. Its chairman Bonar Tigor Naipospos and some other staff were former political prisoners. The Indonesian government, the military in particular, detested this organisation; however, reflecting an open political atmosphere in the post-Soeharto period, the government showed tolerance of its activities such as seminars and publications.


75 The label ‘NGO puppet’ was given by Muslim intellectual Dawam Rahardjo. For a well constructed criticism of the awarding of the prize to Ramos-Horta, see, Dawam Rahardjo, “Hadhiah Nobel dan Diplomasi Indonesia”, *Tempo Interaktif*, 28 October 1996.
Timorese were its victim. Moreover, this event at the same time increased pressure from the international human rights community on western governments to act more for the East Timorese cause. It appears that after the awarding of the prize, foreign pressure increasingly aimed at the goal of self-determination for East Timor. This was observed by Dewi Fortuna Anwar, who later became foreign policy advisor to the Habibie government. In 1997 she wrote:

It used to be demanded that Indonesia improve the human rights situation in the youngest province. However, these days, as the profile of Horta and Portugal rises in the international arena, the demand for Indonesia to conduct a UN-supervised referendum for the East Timorese people is increasingly heard.²⁶

The subsequent Asian monetary crisis, the fall of Soeharto, and the arrival of the Habibie presidency all were to work as driving forces in this trend. Further developments will be examined in the next chapter.

Domestic Discourse over the East Timor Issue: 1991-May 1998

As illustrated in the previous section, the government—albeit very selectively—had been compelled to make several concessions to the international community with regard to East Timor since the Dili massacre of 12 November 1991. Nevertheless, during the six-and-a-half years after the tragedy, little progress was made in the issue of the territory's political status, nor had there been an essential change in the human rights situation on the ground. Why was the government so adamant in objecting to giving more freedom to East Timor? Why did human rights violations continue to prevail in East Timor despite far more international scrutiny since Santa Cruz? How did the political elite and the Indonesian public perceive the status quo in East Timor policy? What attempts, if any, were made to break this status quo?

To answer these questions, this section first observes the perceptions and interests of the key Indonesian players over the East Timor issue, namely, Soeharto, the Deplu, and the military. Then, we will observe more diverse domestic views on East Timor and some attempts to alter the status quo both at the elite and at the public level.

Perceptions and interests of key domestic players

Soeharto

Observers in general agreed that as long as Soeharto was still in power, an independent East Timor was not to be expected. This is simply because Soeharto, who had veto power in any domestic decision-making for most of his rule, had opposed relaxing the government’s grip on East Timor, let alone allowing a referendum. For Soeharto, the East Timor issue was final—full integration or nothing. He resolutely kept to this stance until the end of his rule. In 1994–5, when the issue of special status and autonomy for East Timor became a controversial topic within the Indonesian elite (as will be discussed below), he asserted several times that he would never give East Timor special treatment compared to other provinces. He also made this stance clear when US President Bill Clinton suggested Soeharto offer special status to East Timor at the APEC summit held in Jakarta in 1994. When Coordinating Minister for Political and Security Affairs Lt. Gen. (ret.) Soesilo Soedarman suggested special status several times in the mid 1990s, Soeharto always gave him the same negative answer, stressing the necessity of ‘uniformity’ in the treatment of regions for the sake of sense of fairness (rasa keadilan). Foreign Minister Ali Alatas also attempted to convince Soeharto to accept autonomy in 1994. However, Soeharto suggested that Alatas not propose the idea with Portugal as Portugal was unlikely to accept it anyway. Soeharto was obsessed with national unity and regarded the terms ‘autonomy’ or ‘special status’ as anathema. As for the independence option, he proudly stated that “There is no such thing as a referendum in our book”. Not only Soeharto but also the mainstream New Order politicians were inclined to reject special status or autonomy, linking it to federalism and disintegration of the nation. The concept of a ‘Unitary State of the Republic of Indonesia (Negara Kesatuan Republik Indonesia)’ was strongly ingrained in

77 “Soeharto, Clinton discuss right issue”, The Jakarta Post, 17 November 1994.
78 Interview with Lt. Gen. (ret.) Sayidiman Suryohadiyogo, 25 August 2001. The idea of Soedarman’s consulting Soeharto originally came from Sayidiman—a former army deputy chief-of-staff who was associated with ICMI and later became a military advisor to Habibie in the Habibie government.
79 See the episode in Greenlees and Garran, op. cit., pp. 28–29.
the mindset of the mainstream national political elite.

Soeharto’s general perceptions about the integration of East Timor were as follows: 1) Indonesia did not have any desire to annex East Timor, but it did so because a majority of the East Timorese people requested integration; 2) The acceptance of the petition of the East Timorese people in 1976 was motivated by human rights concerns and based on the 1945 Constitution, which stipulates that Indonesia has to accept responsibility to be involved in the world; 3) Even though the eventual annexation of the territory was a burden to the government, as the government needed to develop East Timor in addition to other provinces, it was Indonesia’s responsibility.

As the third argument indicates, Soeharto promoted economic development in East Timor with an extra emphasis. This is because he believed that economic development was the quickest way to relieve the dissatisfaction of the local population and to speed-up integration. In fact, his government invested a disproportionate amount of money into the province for development purposes. The government claimed that it allocated six times more in development funds to East Timor than allocated to its neighbouring province, East Nusa Tenggara. These allocations also covered more than 90 percent of the annual provincial budget. As was frequently noted by government officials, Indonesia built far more roads, bridges, schools, and hospitals in twenty years than Portugal did during its 400 years of colonial rule. However, Soeharto obviously disregarded the fact that this infrastructure benefited the military, their bureaucratic allies, and commercially-adept immigrants more than ordinary East Timorese. When Soeharto visited Dili four days after Belo and Ramos-Horta received their Nobel Peace Prize in 1996, he boasted of a record 10 percent average annual economic growth rate in the province, compared to the national

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81 “President Tentang Timitim: Indonesia Tak Akan Mundur Selangkah Pun”, Suara Karya, 27 May 1995. The Preamble of the 1945 Constitution says, “[i]n order to(...) contribute to the establishment of a world order based on freedom, abiding peace and social justice, the national independence of Indonesia shall be formulated into a constitution of the sovereign Republic of Indonesia(...)”. Undang-Undang Dasar Republik Indonesia 1945. (English translation was obtained at MPR Online).
82 “Integration not fully incarnated by East Timorese, Abilio says”, The Jakarta Post, 10 July 1993; See also, Soeharto, Pikiran, Ucapan dan Timbakan Saya, Jakarta: PT Citra Lantoro Gung Persada, 1989, pp. 317-318.
83 For example, in 1989/1990, East Timor’s local income was Rp.1.4 billion, while the sum of the routine budget and development funds in the province was Rp.27.9 billion; in 1994/95, local income was Rp. 5.6 billion, while the sum of the routine budget and development funds reached 65.6 billions. Indria Samego, “Politikasi Timitim”, Republika, 28 November 1996.
average rate of 6.8 per cent during his rule. And he said, "I know that there are still a lot of problems faced by the society here. One of them is job opportunities(...) This problem will be overcome by continuing to increase and expand development".  

Foreign Ministry (The Deplu)

Among the government institutions which dealt with East Timor, the Deplu was the one which had the most demanding task—that is, external relations. Top diplomats on postings to countries or international organisations with pro-human rights orientations were required to endlessly rebut to the media allegations that the military had perpetrated human rights violations in East Timor. The key player in the Deplu was undoubtedly Minister Ali Alatas (1988-1999)—who had served in the post throughout this diplomatically tough period.

With regard to the political status of East Timor, Deplu necessarily followed the Soeharto line: integration was final. It was in fact quite likely that there were officials who personally regarded the idea of providing special status/autonomy as being a useful way to smooth the UN-sponsored negotiations or to get the issue off the international agenda and, as noted, Ali Alatas held such a view when he sounded out the idea of special status with Soeharto in 1994. However, the official stance was unchanging. The Deplu’s standard argument against the provision of special status/autonomy for East Timor implied that East Timor already enjoyed greater autonomy than other Indonesian provinces in that the government had divided the small province into as many as 13 regencies and delegated them greater authority.  

As far as a referendum was concerned, Alatas repeated that it was out of the question and would be an act of ‘suicide (bunuh diri)’. Deplu’s standard arguments against a referendum were: 1) It would violate the unity (persatuan) and oneness (kesatuan) of the Republic of Indonesia; 2) It would insult many East Timorese who wanted to be integrated into Indonesia and it would also open old wounds; and 3) It was unnecessary because those who were now calling for a referendum—individuals

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84 "Suharto Defends Indonesia’s Record in East Timor”, Agence France-Presse, 15 October 1996. Note that for supporters of the New Order, 'economic development' was one of the two key grounds—along with 'political stability'—of its legitimacy. Soeharto set economic development as the chief goal of his government because he recognised that poor economic performance would end his power, learning a lesson from his predecessor Sukarno.

such as Ramos-Horta and his followers—were the very party who had rejected the idea of referendum previously and also did not seek peaceful decolonisation but instead attempted to finish the process through the use of force.⁸⁶ Although the third rationale sounds emotional, this is the one the Deplu most often stressed. Perhaps, this was, as its core, an attempt to discredit the international campaigns which Ramos-Horta represented. Another argument was that there was no need to repeat a referendum because a referendum was no different to self-determination; and self-determination was already granted to East Timor by the government in 1976.⁸⁷

**The Military**

Like Soeharto, the military staunchly opposed independence in East Timor—in fact, suppressing resistance movements was their chief mission in East Timor. Their standard view was that they entered East Timor to save the Indonesian people from Communist infiltration and the East Timorese people from a civil war, with a huge cost in soldiers' lives. Gen. Wiranto, Military Commander at the time of the UN-sponsored ballot, often stated that the military did not want the soldiers' deaths to be in vain. The military's objection to self-determination also had much to do with their concern over disintegration of the nation. They stressed that if self-determination was achieved in East Timor, other regions with separatist tendencies would demand independence as well. The break-up of the Soviet Union and Yugoslavia added strength to their argument.⁸⁸

Another reason for the military's objection to independence came from the fact that East Timor was a very valuable place for the military in various ways. Firstly, it was valuable in terms of military operations. The territory was often referred to as a

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⁸⁶ By 'rejection of the idea of referendum', the Deplu meant Fretelin's rejection of the invitation to the Macao conference organised by the Portuguese government in June 1975 (See, Footnote 9). However, the Deplu, by intentionally avoiding using the name 'Fretelin', attempted to generalise the event as if the entire pro-independence force had rejected peaceful decolonisation process.


⁸⁸ However, during the New Order period, there was a persistent sense among the public that the national political elite knew that the threat of disintegration was not 'real' and that they used this assertion in order to justify authoritarian control.
‘valuable combat training ground’ and a ‘useful reminder of its own importance’. As a Military Operation Region (Daerah Operasi Militer, DOM), the military extended its presence and its intelligence network to every segment of society, from cities to small villages. After the Dili massacre, it became more difficult to conduct blatant human rights violations such as shooting civilians on the spot; nonetheless, the territory was still a useful place to ‘test’ their military techniques, increasingly in covert, and, less visible operations.

Secondly, one can argue that assignments to East Timor helped officer’s career paths as well. This argument was less applicable in the post-Santa Cruz period, when several individuals were actually punished on the grounds of human rights violations; however, the number of those punished was very small and human rights violators were often politically protected. Prabowo Subianto has never been punished for his role in East Timor. Also, many officers in commanding positions surrounding the UN-sponsored ballot in East Timor were promoted immediately after completing their duties in East Timor despite their obvious failure to keep the security situation under control. In general, combat experience in East Timor or other restive regions is still regarded as an important criterion for elevation to higher posts in the army.

Thirdly, East Timor was a profitable place for the military in economic terms. Its major commodity, coffee, had been monopolised by PT Denok, a company owned by Benny Moerdani and two of his associates in the 1970s and 1980s. The Batra Indra Group, which was established by military officers and run by military-associated Chinese businessmen, controlled other major commodities such as sandalwood, marble, and sugar. As Moerdani’s political power declined, business opportunities rapidly shifted towards people close to the Soeharto family, military officers close to the Soeharto family, including Prabowo, East Timor Governor Abilio Osorio Soares, and his relatives. This means that

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89 Schwarcz, op. cit., p. 197.
90 However, he was dismissed from the military due to his role in the kidnappings of political activists prior to and during the May 1998 riots.
91 For example, Denok’s monopoly over coffee was broken by Bakrie brothers and their partners—Soeharto’s half-brother Probo Subardjo and Soeharto’s eldest son Sigit Soeharto by the late 1980s, and this was further broken by the company of Soeharto’s eldest daughter; Siti Hardiyanti Rukmana or ‘Tutut’, PT Citra Insinopindo Persada in early 1994. Soeharto’s youngest son, Tommy Soeharto, also started large-scale business in the province by the mid-1990s. See, Chapter 8 in George J. Aditijodro, *Mengungsi Matang Hari Terbit di Pancak Ramelau: Dampak Pendaikan Timor Loro’s e dan Munacnya Gerakan Pro-Timor Loro’s e di Indonesia*, Jakarta: Yayasan HAK dan Fortilos, 2000; “Meneuk Untung di Bumi Lorosae”, *Tempo*, 8 February 1999.
East Timor was still an economically profitable place for the military in the 1990s, especially for the officers who had strong links with the Palace. Importantly, for the military, the financial benefits came not only from revenues from large-scale corporate operations, but also from a wide range of other economic opportunities in East Timor. The Editors of Cornell University's Indonesia (1992) suggest that lower level—especially middle-ranking army officers who had no real prospect of promotion—earned profits by acting as, for example, real estate speculators and commissioning agents. During the period of virtual martial law before 1989, such officers gained long-term bases in the territory by way of local alliances. These alliances came through marriage, business partnerships with local elites, and tie-ups with former military subordinates.92

**Human rights violations**

If the above factors explain why the military held on to East Timor, why did the military conduct gross human rights violations in East Timor?

The first point to note is that the dominance of the military in political life and political repression were major characteristics of Soeharto's authoritarian regime. Thus, it was nothing out of the ordinary that the military carried out human rights violations against those seen as dissenters or their enemies. The military had the capacity to carry out human rights violations and was hardly accountable for abuses of power. The killings of about half-a-million alleged Communists in 1965-6693 criminals in 1983 (the Petrus campaign),94 alleged Muslim fundamentalists (most notably, the cases of the Tanjung Priok killings in 1984 and the Lampung killings in 1989),95 alleged separatists in Aceh and Irian Jaya; and, ordinary people in various parts of Indonesia, all lead us

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93 The Communist Party of Indonesia was implicated in the abortive coup of 30 September 1965 and its members and alleged supporters became the target of killings by the Indonesian military and Muslim youths.
94 The Petrus (mysterious gunmen) campaign was the killings of presumably 5,000-10,000 criminals in the name of ‘Operasi Pemberantasan Kejahatan’ (Operation Combat Crime). For details of these killings, see David Bourchier, “Crime, Law, and State Authority in Indonesia” in Budiman, ed., op. cit., pp. 177-212. Note that Soeharto, in his biography, justified these killings as a ‘shock therapy’ to reduce crimes. See Chapter 69 on Petrus and the death penalty in Soeharto, op. cit., pp. 389-391.
95 The Tanjung Priok killings were shootings on anti-government Muslim protesters by the army troops at Tanjung Priok mosque in North Jakarta. The military claimed that 18 people were killed, but the relatives of the victims claimed that at least 412 people went missing. (“Parties reach peace deal over Priok bloodshed”, The Jakarta Post, 8 May 2001). The Lampung killings resulted from an army attack on about 100 villagers in Lampung, Sumatra. The army initially accused the villagers of being Muslim fundamentalists but later backed down when it became clear that land rights were the core issue. Schwartz, op. cit., p. 173.
to believe that such violence is part of the military’s ‘culture’ (Robinson, 2002) or ‘sub-culture’ (Cribb, 2002).  

Why, then, were human rights violations in East Timor graver than those in other regions (with the possible exception of Aceh)? Glasius (1999), in her study on human rights violations in Soeharto’s Indonesia, points out that the military believed that dissent was necessarily a threat to the state—whether this dissent was expressed peacefully or violently—and that this notion was all the stronger when the dissent was of a separatist nature.  

Armed East Timorese resistance was certainly active throughout the occupation but the number of armed rebels had become much smaller by the late 1980s; however, such armed rebellion was replaced by substantial unarmed resistance—much to the annoyance of the military. Under the leadership of Xanana Gusmão, resistance leaders strengthened contact with young Timorese in Dili and other cities, and encouraged a policy of non-violent resistance. But the military, calling them as ‘GPK’ or ‘clandestine’, made them the target of repression.

The study by Glasius also suggested—by referring to an article by Anderson (1993)—that human rights violations towards East Timorese can be related to the

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96 Geoffrey Robinson, “The Fruitless search for a smoking gun: Tracing the origins of violence in East Timor” in Freck Colombijn and J. Thomas Lindblad, eds., Roots of Violence in Indonesia: Contemporary violence in historical perspective, Leiden: KITLV Press, 2002, pp. 273-274. Robinson explained a culture of violence as ‘a deeply embedded system of knowledge, discourse, norms, and behaviour’; This suggests that ‘no explicit order or plan is necessary in order to trigger the actions’.  
97 Robert Cribb, “From total people’s defence to massacre: Explaining Indonesian military violence in East Timor” in Colombijn and Lindblad eds., p. 234. Cribb loosely defines a sub-culture of violence as ‘a social setting in which violence or the threat of violence is a standard means (within Indonesian society)’.  
99 From 1975 to 1986, the resistance remained divided, but in 1987, Xanana Gusmão and José Ramos-Horta quit Fretlin and formed CNRM (National Council of Maubere Resistance) as an umbrella council that was hoped to encompass all the ideologies. UDT, however, continued to reject the legitimacy of this body. Besides policy disputes, the term Maubere, with which Fretlin identified itself, was at the core of disagreement. The resistance became more united when in 1997 all factions agreed to change CNRM to CNRT (National Council of Timorese Resistance), Babo-Soares, 1999, op. cit., pp. 60-61; Sarah Niner, “A long Journey of Resistance: The Origin and Struggle of the CNRT” in Tanner et al., eds., op. cit., pp. 13-15.  
100 To quote army chief-of-staff Gen. Hartono, those unarmed civilians were “the most difficult to detect because they have ‘two faces’ and mingle with the public”. (“Army requests list of dissidents”, The Jakarta Post, 5 May 1994). Initially the military most commonly associated Fretlin or East Timorese pro-independence forces with communists (e.g., PKI, communist parties in foreign nations), but in the 1980s and 1990s, it increasingly used the term GPK. This term was also frequently used for separatists in Aceh and Irian Jaya.  
101 In this work, Anderson explains the reason why intelligent East Timorese often dropped out from Indonesian universities: it was mainly due to an ‘intolerable social climate’; They were especially enraged by frequently being told how ‘ungrateful’ the East Timorese were for what Indonesia had done to East Timor. In a broader context, Anderson associates the widening of East Timorese nationalism with the
Indonesian people's notion of East Timorese as 'alien' and 'inferior', and argues that it is more natural to commit human rights violations against such people than against those who belong to one's own people.102 Related to this point, Cribb (2002) made an interesting observation with regard to the massive brutality of Indonesian soldiers against East Timorese in early years of Indonesia's occupation, calling it 'a form of tragic cultural shock'. He writes:

Portuguese rule may have been repressive(...)but the East Timorese had never encountered men like the Indonesian troops, who dropped from the air and waded from the sea on 7 December 1975(...)the East Timorese were certainly not accustomed to, in the way that Indonesians had become accustomed, to the combination of deference, timidity, and evasion which was needed to survive an encounter with these self-assured, arrogant, and well-armed men. The Indonesian troops, for their part, were not accustomed to the kind of hostility, defiance, and independent-mindedness that they now encountered among the Timorese. They responded, as was their custom, with violence.103

This interpretation seems to be applicable to unarmed resistance and the period up to the very end of Indonesian rule as well. These Timorese people demonstrated surprising resilience when facing the possibility of extra-judicial killings, torture, and kidnappings. The military, so this argument runs, responded to resistance of these ‘queer’ enemies even more harshly.

However, it is important to note here that ethnicity and religion were not very relevant to human rights violations in the territory as Indonesia is a nation of multi-ethnic and multi-regions, and members of the military also had diverse ethnic and religious backgrounds. And the ‘alien’ argument is not applicable to native East Timorese soldiers composing a substantial part of the East Timor-based Battalion 744 and 745 who were often more brutal than Indonesian soldiers in East Timor. (The behaviour of Timorese soldiers, thus, can be explained by a general culture of violence within the military, especially in such an area as East Timor where these soldiers were stationed).104 However, all in all, the ‘alien’ argument may be applicable to the general mixture of education and repression that Indonesians experienced under Dutch colonial rule. See, Benedict Anderson, "Imagining East Timor", Area Magazine, No. 4, April-May 1993.

102 Glasius, op. cit., p. 239.
103 Cribb, 2002, op. cit., p. 239.
104 Battalions 744 and 745 were under the direct command of Korem 164. The brutality of these battalions
repressive policies in East Timor. It can be inferred from comments of not only members of the military but also the civilian elite that the harsh East Timor policies reflected Indonesian’s perception of the East Timorese as people who had never been tamed, would never want to be good Indonesians, and therefore needed to be punished, or at least strictly-controlled.105

Seeking a new approach

The opening-up of East Timor and the Santa Cruz massacre had made both Indonesians and the international community more aware of the fact that integration had still not succeeded in East Timor. In this situation, there were signs—even within the military—of an awareness that a new approach was needed. At the national level too, public attention was increasingly given to human rights violations throughout the country, including East Timor. As a result, there were indications that important sections of public opinion were questioning the government’s security approach to East Timor. This sub-section will observe these signs of change within Indonesia.

A wind of change in the military?

As discussed above, the military had a strong interest in keeping a tight grip on the territory; nevertheless, within a few years of the Dili massacre, even within the military, opinion emerged that a new approach was needed for the East Timor problem. Early signs of change were first revealed by East Timorese economist João Mariano de Sousa Saldanha in his book titled The Political Economy of East Timor Development (1994). The core argument of his study was the necessity for a more autonomous East Timor in various fields, including industrial policy, the status of the Catholic Church, and the bureaucracy.106 According to Saldanha, around this period two groups within the

was proved prior to and after the UN referendum. Commanders of the two battalions and one soldier in Battalion 744 were included in the list of those suspected of human rights violations in the final report of KKP-HAM Tintim. (On KKP-HAM Tintim, see Chapter 6 of this thesis).

105 These comments will be presented shortly in this chapter and Chapter 3.

106 Saldanha, op. cit. Saldanha himself was a supporter of integration. The publication of his book itself attracted some media attention and a book-launching seminar was held at CSIS, with which he was then associated. (“Native scholar proposes more autonomy for East Timor”, The Jakarta Post, 27 August 1994). His brother Salvador J. Ximens Soares—a Golkar parliamentarian and the publisher of East Timor’s main local newspaper Suara Timor Timur, also proposed his idea on autonomy at that time. He proposed that the local government be allowed to raise taxes, accept direct foreign aid, adopt its own educational curriculum,
military emerged, advocating a new approach. One group favoured the reformation of East Timor policy without changing the current status of the territory, while the other—consisting mostly of middle-ranking officers—advocated approaches which included the provision of autonomy or special status. Bali-based Region IX/Udayana commander Maj. Gen. Adang Ruciatna made clear his support for special status for East Timor, recognising that East Timor has a different history, culture, and religion. He even once suggested that non-Catholics in East Timor restrain themselves.\textsuperscript{107} Ruciatna also floated this idea in a freewheeling discussion at the state-sponsored Indonesian Academy of Science (LIPI) in front of 40-50 academics. Saldanha was also invited to discuss the special status proposal with six members of the ABRI East Timor study group, headed by Rear-Admiral A. A. Kustia at ABRI headquarters, where the officers were very sympathetic to his ideas. In a 25-page report to ABRI Commander Gen. Feisal Tanjung, the group recommended creating a mechanism to deal with local opinions and grievances, prioritising political solutions rather than military solutions.\textsuperscript{108} Colonel Prabowo Subianto, the son-in-law of President Soeharto, also supported the need for reform and acted as the channel to Soeharto when Governor Abilio Soares asked in May 1994 for special status for East Timor. At this time also Bishop Belo wrote an open letter dated 31 July 1994 that suggested autonomy or special status for East Timor. Saldanha did not elaborate on what kind of concept of autonomy or special status these officers actually had or what was the real motivation behind the idea. He also suggested that Ruciatna’s proposal was directed at cultural and religious fields, but not at economic and political fields. He suspected that

\begin{footnotesize}
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  \item[108] “Change of the Wind”, op. cit.
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Ruchiatna avoided saying something premature before ABRI revealed its official position.109

Nevertheless, there were at least two possibilities behind these new moves within the military. To begin with, some officers may actually have been sympathetic to various voices from the East Timorese and wanted to revise their approaches in the region. It was widely known that some officers stationed in East Timor cultivated special close relationships with local pro-integration East Timorese. While there were many among pro-integration East Timorese who merely enjoyed the status quo, there were also those who supported reform. The East Timorese in the latter group and some military officers may have shared the same interest in granting greater authority to the local East Timorese if it could facilitate integration. And Saldanha’s study itself may have inspired some officers with whom he had discussions.

The other possible reason was that this new move was essentially in line with the reconciliatory approach the government was taking at that time. As the APEC summit in Jakarta approached and various regional and international agendas were forthcoming, Soeharto attempted to demonstrate that the integration was meeting the needs of the East Timorese people. The most prominent attempt by Soeharto at that time was the appointment of his eldest daughter, Siti Hardjianti Rukumana, or Tutut, as the chairman of the newly-established Indonesia-Portugal Friendship Association in January 1994. In the same year, Tutut and Indonesian ambassador to the United Kingdom, J. E. Habibie (B. J. Habibie’s brother), had arranged two meetings between pro-integration East Timorese leaders and pro-independence East Timorese leaders in the UK.110 This led the Indonesian government into agreeing with Portugal to hold the first official ‘All-inclusive Intra-East Timorese Dialogue (AIETD)’ in 1995 as an exercise of confidence building.111

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109 Saldanha, op. cit., p. 387
110 The two meetings were held between 29 September and 1 October 1994. Francisco Lopes da Cruz, who became Roving Ambassador for East Timor Affairs in April 1993, was another moderator. He worked hand-in-hand with Tutut. In this way, Soeharto gave Tutut a missionary task to speed up integration. A close observer suggested that privately Tutut attempted to entice Jakarta critics among the East Timorese and invited them to Jakarta with material incentives. However, this strategy was not successful because most of those who were invited just ended up as pemant (thugs). Confidential Interview, April 2001.
111 This dialogue was held annually between 1995 and 1998 in Austria. However, from the outset the discussion on the political status of East Timor was off the agenda, which contributed to the ineffectiveness of this framework. However, discussions on the political status were held informally among the Timorese participants. But still, the approach of hardliners from Jakarta was unwavering. Personal communication from Helder da Costa, the National University of Timor Lorosae, 27 February 2003.
However, as far as the issue of the political status in the province was concerned, Soeharto lent no ear to voices for change. Even the suggestion directly conveyed by Prabowo was rejected. As will be discussed below, as Soeharto’s unwavering stance became clearer, the aforementioned shift within the military rapidly stalled. Moreover, as we will examine shortly, the killings of six unarmed civilians in Liquiça on 12 January 1995 and Ruchiatna’s strong defence of his soldiers and his blatant rejection of the idea of autonomy/special status after the incident gave doubt about the extent to which the aforementioned positive attitude of military officers was deeply embedded.112

These developments involving a search for a new approach to East Timor took place in the context of a growing gap between the President and the military leadership. This reflected Soeharto’s increasing ‘bypassing’ of the military and increasing reliance on his family in East Timor affairs, as well as in various other policy fields. Soeharto’s disciplinary measures towards officers after the Dili massacre and the establishment of the National Commission of Human Rights (Komnas HAM) in 1993 had already offended many officers. Whether the officers who supported a new approach had an aim to regain initiative in East Timor policy or they had any other special agenda (especially in the case of Prabowo) remains unknown; however, these developments at least indicated that the military’s power in decision-making over East Timor policy was increasingly dwindling. The next subsection will further highlight this development.

**Komnas HAM and the Liquiça killing**

The first post-Santa Cruz incident which led to the military’s security approach in East Timor being systematically challenged was the killing of six unarmed civilians by

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112 In an interview, Ruchiatna, contrary to his previous support for special status, stated:

> What kind of autonomy? Imitate which place? Here, everything is special. Regional government, for example. The Governor is an East Timorese. Among the 13 regents, 10 regents are East Timorese(...). Actually, people here are satisfied. Those who demand that kind of thing are only anti-integrationists. They are really smart in making a ‘move’ as if East Timor were being colonised by Indonesia.

In the same interview, when asked about his concept for overcoming security disturbances in East Timor, he suggested simply increasing the number of the troops in the territory. “Kalau Dianggap Sala Saya Stap, Silakan Tindak”, *Forum Keadilan*, 16 March 1995.
soldiers in Liquiça on 12 January 1995. The killings at Liquiça were seen as part of a national pattern. The previous two years had seen two highly-publicised cases of human rights violations involving security forces: the brutal killing of a woman labour activist Marsinah in East Java and a fierce military crackdown on large-scale labour demonstrations in Medan, North Sumatra.133

The Liquiça killings of six villagers who were suspected of supporting Fretilin prompted several responses from the government similar to the responses made immediately after the Dili massacre. Both national and military investigations were conducted; a Military Council to investigate military personnel was established; and several officers were punished. However, the Liquiça case highlighted a crucial new player in the national human rights arena: Komnas HAM.

Komnas HAM was established by Presidential Decree (keppres) No.50/1993 on 7 July 1993. It was given a mandate to monitor and investigate the human rights situation in the country.114 This commission was modelled on the National Commission of Inquiry (KPN) which was established after the Dili massacre. Continuing foreign pressure after the Dili massacre was the chief reason for establishing Komnas HAM, but its establishment also reflected the government’s desire to enhance its regional and international profile at the time. The Depu actually started preparing for its formation in 1992, but its establishment was delayed due to the hectic demands of dealing with the post-Santa Cruz developments and the difficulty in selecting commissioners. Eventually it was established only a week before the opening of the UN World Conference on Human Rights in Vienna. Initially, many observers believed that this Commission was little more than Soeharto’s attempt to present ‘a good face’ to the international community. Many also doubted its independence, pointing out that it was funded by the State Secretariat and that its members were directly appointed by the President. It was widely believed that the Commission had an unwritten mission to counter international allegations of human

113 For details of the two incidents, see chapters on the issues in Human Rights Watch/Asia, The Limits of Openness, NY: Human Rights Watch/Asia, 1994.
114 Because the status of Komnas HAM was defined only by a Presidential Decision (keppres), its legal footing was still weak and it was subject to easy dissolution. However, this status was later strengthened by the Law of Human Rights No.39/1999. The new law gave Komnas subpoena power as well.
rights violations in Indonesia.\textsuperscript{115} However, the performance in its first year was, according to Human Rights Watch, ‘weak but better than expected’.\textsuperscript{116}

In the Liquiça case, the military initially defended their action in a conventional way. It claimed that the six people were killed in an exchange of fire. Region IX commander Ruchiatna argued that his soldiers had done nothing wrong because the victims were cellula (cells)—the invisible supporters of GPK.\textsuperscript{117} East Timor Korem commander Kiki Syahnakri claimed that his soldiers were ‘200 percent correct’ in following the military procedures.\textsuperscript{118} Nevertheless, due to the great domestic and international attention given to the incident, the military conducted its own inquiry into the killings, and the Komnas HAM also began a separate inquiry.\textsuperscript{119} Recognising increasing public knowledge that the six victims were ordinary villagers and finding it difficult to maintain its original version of the event, the military revised its initial claim. In its report on 24 February, it admitted that at least some soldiers had deviated from the proper military procedure in the case and announced its plan to carry out a further investigation by establishing an Officer’s Honour Council (DKP).\textsuperscript{120}

Meanwhile Komnas HAM announced the conclusions of their inquiry on 1 March. The results were much stronger than many had expected. The report criticised not only what the troops did in the incident, but also the general behaviour of the military in East Timor. Its summary suggested that no GPK links were found among the six victims; the victims were intimidated and tortured by the military; and there was ‘recklessness’ on the military’s side in dealing with the security of the civilian population.\textsuperscript{121} The Komnas investigation also invited further public demands for accountability of the military’s actions. On the same day as Komnas HAM’s press release, 50 academics and students in Jakarta signed a letter urging the military to


\textsuperscript{116} Human Rights Watch/Asia, ibid.

\textsuperscript{117} “Kalau Dianggap...”, op. cit.


\textsuperscript{119} The investigation was made by the three influential figures in Komnas HAM: Clementino Dos Reis Amaral (himself East Timorese), Marzuki Darusman, and Muladi.

\textsuperscript{120} DKP was basically same as DKM.

change its approach in East Timor and demanded an additional investigation. The Legal Aid Foundation (LBH) also requested a further inquiry based on the Komnas’s findings and the formation of a KPN like after the Dili massacre. Criticisms of the military’s security approach spread as well to some Muslim groups, which demanded the establishment of a DKP in the case of human rights violations in Aceh as well. And they claimed that while violations of the human rights of Christians in East Timor received extraordinary attention, human rights violations were also being carried out against Muslims and had been unfairly ignored.122

The DKP announced its conclusions on 3 April. The military admitted that there had been a few procedural errors in the conduct of troops and two soldiers were to be sent to the military court. In the court hearing held in June, a sentence of four-and-a-half years in jail was given to the officer who ordered the killings of the six villagers.123 Obviously, the findings of Komnas HAM and the societal pressure which Komnas HAM fostered had a strong impact on the military’s response. As a legitimate national institution for investigating human rights violations, Komnas HAM apparently gave a stronger message to the military compared to an ad hoc investigative body or demands from the domestic and international human rights community.124 Although this Liquiça case was only one of the many cases that Komnas handled during its first few years, this case at least demonstrated that an internal mechanism to seek human rights accountability had begun to develop.

This event also influenced Komnas’s policy on East Timor itself. Within a month of this event, Komnas decided to open a branch in East Timor with the aim of providing easier access for local people to bring up their cases. This was what the long-established NGO, LBH, had never been successful in doing despite its attempts from the 1980s.125 Komnas HAM also became an important point of contact for the domestic and international human rights community. As Komnas members admitted, Komnas was obliged to pay special attention to East Timor because of strong

124 As Honna (1999) argues, these functions of Komnas HAM also promoted internal debate within the military regarding the treatment of human rights in its organisational practice and necessitated the adjustment of the broader framework of its relationship with civilians. See Chapter 4 in Honna, op. cit.
international attention to developments in the province.\textsuperscript{126}

Voices and Initiatives from the ICMI circle

In the previous section we have observed that the military showed some consciousness of the need of change, yet their response was far from comprehensive in addressing criticism. However, almost at the same time, more dynamic moves to seek a new approach for the East Timor problem emerged from elite-level actors. One distinct initiative was from the Centre for Information and Development Studies (CIDES), which was established in September 1992. CIDES is a think-tank of the Indonesian Association of Muslim Intellectuals (ICMI), and its chairman was the Minister of Research and Technology B. J. Habibie—a German aerotechnological engineer and Soeharto confidant.\textsuperscript{127}

This initiative came in response to various voices from the public, journalists in particular, who believed that among various institutions it was only the Habibie-backed CIDES that was capable of openly and widely discussing such a sensitive issue as East Timor. In fact, the Director of CIDES Adi Ssono—who later became Minister for Cooperatives and Small and Medium Enterprises in the Habibie government—had taken some bold steps by way of ICMI/CIDES as soon as the institution was founded: for example, by announcing its plan to holding a one-day seminar on human rights—then still a taboo term in Indonesia—despite military pressure.\textsuperscript{128} It held this seminar at the Bureau for the Assessment and Application of

\textsuperscript{126} A close observer of Komnas’s performance in the case of East Timor suggested that its response to each human rights violation case in the province was relatively quick compared to other cases. He also pointed out that Komnas was inclined to be sceptical when a victim was called a GPK by the military side. Pracoyo Wiryoatmo, “Jarum Jatuh di Timtim pun Dengar” in Supriyanto, op. cit.

\textsuperscript{127} ICMI is an organisation founded in 1990 to provide Indonesian Muslims with a channel into government. Its formation was controversial because Soeharto—who had long been suspicious of political Islam—took the initiative in the formation. By doing so, Soeharto wanted to secure support from the Muslim community. This reflected his increasing loss of support from the military. Nevertheless, ICMI is not a homogeneous organisation. Although the majority of its prominent members were bureaucrats, who were recruited by Habibie from the technology-related government institutions over which he was presiding, Habibie also invited a number of independent-minded or anti-government activists/politicians such as Adi Ssono, Amien Rais, Dawam Rahardjo, and Sri Bintang Pamungkas to join. ICMI also included respected moderate Muslim scholars such as Emil Salim and Nurcholish Madjid (Madjid had distanced himself from ICMI since 1994, though). Another group—those Ssono calls ‘militant figures’—were influential behind the organisation’s moves. Interview with Adi Ssono, 31 August 2001.

\textsuperscript{128} The whole discussion at the first seminar on human rights was recorded in “Kertas Kerja Seminar Hak-Hak Asasi Manusia Dalam Perspektif Negara Berkembang, Jakarta 5-7 December 1992”, Seri Dialog Pembangunan, CIDES. Noted human rights lawyer Todung Mulya Lubis was one of the key speakers, and human rights activist H.J.C. Princen was also given an opportunity to speak at the question-answer session.
Technology (BPPT), the central agency for the national research and technology sector which Habibie headed as Minister since 1978.

The diplomatic fury between Jakarta and Manila over the first conference of the Asia-Pacific Coalition on East Timor (APCET) in Manila in May 1994 stimulated this group to hold a seminar on East Timor as well. At a press conference after a seminar on South-South dialogue jointly organised by CIDES and the Deplu, a Kompas journalist suggested that Deplu hold its own international conference on East Timor in Indonesia if it objected to the conference held in Manila. The Deplu rejected this suggestion claiming that the issue of East Timor’s political status was closed while expressing concern about the possible strong impact if such a conference were held. Nonetheless, Sasono took up the suggestion and decided that CIDES instead would hold a seminar on East Timor.

Sasono then approached Indria Samego, a senior researcher of CIDES/LIPI, and appointed him to conduct a field study of East Timor as well as prepare for a more comprehensive public debate on East Timor. Upon finishing the fieldwork in East Timor, Samego made two key suggestions in his position paper and submitted it to CIDES members and to Habibie, as well. The proposals were: 1) Jakarta should change its development approach from Jakarta-centred to Dili-centred, involving more local people; and, 2) If this was not accepted, a referendum should be conducted. He stated that the local people had many grievances vis-à-vis Jakarta despite Jakarta’s spending a lot of money on development there, and that these needed to be addressed. Samego later stated, “We have so many islands in Indonesia and have to develop them all. So, I and my colleagues logically calculated that from the outset there was no need to

where he boldly criticised the government. (See also “Dialog Pembangunan Politik 1993/4, Hak Asasi Manusia dalam Pembangunan Politik Indonesia”, Seri Dialog Pembangunan, CIDES, 1994). Besides this, CIDES raised in its journal Afkar various sensitive issues. [Robert W. Hefner, “Islam, State, and Civil Society: ICMI and the Struggle for the Indonesian Middle Class”, Indonesia (October 1993), pp. 29-30]. Further, an unsigned article in the April-May issue of its monthly, Sintesis, suggested that Soeharto was unlikely to secure an invitation to address the Tokyo G7 summit on behalf of the NAM because of Indonesia’s East Timor policy. Herb Feith, The East Timor Issue since the Capture of Xanana Gusmão, East Timor Talks Campaign, December 1993, p. 12.

129 This NGO conference created great tension between the two countries. Philippine President Fidel Ramos initially intended to accept the conference unconditionally according to the country’s democratic principles and public pressure; however, due to the enormous pressure from Jakarta, he backed down and accepted the conference only under the condition that the conference be held without the participation of foreigners including the East Timorese. This controversy was widely reported by the Indonesian press.
invade East Timor". 131

The suggestion to hold a referendum was too progressive for many New Order politicians. No doubt Soeharto—who received the position paper from Habibie—did not like it, either. Soeharto nonetheless ordered Samego to solicit opinions from ministers; however, no one wanted to follow it up. Eventually, the proposal was killed. However, in the ICMI-owned newspaper Republika and a CIDES publication, Samego’s main argument was published.132 He said that virtually all of his close friends in ICMI/CIDES already supported a referendum at that time. Adi Sasono, current general chairman of ICMI looked back on the moves by CIDES in the mid-1990s and stated, “Isn’t it [supporting a referendum] indeed a logical consequence? Isn’t it consistent from a democratic perspective?” Sasono himself had nurtured his own perceptions on East Timor since the 1980s when he visited East Timor several times, and shared similar perceptions with his colleagues in ICMI. He stated that “we think that Indonesia’s annexation of East Timor was illegitimate (tidak sah) because it was a forced act, and Indonesia’s occupation in East Timor was also illegitimate”133.

Another senior researcher at CIDES and LIPI, Dewi Fortuna Anwar—who later became Habibie’s foreign policy advisor and spokesperson—was also involved in this move. On Sasono’s initiative, Samego and Dewi prepared and actually held small meetings at CIDES and LIPI for discussions on East Timor. These meetings in the mid-1990s involved the Deplu, ABRI, BAKIN, BIA (Armed Forces Intelligence Agency) and discussed how Indonesia could search for a middle way.134 It appeared that CIDES wanted to develop this initiative into a comprehensive ‘national dialogue’ on East Timor. However, this plan failed completely because, as Soeharto’s adamant stance became clearer, not a single military officer, even the military officer who was closest to CIDES, Lt. Gen. Syarwan Hamid, accepted the request to join the dialogue.135 Additionally, the problem of a controversial Der Spiegel interview with Bishop Belo emerged. The popular German magazine reported that Belo commented in an interview that the Indonesian authority treated the East Timorese like ‘scabby dogs’

133 Interview with Adi Sasono, 31 August 2001.
135 Interview with Indria Samego, 3 April 2001.
and as 'slaves'; and there had been nine assassination attempts against him.\textsuperscript{126} These comments invited sharp criticism from the Indonesian government and Muslim community, including from ICMI/CIDES circles.\textsuperscript{127} The environment was no longer conducive to 'national dialogue'.

Despite the failure of 'national dialogue', CIDES had taken an important initiative. Although Habibie himself often showed uneasiness about those activities, fearing Soeharto's negative reaction, and did not strongly push the move, he basically let the members work freely and independently. As ICMI members admit, Habibie himself was not interested in East Timor because he was so engrossed in technological matters and thought that East Timor policy was determined by Soeharto anyway. However, it is important to note here that Habibie, who would eventually 'release' East Timor, recognised the attempt made by members of his own institution and the ideas of those who later became his advisors when he assumed the vice presidency and then the presidency.

\textit{Changing Indonesian perceptions about East Timor}

As noted in the previous section, the Dili massacre and the wide media coverage of the event changed East Timor from a non-issue to an issue for the average educated Indonesian. Yet, still, public concern for East Timor remained rather low. Middle-class citizens were rather aloof concerning issues of human rights, just as they were on issues surrounding democratisation. And this aloofness was exacerbated by the fact that these human rights issues concerned a tiny remote province. Even in the case of the Dili massacre, they appeared to be surprised more by the world reaction than by the incident itself. And they tended to rationalise that, after all, it was something the

\textsuperscript{126} Belo criticised the magazine for making too much of the stories, but did not clearly and quickly deny the content. See, for example, “Belo: Berita ‘Der Spiegel’ Dibersar-besarkan, Tidak Benar Saya mau Dibunuh Sembilan Kali”, \textit{Merdeka}, 11 November 1996.

\textsuperscript{127} For example, Muhammadiyah chairman Amien Rais (also then ICMI member), commented in the media that the government should tell Belo to stop telling 'international lies' about Indonesia. ("Amien Rais Pertanyakan Sikap Ragu-ragu Pemerintah: Belo Terlalu Dimanjakan", \textit{Merdeka}, 19 November 1996). In fact, Amien Rais was one of the most frequent commentators on East Timor at that time. He contributed a series of essays on East Timor to \textit{Republika} in the mid-1990s, where he tended to give emotional comments and sharp criticisms, especially on what Belo said or did. One the other hand, Abdurrahman Wahid, the general chairman of the biggest Muslim organisation in Indonesia \textit{Nahdlatul Ulama} (NU), almost always took a tolerant view of Belo and pro-independence East Timorese.
government, and diplomats, in particular, had to deal with.

Herb Feith (1993) observes that despite increasing coverage of East Timor after the Dili massacre, the mainstream Indonesian media picture of what was going on in East Timor was also essentially the same as in earlier years. They still tended to stress the dramatic improvement in education, health and infrastructure after 400 years of Portuguese neglect and that the majority of the population were satisfied with integration. The media also gave the public impression that young East Timorese were disappointed with the gap between high education and job availability, but that with the exception of a tiny minority of foreign-influenced trouble makers, they were sensible enough to realise that Indonesian authority was irreversible.138

Of course, Indonesian human rights NGOs and some individuals occasionally demonstrated their concern over East Timor. For example, LBH worked hard for East Timorese prisoners in face of great pressure from the government. More radical pro-democracy and pro-human rights organisations such as INIGHT (Indonesian Front for the Defence of Human Rights), LPHAM (Institute for the Defence of Human Rights), PIJAR (Information Centre and Action Network for Reform) and PRD (the People's Democratic Party) openly criticised the government's approach on East Timor and leading members of these organisations showed their support to the holding of a referendum in East Timor.139 However, for those NGOs, East Timor was only one of many problems in Soeharto's authoritarian regime. Above all, there was little capacity to systematically follow up on what was happening in the remote, tightly-controlled province. More importantly, their limited capacity to effect change was simply due to the reality that they were always subject to harassment, arrest, or some other form of mistreatment by the authorities as a result of their activities.

As Crouch (1999) notes, despite this continuing 'coolness' among the majority of the public, there still emerged in the aftermath of the Dili massacre a sense that the East Timor issue was causing more trouble than it was worth.140 And this vague sense gradually assumed more concrete form. It appears that a series of events which

happened between 1994 and 1996 sharpened public perceptions. The first major post-Santa Cruz event which seems to have awakened such public sentiment involved a series of riots which broke out in East Timor in 1994 and 1995. These incidents attracted more domestic than international attention.\footnote{ICMI-related Muslim intellectuals whom the author interviewed in 2000 and 2001 clearly remembered with resentment these riots in East Timor, which leads one to assume that this incident very much affected their perception of East Timor problem.} East Timorese who resented the way Indonesian newcomers dominated the local economy attacked non-Timorese owned shops and markets. The riots escalated in Dili in December 1994, where many non-Timorese-owned properties in the town were burned down. In September 1995, riots again broke out, lasting three days, and hundreds took refuge in West Timor. Those whose properties were attacked were predominantly Muslim, and attacks on Mosques also occurred. The media tended to picture these riots as being of a religious nature or as attacks based on SARA—an Indonesian acronym for four highly emotional issues: ethnicity, religion, race and class.\footnote{The media also tended to take up the religious aspects in Bishop Belo’s comments such as his warning against Islamisation in the province. In fact, Belo actually regarded religious aspects as one of the major causes of the riots. He commented, “All they [the Indonesian government] have done is give 1,001 excuses. They have been building mosques without consulting anyone, while rich migrants are buying up all the land(...) East Timorese are also being taken to Islamic schools in Java”. “Indonesia: East Timor Bishop Says Riots Underline Unhappiness”, Reuters, 11 September 1995.} The government also tried to depict the riots in these terms since it did not want to recognise that Jakarta's political and economic approach in East Timor was wrong. Naturally, the backlash from the Muslim community in Indonesia was strong, though they did not go so far as to picture it as a Muslim-Christian showdown; nonetheless, it was still emotion-charged. \footnote{An editorial of Republika stated:} Muhammadiyah Chairman Amien Rais associated these riots with anti-integration people backed by Portuguese intelligence, and described the situation as ‘returning poison for milk’.\footnote{“Ada Bara di Balik Huru-hara SARA”, Gatra, 23 September 1995.} Even moderate Muslim Intellectual Nurcholish Madjid suggested that the government treat those rioters with ‘a bit of a heavier hand’ and at the same time showed much frustration with Bishop Belo and foreign intervention in East Timor.
Public feelings at that time were well conveyed in *The Jakarta Post* editorial of September 1995.

Billions or trillions of rupiah have been spent to raise the living standards of our brothers and sisters in East Timor. And much to our dismay, many of the young people who have enjoyed secondary education due to these efforts have turned their backs on us and are opposing the government.  

The same editorial also quite candidly expressed public feeling over incessant foreign pressure on the Indonesian government over the East Timor issue, which became quite conspicuous ahead of the APEC summit in Jakarta and the APCET meeting in Manila in 1994.

Many visiting dignitaries have raised the East Timor question during their talks with our leaders. Even some of our neighbouring countries have shown a certain degree of uneasiness on the issue(…)Too much energy has been spent on explaining and countering the negative campaigns on East Timor.  

‘Frustration’ and ‘fatigue’ may be the terms best representing the public feelings at that time; however, a certain sense of ‘accepting the reality’ or more forward-looking views can also be observed in public sentiments. On the day of the ceremony for the awarding of the Nobel Peace Prize to Bishop Belo and Ramos-Horta in October 1996, another *Jakarta Post* article said:

The Nobel Committee surely had considerations of its own which it regarded as correct in picking its candidate from among the long list of contenders. The awards are to be presented to the recipients today and there is nothing we can do aside from living with the fact, whether we like it or not. Under these circumstances, we believe the most productive course we could take at the moment is to take a good look at ourselves and try to see where we went wrong.  

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147 Ibid.  
Fatigue was also shared by the government institution which had most staunchly defended Indonesia’s rule over East Timor—the Deplu. It was the actor most directly affected by the incessant criticisms of Indonesia’s handling of East Timor. In an interview in 1992, Foreign Minister Ali Alatas called the East Timor problem ‘a pebble in the shoe’. He stated: “The East Timor problem is a pebble in the shoe. Not a major issue but one causing a nuisance. [It would be] a great pity if, because of this question, Indonesia is not able to play a greater role in the world”. But the developments during the following several years after the Dili massacre suggested that it was increasingly becoming something like a sharp thorn. In 1997, in a private conversation with Australian Deputy Foreign Minister Tim Fisher, Alatas admitted his ‘weariness’ with East Timor, describing it as a ‘time-consuming distraction devouring enormous resources’. He went so far as to predict that once ‘the old man [Soeharto]’ departed there would be ‘real movement’ to resolve the long running issue.\footnote{Saya Tidak Mau Terus Dirongrong”, \textit{Tempo}, 28 March 1992.}

\footnote{Tim Fisher, \textit{Seven Days in East Timor}, Sydney: Allen & Unwin, 1999, p. 64.}

Conclusions

This chapter has attempted to explain how the East Timor problem started and how and why it became an increasingly thorny issue for the Indonesian government. The historical overview has suggested that East Timor was from the outset an international problem, where the Cold War context very much accounted for the dramatic political developments surrounding East Timor over two decades. Indonesia’s invasion and subsequent annexation of the territory can clearly be seen in this context—aside from the political ambition of a hardline segment of the military. This context also explained the western nations’ decade of neglect of the developments in the territory.

The opening-up of the territory in 1989 was the first fundamental policy change that the government undertook vis-à-vis East Timor; however, the subsequent Dili massacre in 1991 proved that the adoption of this policy was a premature decision for the Soeharto government. Obviously the government—perhaps with the exception of some elements of the military—did not expect the extent of East Timorese opposition to Indonesia’s rule that emerged after a decade of integration efforts in the
province. The Dili massacre was undoubtedly a turning point for Indonesia’s diplomacy as well as the fate of the East Timorese resistance. Here, the post-Cold War context was critical. Western governments, which were now targeting human rights as a crucial foreign policy issue, reacted swiftly to the killings, took unprecedented action, and dramatically increased scrutiny of the human rights situation in the territory. In the background, the development of communication tools and international NGOs played an important role in derailing Indonesia’s attempt to contain the issue domestically. And, these new forces also played an important role in pushing western governments to go beyond the application of selective pressure on Indonesia. More fundamentally, the UN’s refusal to recognise Indonesia’s rule over East Timor provided substantial room for the resistance movement and the international human rights community to manoeuvre.

This chapter has also argued that not only the change of the international environment but also government domestic policy failure is crucial in explaining the frequent emergence of problem surrounding East Timor. The endless human rights violations in the territory only increased hostility to Jakarta among the local population, rather than curbing the resistance. Extremely Jakarta-centred economic development with a disproportionate injection of government development funds into the small province not only created dissatisfaction among the local population but also gave rise to jealousy and resentment among the Indonesian people. Soeharto himself adamantly rejected change, and the military had a huge interest in tightly controlling the territory. Since Soeharto and the military were so dominant in domestic decision-making related to East Timor, it was a natural consequence that few reforms were made in the political, economic, or social fields. A call for a new approach from some segments of the military quickly evaporated once Soeharto’s unwavering stance became evident. Suggestions from pro-Jakarta Timorese attracted some attention from the military and more systematic attempts were made by the ICMI/CIDES circle; however, these initiatives yielded few results because of the same Soeharto factor.

This chapter revealed that there were few successful cases of attempts to influence the government’s East Timor policy; nonetheless, this chapter has highlighted the initiatives and opinions of critical-minded ICMI/CIDES figures which
foreshadowed later developments. The analysis of the role played by these independent-minded figures was included because these were the very people who nurtured the idea of holding a referendum and significantly influenced President Habibie’s later decision to release East Timor from Indonesia’s rule. Nevertheless, the fact that about 90 per cent of the Indonesian people are Muslims and the supposition that they did not all share the military’s hardcore beliefs leads us to assume that the voices from the Muslim intellectual community increasingly reflected the general Indonesian public, or at least were more or less acceptable to them. Increasingly, three simple questions were asked: 1) why should the government keep offering a disproportionately large amount of government money to East Timor which is contributing almost nothing economically to Indonesia? 2) why should Indonesia give support to the East Timorese when they have never felt thankful to Indonesia?; and 3) why should Indonesia keep facing incessant international criticism just because of East Timor?

Shielded by the authoritarian governance of the Soeharto regime, however, such questions failed to figure prominently in the domestic political agenda. Yet, tensions were potentially high and all that was needed was an event that would spark a drastic change.
Chapter 3

The Habibie Government's
Two-Options Policy

On 27 January 1999, the Habibie government made a stunning announcement on East Timor: if the East Timorese people were not prepared to accept 'wide ranging autonomy', then the government would ask the MPR to separate East Timor from Indonesia. This decision quickly developed into the execution of a 'popular consultation' on 30 August 1999, wherein the East Timorese people were given the opportunity to cast ballots in favour of, or in opposition to, the proposed autonomy.

Within its 17-month administration (May 1998—October 1999), the Habibie government successively made two crucial proposals on East Timor: the first was the 'special status with wide-ranging autonomy' proposal of June 1998, and the second was the above 'two options' (autonomy or rejection of autonomy, leading to independence) proposal of January 1999. This chapter explores the key factors behind these proposals, with special focus on the two-options proposal. In the previous chapter, we have observed that Soeharto was the stumbling block for change regarding the political status of the province, and that the military had great interest in holding on to the territory. We also saw that some civilians were increasingly unhappy about the economic burden of East Timor and the international criticism which Indonesia's handling of East Timor was provoking. In this context, the financial crisis starting from mid-1997 and the fall of the Soeharto regime in May 1998 created an environment very conducive to change on this problem. In this chapter, we ask: how did the dramatic events in 1997-8 actually affect East Timor? What were the more direct causes behind

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1 'Popular consultation' is the official term used for the UN-supervised referendum held on 30 August 1999. The Indonesian government deliberately avoided the term 'referendum' because, as it argued, a referendum would be on 'independence'; whereas the intention of the Indonesian government was only to ask the East Timorese people whether they chose autonomy or rejected autonomy (For other reasons, see Section 2 of Chapter 2 in this thesis). Throughout this thesis, however, I occasionally use the term 'referendum' in keeping with general practice when referring to this type of voting. I also use the more neutral term 'the (UN-supervised) ballot' as well as the official term 'popular consultation', depending on the context.
the government decision to provide East Timor with an independence option? Why did or could the government adopt such a drastic policy response? What accounts for the particular timing of the decision?

This chapter begins with a brief description of developments leading to the fall of the Soeharto regime and Habibie's assumption of the presidency, in an attempt to capture the overall political climate in the country around this period. Then, we look at the nature of the newly established Habibie government. This is followed by a close examination of the Habibie government's new approach to East Timor, where we focus especially on the factors behind the government's decision to give the East Timorese an opportunity for independence.

The Fall of Soeharto and the Habibie Government's New Approach

Soeharto's New Order ended on 21 May 1998 amid economic and political chaos. The New Order regime, supported by a massive influx of foreign aid and investments, enjoyed sustained economic growth over three decades. The Soeharto government had adeptly managed several external economic shocks during that period, drawing it much praise from the international financial community. However, Soeharto's increasingly personalised political and economic control in the 1990s eventually proved incapable of dealing with the consequences of the economic crisis and exceeded the market's tolerance threshold, consequently contributing to his downfall. This section aims to clarify the circumstance under which the Habibie government emerged and how Habibie attempted to overcome this crisis.

Economic crisis and the fall of Soeharto

In mid-1997, a wave of economic crisis engulfed East and Southeast Asia. A currency crisis starting in Thailand soon affected Indonesia. The impact in Indonesia was the most devastating in the region: the value of the rupiah plummeted, the stock exchange lost most of its value, investors left the country, bank insolvency sky-rocketed, and unemployment rose rapidly. The Indonesian public suffered from sharp price rises and food shortages aggravated by an El Nino drought and poor harvest. Although various
emergency measures to relieve the shock were taken at the bureaucratic level, Soeharto hesitated to carry out extensive reform, particularly in the areas where his family's and cronies' economic interests would be damaged. Although an agreement was reached with the International Monetary Fund (IMF) on a 50-point rescue package on 15 January 1998, Soeharto's resistance remained strong.² By then, the 76-year old President had shown his desire to be re-elected at the upcoming MPR session in March. When it became known that he wanted to appoint as vice president Research and Technology Minister B. J. Habibie—known for his almost father-son closeness with Soeharto and his long record of promoting costly high-tech industries—the rupiah exchange rate plunged to 17,000, the lowest level ever against the US dollar in the previous three decades.³ Following this, Soeharto was re-elected unanimously as president and Habibie assumed the vice-presidency on 11 March 1998. The new cabinet was formed a few days later, but it was heavily tainted by cronyism, which further disappointed the market.⁴ By then, it was very clear to most Indonesians that Soeharto, his family, and economic and political cronyism were the core obstacles to economic recovery and political reform.

By February-March 1998, opposition had already built up at the elite as well as the public level, with students occupying centre stage. Reformasi (Reform) became a rallying cry and demonstrators increasingly demanded the resignation of Soeharto. Triggered by the removal of some subsidies on fuel and electricity in early May 1998, mass riots broke out in major cities. As popular opposition spread, ABRI Commander Gen. Wiranto reacted with some tolerance and understanding, while attempting to keep the security situation under control. On the other hand, the opposing group in the military led by the Commander of Kostrad (the Army's Strategic Reserve), Lt. Gen. Prabowo Subianto, was kidnapping political activists and, it was widely believed, masterminding riots by inciting anti-Chinese sentiments. In mid-May, turmoil reached

² For example, in order to fix the faltering rupiah, Soeharto wanted to adopt a rather unrealistic 'currency board' scheme. This scheme was recommended by an American expert, Steve Hanke, who was introduced to Soeharto by a businessman close to Soeharto's children.
³ Note that the value was about 2,400 immediately before the crisis which started half a year before.
⁴ Soeharto purged technocrats and reformists in the previous cabinet who were becoming increasingly critical of his economic policy. In contrast, in the new cabinet, he included his old friend and ethnic Chinese timber tycoon Mohammad 'Bob' Hassan as the Minister for Trade and Industry and his own eldest daughter Siti Hardjianti Rukunana, or Tutut, as the Minister for Social Welfare. Speculation suggested that Soeharto wanted to make Habibie a mere 'puppet' vice-President while Tutut and her close friend Gen. (ret.) Hartono (Home Affairs Minister) would play dominant political roles.
its peak in Jakarta, culminating in a bloody shooting at Trisakti University on 12 May and devastating anti-Chinese riots on the 13-15th, which resulted in the loss of more than 1,200 lives. With increasing opposition on all fronts, Soeharto finally resigned on 21 May. In accordance with the Constitution, B. J. Habibie, as vice president, succeed to the presidency and was sworn in straight away. The basic deal between Habibie and Wiranto had been already made. At the ceremony, Wiranto, in addition to pledging his intention to protect Soeharto and his family, clearly showed ABRI’s loyalty to the new president. This was in exchange for Habibie’s retaining Wiranto as ABRI commander, and allowing Wiranto to purge Prabowo and his men.

Habibie’s limited support base

The Habibie government was born out of political and economic chaos. His two urgent tasks were thus clear: political reform in order to achieve stability and economic recovery. Nonetheless, from the very beginning, his legitimacy was deeply questioned. In particular, his earlier close association with Soeharto made many doubt his suitability for carrying out the daunting task of political reform. And his capabilities in the area of economic reform looked particularly bleak. The state-owned strategic industries he had presided over for two decades spent billions of dollars without bringing significant returns for the government. Overall, his fragility lay in his lack of support. As far as the civilian sector was concerned, he had some support among civil servants, the modernist Muslim community (especially ICMI), and the non-Javanese elite who expected more benefits under the government led by the Sulawesi-born Habibie than the Javanese-dominated Soeharto regime. Nevertheless, he did not have support from the public as a whole and from major Muslim organisations such as Nahdlatul Ulama (NU), the biggest Muslim organisation in Indonesia led by Abdurrahman Wahid, while the Muhammadiyah, the second largest Muslim

\[\text{\textsuperscript{5}}\text{ Of course, the target was not solely Chinese. Banks and Soeharto associated businesses were also popular targets at that time.}\]

\[\text{\textsuperscript{6} Wiranto himself claimed in several media interviews that Soeharto gave him an opportunity to grab power amid the crisis in May, but he did not opt for it. Apparently he was concerned about the huge popular protest and international condemnation that would inevitably follow a coup. For vivid pictures of the economic and political crisis leading to the fall of the Soeharto regime, see, for example, various essays in Geoff Forrester & R. J. May, eds., The fall of Soeharto, Bathurst, NSW: Crawford House Publishing, 1998; Edward Aspinall, Herb Feith, and Gerry van Klinken, eds., The last days of President Suharto, Clayton: Monash Asia Institute, 1999.}\]
organisation led by Amien Rais provided only lukewarm backing. Even within ICMI which he had been heading since its formation in 1990, he did not have full support. Further, he was generally disliked by the military. This was especially owing to his intervention in military affairs in relation to arms purchases during the Soeharto period and his chairmanship of ICMI.

Habibie invited many ICMI-associated figures into the government to assume posts as ministers or personal advisors. Among them, those from his former vice-presidential office included Adi Sasono (Minister for Cooperatives and Small and Medium Enterprises), Lt. Gen. (ret.) Zein Maulani (first, as an advisor, and later, as the Head of BAKIN), Dewi Fortuna Anwar (foreign policy advisor; holding an additional post of presidential spokesperson from October 1998), and Jimly Asshiddiqie (welfare policy advisor). Although Habibie was not liked by many military officers, due to the internal division in the military, he did have some officer allies and was able to recruit some of them to cabinet posts in his administration: Gen. (ret.) Feisal Tanjung (Minister for Political and Security Affairs, or Menko Polcam), Lt. Gen. Syarwan Hamid (Minister for Home Affairs), Lt. Gen. Hendropriyono (Minister for Transmigration), and Lt. Gen. Yunus Yosfiah (Minister for Information). Mietzner (1999) suggests that their inclusion in the cabinet created tension between the president as the supreme commander of ABRI and the Wiranto-led military leadership. This was

7 Amien Rais was ousted from ICMI in 1997 because he was very critical of Soeharto and his family. On the other hand, Abdurrahman Wahid was a staunch critic of ICMI from the beginning.
9 As noted in Chapter 2, from the beginning the military was suspicious about ICMI. It was mainly because they regarded its formation as Soeharto’s attempt to counterbalance the military from which he was losing support. Also, the military was generally concerned with political mobilisation of Islam because it was against their ideology based on the national principle of Pancasila. For military views on ICMI, see the chapter on ICMI in Douglas E. Ramage, Politics in Indonesia: Democracy, Islam and the Ideology of Tolerance, NY: Routledge, 1995, especially pp. 112-114.
10 Another key presidential advisor was former Region IX/Udayana commander Lt. Gen. (ret.) Sintong Panjaitan. Panjaitan was drawn from the Bureau for the Assessment and Application of Technology (BPPT), over which Habibie had presided as Minister for Research and Technology. For other advisors, see “Behind the Man”, Far Eastern Economic Review, 25 June 1998.
11 Internal division was most clearly seen between officers of more Islamic orientation (‘green’ officers) and nationalist officers (‘red and white’ officers). By 1997, Soeharto intentionally made use of this division to maintain balance so that no single military commander could gain sufficient power to challenge his presidency. This ‘divide-and-rule’ approach was favoured by Soeharto throughout his rule. Harold Crouch, “Wiranto and Habibie: military-civilian relations since May 1998” in Arief Budiman, Barbara Hatley, and Damien Kingsbury, eds., Reformasi: Crisis and Change in Indonesia, Clayton: Monash Asia Institute, 1999, pp. 128-130. Habibie had had a relatively good relationship with the ‘green’ group, especially with Feisal Tanjung and Zein Maulani.
because Syarwan, Hendropriyono and Yunus were all three-star generals with active officer status and eligible for the top post then held by Wiranto. This sent Wiranto a strong message that he could be replaced at any time by one of the three officers in the cabinet. Another concern for the Wiranto leadership and people outside the Habibie circle was that ICMI's interests would be incorporated into the national political agenda. This fear proved well-founded within only a few days, when Wiranto backed down under pressure from the ICMI circle to replace the newly appointed Kostrad Commander Maj. Gen. Johnny Lumintang, a Christian, with Maj. Gen. Djamari Chaniago, a Muslim. Military observers suggest that Wiranto's position vis-à-vis Habibie continued to be somewhat unstable until January 1999, when he carried out a major reshuffle of senior positions and placed his allies in key posts.

As far as his relationship with the international community was concerned, Habibie eventually found more favour than originally expected. Very soon, he enjoyed strong support from the international aid community, including the IMF. The IMF had had a poor relationship with Soeharto since the economic crisis hit the country, but now it was able to deal with a more willing and cooperative Indonesia under Habibie. Habibie appointed Japanese-trained Ginanjar Kartasasmita as his senior economic minister and hired two senior retired technocrats, Wijoyo Nitisastro and Ali Wardhana, as advisors. These selections also delighted the international financial community. Shortly after Habibie took power, the IMF resumed disbursement of the much-waited US$43 billion rescue package and pledged an additional $14 billion to cover the projected budget shortfall between 1998 and 1999. However, this international goodwill was subject to withdrawal if Habibie did not continue to satisfy their expectations in various reform fields. In that sense, the international community could not be regarded as a stable support base for the Habibie government.

_Habibie’s human rights agenda and initial progress_

In his relationship with the military, Habibie showed some strength in the initial

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13 Another major back-down of Wiranto was observed in July 1998 when he was compelled to support Habibie-backed Akbar Tandjung over Gen. (ret.) Edi Sudradjat as the new chairman of Golkar Party at the Special Golkar Congress.
14 Schwarz, op. cit., p. 373.
months; however, this did not change the fact that he needed to gain more domestic support. In order to achieve this, Habibie established his government as a transitional one, and immediately drew up a clear political agenda: convening a special session of MPR (SI MPR), advancing the general and presidential elections, and establishing 'real' government.

Acknowledging his lack of support within the political elite, Habibie sought support particularly within civil society. At the same time, he sought international approval, considering his own image problem and the dire state of the economy. Those objectives motivated Habibie to make the promotion of human rights one of the top priorities on his reform agenda. This was clearly exhibited in the initial steps he took. Within a few months of assuming the presidency, he initiated various reforms in this field: releasing more than a hundred political prisoners,15 freeing the press, allowing the formation of labour unions, arresting and suspending several members of the Kopassus special forces for their role in the kidnapping of political activists, and establishing a fact-finding team to probe the systematic violence against ethnic-Chinese Indonesian women during the May 1998 riots. On 26 June 1998, the government launched a five-year National Action Program on Human Rights for 1998-2003, which included ratification of key human rights treaties.16 As his advisors stressed, Habibie, who had spent more than twenty years in Germany, had little hesitation in introducing these human rights agendas. Habibie himself argued that democracy, economic development, and social justice were all parts of the same human rights agenda. This was in striking contrast with Soeharto who viewed human rights and democracy as western concepts and argued that they should be adjusted to the historical and cultural context of Indonesia.17 (Naturally, Habibie’s critics asked where such a principled

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15 This included the release of two of the country’s best-known political prisoners, labour leader Mochtar Pakpahan and former opposition parliamentarian Sri Bintang Pamungkas. Among those who were not released were Xanana Gusmão; several political organisers associated with the leftist People’s Democratic Party including Budiman Soejatmiko and Dita Sari; and several men linked to the coup attempt of 1965. Human Rights Watch, World Report 1999: Indonesia and East Timor, 1999.

16 By the end of the year, the government had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Labour Organisation’s Convention 87 Concerning Freedom of Association and Protection of the Right to Organise. In addition, at the annual session of the MPR in November 1998, a decree explicitly stated for the first time in Indonesia’s history the country’s commitment to promote and protect human rights and its recognition of the universal values of human rights as stipulated in the UN Charter. Dewi Fortuna Anwar, “Indonesia’s Transition to Democracy” in Damien Kingsbury and Arief Budiman, eds., Indonesia: the Uncertain Transition, Adelaide: Crawford House Publishing, 2001, p. 10.

philosophy had been lying during the two decades of his service under the Soeharto government. However, for those who had in the past steadfastly defended Indonesia’s poor human rights record, Habibie’s drastic agenda was simply embarrassing. It was generally believed that the military abhorred such a drive. This was not only because they thought that it would hamper effective measures against what they regarded as security disturbances, but also because, more critically, Habibie’s rushed moves could lead to endless revelations of their past human rights abuses. In fact, the fall of the Soeharto regime immediately generated strident calls for bringing the perpetrators of past gross human rights violations to justice: from recent cases surrounding the May crisis to such old cases as the Tanjung Priok killings of 1984, the Lampung massacre of 1989, and a decade of atrocities in Aceh conducted under the DOM status (1989-1998). Revelation of the military’s past conduct was unstoppable thanks to the ever freer press and invigorated human rights NGOs. And this contributed to the rapid rise of anti-military sentiments during 1998.18

However, Habibie’s initial responsiveness to people’s demands had become rather half-hearted by the end of 1998. The above human rights violation cases were all successfully blocked by Wiranto. Habibie had little hesitation in setting various human rights agendas, but he was not willing to pursue them thoroughly. He also did not want to intervene in essentially military affairs, which he left to Wiranto. Further, Habibie shared the same interest with Wiranto in not pursuing the ‘past sins’ perpetrated during the Soeharto period.19 The political elite, the majority of whom were hangovers of the Soeharto era, also had an interest in preventing the limitless pursuance of past wrongdoings by state officials. Habibie’s reform policies were very ‘forward-looking’ in nature, but fell short of public expectations, which often craved accountability for the past.

18 The event which ignited public anger against the military most in Habibie’s first year was the incident in which the security force killed at least 15 students among demonstrators during the SI MPR in November 1998 (The ‘Semanggi I’ incident). In this demonstration, students were calling for Habibie’s resignation and the abolition of the political function of the military; but as a result of the incident, they added Wiranto’s dismissal to their list of demands.
19 Another good example was the Soeharto corruption case. Former Soeharto adjutant, Wiranto, and long-time Soeharto loyalist, Habibie, were among the big economic beneficiaries of Soeharto’s rule. And naturally, both faced psychological barriers in revealing Soeharto’s past conduct. This case was halted during the Habibie period but reopened during the Abdurrahman Wahid period.
The general economic situation

Before moving on to the discussion on Habibie’s approach to East Timor, it would be useful to briefly illustrate the economic situation of the country at the end of 1998. Thanks to the secured aid money and a number of reforms taken under the Habibie government, the economic situation at least showed signs of relief. By October 1998, the rupiah had strengthened to around 7,000-8,000 to the US dollar, compared with about 15,000 when Habibie assumed the presidency in May. Inflation had dropped sharply by the end of the year. The monthly rate dropped to about 10 per cent, from 30 per cent in May. And exports also began to recover, thanks to the weakened rupiah and the removal of export barriers. However, the crisis was far from over. The economy contracted by 13.7 per cent in 1998, in sharp contrast to the average growth rate of 8 per cent in 1995 and 1996. The number of unemployed jumped to almost 20 million (a quarter of the workforce) by December 1998, and was expected to grow. The country’s per capita income dropped to about US$400 in 1998, compared with around US$1,000 just before the crisis. The poverty rate had soared to 40 per cent from 11 per cent within the 18 months since the crisis started. The banking system was still technically insolvent, with a negative net worth estimated at a third of GDP. Domestic and foreign investments plunged by 50 and 60 per cent respectively in 1998. The 1998 annual World Bank assessment observed, “No country in recent history, let alone the size of Indonesia, has ever suffered such a dramatic reversal of fortune.” Where the political climate was uncertain, there was little prospect that investors would return and resume their business at a normal level. Above all, local partners of foreign direct investors were predominantly ethnic-Chinese, and ethnic-Chinese who fled overseas were still hesitant to return to Indonesia. Many additional factors accompanying the end of the Soeharto’s rule further discouraged large-scale investments, including a

23 Bank of Indonesia at http://www.bi.go.id/bank_indonesia_english/monetary/inflation
22 Schwarz, op. cit., p. 409.
23 ADB News Release, op. cit.
25 In addition, the public discussion about the redistribution of the wealth from ethnic-Chinese to indigenous Indonesians—advocated most vehemently by Minister for Cooperatives and Small and Medium Enterprises, Adi Sasono—sent a bad signal to ethnic Chinese.
sudden increase in regional governments' assertion of authority, anti-corruption moves (particularly those targeting Soeharto family-related businesses, in which many big business were inevitably involved), and environmental claims. All of these factors compelled the Indonesian government to seriously seek aid money and international backing to restore investor confidence.

Habibie's New Approach to East Timor

As noted in the previous chapter, Habibie had recognised the frustration of his close friends and advisors over the national burden that East Timor had been creating. What these people most frequently complained about was the economic burden. East Timor had been consuming a disproportionately large amount of national budget, while the region itself had been contributing almost nothing economically to Indonesia. International pressure was also deeply felt by them. Indonesia was regarded by the international community as the brutal occupier and was regularly condemned. Much of the political elite felt that because of East Timor the country would continue to be denied the high international status it was due. Moreover, there was always the risk of another Santa Cruz massacre beyond the government's control, which would do immeasurable damage to the nation's reputation.

Despite the worries of these people close to Habibie, the extent of Habibie's knowledge about the East Timor problem was very limited when he assumed the presidency. There was no indication that he had personally ever had any particular concern about East Timor before. Even in the general foreign policy field, Habibie had little experience. His only broader experience came after Soeharto’s re-election in March 1998, when he was given the special task of handling foreign policy.26 Certainly he had received advice from what was called the Globalisation Team (Tim Globalisasi) formed in early 1997 to assist Habibie in the field of economic and political reform, and

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26 During his two-month period as vice president, Habibie attended two crucial initial meetings—the NAM meeting in South Africa and the ASEM (Asia-Europe Meeting) meeting in the UK on behalf of Soeharto. However, Habibie's approach in foreign policy matters, especially off-the-cuff statements, cast doubts on his ability in this field. A good example is his mocking comment on Singapore as 'the little red dot' and his criticising the county as 'late in aiding Indonesia'. Habibie also broke ASEAN's 'non-intervention' policy which Indonesia had steadfastly maintained, when he showed strong dissatisfaction at the treatment of sacked Malaysian Deputy Prime Minister Anwar Ibrahim. "RI diplomacy loses swagger in crisis-hit 1998", The Jakarta Post, 30 January 1999.
the East Timor problem was certainly a topic for their discussion. For example, Zein Maulani, then Habibie’s advisor on military affairs, suggested the idea of autonomy modelled on the Puerto Rico case in April 1998. However, when Soeharto was still President, Habibie hesitated to prepare, let alone launch, such reform agendas because he feared such moves would be regarded suspiciously by Soeharto.

The wide-ranging autonomy proposal

Whatever the extent of Habibie’s knowledge on East Timor during the Soeharto period may have been, in the very first days of his administration, he received intensive input from his advisors on high-priority issues. According to Habibie’s foreign policy advisor Dewi Fortuna Anwar, East Timor was one of the top priorities along with the release of political prisoners. Dewi also advised Habibie to be more open to the press, especially the foreign press. Separately, only two days after Habibie’s inauguration, Justice Minister Muladi expressed support publicly for East Timor’s ‘special status with more autonomy’, indicating his intention to present the idea to Habibie. He also hinted that the government was considering the mass amnesty of East Timorese political prisoners. On 6 June, at a regular meeting of Political and Security Affairs (Polkam) ministers, Ali Alatas suggested the idea of ‘wide-ranging autonomy’ for East Timor in exchange for international recognition of Indonesian sovereignty, and Alatas briefed Habibie in the following plenary cabinet meeting. However, the Deplu side wanted to keep this concession as a bargaining chip for the future negotiations with Portugal.

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27 The Globalisation Team was the 70-member team formed to draw up a broad framework for reform as well as to lay the groundwork for Habibie’s eventual rise to the presidency. The team consisted of Muslim activists, political scientists, retired generals, businessmen, economists, and diplomats. Indria Samego, who was responsible for the field of domestic politics in the Team, stated, “As vice president and President, it would not be wise if Habibie only talked about planes. So we gathered social scientists to give much input to Habibie”. (Interview with Indria Samego, 3 April 2001. See also “Behind the Man”, op. cit.). According to Dewi Fortuna Anwar, during Habibie’s vice presidency, the team had already made an analysis that one of the priorities in the next millennium was solving the East Timor problem. “Dewi Fortuna Anwar: 17 Bulan Bersama Presiden Habibie”, Tajuk, 14 October 1999.
31 Greenles & Garran, op. cit., p. 25.
Then came a surprise announcement of 9 June 1998. In a BBC interview, when asked if he had any reform agenda for East Timor, Habibie replied, "I'm going to grant it autonomy. What kind of autonomy? A special autonomy? I don't know. But autonomy. Maybe like Aceh, or like Yogya."

He also stated, "[a]ll the prisoners, even those who happen to be criminals, would be released under the condition that East Timor was recognised as an integral part of Indonesia." Dewi was surprised at this spontaneous comment, even though she had certainly suggested to Habibie that he be more open to the press. Following this, she reminded Habibie that he should inform Foreign Minister Ali Alatas and other relevant ministers on this matter. Despite Ali Alatas's briefing, Habibie apparently did not have any clear concept about the extent of autonomy; however, he certainly was feeling the necessity to resolve the problem as quickly as possible. Just a few days earlier, he had received a letter from UN Secretary General Kofi Annan urging him to find a 'comprehensive and internationally acceptable solution to the question of East Timor'. Above all, Habibie needed to offer something tangible in order to secure much needed international trust in the midst of the economic crisis. The East Timor issue was of great international concern, and, thus, he and his advisors considered it to be a perfect means for gaining good grades from the international community.

At the high diplomatic level, this was certainly a breakthrough. Foreign Minister Ali Alatas shortly flew to New York and presented Kofi Annan with a new, specific proposal—'special status, based on wide-ranging autonomy'—on 18 June 1998. The proposed autonomy would include the areas of economy, education, and culture, excluding only the areas of foreign affairs, external defence, and monetary policy. The next round of dialogue with Portugal under UN auspices started on 4-5 August, where Indonesia and Portugal agreed to hold in-depth discussion on Indonesia's proposal. They also agreed that the 'all-inclusive East Timorese dialogue (AICTD)'

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33 Paraphrased by Dewi, Tempo, 8 February 1999, op. cit.; Interview with Dewi Fortuna Anwar, 14 February 2000.
34 "Habibie to consider status of E. Timor", The Canberra Times, 10 June 1998.
35 Dewi described the atmosphere at that time. Habibie immediately rang Ali Alatas, telling him, 'Hey, Pak Ali, I have just said that I will give East Timor autonomy". Dewi in Tempo, 8 February 1999, op. cit.
36 "UN asks RI to Free Jailed E. Timorese", The Jakarta Post, 6 June 1998.

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would be reopened by October. At this stage, however, there were still fundamental differences between Indonesia and Portugal on how to position autonomy in future discussions. Indonesia was insistent on its stance that it would neither allow a referendum nor discuss autonomy as a prelude to independence. On the other hand, Portugal was prepared to consider the proposal of Indonesia, but only as an interim measure. Nonetheless, Kofi Annan suggested that both parties focus on the content of the autonomy model and that the issue of whether it was provisional or definitive be left for future discussion. By the end of year, the contentious parts were narrowed down to the extent the East Timorese would enjoy autonomy in the judiciary and the exploitation of national resources in the territory. Ali Alatas in fact had an open mind on the detail of how much freedom should be given to the East Timorese, and was prepared to give further concession as far as the content of autonomy is concerned. Alatas believed that the nature of the autonomy package should be negotiated immediately as the window of opportunity in the Indonesian political cycle would not last beyond the next general election. He anticipated that the future government would be far less able to deal with issues of this character, given the diffusion of power away from the executive.

Various reactions to the autonomy proposal

The Habibie government seems to have believed that by offering this autonomy package, support for independence among East Timorese would wane. However, Habibie’s announcement had the reverse effect of provoking immediate calls for a referendum from the East Timorese. Pro-independence East Timorese were simply not willing to wait. They saw that this concession, and more broadly economic and political turmoil, was a golden opportunity for achieving independence. On 10 July, one day after Habibie’s announcement, more than 3,000 East Timorese gathered at the University of East Timor in Dili to call for a referendum and this demonstration lasted

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39 On assuming his post as UN Secretary General, Kofi Annan resumed the tripartite talks and appointed former Pakistani Ambassador to the UN, Jamshed Marker, as his personal representative for East Timor.
40 DPAT, 2001, p. 26. Through the scheduled democratic election, the power of parties and the parliament was expected to be greatly strengthened vis-à-vis the executive.
for two entire days.\(^{41}\) On 12 June, about 1,300 East Timorese, who gathered from various parts of Java and Bali, went to the Foreign Ministry in Jakarta demanding a referendum, the withdrawal of all army personnel in East Timor, and the release of jailed pro-independence leader Xanana Gusmão.\(^{42}\) Again in Dili, on 29 June, as many as 10,000 East Timorese surrounded the hotel where three visiting ambassadors of the European Union (EU) were staying, to demand a referendum.\(^{43}\)

However, senior East Timorese pro-independence leaders took a more restrained stance towards Habibie’s new proposal. CNRT President/FretiLlin commander Xanana Gusmão accepted a transitional period of autonomy of between five and ten years, while insisting that self-determination was necessary after that.\(^{44}\) CNRT international spokesperson José Ramos-Horta criticised Habibie’s offer as being a simple rephrasing of the old position that the UN should recognise the illegal annexation. Ramos-Horta, nevertheless, stressed the need for three to five years before the realisation of a referendum.\(^{45}\) And Bishop Belo wanted 10 to 15 years of preparation. On the other hand, the responses from pro-integration leaders were positive. East Timor Governor Abilio Osorio Soares, who had presented an earlier proposal for special status, commented that the idea of special autonomy was more appropriate for solving the East Timor problem than a referendum. Critical-minded East Timorese government officials as well, such as Mario Carrascalão and Secretary General of Komnas HAM Clementino Dos Reis Amaral, supported autonomy but warned against an immediate referendum, pointing out the unpreparedness of East Timorese for independence.\(^{46}\)

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\(^{42}\) “E. Timorese Stage Rally at the Foreign Ministry”, *The Jakarta Post*, 13 June 1998. Remarkably, demonstrators were allowed to chant, dance, and make speeches on the occasion. The military eventually put them onto the buses and sent them home. The tolerance shown by the security force on this occasion was unthinkable during the New Order, where this kind of activity was inevitably subject to harsh crackdowns.


\(^{45}\) “Amnesty not enough for Dili”, op. cit.; “EU Ambassadors End Four-day Dili Trip”, *The Jakarta Post*, 1 July 1998. This position presented by Ramos-Horta had been maintained since 1992, when CNRM proposed a solution to the East Timor question, known as the CNRM peace plan. For CNRM, see Chapter 2, Section 1.

Response of the international community

Overall, the international community welcomed the new proposal but did not stop pressuring the Indonesian government to do more. They wanted visible results, not just grand promises. Three ambassadors of the United Kingdom, Austria, and the Netherlands who visited Díli in late June concluded their visit with the statement that a lasting solution of the issue required a firm commitment to direct consultation with the East Timorese on their wishes.\(^{47}\) The US Congress became aggressive. In July 1998, it passed a resolution calling for an internationally supervised referendum on East Timor. In September, it enacted legislation barring the Pentagon from training units of foreign militaries if a member of such a unit had committed a gross violation of human rights, unless all necessary corrective steps had been undertaken.\(^ {48}\) Again, in October, Congress enacted laws requiring the US government to state in arms sales contracts with Indonesia that the US expected that any lethal weapons or helicopters would not be used in East Timor.\(^ {49}\) Further, Ali Alatas later revealed that the EU and the US were involved in the UN tripartite dialogue, and that they sought ‘wide-ranging autonomy implemented gradually over five to ten years toward independence’.\(^ {50}\) Alatas further clarified:

During the negotiations on wide-ranging autonomy, [...] the opposing side such as Portugal, anti-integration East Timorese, certain international NGOs, certain foreign countries, endlessly made negative speculation and comments as if Indonesia’s proposal would never be accepted by anti-integration East Timorese(...)Pressure, criticism, and negative comments explain why President Habibie at that time thought, “Okay, if so, it’s better if we think about an alternative settlement”.\(^ {51}\)

The Two-Options Proposal

On 27 January 1999, the Indonesian government announced that it was offering

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\(^{47}\) Quoted in Grayson Lloyd, “The diplomacy on East Timor: Indonesia, the United Nations, and the international community” in Fox & Soares, eds., op. cit., p. 86.

\(^{48}\) ETAN suggests that this law was targeted at East Timor and Kopassus. Charles Scheiner, “The United States: From Complicity to Ambiguity” in Hainsworth and McCloskey, eds., op. cit., pp. 126-127.

\(^{49}\) Pressure from the US was also seen at the city level. Cambridge (Massachusetts) and Berkeley (California) enacted selective purchasing laws, barring the local government from buying products sold by companies involved in the occupation of East Timor. Ibid.


regional autonomy plus' to East Timor; if they rejected the offer, the government would suggest to the MPR that East Timor could be released from Indonesia. This idea was directly initiated by Habibie, which attracted much speculation about the factors behind the proposal. And, as Habibie’s aides admit, the letter of 19 December 1999 from Australian Prime Minister John Howard served as a catalyst. And another important factor that emerged at the same time was Bishop Belo’s rejection of Habibie’s invitation for a second meeting. Below, we will closely observe the background of these events and how they influenced the two-options policy.

The Howard letter

Reaction of the Indonesian government

Habibie’s close advisors stated that, it was the letter from Australian Prime Minister John Howard dated 19 December 1998 that provoked Habibie’s proposal to give the independence option to the East Timorese. Habibie himself revealed later to Stanley Roth, the US Assistant Secretary of State for East Asia and the Pacific, that he ‘decided’ at 1:30, in the morning, one night after reading the letter. This controversial letter was hand-delivered to Habibie on 21 December by Australian Ambassador to Indonesia John McCarthy.

In the letter, Howard suggested that Indonesia grant East Timor an act of self-determination after a substantial period of autonomy, adding, however, that the Australian preference was for the East Timorese people to opt for autonomy. The letter partly reads:

It might be worth considering, therefore, a means of addressing the East Timorese desire for an act of self-determination in a manner which avoids an early and final decision on the future status of the province. One way of doing this would be to build into the autonomy package a review mechanism along the lines of the Matignon Accords in New Caledonia. The Matignon Accords have enabled a compromise political solution to be implemented while

32 Greenlees & Garran, op. cit. p. xii.
33 Interview with Dewi Fortuna Anwar, 14 February 2000; Muladi, 19 April 2001.
35 The letter came with copies to Foreign Minister Ali Alatas, Defence Minister Wiranto, Justice Minister/State Secretary Muladi, and Foreign Policy advisor Dewi Fortuna Anwar. (DFAT, 2001, op. cit., p. 32). According to Greenlees and Garran, it was initially sent by cable, and the original copy of the letter arrived on 17 January. Greenlees and Garran, op. cit., p. 92.

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deferring a referendum on the final status of New Caledonia for many years.\textsuperscript{56}

Shortly after receiving it, Habibie distributed copies of this letter to key ministers and advisors.\textsuperscript{57} Then, in a restricted ministerial meeting,\textsuperscript{58} he again sent out copies of the letter on the cover of which he had written the following:

If the question of East Timor becomes a burden to the struggle and image of the Indonesian people and if, after 22 years, the East Timorese cannot feel united with the Indonesian people who proclaimed their independence 53 years ago, and a 400-year history, including 350 years under Dutch colonization, it would be reasonable and wise if, by a decision of the People's Consultative Assembly, the 27th province of East Timor can be honourably separated from the Unitary State of the Republic of Indonesia who, in fact, had the good intention to accept them in the struggle to achieve a civil society in the coming millennium.\textsuperscript{59}

Then, the issue was fully discussed in a Polkam meeting on 25 January 1999. In the meeting, Alatas still insisted that the decision on the independence option was premature, but, according to him, "the prevailing view at the meeting was like that [in favour of the independence option], my view did not quite get the support".\textsuperscript{60} Defence Minister/ABRI Commander Gen. Wiranto and Menko Polkam Feisal Tanjung shared a reservation that a consultation held before the MPR met at the end of the year would be political suicide, but did not object to the independence option as such.\textsuperscript{61} At the plenary cabinet meeting between 10:00 a.m. to 4:00 p.m. on 27 January, the cabinet members reached a final consensus. At the meeting, Feisal Tanjung, Wiranto, and Ali

\textsuperscript{56} "From John Howard to President Habibie" (full text of the letter), The Australian, 6 October 1999. The Matignon Accords (signed in 1988) granted limited self-rule for the French territory New Caledonia and provided for a referendum on self-determination in 1998. However, after several years of negotiation between French and New Caledonian political leaders, both sides decided to delay the 1998 referendum in favour of an extended period of autonomy (the Noumea Accord). And then this new accord set out a timetable for the progressive transfer to self-government over a period of 15 to 20 years, with provision for up to three referenda to be held between 2013 and 2018. DFAT, 2001, op. cit., p. 30

\textsuperscript{57} According to The Straits Times, the letter was also delivered to former finance minister Frans Seda, who was often regarded as the community leader of Eastern Indonesian Catholics. Reportedly Seda agreed with many points in the Howard letter. "Inside story on Indonesia's shift over East Timor", The Straits Times, 5 February 1999.

\textsuperscript{58} Some media reports suggest that the first meeting in which Habibie distributed his written opinions was held on 21 January. Muladi said that there were many meetings but he could not remember the date, but that the first small meeting in which the letter was raised was a Polkam meeting. Interview with Muladi, 19 April 2001.

\textsuperscript{59} Quoted in The Strait Times, op. cit.

\textsuperscript{60} "Alatas Buka Kartu Soal Timtim", Media Indonesia, 1 June 2000.

\textsuperscript{61} Greenlees and Garran, op. cit., p. 96.
Alatas gave presentations. They announced, "After discussing the president's notes we reached the conclusion that it is the best if we allow East Timor self-determination peacefully if East Timorese is not feeling a part of Indonesia". More specifically, Wiranto gave three conditions of his acceptance: 1) the decision to integrate East Timor would not be regarded as the wrong decision, 2) the conduct of military operations in East Timor would not be questioned, and 3) Indonesian soldiers who died for the sake of East Timor should be respected. Wiranto particularly emphasised that the original occupation of East Timor in 1975 should not be criticised. In his words:

The political decision to accept East Timor as the 27th Province in 1976 was a political decision that was appropriate at that time and was a humanitarian obligation in order to avoid further bloodshed because the Portuguese government abandoned their overseas province(...) therefore, the sacrifice of 1,419 soldiers of ABRI who died in the areas of operation was not meaningless.

After the meeting, Minister for Information Yunus Yosfiah and Ali Alatas officially announced the government's plan to allow the East Timor people to choose between the two options, adding that it would not be a 'referendum' on independence.

According to some of Habibie's advisors and ministers, Habibie was offended by the Howard letter. Habibie especially did not like Howard's reference to the Matignon Accords which implicitly equated Indonesia with France as a colonial power. When Habibie met Australian Ambassador John McCarthy to discuss the letter's proposal on 22 December, he unequivocally rejected the concept, saying that the choice of a colonial example was unpalatable. And he told Dewi that he had rejected the proposal because "New Caledonia for France is a colony, but East Timor for Indonesia is not a colony". Habibie also pointed out to McCarthy that an autonomy plan with a

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64 Quoted in The Straits Times, op. cit.
65 DFAT, 2001, op. cit., p. 32.
66 Dewi in Tempo, 8 February 1999, op. cit. However, there is some doubt about whether this was Habibie's genuine feeling, even if Habibie did not like the reference to the colonial example in the letter. According to Dewi, Habibie began to study East Timor after receiving her advice on its problems and questioned to himself: "Why has Indonesia behaved this way? It did not accord with our commitment(...) Indonesia opposes colonialism" (Interview with Dewi Fortuna Anwar, 14 February 2000). An Indonesian political observer even suggested that Habibie had mentioned that the integration of East Timor was haram ('forbidden' in Islamic terminology). Confidential Interview, September 2000.
review mechanism was tantamount to leaving a ‘time-bomb’ for his successor. Although he rejected the proposed long delay before holding the ‘referendum’, Habibie accepted the idea of a vote but it would be held as soon as possible.\textsuperscript{67} As Ali Alatas put it, “Why must Indonesia take care of East Timor for the next five or ten years if finally they want their independence?”\textsuperscript{68}

According to ministers and Habibie’s advisors, it was not so much the content of the Australian proposal as the fact that it came from Australia that mattered. Australia’s sudden change in its position regarding East Timor itself encouraged Indonesia to adopt the new East Timor policy. As noted in the previous chapter, Australia was the only western nation which gave de jure recognition to Indonesia’s annexation of the territory. Alatas stated, “If only the letter had come from another country, it could have easily been understood. But this was from Australia, our all-time supporter”. Alatas believed that this announcement from Australia encouraged renewed pressure on Indonesia from other western countries which were now increasingly lending support to self-determination.\textsuperscript{69} According to Dewi Fortuna Anwar, Habibie himself stated, “Even a friendly country like Australia acts like this, what about other countries?”, and then immediately wrote his proposal on the cover of his letter.\textsuperscript{70} She also suggested that the timing of Australia’s change of policy was bad for Indonesia, as tough negotiations were continuing in New York, and Indonesia needed support from an ally like Australia for its insistence that wide-ranging autonomy was the final solution. Furthermore, the Australian government made an official announcement on 12 January of the change of its position, which meant that Australia had not paid attention to Habibie’s rejection of Howard’s proposal, already made clear at the meeting between Habibie and Ambassador McCarthy in the previous month.\textsuperscript{71}

\textsuperscript{67} DFAT, 2001, op. cit., p. 32.
\textsuperscript{68} \textit{Tempo} interview with Alatas, 25 September 2000, op. cit.
\textsuperscript{69} Ibid.
\textsuperscript{70} “Dewi Fortuna: Wajar Ada yang Marah Saat Timtim Merdeka, Stupid Kalau Militer Sebarkan Isu Kudeta”, \textit{Rakyat Merdeka}, 13 September 1999.
\textsuperscript{71} Dewi in \textit{Tempo}, 8 February 1999, op. cit. The Australian government had wanted to announce its policy shift at a later date, but moved it forward when the government learnt that a Jakarta correspondent of \textit{The Australian}, Don Greenlees, had already obtained a copy of the letter. The letter was published as a leak in \textit{The Australian} prompting Downer to break his annual holiday to make the announcement. (Personal communication from Don Greenlees, 7 May 2003). It is unclear to what extent Habibie was actually ‘angered’, let alone ‘mad’—as Alatas claimed—at the Howard proposal. (“Ali Alatas looks back on 11 years of RI foreign policy”, \textit{The Jakarta Post}, 2 September 1999). Habibie was generally amicable and
The change of Australia’s position on East Timor

Why did Australia change its policy at this particular time? The Howard Coalition Government, which came to power in March 1996, had maintained continuity in its stance on East Timor with all previous governments since Australia’s recognition of Indonesia’s rule over East Timor in 1979. For most of 1998, while stressing the need for dialogue between the Indonesian government and the East Timorese, Foreign Minister Alexander Downer still stressed that self-determination would cause a civil war.

Nonetheless, the Australian government had sufficient reasons for the policy shift. Throughout 1998, the Department of Foreign Affairs and Trade (DFAT) had been considering ideas for moving the East Timor agenda forward. After the October 1998 elections, these ideas were developed further and took the shape of the proposal which Downer took to Howard on 9 December. According to the official view, there were at least three key reasons behind the policy change. The first factor was related to a survey conducted in 1998 by the Australian Embassy in Jakarta. The survey was conducted of the views of 29 prominent East Timorese leaders representing all sides in the political debate in East Timor and the Diaspora, as well as non-affiliated figures from the NGO community and the churches in the province. This survey found that autonomy was generally well-received among those who were consulted but that most of them believed that any autonomy package would need the endorsement of the people at some point, either through a referendum or some other form of consultative process. And the Australian government wanted to reflect this wish in their new

relaxed during the meeting with McCarthy and was usually very open to various suggestions put to him and even criticisms. It was possible that the above criticisms, especially of the change in Australian’s policy, reflected Ali Alatas’s and Habibie’s advisors’ own feelings more than Habibie’s.


Fisher, op. cit., p. 13. Downer’s recommendation was, “Australia should encourage the Indonesian government to engage in direct negotiation with the East Timorese leadership on autonomy, with an understanding that there would be an act of self-determination”. DFAT, 2001, op. cit., p. 31.

In 2000, a detailed explanation was made in testimony by John Dauth, Deputy Secretary of Australia’s Department of Foreign Affairs and Trade at the Senate Foreign Affairs, Defence, and Trade References Committee (op. cit.). And in 2001, more details were given in DFAT (2001, op. cit.).
policy. Secondly, the policy shift also came from the Australian government’s concern about the increasingly volatile situation on the ground. Australia believed that any autonomy package which did not provide for an act of self-determination at some point would create further fragility on the ground; and if this was met by renewed military repression, the situation in East Timor could deteriorate beyond control. Thirdly, the government saw no hope in the approach being taken by the Indonesian government at that time. The Indonesian government, and Ali Alatas in particular, did not agree with Australia about the importance of dialogue between the Indonesian government and the East Timorese about the political status of the province. Instead, they steadfastly focused on the international mechanism represented by the UN tripartite dialogue. The Australian government, however, believed that neither the UN tripartite talks nor negotiations among the East Timorese without discussion on the future political status were fruitful.77

However, some Australian commentators viewed the policy shift more pragmatically. They argued that the change was more a damage-limitation exercise by the government in response to indications that Jakarta itself might be in the process of changing its position. Canberra did not want to be left as the only Western nation supporting Jakarta’s claim to East Timor.78 Meanwhile, Indonesians tended to interpret this new policy as merely a manoeuvre on Howard’s part to gain domestic popularity from the issue, while Downer was seen as worried that he had been overshadowed by his high-profile predecessor, Gareth Evans.79 One of Habibie’s advisors Adi Sasono pointed out the Australian interest in preventing an immediate referendum. When he and other Habibie advisors visited Australia in mid-1998 and met Howard and other ministers, the Australian side urged the delegation, “Please don’t just pack up and leave [East Timor]”. This response gave the Indonesian delegation the impression that Canberra was worried about a sudden and huge increase in its economic burden resulting from immediate independence for East Timor.80

76 Downer conveyed the results of the survey during a meeting with Alatas on 28 August, but Alatas, while showing the gratitude for Australia’s effort, rejected the survey as ‘unbalanced’. DFAT, 2001, op. cit., pp. 27-28.
78 See, for example, “Australia shifts with times on East Timor issue”, The Jakarta Post, 14 January 1999.
80 Interview with Adi Sasono, 31 August 2001. Sasono had the impression that the Australian government, which had been providing substantial aid to Papua New Guinea, did not want another substantial burden. This episode also suggests that the Indonesian side in some way threatened the Australian government,
Of course, for the Australian government, it was an excellent opportunity to remove the major, long-existing irritant in its bilateral relationship with Indonesia. Also, it was at the same time an excellent opportunity to get rid of a major source of public criticism of the government. Australian public support for East Timor was especially strong because there were a large number of East Timor refugees and immigrants in the country and some Australians felt a moral obligation to the East Timorese due to support given to Australian soldiers during World War II. Moreover, the Australian media carefully and critically revealed every policy failure of the Australian government with regard to Indonesia and East Timor. The Habibie government was already willing to solve the issue; therefore, the Howard government wished to take advantage of this new and possibly only opportunity to remove a major diplomatic nuisance.

Bishop Belo’s attitude

In December 1998, one month before the government announced the two options policy, Bishop Belo flatly rejected Habibie’s invitation to discuss developments that had occurred in East Timor since their first meeting in July 1998. Dewi Fortuna Anwar identified that Belo’s refusal as ‘one of the two triggers along with the Howard letter’.81 State Secretary/Justice Minister Muladi also supported this interpretation, stating that Habibie was weary of Belo’s attitude and it constituted another trigger.82

On 23 June 1998, two weeks after Habibie’s announcement and about a month after Habibie assumed the presidency, Belo met Habibie for the first time. On this occasion, Belo and his fellow bishop Basilio do Nascimento submitted a letter to Habibie which contained 25 requests, including the withdrawal of troops, the freeing of political prisoners and the teaching of the native Tetun language and Portuguese. According to Belo, Habibie’s response to their 25 requests was positive, for example, Habibie promised Belo that his government would gradually reduce the number of

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81 Interview with Dewi Fortuna Anwar, 14 February 2000.
82 Interview with Muladi, 19 April 2001.
troops stationed in East Timor. After the one-and-a-half hour meeting, Belo, reportedly all smiles, praised Habibie as ‘an extraordinary president, with a strong sense of humanitarianism, kindness, and sympathy’. He informed reporters that Habibie had been shocked by Belo’s reports of the poor protection of human rights in the province, including the restriction on travel from one village to another. On this occasion, Belo intentionally adopted a cordial tone, refraining from repeating his earlier calls for self-determination, although his caution was unpopular among East Timorese youths. Belo hoped that the ‘honey’ he had bestowed on Habibie would be reciprocated with concrete deeds.

However, only within a month of the meeting, Belo completely changed his attitude in response to a number of incidents involving, Belo claimed, Kopassus. Around the time of the visit by three EU ambassadors to Dili at the end of June, three East Timorese were shot dead and many wounded by security forces in separate incidents. Belo had been angered by the case which was apparently a result of provocation by ‘paid’ demonstrators at the delegation’s visit. The practice of paying provocateurs to manufacture incidents was reminiscent of the tactics the Soeharto regime had often used. After a meeting with Ali Alatas in mid-July, he flatly stated, “The special status proposal has been rejected by most East Timorese”. Belo was further outraged by the November military sweep near the town of Alas, where the Indonesian military killed a village chief and some others. Belo spurned an invitation

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85 Kohen, op. cit., p. 293.
86 Ibid., p. 284.
87 The two other incidents may have reminded Belo of these tactics. In one case, the East Timor governor and East Timor military commander ordered the distribution of false UN documents stating that the UN only envisioned autonomy, not independence. The other case was an exaggerated report of mass exodus of Indonesian settlers that was taking place allegedly because of threat from pro-independence forces. (Kohen, op. cit., pp. 284-285). Xanana Gusmão was also increasingly angry, The letter he addressed to Ali Alatas on 19 September was unusually confrontational. It starts with the sentence: “As a criminal seen through the rose-coloured glasses of Ali Alatas, I would like to let you know that my patience is fast running out...”. The full text of the letter is in Lansell Tsudévin, East Timor: Too little Too late, Sydney: Duffy & Snellgrove, 1999, pp. 195-197.
88 “Governor allows rallies to go on in East Timor”, The Jakarta Post, 17 July 1998.
89 Regarding the Alas incident, some of the press described it as a ‘massacre’. However, the extent of the violence is debated. For example, DFAT (2001, op. cit.) and Greenlees and Garran (op. cit.) downplay the incident. According to Don Greenlees, a team from the International Committee of the Red Cross spent two weeks investigating and found no evidence of a massacre. It put the death toll at nine. East Timor leaders backed away later from the claims and even Portugal discounted them. (Personal communications from Don Greenlees, 7 May 2003). On the other hand, John Martinkus (in A Dirty Little War, Sydney:
from Habibie which came a few weeks later, saying "it would be a waste of time to go to Jakarta". To the request from Habibie to report the latest developments in the province, Belo stated, "This is government business, not the business of two Bishops".90 Dewi Fortuna Anwar remembered one more comment by Belo in relation to his rejection: "The president is not my superior; my direct superior is God". (This comment apparently offended her).91 According to Muladi, "Habibie was upset by Belo's attitude, felt trapped, and then came the letter from Howard".92 Habibie himself complained about Belo's attitude to Ambassador McCarthy.93

Viewed from the government's side, the invitation was a generous offer and Habibie might have had good intentions, but Belo did not see it that way. One chief cause that created this tension was Habibie's obvious lack of a sense of how difficult it was to implement his promises to the East Timorese or how easily they could be manipulated by the military and their local allies. A good example was the much-publicised withdrawal of 1,100 troops (including all the Kopassus troops) from East Timor in late July which was immediately subverted by their covert replacement by the same or even greater number of troops.94 Habibie lacked not only the power, but also the will to force the military to do what he promised to the East Timorese. Another implication of the tension between Habibie and Belo was that there was no one in the Habibie administration who was prepared to look into the real cause of the problem with regard to this friction, or could serve as a bridge Habibie and Belo. As was already noticed in the previous chapter, the people around Habibie did not have favourable perceptions of Belo. They did not like his excessive talk about political matters, and disliked, in particular, his criticism of the Indonesian government whilst he was abroad. The Habibie people, therefore, had little motivation to mend the relationship between the two, but preferred instead to let Habibie react according to his

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90 Kohen, op. cit., p. 293.
91 Dewi in Tijul, 14 October 1999, op. cit.
92 Interview with Muladi, 19 April 2001.
93 Greenlees & Garran, op. cit., p. 91.
94 Leaked military documents circulated among foreign journalists and embassies at that time suggested that 17,834 troops were stationed in East Timor on 28 July, but the number increased to 17,941 troops (21,620 including militias) at the end of August even though the withdrawal had already been made. East Timor commander Col. Toto Suratman, however, denied the report and said there were only 10,500 troops in East Timor. Documents Concerning the Indonesian Armed Forces in East Timor, August 1998.
feelings, or possibly gave negative input to Habibie with regard to Belo’s response.  

Habibie’s views on East Timor

According to Dewi Fortuna Anwar, Habibie had been thinking of releasing East Timor since the beginning of his administration. But Habibie had never clearly shown his preference for independence before the arrival of the Howard letter. In a private conversation with her in January 1999, Habibie asked, “Why do we have to encounter so many international problems when we already have so many problems at home? (...) Why don’t we just let them go?” After the announcement of the new policy, Habibie’s own view on East Timor became known to the public from his explanation of the problem.

It appears that for Habibie East Timor was of no value. He considered that Indonesia’s integration of East Timor was an act of charity, aimed to relieve people’s suffering because the territory had ‘nothing but rocks’. Speaking to a visiting delegation from North Sulawesi in February 1999, Habibie said, “[b]ut what did they give us? Natural resources? No. Human resources? No. Technology? No. Abundant Gold? No. Rocks? Yes!”. He added that the province had received an annual budget six times bigger than was allocated to its neighbour East Nusa Tenggara. Despite this ample assistance, in Habibie’s eyes, the East Timorese did not show any gratitude towards Indonesia. Habibie was, obviously, more inclined to free East Timor rather than give it the status of autonomy. He mentioned, “If I was asked about the government’s proposal, [I would say] just give [East Timor] independence.” He added that the government did not want to be burdened by the problem of East Timor after 1 January 2000.

Habibie also calculated that the new proposal on East Timor would have a positive impact on his legitimacy because he thought that his proposal would enhance democracy and human rights in Indonesia and thus nobody could reject it.  

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95 Indeed, it is unclear to what extent Habibie himself was ‘offended’ or ‘upset’ by Belo’s attitude.
96 Interview with Dewi Fortuna Anwar, 14 February 2000.
500 Interview with Indria Samego, 3 April 2001.
same time, he appeared to want to signal to the world that there was a President in Indonesia who had the courage to make a historic decision. Critics even suggest that Habibie was seeking to win the Nobel Peace Prize. The following message in the Howard letter may have inspired Habibie: “A settlement would enable you to put the issue behind you. It would make a substantial difference to Indonesia’s standing in the world, with the benefits that it could bring.”

Habibie’s lack of experience in foreign policy matters requiring patience and careful judgement was also relevant in this context. Ali Alatas mentioned in several interviews that Habibie was not accustomed to handling a problem like East Timor. This was especially felt by a diplomat like Alatas, who spent most of his energy as Foreign Minister dealing with all sorts of pressures with regard to East Timor. Habibie’s reaction to the Howard letter and Belo’s refusal for the second meeting can also be partly explained by this factor.

Wiranto and Alatas

Reportedly Ali Alatas and Wiranto were among the last in the Habibie cabinet to be informed of the new proposal. This was rather surprising as they were the heads of the two institutions which were fully involved in the East Timor problem throughout Indonesia’s rule over East Timor. After giving testimony to the Commission of Inquiry for Human Rights Violations in East Timor (KPP-HAM Timtim), Alatas told a reporter that the option on independence was suggested after having been discussed by all of the cabinet members without him. In mid-January 1999 Alatas was in New York negotiating the wide-ranging autonomy proposal which had been under discussion since October 1998.

Actually, at the United Nations, the drafting of the autonomy plan had already entered the final stage. The Indonesian side was even beginning to look at the possibility of including a certain future ‘review’ of the implementation of autonomy: a

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101 That the decision on the two options was made only four days before the recommendation deadline for Nobel Prize nominations invited this speculation among the media. See, for example, “Kejarlah Nobel, Timtim Kulepas”, Detak, 28 September—4 October 1999.
102 “From Howard to Habibie”, op. cit.
103 See, for example, Tempo interview with Alatas, 25 September 2000, op. cit.
substantial concession to Portugal. And, then, suddenly the new policy was announced. A diplomat who was participating in negotiations in New York did not hide his disappointment because for the Deplu, autonomy was the final solution. Moreover, they had spent much energy defending their position against Portugal had committed to a future referendum. The Deplu official stated:

If only [the government] knew what the heart of Bapak Ali Alatas was like. As a career diplomat, he was involved in all Timor questions, throughout his career, any negotiation on East Timor with ups and downs(...)The Deplu, especially Pak Ali was more than aware of and equipped to be patient in those ups and downs. I personally wonder whether the leaders in the government who may not know the East Timor problem possessed the patience with those ups and downs.105

Alatas was consulted about the independence option for the first time on the 25th at the Polkam meeting. Immediately after the meeting, he went to see Habibie and received an assurance that there was still a commitment to autonomy as the preferred solution.106 However, this did not substantially change Habibie’s new two-options policy. The Deplu official believed that if Alatas had been consulted much earlier, he would have attempted to convince Habibie that autonomy was the best and final solution.107

Defence Minister/ABRI commander Gen. Wiranto appears to have felt that Habibie’s proposal was more like a presidential decision than an item for discussion. He stated, “I was given only two days (25-27 January) to think about it!” (Although he should have read Habibie’s memo on the copy of the Howard letter before the 25th, he stated that he did not know about developments surrounding the proposal during the period before the 25th). He added that, “I did not understand at all what kind of input ‘the advisor’ gave to him [Habibie]”.108 To the question on why he, then, did not resist

105 Interview with a Deplu official, June 2000.
106 Greenlees & Garran, op. cit., p. 97.
107 Interview with a Deplu official, June 2000.
Habibie’s proposal, Wiranto explained:

For me accepting the proposal from the President was not really difficult [susah], but only sad [sedih] because we lost so many soldiers for East Timor(...)But I only thought if the new policy was implemented by way of an international process, and it was honest and just, there would be no problem.109

Perhaps Wiranto’s acceptance of Habibie’s proposal ‘at the official policy level’ was natural, given that Habibie was Wiranto’s direct superior as the supreme commander of the armed forces, and had the prerogative to dismiss Wiranto.110 Moreover, Wiranto was a member of the cabinet, and the entire mood at the two ministerial meetings was predominantly supportive of Habibie’s new proposal. Furthermore, the military was then suffering from heavy public distrust aggravated by the fatal shootings by the security forces at the November MPR session; thus, any challenge to the government based on its New Order-style hardline stance was unlikely to get public support. It is not obvious that Wiranto’s attitude would have been different if Habibie’s idea had been conveyed to him a little earlier, for example, soon after the arrival of the Howard letter. Nevertheless, if the new plan had been leaked earlier to broad segments of the military, including retired generals and veterans of East Timor invasion operations, Wiranto would surely have come under heavy military pressure and would have been likely to have shown more resistance. In fact, according to Lt. Gen. (ret.) Hasnan Habib, retired generals were very angry at Wiranto’s easy submission. This may have been, according to Hasnan Habib, because they felt, by instinct, that the East Timorese would choose independence.111

On the other hand, Wiranto seems to have calculated that the autonomy side would win in the upcoming ballot. He revealed that he ordered the military intelligence to conduct a survey when he first learned Habibie’s idea, and that the result showed that the pro-autonomy side had most support.112 Even if he still was not

110 Various other reasons behind Wiranto’s acceptance will be discussed in the next chapter.
111 Interview with Hasnan Habib, 26 December 1999. On the extent of anger, we must take account of the fact that Hasnan Habib himself was very critical of Wiranto. Nevertheless, a pro-integration East Timorese who is close to Wiranto also spoke of this anger of retired generals, adding that it was still weighing heavily on Wiranto’s mind almost two years after the UN ballot. (Interview, 4 September 2001.) Of course, ICMF-associated generals tended to support Habibie’s idea at that time.
sure of the victory of the autonomy side by a wide margin, he apparently believed that the autonomy camp would win with military backing. This calculation at least made it easier to accept the difficult policy as the military commander. This point will be further discussed in the next chapter.

Habibie's advisors and the new policy

The foreign policy advisor

Dewi Fortuna Anwar was widely regarded as the most influential of the president's advisors in regard to the two-options policy, even though she herself downplays this claim. "I would even feel sorry for her if she does not recognise her influence", said ICMI chairman, Adi Sasono. He added that it was not only because she was Habibie's chief foreign policy advisor, but also because she was actually the most knowledgeable on the problem surrounding East Timor in the ICMI/CIDES circle.113

Dewi Fortuna Anwar, a presidential spokesperson and senior researcher at the Indonesian Academy of Science (LIPI), with academic expertise in international affairs, tirelessly explained to the media the reasons behind the government's new policy on East Timor. Naturally as a foreign policy specialist, she almost entirely attributed the government's decision to incessant international pressure on Indonesia. For her, East Timor was a 'sick appendix which has to be removed'.114 And she stressed that Indonesia would never be free of this trapped situation unless it resolved the East Timor problem. To the question about which countries besides Australia actually affected the government new East Timor policy, she unhesitatingly replied:

I cannot recall any specific country, but all countries(...)applied systematic pressure on Indonesia to allow East Timor self-determination. So there was an international climate(...)No specific country except Portugal, but of course, Australia, New Zealand, EU countries, and the United States which consistently raised the issue of East Timor. Every visitor in Indonesia mentioned East Timor(...)because it was also a major domestic issue for those countries, in the US, you know, [there are] large Catholic constituents, large Portuguese minorities. In Europe, Portugal can veto a lot of decisions in the

113 Interview with Adi Sasono, 31 August 2001. Dewi herself, however, had quit her membership of ICMI by late 1998.
EU, and Ireland—the Catholic Church and Solidarity. In Brazil, East Timor is a major domestic issue because the Church makes peace talks with East Timorese. So East Timor is a major global issue which was difficult to be washed away.\textsuperscript{118}

Her view was also very much reflected in Habibie’s ‘accountability speech’ on his East Timor policy which was given before the DPR on 21 September 1999. It attributed the government’s new policy almost entirely to its aim to free Indonesia from various foreign pressures, to the extent that opponents of Habibie criticised that it was as if the Indonesian government adopted the policy to please the international community.\textsuperscript{116}

However, as far as the actual adoption of the two-options policy was concerned, it was unclear to what extent she was involved in the decision-making process at the very last stage. Dewi, with one of her deputies, prepared a two-page memo for Habibie on the significance of Australia’s policy change, paying special attention to the reactions within Australia.\textsuperscript{117} And this may have had much impact on Habibie’s perceptions at that very crucial time. However, as she stresses, she was not a member of the cabinet, and she was not among the chief actors at the meetings on the 25th and the 27th of January 1999. Moreover, Habibie also consulted about the letter with other advisors such as Adi Sasono, Jimly Asshiddiqie, Zein Maulani, and Sintong Panjaitan.\textsuperscript{118} Dewi’s influence on the government’s East Timor policy was likely to be

\textsuperscript{115} Interview with Dewi Fortuna Anwar, 14 February 2000.
\textsuperscript{116} Habibie's speech partly reads:

The provision of the two options at the popular consultation aimed at immediately finishing the East Timor problem that had become the source of pressure and criticism towards Indonesia in the international community(...)If the autonomy proposal was accepted, Indonesia could contain international pressure and make the problems related to East Timor a domestic affair.

On the other hand, if the autonomy proposal was rejected, Indonesia could end both the national and international burden. (“Presiden B. J. Habibie: Jajak Pendapat, Cara Demokratis Yang Dapat Diterima Komunitas Internasional”, Business News, 22 September 1999).

For criticism of this speech, see “Kalangan DPR Kecewa Atas Penjelasan Habibie’, Suara Pemberuan, 22 September 1999.

\textsuperscript{117} Greenlees and Garran, op. cit., p. 91.

\textsuperscript{118} Adi Sasono suggested that as a long-time friend of Habibie and as one of Habibie’s ministers he talked about ‘many kinds of things’ after Habibie received the Howard letter. (Interview, 31 August 2001). Some suggest the strong influence of Maulani and Panjaitan. A Maulani critic stated that Maulani suggested to Habibie that Habibie ‘reduce the number of Christians in Indonesia’ by releasing East Timor. (Interview, September 2000). On the other hand, Indria Samego suggested that as a military man Maulani was unlikely to push the independence option. (Interview, 3 April 2001). Jimly Asshiddiqie pointed to the role of Panjaitan, without giving the reason. He said he himself discussed East Timor with Habibie ‘for the first time after Habibie received the Howard letter’. (Interview, 7 April 2001).
stronger in the earlier stage, especially if Habibie wanted to release East Timor from the beginning of his tenure, as she claimed. This is because one of her main tasks at the time was to explain to Habibie—who had little knowledge about East Timor—how the East Timor problem had been harming Indonesia, and to convince him of settling this problem. In an interview with a journalist of The Australian, Don Greenlees, she admitted that she forwarded to Habibie hundreds of letters from foreign NGOs, church leaders in Australia, foreign government leaders and opposition leaders, and that Habibie received a tremendous amount of information from this.\footnote{120}

The role of the ICMI circle

ICMI chairman Adi Sasono admits that the broad outline of the new East Timor policy was a creation of the ICMI circle. He also suggests that the independence option was a reflection of ICMI’s wishes and perceptions.\footnote{121} Jimly Asshiddiqie, another long-time friend of Habibie and his welfare policy advisor, states, “I would be happy if ICMI influenced Habibie’s new East Timor policy because it means that our wishes were materialised”. In the previous chapter, we noted various critical views of ICMI intellectuals in the mid-1990s with regard to East Timor. And we found that their unhappiness with East Timor at that time was three-fold: 1) the unproductiveness of the province which was consuming a large sum of government development funds; 2) the ungrateful attitude of the East Timorese towards that government’s generosity; and, 3) incessant international criticism in relation to East Timor.\footnote{122} These intellectuals expressed similar sentiments when explaining their support for the two-options policy. Adi Sasono said:

As much as 50 million US dollars per year was allocated to East Timor. It was too heavy(...) We are a country with over 200 million of population, while that province’s population is 600,000[sic]. We were throwing away our money for nothing. It’s against humanity. Besides this, our foreign policy was a hostage. We are always asked by foreign parties about East Timor(...) East Timor is indeed duri dalam daging [a thorn in our flesh].\footnote{124}

\footnote{119} Interview with Adi Sasono, 31 August 2001.  
\footnote{120} Greenlees and Garran, op. cit., p. 91.  
\footnote{121} Interview with Adi Sasono, 31 August 2001.  
\footnote{122} Interview with Jimly Asshiddiqie, 7 April 2001.  
\footnote{123} It should also be remembered that members of ICMI were largely from the section of Indonesian society that was most suspicious of Christians.  
\footnote{124} Interview with Adi Sasono, 31 August 2001.
Jimly Asshiddiqie stated:

To me, East Timor is not important at all, it’s nothing(...)This is because it is just a tiny province, and they gave us nothing, while we have so many other regions in our country which the government seriously had to take care of (...) And why should we be always criticised just for East Timor? (...)I would be happy if Habibie thinks the same way as me.  

Another advisor to Habibie from ICMI, Lt. Gen.(ret.) Achmad Tirtosoediro stated:

What benefit could we get by defending East Timor? Financially, we would suffer further if we keep holding it. [The province] generates only 7 % of their needs(...)It does not have any natural resources to dig up, so we would be doubly losing financially. 

A typical ICMI view was expressed in an article by Dawam Rahardjo in Republika, written immediately after the majority of the East Timorese chose independence.

[I]n fact, maybe we feel relieved by East Timorese independence. Until now, the East Timor problem is like ‘a pebble in the shoe’[Ali Alatas’s oft-quoted reference] of Indonesia’s diplomacy. Indonesia in the international community had been seen as a coloniser and human rights oppressor. The government itself has been burdened by the development fund which is not small. If East Timorese do not appreciate this, we all feel sad. 

Returning to the economic problem for a moment, not only was East Timor a drain in Indonesia’s budget but also threatened to result in reduced foreign assistance on the grounds of the government’s treatment of East Timor. Even well before the economic crisis, the economic burden of East Timor had created some frustration and jealousy within Indonesia. And among those most critical were people close to Habibie. Economic ministers who were engaging in day-to-day tough negotiations with creditor countries as well felt this burden heavily. It was no surprise that there were many in

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125 Interview with Jimly Asshiddiqie, 7 April 2001.
the administration who did not mind if East Timor left Indonesia. Just after the government announced the new policy, the Coordinating Minister for the Economy, Ginandjar Kartasasmita, asked by a journalist about the new government policy on the sidelines of the World Economic Forum, stated that East Timor “is very, very expensive not only in terms of money and materials” but also politically because it had meant Indonesia had been “harassed, patronised morally” in the international community. 128

The most sensitive question may be whether the idea of releasing East Timor was strongly associated with religion. The Australian Sydney Morning Herald wrote that “they [what the writer called ‘the ICMI crowd’] objected to the idea of spending large sums of money on what was, in their view, an essentially mendicant and ungrateful Christian outpost”.129 In fact, the Rahardjo essay which was presented a little earlier includes the sentence: “[m]aybe the East Timorese people were not very comfortable to be under the Muslim government”, which may imply a kind of feeling: “we are also not happy being with you. So please leave us if you like”. ICMI intellectuals, however, tend to deny that such religious factors were behind their support for releasing East Timor, saying “some individuals may feel so, but not me and not as an institution”. To the ‘lack of sympathy’ claim, Jimly Asshiddiqie states, “No! [Hindu-dominated] Bali and [Christian-dominated] Irian Jaya are very important to us”. Adi Sasono explicitly rejected Dawam Rahardjo’s comment above. Nevertheless, Sasono highlighted one problem with regards to religion, that is, the problem of the rumour of ‘Islamisation’ in the province. He added, “It was wrong. For me, the Christian threat was more serious because those who led the invasion were Christians. Benny Moerdani who led the invasion operation is a Christian, Panggabean, ABRI commander at that time, was also a Christian”.130

In fact there is a tendency in the ICMI circle to link the religious problem with Gen. (ret.) Benny Moerdani and his circle. This was most clearly exhibited in an essay in Republika by Habibie’s military advisor Lt. Gen. (ret.) Sayidiman Suryohadiprojo,

130 Interview with Adi Sasono, 31 August 2001.
entitled "The blow from East Timor: why should all this happen?" His essay highlights three Moerdani-related factors (without mentioning Moerdani's name) behind Indonesia's failure in East Timor. Firstly, compared to India's invasion of the Portuguese colony, Goa, he argues that the chief reason for Indonesia's failure was that the invasion operation was not a regular military operation, but an intelligence operation (i.e., a Moerdani operation), which could not destroy Fretilin completely, and that this gave room for Fretilin to gain sympathy from foreign countries. Secondly, he pointed to the monopoly over coffee (i.e., Moerdani business), the dominant agricultural product for the East Timorese people, and he argues that it aggravated anti-Indonesia feeling among the East Timorese, even those who initially wished to fight against Fretilin together with Indonesia. The third criticism is related to the tendency of the East Timorese to be easily influenced by the Church leaders and the Indonesian power holders (i.e., Moerdani people) in East Timor who were close to the interests of the Church. According to him, despite this fact, Western countries criticised alleged Islamisation in the region because the majority of Indonesians are Muslims. Another military advisor Lt. Gen. (ret.) Zein Maulani was no less critical of Moerdani. In a seminar held in Jakarta in 2001, without hiding Moerdani's name, he strongly attacked him as having destroyed Indonesia's intelligence agencies by creating his personal intelligence empire.

If there is a link between these criticisms of Moerdani and their support for releasing East Timor, we may assume that some of the ICMI members close to Habibie had a wish to clear the 'bad history made by those Christian officers' by releasing East Timor. Nevertheless, it appears that the religious factor explains more of the ICMI circle's general perception of East Timor rather than the government's new policy. Obviously, the religious aspect was less direct than economic and international pressures, but, certainly, it complemented these latter factors. The economic burden was especially felt by them because in their view money had gone into a Catholic province, where Muslim immigrants were mistreated. International pressure was especially irritating for them because pressure was in fact coming predominantly from Christian countries, who they believed had special sympathy for East Timor, while

131 “Pukulan dari Timor Timur Mengapa Semua ini Harus Terjadi?”, Republika, 6 September 1999.
disregarding the plight of Muslims in East Timor and other provinces.

*Domestic responses and decision-making problem*

This new policy on East Timor was adopted prior to the democratic general election of June 1999 so that the power of political parties and the legislature had yet to be unleashed in the formal political system of Indonesia. Moreover, the then legislators were hangovers of the New Order and were regarded by much of the public as illegitimate; thus, they were keeping a rather low profile and at the same time busy with their strategies for the next general election which would give them legitimacy. In this respect, it was natural that the decision-making process on East Timor was centralised in the executive, in the hands of the President, his close advisors, and ministers.

Members of the DPR/MPR later criticised the government for allowing such an important policy as the two-options policy to be determined without consulting the DPR/MPR. They argued that the MPR should have been consulted because it was an MPR decree (TAP MPR/No.VI/MPR/1978) that determined the integration of the territory, and that government policy should respect the MPR.133 According to Ali Alatas, he suggested to other cabinet members on 27 January that the government keep the new policy secret until it consulted the DPR/MPR, but that the announcement was hastened because the cabinet was informed that the information about an independence option had already been leaked to the press. However, in any case, the Habibie cabinet wanted to announce it quickly before inviting any form of obstruction. Alatas even hinted that the leak to the press was made intentionally by someone in the cabinet to speed up the announcement.134

Nonetheless, it is unlikely that consultation with DPR/MPR members itself would have changed the government’s new policy. In fact, there was no substantial backlash to the new policy among the parties or legislators after the announcement.

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134 The testimony by Ali Alatas on the two-options policy at Commission 1 of the DPR. (“Foreign Minister Ali Alatas: We have all failed on the Tintin question”, Kompas, 6 February 1999). In a Tempo interview, Alatas detailed developments at the 27th cabinet meeting. According to him, before the meeting finished, someone present raised a hand and said to Habibie that the draft concept of the independence option was already circulating within the media. The decision on the independence option was then immediately made, followed by the announcement. See Tempo interview with Alatas, 25 September 2000, op. cit.
The new policy at least specified the MPR's ultimate authority to determine the separation of the province from Indonesia. Moreover, the form of consultation with the East Timorese had not yet been determined. At the testimony of Alatas at Commission I that was held shortly after the announcement of the new policy, the problem regarding 'non-consultation with the DPR/MPR' was only raised along with various other questions related to East Timor. The chairperson of the Commission Aisyah Amini from United Development Party (PPP), who usually presented very nationalistic views, even showed some support for the idea of a referendum. Among the major parties, a backlash came only from PDI-P, led by Megawati Sukarnoputri. They argued that the Habibie government was of a transitional nature and, therefore, it had no authority to make fundamental decisions affecting the unity of the nation. Other popular opposition leaders such as Abdurrahman Wahid of the National Awakening Party (PKB) and Amien Rais of the National Mandate Party (PAN) supported a referendum, although Abdurrahman preferred East Timor to remain a part of Indonesia. This attitude of party leaders is due to the fact that the public was generally supportive or at least indifferent to, Habibie's new East Timor policy. Thus, the political parties—who were then busy seeking popular support ahead of the general election—had little incentive to confront Habibie over the new policy.

However, naturally, there was strong criticism from pro-integration East Timorese; in fact, not a single East Timorese government official had been consulted before the decision on the new policy was made. Immediately after the 27 January announcement, hardcore pro-integration East Timorese leaders, including East Timor Governor Abilio Soares, went to Jakarta to lobby for government support for their struggle, including the provision of arms. On the same day of the announcement, a new pro-autonomy organisation, FPDK (Forum for Peace, Democracy, and Justice) was

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137 For example, the result of the survey of about 500 readers conducted by a popular tabloid Detik found that 60 % of respondents supported 'complete independence of East Timor', 24.62 % supported 'wide-ranging autonomy', while 12.31 % supported East Timor's 'remaining as the 27th province (this may mean 'no autonomy').' The same survey also showed that 66.15 % of the respondents regarded the integration of the province as being 'wrong', while 24.62 % regard it as 'right decision'. "Boleh saja Timtim Merdeka", Detik, 12-22 February 1999.
138 Nonetheless, this problem with 'non-consultation' was later used as a perfect weapon for Habibie opponents in the post-election DPR to attack Habibie with regard to what they saw as the 'loss' of East Timor.
formed. Responses of these pro-integration East Timorese and government support for pro-integration groups will be fully discussed in the next chapter.

Conclusions

This chapter has examined the factors influencing the government’s adoption of the two-options policy, by which it agreed to allow the possibility of an independent East Timor if the East Timorese rejected the government autonomy proposal. The dramatic events of 1997-8—the sudden advent of the Asian economic crisis, the fall of Soeharto, and the establishment of the Habibie government—created a new environment which facilitated this previously-unthinkable policy to emerge. These events brought about essentially three environmental changes where the idea of self-determination or an independent East Timor became a realistic option.

The first change was seen in the general political environment within the country. While Soeharto’s departure was obviously a necessary condition for an idea of independent East Timor to emerge as an option within the government, the way the transition of power occurred was also crucial. The new government was born shouldering the public aspiration for democratisation and respect for human rights, which had been completely disregarded over 32 years of Soeharto’s rule. This new environment created a sense among Indonesians—albeit often not in an articulate manner—that giving the East Timorese the freedom to choose their own future was at least imaginable.

Secondly, the 1997-8 crisis, the economic disaster in particular, dramatically changed Indonesia’s external relations. It put the country into an internationally weaker position than ever before. The recovery from the economic crisis was almost entirely dependent on foreign aid, that of an emergency nature in particular; therefore, the Habibie government needed to offer the international community something impressive, and to do it rather quickly. The East Timor issue was a perfect tool for this purpose. At the same time, the economic crisis deprived Indonesia of money to continue to hold on to East Timor—the most costly region in Indonesia.

Thirdly, the 1997-8 crisis had a great impact on the ground situation in East Timor. The fight to end the Soeharto regime rekindled East Timorese aspirations for
self-determination, while the subsequent fall of Soeharto and the continuing economic and political turmoil in Indonesia gave them a golden opportunity to push their demand for independence. Habibie’s reconciliatory approach from the outset of his administration further supported such a move. The government, on the other hand, appeared to be at a loss facing increasingly defiant activities of the East Timorese. This was because the classic New Order method of blatant military repression was no longer workable, while the other classic tactic of buying off the population with economic inducements was no longer affordable. So, the government wanted a new solution. One of the chief factors influencing the shift in Australian policy over East Timor was the realisation that the situation on the ground was unsustainable and this contributed to the subsequent manifestation of their position in the form of the letter from Australian Prime Minister John Howard to Habibie.

This chapter demonstrated that the two-options policy was adopted within a very short period of time by only a small number of people in the executive branch. This was rather surprising given that the nature of the issue directly touched the core principle of national unity. Three reasons explained why such difficult decision was realised in a smooth manner: Firstly, the power of the executive was relatively strong vis-à-vis the legislature and the military. (We will shortly see a reverse tendency in the next section). Secondly, the military commander and Foreign Minister, who were most likely to object to the new policy, were consulted only after the concept of the new policy had already matured. And lastly, as noted a little earlier, there was at that time a general political atmosphere conducive for a policy which was in accordance with democracy and human rights.

What Habibie’s aides called the ‘two triggers’—the Howard letter of 19 December 1998 and Bishop Belo’s rejection of Habibie’s invitation for the second meeting in late December—explain the timing and process of the formation of the new policy. These triggers involved human reactions; therefore, we then looked further into the characters and perceptions of crucial policy makers—Habibie and his aides. To explain the adoption of the new policy, Habibie’s idiosyncrasy was certainly important; nevertheless, given Habibie’s initial lack of knowledge on the East Timor
issue, we underlined the importance of a group of people surrounding Habibie who were likely to have influenced Habibie. We especially focused on the voices of ICMI members because, although there was no single voice in ICMI over East Timor, the broad concept of the two-options policy was a creation of ICMI people surrounding Habibie, as Adi Sasono admitted. And this chapter found that, there were surprisingly sustained and similar ways of describing the East Timor problem among those people. Eventually Habibie himself adopted their views and opinions when he explained the East Timor issue to the public and the legislature. Judging from comments by Habibie and his aides, economic pressure and increasing international pressure were the two core factors behind the adoption of the new policy. They did not want to spend more money on East Timor; if there were such money, it would be better to spend it on deprived Indonesians in other provinces. They did not want to spend time and energy to counter international pressure when they were already weary with financial matters and other immediate tasks. And as was discussed in the last subsection, the religious aspect reinforced these two chief factors.

While Bishop Belo's attitude accelerated the adoption of the new policy, our study finds that the Howard letter played a more important role. Habibie strongly reacted to Australia's reference to the colonial example and Habibie and his aides were particularly opposed to Australia's idea of five to ten years of autonomy with self-determination at the end. "If the East Timorese want to go, just go now" was the logic behind the idea of the two options. However, if viewed differently, for Habibie and his supporters, the Howard letter was something that they had been waiting for. From the beginning, Habibie and his supporters preferred the provision of a referendum to that of autonomy, but there was no catalyst to initiate such a drastic policy. Indeed, the Howard letter arrived with perfect timing for these people.
Chapter 4

Political Developments in the Lead-up to the Signing of the 5 May Agreements

The preceding chapter has demonstrated that the Habibie government's new policy which could result in independence of East Timor was determined almost entirely within the executive and in a surprisingly quick manner. Although this new policy produced little immediate backlash from inside and outside the government, the Habibie administration soon faced considerable challenges. Technically, everything needed to be prepared for consulting the East Timorese about their future in time for the next MPR session scheduled for August 1999, whereas the government had little idea as to how this could be done. Domestic politics had entered a very competitive period approaching the 7 June general election—the first national election in the post-Soeharto period, and opponents of President Habibie were likely to intensify attacks on Habibie's policies. The military, which had been marginalised during the decision-making on the new East Timor policy, began to launch its own strategies vis-à-vis the upcoming 'consultation' in East Timor. In this rapidly changing and increasingly complex political environment, Habibie found himself facing tremendous constraints in implementing this new policy.

This chapter observes developments in the early months of the preparation for the ballot—between the announcement of the government's new policy of 27 January 1999 and the signing of the tripartite agreement on 'consultation' in East Timor (the 5 May Agreements). The first section observes diplomatic developments in the lead-up to the signing of the 5 May Agreements. Here we attempt to clarify to what extent the government responded to various demands for creating an environment conducive to a free and fair consultation and what factors influenced its responses. The second section observes domestic policies, in particular government and military policies to influence the way the East Timorese would vote. Here, we will pay special attention to the motives of the military in using militias ahead of the ballot, the government's logistic and financial support for the pro-autonomy camp, and other forms of government support for
autonomy. The third section examines key players within the military, their attitude in the initial months during the preparation for the ballot, and the political environment in which the military operated. This section at the same time serves as background for the examination of the ballot on the ground in the next chapter.

The overall configuration of power relations in domestic and international politics ahead of the signing of the 5 May Agreements which will be discussed in this chapter provides an important backdrop for government responses in the entire period of preparation of the 30 August UN ballot. This chapter argues that the following three factors played an absolutely central role and are therefore integral to an explanation of government responses: 1) the generally strong bargaining position of Indonesia vis-à-vis the international community; 2) the military's strong interest in seeing a ballot result in favour of autonomy; and 3) the changing power configuration in domestic politics. At the diplomatic level, fears that Indonesia might cancel the ballot if excessively pressured constrained the actions of the UN and foreign governments. At the domestic level, the military handled the government's new policy on its own terms. Meanwhile, civilian officials, including President Habibie, were obliged to accept—or, with some issues, actively support—the military's way of handling the new government policy.

Diplomatic Developments after the 27 January Announcement

As noted in Chapter 2, following Habibie's June 1998 proposal on autonomy, Indonesia, Portugal, and the United Nations resumed the UN tripartite talks in August 1998. In October, the three parties entered an in-depth discussion on the substance of 'special status with wide-ranging autonomy' that was hoped to be implemented in the near future. Despite the remaining difference in the positions of Indonesia and Portugal with regard to the final status of the territory—and a brief suspension of the talks from the Portuguese side in protest against the security disturbances in East Timor in November,¹ there was substantial progress in the drafting of the autonomy model. By late January 1999, the remaining contentious parts were only over the extent to which the East Timorese would enjoy autonomy in the judiciary and the exploitation of natural resources in the territory.

¹ The tension was caused by the Alas incident of November 1998 and the renewed build-up of troops despite the government's pledge of troop reduction in East Timor. See, Chapter 3, Section 3 of this thesis.
As a senior diplomat suggested, Indonesia even considered a possible ‘review’ of the progress in implementing autonomy several years later. This flexibility demonstrated by Indonesia impressed the Portuguese negotiators. Indonesian diplomats were also satisfied with the outcome of the talks and hoped that the decade-long negotiations would be concluded with the provision of an internationally credible autonomy package for East Timor. Both parties agreed on a near-final text and were waiting for its finalisation in the upcoming March round of talks.

It was in the midst of such intensive negotiations in New York that the Habibie government’s new policy to give East Timor an independence option was announced. This decision, thus, had an immediate impact on the course of the tripartite negotiations. Chaired by the Secretary General’s personal representative for East Timor, Pakistani Ambassador Jamsheed Marker, senior officials were to meet between 28 January and 5 February, to prepare for a new round of talks at ministerial level on 7-8 February. Portugal was surprised by such a huge and unexpected concession from the Indonesian side, and was naturally very suspicious about the true intention of the Indonesian government. However, it was Indonesia’s own diplomats who were most surprised and perplexed by the new policy. The head of the Indonesian delegation, the Director-General for the Deplu, Nugroho Wisnumurti, learned of the new policy proposal from Ali Alatas only when he was about to leave Jakarta for New York on 26 January. However, he was not informed about the cabinet’s plan to decide the issue on the following day. Only a day after the decision, Wisnumurti was still arguing that autonomy would be ‘the most viable, the best, and most peaceful solution’, and that independence could lead to a renewed civil war in the territory.

Negotiations over autonomy package

The government’s announcement of the independence option greatly changed the context.

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2 Interview with Marty Natelegawa, Deputy Director of International Organisation Bureau, Indonesian Foreign Ministry, 29 June 2000.
3 The first Wisnumurti knew of the cabinet decision was when he arrived in New York. At UN headquarters, he heard the news on the radio, and delayed the scheduled meeting with Portuguese and UN negotiators for five hours in order to obtain further instructions from Jakarta. Then, Wisnumurti received a reply by fax—a copy of the Howard letter with Habibie’s notes—the one Habibie distributed to ministers at the two cabinet meetings. See details in Greenlees & Garran, op. cit., pp. 102-104.
of the negotiations over wide-ranging autonomy. Portugal, contrary to its previous position to seek an autonomy model as wide-ranging as possible, now saw advantage in an autonomy model that was less attractive, and, thus could increase the chance of the autonomy option being rejected by the East Timorese. However, as Indonesia itself provided this excellent opportunity for possible independence, Portugal was less inclined to intervene in what Indonesia would decide regarding the substance of the autonomy offer. For Portugal the most important thing was that the promise of allowing the East Timorese to choose between autonomy and independence would be realised. Indonesian diplomats, on the contrary, attempted to make the autonomy model more appealing. After the ministerial talks on 7 and 8 February, Jamsheed Marker explained that an agreement on autonomy had been reached pending the approval of the two governments. Under the draft, Jakarta would retain responsibility only for foreign affairs, defence, and finance, while the East Timor authority would be given considerable leeway. The model even entitled East Timor to have its own anthem and flag and to recognise other official languages, in addition to Indonesian. The draft autonomy model was smoothly formulated chiefly because the three parties agreed to separate the autonomy package from the negotiations on the ‘consultation’, and attach it as an annex to the ‘consultation’ agreement. Moreover, Indonesian diplomats in New York energetically facilitated this process, with their unfaltering belief that the provision of an internationally credible autonomy package was the basis of solution regardless of the government’s offering an independence option.

The next round of talks were to start on 10 March. Indonesia, Portugal, and the UN were supposed to conclude an agreement on autonomy during this round and then focus on the chief question of self-determination. However, just two days before the start of the round, Alatas informed the UN Secretariat that it would not be able to finalise the autonomy package until the end of April. This was because the draft autonomy model that Alatas presented at a cabinet meeting was flatly rejected by President Habibie and faced strong opposition from other ministers. Habibie’s and other officials’ biggest concern was that the model that Alatas brought to the cabinet was too generous and could generate demands for a higher level of autonomy from the other 26 provinces. Some ministers were

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6 For details on the draft autonomy model, see, Martin, ibid., p. 27.
also uncomfortable with funding proposals that implied a permanent subsidy to an autonomous East Timor, while other cabinet members were concerned about the implications for national unity of the proposal that East Timor have its own flag and anthem. Minister of Justice Muladi recalled, "Ali Alatas explained it [the draft autonomy model] professionally and eloquently, but most of the cabinet members felt that it [his autonomy plan] was just too much". To Alatas's humiliation, the government decided to set up a team under the Coordinating Minister for Political and Security Affairs (Menko Polkam) Gen. (ret.) Feisal Tanjung, to revise the draft model.

The question remains why Alatas had not even occasionally briefed Habibie and relevant ministers on progress during the drafting process. One possible explanation is that Alatas and other Deplu officials staunchly believed that the generous autonomy package would solve the problem and feared that the involvement of other ministers might obstruct the process. This case also suggests poor communications between the cabinet members and Habibie's aides on one hand and the Deplu on the other, as we typically saw when Habibie proposed the new policy less than two months before.

Shortly after the meeting, the team led by Feisal Tanjung began to revise the draft and eventually watered down its contents. The cabinet then finally approved an amended draft on 19 April. This was followed by the final acceptance of the draft by the UN and Portugal. Portugal was more than happy with this revised, less appealing model. The East Timorese leaders, on the other hand, did not show much interest in the substance of the autonomy model in any case. The pro-independence camp believed that independence would be chosen by the East Timorese regardless of the substance of

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7 Interview with Muladi, 19 April 2001.

8 This could also be more generally explained by Alatas's preoccupation with a diplomatic solution. For example, DFAT (2001) notes that when Australian Foreign Minister Alexander Downer talked with Alatas in late February 1999, Downer was struck by the degree to which Alatas continued to see the issue as a diplomatic problem to be managed by international negotiation. (DFAT, 2001, op. cit., p. 46). This had always been Alatas's approach and this style had not changed from the Soeharto period.

9 Greenlees and Garran (2002) vividly describes the atmosphere of the cabinet meeting and Alatas's feelings at that time. Alatas countered the criticisms from members present at the cabinet meeting with the argument that a watered-down package would only strengthen the argument for the East Timorese to reject autonomy, but failed to persuade members of the cabinet. After this episode, Alatas even thought about resignation from the post of foreign minister, but was persuaded by his friends to stay for two reasons. One was that by doing so he would have been portrayed as a hardliner, who objected to giving the East Timorese a democratic choice. The other reason was that if he resigned, his successor would face great difficulty in taking over the complex negotiations in New York at short notice. (Greenlees & Garran, op.cit., pp. 112-113; See also, Tempo interview with Alatas, 2003, op. cit.). In fact, Alatas had already hinted in mid-February that he might consider resigning once the East Timor issue was resolved, apparently having felt undercut by Habibie's decision on the two options. "Alatas ponders retirement once E. Timor issue resolved", The Jakarta Post, 18 February 1999.
autonomy. Pro-autonomy leaders, such as the governor, regents, and other senior government officials, did not show much interest either. This is because for them, preventing independence was absolutely the most important aim, and they had already launched a coercive and often violent campaign to achieve this objective. Under the new autonomy framework, East Timor would be given the status of the Special Autonomous Region of East Timor (SARET). In this framework, Indonesia would retain responsibility for foreign affairs, defence, and economic and fiscal policies. The legislative power would be given to the existing Regional Council of People’s Representatives (DPRD), and this body would legislate in areas other than the above-mentioned areas. East Timor would have its own police force and judiciary, would have its own elections and political parties, and control its own cultural, social and education policy. While the TNI would retain its presence for external security, East Timor would control its own internal security.

The form of consultation

As has been observed, the drafting of the autonomy package proceeded relatively smoothly; however, there was another core issue that was to be settled immediately—the manner of ‘consultation’. The 27 January announcement by the Indonesian government on the new policy only stated its willingness to release East Timor if an autonomy proposal was rejected while the MPR would make the final decision on whether to accept the result. The announcement, however, did not explain how the East Timorese would be consulted. There had been little discussion about the manner of the consultation within the Habibie administration by the time the new policy was announced. The only clear point from the beginning was that Indonesia ruled out a ‘referendum’.

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\(^{10}\) Xanana’s Address on “Autonomy: An International Commitment or Merely an Internal Option”, written address at seminar on Socialisation of the Autonomy Question, organised by Solidamor, 31 March 1999.

\(^{11}\) East Timor governor Abilio Soares, for example, had occasionally showed support for autonomy, even during the Soeharto period; however, he and high-ranking East Timorese officials close to him were generally regarded as supporting the status quo as they were enjoying a comfortable life thanks to government or military-connected business and their high status due to their pro-Jakarta approach. There was also a fair number of reformist pro-integration East Timorese; however, when integration/independence was at stake there was little room for them to advocate a moderate solution, surrounded by powerful hardline integrationists supported by the military.

\(^{12}\) Annex to the agreement signed by Portugal and Indonesia at the United Nations, 5 May 1999.
Ali Alatas explained on numerous occasions the reasons for the government’s rejection of a referendum. In principle, a referendum implied an act of self-determination, but Alatas argued that the assessment of the wishes of the people had already taken place in 1976 and did not need to be repeated. Practically, it was dangerous because a referendum would re-ignite violent disputes among the East Timorese, and would reopen old wounds and might even lead to a renewed civil war. Alatas also noted his concern about problems that would arise from a UN-sponsored referendum, such as a large-scale UN presence, including UN troops, and the necessity to encourage all the East Timorese living outside East Timor—including the jailed pro-independence leader, Xanana Gusmão—to return to East Timor before the ballot. No doubt, at the back of Alatas’s mind was also the possibility that Indonesia might lose a referendum.

Other leaders were concerned about the formal status of East Timor and its implications for Indonesia’s own prestige. Military Commander Wiranto argued that “A Referendum is for colonial countries. Is East Timor colonised? No. So, we don’t need a referendum”. A week after the announcement of the new policy, President Habibie stated, “There is no other alternative(...) a referendum cannot be held because East Timor became part of Indonesia not through a referendum but through an MPR decree”; therefore, its possible exit could be only through an MPR decision.

Habibie then suggested that the East Timorese could express their wishes via their representatives in the new national legislature that would be elected at the 7 June general election in Indonesia—an idea which invited ridicule from western diplomats. The circumstances behind Habibie’s suggesting this idea were not clear but at this stage Habibie’s rejection of a direct ballot was likely because he feared a hostile reaction from hardliners in Jakarta if he accepted it. Alatas also initially rejected a direct ballot. To the

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15 "Press Conference by Secretary-General Kofi Annan, Personal Representative for East Timor, and Foreign Ministers of Indonesia and Portugal", UN Press Release, SG/SM/6922, 12 March 1999. It was, however, unclear to what extent the UN would have demanded a form of direct ballot different from what was actually adopted as the ‘popular consultation’ if Indonesia had accepted the ballot as a ‘referendum’. Nonetheless, UNGA Resolution 1541(XV), which defines the means to exercise self-determination, is certainly complicated, and many other countries’ experiences of a formal referendum in fact were accompanied by the problems that Alatas mentioned. In this sense, Alatas’s stated concern was not completely off the mark. Nevertheless, in a later interview, Alatas admitted: “But my small heart certainly says, whatever the name was, it (popular consultation) was the same as referendum”. Tempo interview with Alatas, 2003, op. cit.


16 "Confusion over Indonesia’s true intentions towards East Timor", Agence France-Presse, 5 February 1999.
widely-circulated media report on 8 February that Indonesia had agreed to hold a ballot, Alatas countered on the following day, “Voting is out”.17 It was also likely that Habibie and Alatas were still playing their cards vis-à-vis the UN, Portugal, and the pro-independence side ahead of the March round of tripartite talks.18

Observing these developments after Jakarta’s announcement of the new policy, Jamsheed Marker, on behalf of UN Secretary General Kofi Annan, began elaborating on the form of consultation and formulated three options: 1) an informal consultation by a UN fact-finding assessment mission with representatives of East Timor both in Indonesia and in Diaspora; 2) an indirect ballot in which the East Timorese would elect a 35-member representative council, which in turn would decide whether to accept the autonomy proposal; and 3) a direct ballot for or against the autonomy proposal.19 As far as the UN and the independence camps were concerned, as they anticipated Indonesia’s continuing rejection of a direct ballot, they were considering accepting the second option, that is, the election of a representative council. The two parties did not want to jeopardise the chances of self-determination, and at the same time saw benefit in the existence of a body of East Timorese with democratic legitimacy that might serve as an interim assembly under either outcome.20 Xanana Gusmão, in an interview, seemed to accept the second line: holding an election in East Timor separate from the 7 June general election in Indonesia, where East Timorese pro and anti-independence parties would stand and the elected assembly would then vote in the options.21 Although Portugal reportedly insisted on the third option, that is, a direct vote, its negotiators were in fact prepared to accept any other type of ‘consultation’ provided that the pro-independence leader, Xanana Gusmão, and the UN accepted.22 These concessions by the pro-independence leaders disappointed young activists who craved a referendum, but the leaders adopted a pragmatic approach, given the initial open rejection of a direct ballot by the Indonesian government.

The UN conveyed this compromise to the pro-integration East Timorese leaders.

18 Habibie was apparently concerned about repercussions of the 27 January announcement at that time. He told Alatas to monitor various comments on East Timor. Asia Pulse, 2 February 1999.
22 Personal Communication from Paulo Gorjão, Lusia University, Portugal, 27 June 2002.
In a meeting with East Timor governor Abilio Osorio Soares on 23 February 1999, Tamrat Samuel, a special envoy of Kofi Annan, proposed that the people would select their representatives at district level and the elected representatives would then sit in an assembly tasked to convey the people’s aspirations. To this suggestion, Abilio agreed as it was ‘a good way to rid the territory of new conflicts or problems which could threaten the settlement process’, and avoid ‘triggering a fresh civil war’.  

However, Indonesia surprised the UN and Portugal again. In a meeting of the Secretary General and the two foreign ministers at Annan’s office on 11 March, Alatas conveyed the government’s acceptance of a UN-administered, direct, and secret ballot as the method to ascertain East Timorese wishes. Indonesia still resisted referring to the process as a ‘referendum’ and insisted on adopting the term ‘popular consultation’. Alatas explained Indonesia’s eventual support of a direct ballot as follows:

The first option, that is, a consultation [by a UN mission], will not be satisfying because it will not be regarded as democratic. As far as the second option is concerned, if 35 people are selected, many parties might still question the criteria of those who are selected. Furthermore, if 35 people are to be selected from the East Timorese people, why not directly ask the people’s opinion regarding whether or not they accept the proposed autonomy?

To put it simply, Indonesia supported the direct ballot as the best means to ensure that the outcome would not be subject to further contest. Or, at least, it eventually saw benefit in suggesting the most democratic consultation in line with Habibie’s original declared motive to offer the two-options policy. It might also be surmised that senior officials saw some advantage in a direct ballot. As Alatas and other members of the Habibie cabinet suggested, the mood in the cabinet was very optimistic about the victory of the autonomy side. The military were likely more cautious about the holding of a direct ballot; however, as will be discussed further in the last section, they apparently

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23 "UN wants consultations on autonomy to be done with people’s representatives ", Antara, 23 February 1999.
25 Papanan mengutar..., op. cit.
26 For example, looking back to the time when the two-options policy was adopted, Alatas stated, “We were then very convinced we would win the referendum. Everything was painted with optimism.” ( Tempo interview with Alatas, 25 September 2000). The Justice Minister in the Habibie administration, Muladi, also stressed the very optimistic atmosphere within the cabinet at that time. Interview with Muladi, 19 April 2001.
believed that the autonomy side would win coupled with military strategies that they had already launched. In this way, the central agreement to hold a ‘popular consultation’ was made in New York on 24 April, although not signed until later.

The problem of security arrangements

Our discussion so far has not entered the most critical and delicate question of the negotiations—the problem of security arrangements. During the course of the tripartite talks in the lead-up to the conclusion of the 5 May Agreements, violence on the ground escalated rapidly. The period between January and March saw militia attacks on villages and cities almost daily.27 And, April saw two high-profile mass killings of independence supporters in Liquiça and Dili (which were later brought to the Indonesian human rights court) and other serious human rights violations. Militia ferocity increased, while the complicity of the Indonesian security forces in militia activities became even more evident. By the end of April, there were substantial doubts among the international community about Indonesian commitment to ensuring adequate security for a free and a fair ballot.

Against this background, the UN and foreign governments increasingly felt the necessity to provide some form of UN security presence on the ground ahead of the popular consultation and hoped to specify it in an agreement. However, the UN and foreign governments already knew full well Indonesia’s strong resistance to any form of foreign security presence. In fact, the UN, as a confidence-building measure, had been calling for the deployment of a peacekeeping force in East Timor even in 1998; however, Indonesia vehemently resisted the UN suggestion. When Jamsheed Marker raised the issue during his visit to Jakarta in December 1998, Habibie, Alatas, and Wiranto all clearly rejected the suggestion. At his meeting with Habibie in December 1998, Australian Ambassador John McCarthy also raised the question but the idea was rejected by Habibie. At the February and the March tripartite talks, Alatas re-emphasised this point.28 During the March talks, the UN sent an assessment mission, headed by Francesc Vendrell from the

27 Details of incidents during the period can be read in, for example, East Timor Ireland Solidarity Campaign, Indonesia’s Death Squads: Getting Away with Murder, 8 September, 1999.
28 At the March meeting where Alatas conveyed Indonesia’s willingness to accept a direct ballot, Alatas stated, "We don’t regard ourselves as an occupying power in East Timor, and we will never allow foreign troops in to oversee the vote[...].For us, this is an absolute matter of sovereignty". “Diplomatic Gambles at the Highest Levels Failed Voters in East Timor”, The Wall Street Journal, 21 October 1999.
UN Secretariat’s Department of Political Affairs, to Indonesia and East Timor, where Vendrell confirmed that there was no prospect of any form of non-Indonesian military presence during the consultation process.29

Among foreign countries, Australia was most concerned with the security field. As an immediate neighbour of Indonesia and East Timor, it would directly face the consequences if a security breakdown occurred in East Timor. In addition, it was the country which the UN and other countries expected to play the central role in security operations in case of international intervention. This situation contrasted starkly to that which Portugal was facing. Portugal neither faced a direct security threat nor an international expectation of a large-scale military contribution and, thus, was inclined to take a risk in pressuring Indonesia. Australia was, however, reluctant to demand UN peacekeeping operation before the ballot. Its reluctance was well demonstrated—and critically covered in its own media—in the meeting between the Secretary of the Department of Foreign Affairs and Trade (DFAT), Ashton Calvert, and US Assistant Secretary of State for East Asian and Pacific Affairs, Stanley Roth, that was held in February 1999. In the meeting, Calvert conveyed Canberra’s position to US officials, stating, “Australian had not sensed any broad international appetite for a large-scale UN intervention(...) though cabinet would be prepared, if necessary, to send military personnel; but not into a bloodbath”.30

Although hesitating about the full-scale deployment of a UN peacekeeping force, the two mass killings in April in Liquiça and Dili—which will be discussed in the next section—forced Australia to be more active in pushing for an international security presence in East Timor. Prime Minister John Howard directly approached Habibie for a meeting which was held in Bali at the end of April. During the meeting, Howard tried

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29 In the UN Secretariat, the lead agency was the Department of Political Affairs, while the Department of Peace Keeping Operations (DPKO) was closely involved in strategy discussions. At the political level, the UN’s East Timor policy was informed and guided by a group of five states, the United States, the United Kingdom, Australia, New Zealand, and Japan—together called ‘the Core Group’. (Geoffrey Robinson, “With UNAMET in East Timor—An Historian’s Personal View” in Tanter et al., op. cit., p. 57). Francesc Vendrell soon became Jamsheed Marker’s deputy.

30 According to media reports, Stanley Roth, however, had a different approach, although he admitted it was a personal view. He thought that a full-scale peacekeeping operation was an unavoidable aspect of the transition in East Timor, and suggested to Australian officials that Australia’s position of keeping peacekeepers at arm’s length was essentially defeatist. Calvert replied to Roth’s comments by explaining that Canberra’s priority was to encourage East Timorese and Indonesian leaders to work towards an orderly and peaceful transition and to avert the need for recourse to peacekeepers. See details in “The Secret Timor Dossier”, The Bulletin, 12 October 1999.
unsuccessfully to persuade Habibie to accept the deployment of a UN peacekeeping force before the ballot and to guarantee that Indonesia would disarm the militia. He, however, succeeded in having Habibie accept an increase in the number of UN Civilian Police (Civpol) from 40-50 to more than 200.31 As Ali Alatas hinted, the Habibie government was certainly concerned that the continuing violence would further strengthen international demands for the sending of UN peacekeepers and, thus, needed to give some concessions.32

Habibie’s strong rejection of an international security force in East Timor had much to do with the domestic political constraints he was then facing. For the Indonesian political elite, a foreign security presence on Indonesia’s own soil was a matter of sovereignty. Increasing foreign criticism in relation to the militia problem in East Timor further made Habibie’s East Timor policy unpopular among Jakarta’s political elite. And, of course, the TNI was most hostile to the idea of foreign security intervention. Given this clear stance of the Indonesian government, the UN and foreign governments judged that Indonesia would proceed with the consultation only if it was given sole responsibility for security in East Timor. In other words, either Indonesia would solely handle security or the ballot would not happen.33 Naturally, neither the UN nor any of the foreign countries was willing to take responsibility for the latter consequence.

The final version of the agreement on security was agreed in principle by Indonesia and Portugal on 23 April, but this agreement obviously did not reflect the reality of the deteriorating security situation on the ground: it simply entrusted the responsibility for security entirely to Indonesia. Portugal then considered reopening the negotiations just before the signing of the agreement in order to strengthen the formula for disarmament and to include direct UN involvement in the Commission on Peace and Stability (KPS), a Komnas HAM-led body which was to be formed to promote dialogue and reconciliation between the East Timorese.34 However, as Australia’s DFAT (2001) argues, reopening

31 DFAT, 2001, op. cit., p. 84. It is, however, unclear about when the initial number of 40-50 civilian police was proposed. According to UN Civpol chief, Allan Mills, in the original UN concept of operations for Civpol, dated 20 May 1999—after the Habibie-Howard meeting—the staffing levels were agreed at 272 in total. Information from Allan Mills via Paul Gorjão, 18 February 2003.
34 KPS will be examined in the next chapter.
what Indonesia considered to be an agreed document would be risky. As noted, there was considerable fear on the part of the UN and foreign governments that too much pressure would lead to Indonesia's unilateral abandonment of the ballot. Moreover, this might lead to an even more violent situation on the ground as pro-independence East Timorese, whose hopes were dashed, would take action. Another problem was the time constraint. A delay in achieving agreement could make the ballot vulnerable to the rapidly changing Indonesian political situation. In the upcoming general election, the most popular party was likely to PDI-P led by Megawati Sukarnoputri. Megawati was a staunch nationalist and had been opposed to the separation of East Timor and criticised Habibie's new East Timor policy. If Habibie lost office before the planned ballot, the total cancellation of the ballot was not far-fetched speculation. Given these circumstances, the only workable policy option in the eyes of the UN and foreign governments was to have the existing documents signed, and then strengthen the security arrangements in the implementation process of the agreements.

The UN Secretariat then made a final effort to strengthen security assurance before the signing the Agreements. In late April, UN Secretary General Kofi Annan sent an official letter to Habibie that outlined additional security pre-conditions needed for the UN to proceed with the consultation. The eight-point list was to be a 'memorandum' aimed to reinforce Indonesia's security obligations without taking the risk of reopening negotiations. The measures included the strict control of armed civilians, an immediate ban on rallies by armed groups, and the prompt arrest and prosecution of the perpetrators of violence. However, this letter was rejected by Indonesia, and was returned to Annan. In explaining this action, Alatas cited his concern that the letter would give the hardliners in the army the ammunition they needed to cause problems with the consultation process. On 4 May,

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35 DFAT, 2001, op. cit., p. 84. Habibie and his cabinet members had already threatened to do so several times if Australia put too much pressure on Indonesia, even in 1998. See, Chapter 3, Section 3 of this thesis.
36 DFAT, ibid. Naturally, there was much criticism of the contents of the Agreements and the compromise by the UN and foreign governments. For example, Maley (2000) questioned the initial character of the ballot that made it a zero-sum game, and the fact that the agreement provided no backup source of security in the event that Indonesia proved unequal to the task. (William Maley, "The UN and East Timor", Pacifica Review, Vol.12, Number 1, February 2000). Although this question is critical, it was at that time very unrealistic to expect a creation of the mechanism to avoid a zero-sum game but at the same time conduct a democratic ballot. As for the security backup, it was unlikely that Indonesia would accept it.
37 Greenlees and Garran, op. cit., p. 149. Greenlees and Garran detailed the process. Annan first handed Alatas a list of additional security measures, which were hoped to be put into a memorandum. Alatas agreed to refer Annan's proposals to his government for consideration but asked Annan not to make them public. Although Annan had agreed, to Alata's surprise, an official letter was later sent to Jakarta. Alatas then rang Jamsheed Marker and it was then agreed between them that the letter would be returned to the UN with the
Indonesia, nonetheless, agreed to the memorandum on the condition that it would not be made public. This episode tells how sensitive the security issues were for both Indonesia and foreign parties, and how Habibie and Alatas were caught in a difficult position between domestic and foreign pressures.

The 5 May Agreements

The agreements detailing the popular consultation were eventually signed by the Indonesian and Portuguese foreign ministers and the UN Secretary General on 5 May 1999. They consisted of three separate agreements. The main agreement set out the terms under which the popular consultation would be conducted, and its political consequences. If voters chose the autonomy option, Indonesia would initiate the implementation of the autonomy model, and Portugal would take the issue of sovereignty off UN agenda. If they rejected autonomy, Indonesia would take the constitutional steps necessary to terminate its links with East Timor and pledged a peaceful and orderly transfer to UN authority. This agreement attaches the constitutional framework of autonomy as an annex.

The second agreement defined the method of ‘popular consultation’, which provided a schedule for the process and criteria for eligibility of voters, gives details of the operational phases, and specifies the UN role in the ballot. According to the agreement, the UN would conduct a ‘direct, secret, and universal’ ballot on 8 August. The UN would be responsible for publicising the contents of the Agreements and the autonomy package so that eligible voters could make informed choices. All East Timorese aged 17 or above would be eligible to vote in the popular consultation. The agreement also specified who would be recognised as ‘East Timorese’.

understanding it would be regarded as not having been sent. Le Monde reported that according to UN deputy secretary general for political affairs, Alvardo de Soto, some diplomats at the UN wanted to make the letter public immediately, but others feared that its publication would disclose a confrontation and would risk the negotiation. (“The lonely struggle of Kofi Annan”, Le Monde, 31 October/1 November 1999). The Memorandum was not officially published, but widely circulated. Question of East Timor, Report of the Secretary-General, S/1999/513, 5 May 1999. Memorandum (unpublished), 4 May 1999, obtained via East Timor Observatory, (http://homepage.esoterica.pt/~cdpm/memo.htm).

38 Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor, 5 May 1999. See, Appendix.

39 See, Article 5 and 6 in Annex to the agreement signed by Portugal and Indonesia at the United Nations, 5 May 1999.

40 See, Agreement Regarding the Modalities for the Popular Consultation of the East Timorese through A Direct Ballot, 5 May 1999. See, Appendix.
The third agreement defines security prerequisites for holding the ballot. It stated that “a secure environment devoid of violence or other forms of intimidation is a prerequisite for the holding of a free and fair ballot in East Timor”. In this context, it underlined that the Indonesian security authorities were responsible to guarantee such an environment, and the Indonesian police would be solely responsible for law and order. It also noted that “the absolute neutrality of the TNI and the Indonesian Police is essential”.\textsuperscript{41} The distinction which the agreement made between the TNI and the police was based on the idea that these forces were independent of each other. The reality, however, was that the police had become officially independent only one month before (1 April), and continued to be closely related to the military. This would later cause serious confusion on the ground.

On 7 May, the Security Council welcomed the agreements and expressed its intention to make a swift decision on establishing a UN mission as soon as the Secretary General reported on its proposed mandate, size, structure, and budget.\textsuperscript{42} On 22 May, the Secretary-General presented his proposals for the United Nations Mission in East Timor (UNAMET) as a mission to organise and conduct the popular consultation.\textsuperscript{43} The mission would be headed by a Special Representative of the Secretary General for the East Timor Popular Consultation, Ian Martin. Martin was a former secretary general of Amnesty International and had been working for the UN and other international organisations in Haiti, Rwanda, and Bosnia. More details on UNAMET will be provided in the next chapter.

Military-Militia Relations and Support for Autonomy

As discussed in the previous chapter, para-military units had been increasingly formed and expanded from mid-1998 in reaction to pro-independence East Timorese who began to take bolder actions calling for independence. After the announcement of the two-options policy, the violence quickly escalated in various parts of East Timor. By the time the 5 May Agreements were signed, pro-integration militias were fully active in all

\textsuperscript{41} East Timor Popular Consultation Agreement Regarding Security, 5 May 1999. See, Appendix.
\textsuperscript{43} Report of the Secretary-General, S/1999/595, 22 May 1999.
the 13 districts (kabupaten) of East Timor.44 This section will focus on the militia—chief perpetrators of the violence on the ground—and military-militia relations. It also examines the government’s direct and indirect support for the militia and pro-integration groups.

The nature and origin of pro-integration militia

The Indonesian authorities almost always portrayed the emergence of the militia in 1998 and 1999 as a spontaneous reaction by pro-Jakarta East Timorese to protect themselves and the local population from attacks by Falintil—the armed wing of the Timorese resistance that had been operating since 1975.45 However, substantial evidence suggests that these militia groups were organised, restructured, trained, and funded by the military with the clear objective of undermining the independence cause. The Habibie government’s new policy that might result in independence of East Timor further spurred the formation and consolidation of militias.

One of the most important incentives to use the militia was that it enabled the military to intimidate and terrorise its opponents without the military itself appearing as the actual perpetrator in the eyes of outside observers. This was particularly important in the post-Santa Cruz, and further, post-Soeharto context, where there was increasing international scrutiny and criticism of human rights violations perpetrated by the military. Domestically as well, the military had earned an unprecedented level of criticism, thanks largely to the Habibie government’s removal of press control as a part of its liberal policy. In the case of East Timor, in addition to the above reason, there were some specific motivations. The military intended to prove what they had claimed over two decades—the central problem in East Timor was conflict between pro-Indonesia and anti-Indonesia (pro-independence) Timorese. And the military wanted to portray itself as a moderator in this conflict. Additional motivation was also revealed by former East Timor Kolakops

44 Under Law No.5/1974, East Timor was divided into thirteen districts (kabupaten), and each district consisted of several sub-district (kecamatan). Each sub-district consisted of several villages (desa), which consisted of several hamlets (kampung/Rukun Wigia or RK). The head of each level of administration is respectively called bupati (regent), camat (sub-district head), kepala desa (village head), and ketua RK (hamlet chief).
45 According to a Falintil source, it had 1,000 members as of August 1999, with some additional recruits later. It was divided between four regional commands. ("Back in the Thick of It: Falintil’s fighters prepare to be the army", Asia Week, 8 October 1999). However, it is estimated that only half of the members were active fighters and the rest were logistic supporters. Personal Communication from Dionisio Babo Soares, 7 December 2002.
commander Maj. Gen. (ret.) Theo Sjafei. According to him, “[t]he TNI did not have a strong motive to enter the centre of conflict where they might be shot, incapacitated, or die. For what should they do so? If the territory would no longer be ours”.46 Civilian officials in the Habibie administration understood the military’s reasons for using militia and accepted it. It was unlikely that civilian elite was so naïve as to think that the militias were born and used violence only for self-defence.

The nature of the militia

Many observers who took part in the preparation for the popular consultation draw attention to the difficulty of grasping the exact nature of these militias in East Timor. This confusion was not surprising. For many years, and intensively since the last years of the New Order, the military had trained and armed a variety of paramilitary-style civil defence auxiliaries nationwide, including in East Timor. However, the distinctions between the terms used to classify such groups, the nature of the activities of each militia group, and whether they were under particular military commands were all very blurred. As for the legal basis of the existence of these groups, many groups existing in East Timor since the 1980s had legal status under Indonesia’s civil defence doctrine.47 These groups were collectively known as Ratih (Rakyat Terlatih, or Trained Populace), of which the better trained and better-paid Hansip (Pertahanan Sipil, or Civil Defence) were part. Hansip was further divided into part-time local military auxiliary units called Wanra (Perlawanan Rakyat, or People’s Resistance) and police auxiliary units or Karmra (Kemananan Rakyat, or People’s Security). Prominent Wanra groups established in East Timor in the years following integration included Halilintar48 (based in Maliana), Alfa (Los Palos), Saka and Sera (Baucau), and Makkit (Viqueque). They were originally formed to assist the military in combating armed resistance and their leaders often held high official positions within the Indonesian administration. Some of the Ratih/Hansip members were later incorporated into the military through a program of ‘militarisation’ or milsas as soldiers, whereby they

47 Note that Indonesia’s 1945 constitution envisaged popular engagement in national defence and internal security. The armed forces incorporated this thinking with the doctrine of ‘the total system of People’s Defence and Security’ (Sistem Pertahanan Keamanan Rakyat Semesta, or Siskamrenra).
48 Halilintar was the oldest pro-Jakarta militia unit in East Timor, created in 1977. It was once dissolved in 1982 and was re-formed in 1996, with João Tavares, Bupati of Bobonaro, as its commander. Human Rights Watch, Background: The Indonesian Army and Civilian Militias in East Timor, September 1999.
had ranks and were paid as regular soldiers. The military also established and supported paramilitary groups that fell outside the official Ratih/Hansip structure. The best-known paramilitary group in East Timor was Gadapaksi (Gada Pemuda Penegak Integrasi, or Youth Guard to Uphold Integration) established by Col. Prabowo Subianto in 1994 and then assigned to Kopassus. This new unit was presented as a job-creation scheme for unemployed youths, but they were in fact designed for intelligence gathering. This unit was also suspected of conducting so-called Ninja operations. 

There was considerable overlapping membership between the militias and members of officially-endorsed paramilitary groups. This overlap enabled the military and civilian officials to ward off criticism of the role of the militia by referring to the nation-wide nature of the Wanra programme and its status under national law. TNI commander Gen. Wiranto, for example, stated, “People [tend to] mix up militia with Wanra. But the militia is different from Wanra”, adding that the existence of Wanra was mentioned in its Laws No.20/1982 on basic guidelines for National Defence and Security (Hankamneg). The overlap of the Wanra and the militia was also convenient for channelling arms and providing training and fund to the militia. The military readily admitted that Wanra were allowed access to the military’s arms and training. Army chief-of-staff, Gen. Subagyo H. S. stated, “The main task of the so-called Wanra was to maintain peace and order(...)they are armed by the Indonesian military and supervised by the local district commander [Dandim] in Dili”. The overall East Timor commander (Danrem 164/Wira Dharma) Col. Tono Suratman, who served in the post until a few weeks before the ballot, stated in February 1999, “Wanra would start training(...)the recruits would be given a one-year contract and a monthly salary of 200,000 rupiah [US$24]”.

In fact, the military was sometimes quite open about the distribution of arms. Wiranto stated that the local paramilitary units charged with helping the armed forces

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50 The number of Gadapaksi was estimated at around 800-1,000. Prabowo Subianto recruited young men such as Eurico Guterres and Manuel da Sousa, who in 1999 became Aitarak commander and Besi Merah Putih commander respectively. ‘Ninja’ appeared sometime between 1989 and 1991. They wore Ninja-like uniforms with their faces covered and attacked the population.
53 “1,000 E. Timor militiamen begin training under Indon army”, Agence France-Presse, 8 February 1999.
maintain peace had been armed.\textsuperscript{54} Deputy Commander of the East Timor Korem, Lt. Col. Supadi, explicitly stated that the military had handed out to militias guns and rifles captured from Fretilin as well as other type of rifles which had been used by the military.\textsuperscript{55} However, the admission by Supadi on the provision of guns and rifles was rather an exceptional case. Senior military officers tended to deny distribution of sophisticated weapons. Tono Suratman, for example, claimed in February 1999, that, “The military armed them only with batons to help them keep East Timor secure, not to fight”.\textsuperscript{56}

One might notice that even in the case of large-scale killings, militiamen in fact widely used less sophisticated weapons such as homemade primitive guns, machetes, spears, and knives. As Robinson (2002) explains, the militia’s use of such basic arms was advantageous to the military for at least three reasons. Firstly, they made it easier to sustain the illusion that the militias had grown spontaneously from the community. Secondly, there was much less danger that such weapons would be turned against the well-armed TNI or police in the event of mutiny, or that they would be lost or sold. Thirdly, these simple weapons were extremely effective in spreading terror by creating the impression of uncontrolled mayhem. In other words, it was very useful to picture the attacks not the work of ‘professional hitmen’ but by ‘men in a state of frenzy, shouting and slashing the air with their weapons’.\textsuperscript{57} In fact, as we will fully discuss in the next chapter, military officers and civilian officials later claimed that post-ballot militia violence was due to militia members ‘running amok’, because they were infuriated by the result of the ballot and the alleged cheating of UNAMET that was responsible for their defeat.

\textit{The new militias}

From late 1998 to early 1999, the long-established para-military groups such as \textit{Halilintar} and \textit{Alfit} were joined by new militia groups. These new militia groups were formed with the specific objective of destroying the political base of the pro-independence camp in the context of independence becoming a real possibility. The militia groups known to have conducted most serious and high-profile human rights violations include: \textit{Aitarak} (Thom,

\textsuperscript{54} Reuters, 2 February 1999, quoted in “Militias and paramilitary groups armed by Indonesia”, \textit{East Timor Observatory}, 17 February 1999.

\textsuperscript{55} \textit{Australian Associated Press}, 27 January 1999 quoted in “Militia and paramilitary groups...”, ibid.

\textsuperscript{56} “1,000 E. Timor militiamen...”, op. cit.


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based in Dili, Eurico Guterres as the commander), *Besi Merah Putih* (Red and White Iron, based in Liquiça, led by Manuel da Sousa), *Mahidi* (*Mati Hidup Demi Integrasi*, or Live or Die with Integration, based in Ainaro, led by Cancio Lopes de Carvalho), and *Laksaur* (Eagle, based in Covalima, led by Olivio Mendoça Moruk). These various militias were loosely brought together as the Forces Struggling for Integration (*Pasukan Perjuangan Integrasi*, or PPI)—also known as East Timor Fighting Troops Pro-integration Warriors (PPTT)—under the leadership of the former regent of Bobonaro, João da Silva Tavares, as the supreme commander, with Eurico Guterres as his deputy. Since the formation of PPI, the Indonesian authorities began to remind UN and foreign staff preparing for the ballot to use the term PPI instead of militia.

By the end of June 1999, the military, police, and Deplu liaison officers on the ground had also begun to use the term *Pam Swakarsa* (*Pengamanan Swakarsa*, or Volunteer Community Security) to describe the militia. The term 'Pam Swakarsa' first appeared in Jakarta to describe civilians mobilised by the military to protect the special session of the MPR in November 1998. In East Timor they were formally established in Dili on 17 April

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58 Eurico Guterres was perhaps the best-known Timorese militia leader due to his flamboyance and continuing media appearances in Jakarta. He had originally worked for Fretilin, but, according to rumour, after having been caught and tortured by the Kopassus intelligence, he began to work for the military. His various roles after the ballot are mentioned in the following chapters in this thesis.

59 Manuel da Sousa was a former representative of the Indonesian Democratic Party (PDI) in the Liquiça provincial parliament.

60 Cancio Lopes da Carvalho, the son of the *liurai* (chief) of Cassa village, was one of the most prominent militia leaders. Reportedly when the Santa Cruz massacre (see Chapter 2) took place, he collaborated with the Kopassus intelligence in their hunt for young pro-independence activists. (*Pratiwi catatan perjalanan di bumi Loro Sa'e* (11)*, MateBEAN, 13 October 1999, quoted in *Masters of Terror*, op. cit., p. 116). From 1996, based in Kupang, West Timor, he worked at the Ministry of Justice. After East Timor's separation from Indonesia, he became one of the most influential refugees leaders in West Timor and became a point of elite negotiation for the repatriation of the refugees (See Chapter 7 of this thesis). When Mahidi was established in December 1998, the Ainaro district military commander and several members of the provincial parliament attended the ceremony for its establishment. Reportedly, the name 'Mahidi' was selected partly in honour of one of Cancio's closest military patrons, chief-of-staff of the Udayana command Brig. Gen. Mahidin Simbolon. "Silence over a crime against humanity", *Sydney Morning Herald*, 14 May 2002.


62 João Tavares was one of the veteran militia leaders active in 1999. In October 1975, he joined attacks against Fretilin, and for this, he was rewarded with the post of the regent of the Bobonaro district.

63 Helen van Klinken, "Taking the risk, Paying the Price: East Timorese Vote in Ermera" in Tanter et al., eds., p. 92. As of September 1999, pro-integration Timorese leaders claimed that there were as many as 52,000-53,000 militia members of PPI at the time of the ballot. ("Milisi Menandang", *Panji Masyarakat*, 29 September 1999; "Hermínio da Silva: 'Cara Berjuangnya Harus Beda'", *Forum Keadilan*, 26 September 1999). However, this figure is obviously fairly inflated and included family members of active PPI members.

64 Peter Bartu, "The Militia, the Military, and the People of Bobonaro", in Tanter et al., eds., p. 85. The Pam Swakarsa which appeared at the November 1998 MPR session was recruited from rural youths paid by the
1999, and the entire membership of the Aitarak militia (1521 men)—which was formed two days later—became part of Pam Swakarsa.\footnote{In a statement by the regent of Dili, Domingos Soares, which was issued in May 1999, Eurico Guterres was mentioned as field coordinator of Dili Pam Swakarsa, which numbered 2,651 people. In the Dili Pam Swakarsa there were also regular members of the TNI, 25 non-commissioned officers (bahtina) and 25 policemen (binpolda). “Full report of KPP-HAM”, op. cit., p. 24.}

At a human rights trial that was held in April 2002, former East Timor governor Abilio Soares and several former East Timor regents testified that it was Governor Abilio who instructed 13 regents to form Pam Swakarsa.\footnote{“TNI washes hands’ of rights abuses in E. Timor”, \textit{The Jakarta Post}, 18 April 2002.}

Funding for Pam Swakarsa, or the militia in other name, was occasionally revealed in media reports, documents and testimonies. This evidence suggests that all the costs of the Pam Swakarsa in East Timor were covered by district government budgets, drawing on funds allocated for district development and the Social Safety Net (SSN).\footnote{“Jakarta bans propaganda use for aid money”, \textit{Sydney Morning Herald}, 16 June 1999. The Social Safety Net was a World Bank poverty alleviation program. The use of this fund was especially controversial because it was, firstly, foreign aid money and, secondly, it was for the poor. The former Secretary of the province testified in Jakarta’s human rights court that 10-20 per cent of the provincial budget had gone to anti-independence efforts, including paying militias. The period during which the money was allocated was unclear, however. “Indonesian Government Funded Militias in East Timor—Witness”, \textit{Associated Press}, 13 July 2002.} In mid-June, after the use of these local funds was leaked to the media, Jakarta issued explicit instructions that local budgets, including aid money, should not be used. However, whether or when the distribution of the fund halted is unclear. Another shadowy source of funds was later revealed. During a court hearing of a State Logistics Agency (Bulog) corruption case held in April 2001, Bulog chief Rahardi Ramelan stated that Rp. 10 billion from Bulog non-budgetary funds were loaned to Wiranto in 1999. Wiranto accepted the receipt of the fund and stated that these funds were handled by the Ministry for Defense. Although Wiranto denied that the money was used to help pay for Pam Swakarsa or militia, some of the funds were provided to the Strategic Intelligence Agency (BAIS) (Rp. 1 billion), for security maintenance during the MPR session (Rp. 500 million), for the success of the popular consultation (Rp. 542 million), and for stabilisation purpose in East Timor (Rp. 100 million). However, there was wide spread suspicion that most of the money went to the militia-related activities. It is speculated that this to some extent

elements in the military and radical Muslims. This policy of using Pam Swakarsa to secure the MPR session created tension between them and student-led protesters, and this resulted in the security forces’ fatal shootings of three students and eleven other people (‘the Semanggi I incident’). For details of Pam Swakarsa at this time, see for example, “Keseragaman Pola: Pam Swakarsa Hingga Aitarak”, \textit{Premanisme Politik, Jakarta: Institut Studi Arus Informasi}, 2000, pp. 90-112, especially pp. 90-102.

\footnote{“Jakarta bans propaganda use for aid money”, \textit{Sydney Morning Herald}, 16 June 1999. The Social Safety Net was a World Bank poverty alleviation program. The use of this fund was especially controversial because it was, firstly, foreign aid money and, secondly, it was for the poor. The former Secretary of the province testified in Jakarta’s human rights court that 10-20 per cent of the provincial budget had gone to anti-independence efforts, including paying militias. The period during which the money was allocated was unclear, however. “Indonesian Government Funded Militias in East Timor—Witness”, \textit{Associated Press}, 13 July 2002.}
compensated for the loss of local government money if the government truly stopped the use of such funds. Wiranto hinted that his receiving the money was a response from President Habibie to Wiranto’s request at cabinet meetings in May and June 1999 for funds for reformation and security in relation to the popular consultation in East Timor.\footnote{\textit{Soal Dana Bulog Rp. 54 Miliar, Rahardi: Diserahkan kepada Akbar Tandjung dan Wiranto}, \textit{Kompas}, 10 October 2001; \textit{Wiranto Akui Tak Lapor Habibie Dana Rp 10 Milyar Digunakan Dephankam}, \textit{Koridor}, 31 October 2001; \textit{Wiranto Tidak Menghutui Asal Dana Rp. 10 milyar}, \textit{Kompas}, 30 April 2001. The Deplu was no exception. According to one report, the Deplu organised a series of public relations seminars for militia leaders, including instructing them on how to field awkward questions from foreign reporters. This session was held at a Bali four-star hotel in March, and cost Rp. 500 million (US$60,000). Ministry officials suggested that the goal of the seminars was to soften the world’s image of the pro-Indonesian militias ahead of the referendum. \textit{School’s out}, \textit{Far Eastern Economic Review}, 23 September 1999.}

How were all these militia members recruited? While it was often suggested that many of the militias were recruited by coercion, many Timorese joined militia more or less willingly. Integration had been supported by part of the East Timorese community from 1975. Some had long been on the Indonesian side, while others had families and relatives who had been killed by Fretilin. A number of people had enjoyed lucrative opportunities under Indonesian rule, such as high-ranking local officials and business partners of the Indonesian government and the military. There were also gangs which engaged in gambling, protection rackets, and similar activities and in almost all cases shared profits with the military. At the lower-ranking level, some were attracted to the promises of food and money from pro-Indonesian local power holders. In this way, militia leaders and members were a varied group, and became involved for many different reasons. As Robinson (2001) points out, “militias were not mere puppets of the TNI, but people acting and choosing their own course on the basis of historical experience, political context, and personal desire”.\footnote{Geoffrey Robinson, \textit{People’s War: Militias in East Timor and Indonesia}, \textit{South East Asia Research} 9:3 (November 2001), p. 277. Robinson’s historical analysis of the colonial period concluded that there may have been some basis for the claim that the militias that emerged in East Timor in 1998 and 1999 reflected, or were drawing upon models provided by uniquely Timorese traditional armies and self-defense forces; however, he at the same time considers that without military support these militias would not have existed or would not have adopted and maintained the traditions that they did.} Nonetheless, they were loyal allies of the military and had a common primary purpose—to destroy the base of support for independence and win the ballot.

Pro-autonomy political organisations and civil servants

Along with these militia units, two pro-autonomy political organisations were formed in
1999 to take part in the popular consultation: Forum for Peace, Democracy, and Justice (Forum Perdamaian, Demokrasi dan Keadilan, or FPDK), and the East Timor People's Front (Barisan Rakyat Timor Timur, or BRTT). FPDK declared its existence immediately after Habibie's announcement on 27 January 1999. Its leading figures were mostly local government officials. It was headed by the regent of Dili, Domingos Soares. FPDK included militia leaders and gave open support for the militia activities. BRTT was formed in April under Francisco Lopes da Cruz, then Roving Ambassador for East Timor Affairs in the Deplu. Reports suggest that BRTT was formed with the strong support of Wiranto and Ali Alatas to create a better image as they were concerned about the increasing international criticism of the militia. It was also suggested that moderate integrationists aimed to bring the militias under legal control in order to avoid their excesses which could totally discredit the entire pro-autonomy movement. Nevertheless, BRTT soon became a junior partner with FPDK in a new grouping called the United Front for East Timor (UNIF) in June. Wiranto was concerned about a possible split among pro-integration East Timorese, and conveyed his view to Menko Polkam Feisal Tanjung that the unification of various groups in UNIF was a success in this respect. The inclusion of substantial numbers of militias and government officials including those from the Deplu leads us to assume that FPDK and BRTT were heavily funded by the government. Even after the 5 May agreement prohibited government officials participating in the campaign,

20 "The other important vote: Who will secure East Timor's referendum?", Asia Week, 28 May 1999; The TNI's 'Dirty War' in East Timor, Tapol, 7 June 1999. Head of BRPT, Lopes da Cruz, occasionally showed his frustration with the militias. He called for the imprisonment of Eruico Gutieres, stating that militia violence was proving "detrimental to those in favour of integration, who want to undertake 'socialisation' activities among the people to raise their awareness in a peaceful way". "Eruico Gutieres should be arrested", Publico (translated), 29 May 1999.

21 In fact, some members of BRTT were far from moderate in their remarks and behaviour. For example, Head of BRTT Bobonaro threatened people by stating that if they did not vote for autonomy the pro-autonomy group would fight a war until their last drop of blood. Committee for a Free and Fair Ballot, Report on the Monitoring of the Ballot, May-June 1999.

22 Wiranto, in his letter Feisal Tanjung on 15 June 1999, wrote:

One of the development efforts with regard to the pro-integration groups that also needs to gain support from all the relevant Department[s]/Agencies is to watch that they remain united and do not split, continue to stress efforts for dialogue and discussion and avoid physical activities aimed at intimidation that will simply be very counter-productive in the struggle for [their] respective aspirations. In this connection, two pro-integration factions joined in the FPDK and the BRTT have been successfully united in one fighting forum, the Joint [Front for]Pro-Autonomy of East Timor (FBPOTT) with collective leadership from those two factions. [Minister of Defence/Commander of the TNI, No.K/362/P/IV/1999, dated 15 June 1999 (Confidential), in "Full report of KPP-HAM", op. cit., p. 25].

FBPOTT is supposedly Front Bersama Pro-Otonomi Timor Timur and the same group as UNIF.
these groups worked to win the ballot collectively, and many members abused their own status as government officials.

In early 1999, there were some 36,000 civil servants in East Timor, around 14,000 of whom were East Timorese. The Indonesian authorities often referred to these East Timorese civil servants as unquestionable supporters of integration. However, many among them were probably indecisive when the ‘two options’ were offered. And civil servants also included a fair number of independence supporters, although unable to make their preference open. The Indonesian authorities actually knew this situation; thus, considerable effort was exerted to ensure that all the civil servants would choose autonomy. East Timor Governor Abilio Soares placed heavy pressure on civil servants throughout East Timor, both to make personal pledges to support autonomy, as well as to use their influence to obtain support for the autonomy option in their local communities. Those who were not willing to make personal pledges to support autonomy were automatically assumed to be members of CNRT—the principal pro-independence political organisation. Abilio also threatened to stop their pay, or dismiss them, or to confiscate property if they did not support autonomy, and warned that the safety of those who did not sign the pledge could not be guaranteed. Similar threatening statements were heard from high-ranking local government officials elsewhere before the ballot.

In this way the government from the beginning took a number of measures to win autonomy. A considerable amount of government funds was used for the purpose of supporting pro-autonomy groups, including militias. Although President Habibie

71 Civil servants in East Timor included employees in provincial and local government departments. There were 13 districts, 63 sub-districts, and 442 villages in East Timor. Amnesty International, East Timor: Seize the Moment, 21 June 1999, p. 19.
72 The military’s suspicion was also strong. A secret document addressed to the East Timor Korem Commander Tono Suratman shows that Dili Kodim commander, Col. Priyanto, compiled a list of 226 civil servants in Dili whom he suspected of being involved in the resistance. Priyanto listed their names, jobs positions, addresses, and his judgements on whether they were ‘radical’, ‘provocateur’, ‘activist’, or merely ‘involved’. Lt. Col. Priyanto, Commander Kodim 1627, April 28, 1999 (Secret), quoted in Samuel Moore, “The Indonesian Military’s Last Years in East Timor: An Analysis of Its Secret Documents”, Indonesia (October 2001), pp. 35-36.
74 Another example was the regent of Bobonaro, Guilherme Dos Santos, who issued an instruction on 24 March asking all employees in the town of Maliana to complete a form which required giving their views on the choice, their names, and the signature of their direct superior. “East Timor survey questions public servants’ loyalty”, Sydney Morning Herald, 31 May 1999.
had initially seemed willing to accept a pro-independence vote, he soon faced domestic pressures to support a pro-autonomy vote. By the time the 5 May agreements were signed, his policy had become unpopular domestically, while the political elite became more united in supporting autonomy. This point will be further discussed in the next section.

**Military Responses: January-April 1999**

The preceding chapter questioned why military commander Wiranto did not resist Habibie's two-options proposal, and it suggested that Wiranto had made an optimistic calculation, based on his own survey and the general mood within the cabinet, that the result of the consultation would be favourable for Indonesia. Lowry (2000) notes that the military calculated that 20 per cent of East Timorese were committed to integration with Indonesia and only 20 per cent strongly supported independence, while 60 percent might be persuaded either way. Calculations must have varied among individuals, but overall the TNI leadership apparently calculated that it would be a close-run race and the autonomy side could achieve the victory if assisted by the military.

The last section of this chapter focuses on individual actors within the military, in particular, Military Commander Wiranto, in the operation aiming to achieve the victory in the ballot. It also discusses the two mass killings that occurred in Liquiça and Dili in April and the government and military responses to these incidents. These responses were indicative of developments in the following months.

**The Military chain of command and Kopassus**

Despite the military's claim of neutrality, much evidence indicates that the military conducted covert operations aiming to ensure the victory of the autonomy side. In these

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77 As mentioned in Chapter 3, he stated “If I was asked about the government’s proposal, [I would say] just give [East Timor] independence”. “Fast Solution on East Timor favoured”, *The Jakarta Post*, 12 February 1999.

operations, as was commonly seen in all the military’s security operations, the TNI commander Wiranto apparently used both official and unofficial commands. For the official chain of command, Wiranto relied on the Assistant for Operations to himself as TNI commander, Maj. Gen. Endriarto Sutarto, the Assistant for Operations to the Army Chief of Staff (then Gen. Subagyo H.S.), Maj. Gen. Kiki Syahnakri; the Commander of the military region covering East Timor, Kodam IX/Udayana, Maj. Gen. Adam Damiri; and Commander of the East Timor Korem 164/Wira Dharma, Col. Tono Suratman (10 June 1998—13 August 1999)/Col. Noer Muis (13 August—15 September 1999). The other, covert chain of command ran through Maj. Gen. Zacky Anwar Makarim, a Kopassus officer and former chief of the Armed Forces Intelligence Agency (Badan Intielen ABRI, or BIA). To the confusion of UN staff and outside observers, as of 4 July 1999, Zacky was attached by Wiranto to the Indonesian Task Force for the Implementation of the Popular Consultation in East Timor (Satgas P3ITT). The Satgas P3ITT was formed to liaise with UNAMET and Zacky was assisted by Brig. Gen. Glenny Kairupan as his official deputy. Col. Yayat Sudrajat, the chief of the Kopassus Intelligence joint task force (Satuan Gabungan Intelijen or SGI) in East Timor also played an important role in clandestine operation. Officially, Yayat would have been reporting to Korem East Timor commander Tono Suratman, but also answered to Kopassus headquarters in Jakarta.

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79 In early 1999, Indonesia was divided into ten Regional Military Commands (Kodam). Each Kodam had successively smaller command units: Resort Military Command (Korem), District Military Commands (Kodim); and Sub-district Military Commands (Koramil). At the village level, the military was represented by a non-commissioned officer (Babinsa). This territorial command structure, which reached down to the village, provided the military with a formidable capacity to monitor political activities of the local population.

80 Technically, this position is the key place in the chain of operational command.

81 Suratman was former Kopassus Group 3 commander, while Noer Muis also had a Kopassus background. The Chief-of-Staff of Udayana command, Brig. Gen. Mahidin Simbolon, should also be mentioned here. He was a former Kopassus intelligence officer and was considered to be one of the most experienced officers in covert operations in East Timor.

82 For data on these military posting in 1999, see, The Editors, “Current Data on the Indonesian Military Elite: January 1, 1999 – January 31”, 2001, Indonesia (April 2001). Zacky and Kairupan were mentioned by the former regent of Ermera and militia leader, Thomas Gonçalves, as being the officers directly responsible for militia field operations. (“Full report of KIP-HAM”, op. cit., p. 26). Gonçalves had defected and provided information to the South China Morning Post (“Aid Funds ‘Used to Finance Militias’”, South China Morning Post, 17 February 2000), and possibly to other media sources. Zacky was replaced by Maj. Gen. Tyasno Sudarto as BIA chief in January 1999. Tyasno was also involved in covert operations, and was suspected as the chief organiser of the provision of counterfeit money carried out for funding militias. In July 2000, the Central Jakarta District Court heard evidence that the counterfeit operation was conducted with full knowledge of Tyasno. The defendant, a retired officer, Ismail Putra, stated that he had met Tyasno, who stated that the money would be used for funding militias. Although Tyasno’s exact role remains unclear, at least the militias admitted that counterfeit money was widely circulated. For this story, see, for example, “Operasi Uang Palsu di Daerah Rusuh”, Panji Masyarakat, 2 August 2000.
and directly to Zacky. Another prominent intelligence officer, former SGI commander Maj. Gen. Sjafrrie Sjamsuddin was utilised by Wiranto, although his precise role was difficult to identify.

These facts suggest that Wiranto relied heavily on officers with Kopassus backgrounds and with extensive combat and intelligence experience in East Timor. Kopassus is the branch of the army that specialises in covert operations, and it was substantially enlarged from 1995 under Wiranto’s adversary Prabowo Subianto whose military career ended with the fall of Soeharto. While Wiranto’s reliance on Kopassus officers to secure the victory in the ballot might be regarded as a natural strategy, many observers wondered whether Wiranto was fully controlling these Kopassus officers. Wiranto himself did not have a Kopassus background and his field career was entirely with Kostrad (Komando Cadangan Strategis Angkatan Darat, or Army Strategic Reserve Command), including his service in East Timor.

Zacky Anwar Makarim certainly fitted the job as he had extensive experience in intelligence operations in East Timor and other restive regions such as Aceh and Irian Jaya. Zacky had long been close to Prabowo. He was once marginalised by Wiranto who moved

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83 Greenlees and Garran, op. cit., p. 140.
84 According to Munir, a member of KPP-HAM Timtim, Sjafrrie became Wiranto’s personal ‘courier’ between Jakarta and East Timor after Wiranto detected that military communications had been leaked to foreign intelligence. Munir, however, admitted that he was not able to find any strong evidence on Sjafrrie’s involvement in the 1999 violence. Interview with Munir, Deputy Director of YLBHI, 26 April 2000.
85 Note that the army had two types of troops in East Timor: those permanently stationed in the province and those brought in on regular rotations. The former were called organic or territorial troops and stationed within the territorial structure (Korem-Kodim-Koramil). The latter type of troops were called non-organic or assigned troops—infantry battalions whose home bases were outside East Timor. Once brought to East Timor, these battalions were stationed in one of three sectors, A, B, or C. Sector A covered the eastern half and was headquartered in Baucau; Sector B covered the district of Dili; and Sector C covered the western half and was headquartered in Ainaro. According to the army, these non-organic troops were especially designed to combat armed resistance and ready to be withdrawn if there was no combat; but the reality was that they remained in East Timor. Until the early 1990s, Kostrad provided most of these non-organic troops, but by the mid-1990s, especially after Prabowo became Kopassus commander (1995-98), Kopassus grew to be a dominant player and served as overall coordinator of army operations in East Timor. The pro-integration militias basically operated under the command of the sectoral structure, A, B, C—which was more or less equivalent to Kopassus command. This led observers to suspect that Kopassus was fully involved in militia operations. [For details of this military structure in East Timor in 1990s, see, Douglas Kammen, “Notes on the Transformation of the East Timor Military Command and its Implications for Indonesia”, Indonesia (April 1999), pp. 61-76; Samuel Moore, op. cit., especially pp. 17-28.]
him from his position as chief of BIA in January 1999 to an unassigned post at ABRI headquarters (Pati Mubes ABRI) in January 1999. A source close to Wiranto suggested that Wiranto had been concerned about possible excesses that Zacky might commit in East Timor, but he also knew that Zacky had appropriate experience and skills. And, very importantly, Zacky enjoyed wide respect among pro-integration leaders and was the person who had capacity to most effectively unite the militias—a quality Wiranto obviously appreciated.

Zacky was deeply committed to preventing the separation of East Timor. Xanana Gusmão had had many conversations with Zacky where Zacky stressed the military’s fears that giving East Timor its freedom would be a bad precedent for a country already obsessed with maintaining unity. Zacky also talked about the ‘Javanese sense of shame’ at having to abandon a territory. He told Xanana, “As a military man, as an intelligence officer, as a veteran, I can’t accept losing East Timor”. Such sentiments were also strong among other veterans of the initial invasion and officers who had served long periods in East Timor. As was discussed in Chapter 2, East Timor was a special place for many army officers not only in terms of the sacrifice of soldiers, but also for the opportunities for promotions and economic benefits.

The two area commanders in the official chain of command, Udayana Kodam commander Adam Damiri and East Timor Korem commander Tono Suratman had also demonstrated considerable support for militias as soon as they were assigned to their respective posts in June 1998. In mid-August 1998, both attended the official launch of the militias at a meeting that included top militia leaders such as João Tavares, Eurico Guterres, and Cancio Lopes de Carvalho. Tono Suratman was particularly unpopular among independence supporters and foreign observers on the ground. Tomas Gonçalves, the former regent of Ermera district who had defected, revealed to the media that Suratman’s headquarters, along with the office of SGI, became the two key organisers of militia all around East Timor.

Lastly, the role of Menko Polkam Feisal Tanjung should be mentioned. After all,
he was one of the central figures in the decision-making in the two cabinet meetings in January 1999 where the new policy was discussed. He also led the revision of the autonomy proposal in April and the Jakarta-based special ministerial task force (Tim Pengamanan Pelaksanaan Jajak Pendapat di Timor Timur, or Team to Secure the Implementation of the Popular Consultation in East Timor). His biography notes that shortly after the new two-options policy was adopted, Feisal officially advised Habibie that "Our main task is to secure the implementation of the popular consultation to strengthen the integration of East Timor into the Unitary State of the Republic of Indonesia".\(^{91}\) As Menko Polcam and the head of the Jakarta-based task force for the ballot, Feisal at least coordinated strategy with Wiranto; however, he also acted on his own calculations and adopted his own methods. As a former ABRI commander with a Kopassus background, he naturally used his own network.\(^{92}\) In 1969 he had been involved in 'the Act of Free Choice', in Irian Jaya. He explained that he acknowledged the difference between the Irian Jaya case (indirect ballot) and the East Timor case (direct ballot), but apparently attempted to apply what he learned from the earlier experience.\(^{93}\) He was among the officials most optimistic about the victory of the pro-autonomy side within the Habibie cabinet.

**The Police**

Before 5 May, the military was responsible for security in East Timor. Under the terms of the 5 May Agreements, however, responsibility for security was transferred to the Indonesian National Police (Polri). As noted earlier, the police had been separated from the military only one month prior to the signing of the 5 May Agreements and in practice were

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92 On 14 May 2002, *Sydney Morning Herald* reported that Australia’s Defence Signals Directorate (DSD) had intercepted secret communications within the military in 1999. According to the report, the DSD revealed that it was Feisal Tanjung who played 'a pivotal role in instigating, planning and executing the militia campaign', using his own, especially, Kopassus and 'green (Islamic) officers' network. (Feisal in the 1990s had seen as an officer identified with the Islamic faction). However, there are some unconvincing analyses in the report. For example, it describes Wiranto as having been marginalised in the East Timor operation and Feisal as being of the centre, using officers for covert operations, including Zacky, whereas various sources suggest that it was certainly Wiranto who directly used Zacky. Also, there was no indication that the 1999 operation was relevant to the division between green officers and red-and-white (nationalist) officers. See, "Silence over a crime against humanity", *Sydney Morning Herald*, 14 May 2002.
93 Hisyam, op. cit., pp. 724-725.
still virtually subordinate to the military during the period leading to the ballot. Further, ultimate authority over the police remained with the Minister of Defence, a position that was still held by TNI commander Gen. Wiranto. Although Wiranto stated that “responsibility for security is not for the TNI but the police”, he added that “the TNI help the police on how to secure and enhance stability and security”.94

Confusion about who was actually responsible for security was never officially resolved. The East Timor police chief, Col. Timbul Silaen, occasionally bemoaned the virtual subordination of the police to the military as well as the police’s limited capacity to maintain security.95 On the ground as well, the police’s inability to control security was often witnessed. This does not mean that police members were not actively involved in violence; indeed, ‘Brimob’ (Mobil Brigade) troops were especially notorious in this regard. But many observers believed that in general the police were either incapable or unwilling to stop the violence or challenge military’s policy line rather than systematically involved in supporting the violence. The head of UNAMET Ian Martin, observed that the militias operated under the direction of the army; this meant the police could never have dared to act against them, even if they had wanted to.96 In fact, leaving aside the problem of responsibility, many diplomats and other foreign observers and several pro-independence East Timorese leaders were quite supportive towards Timbul Silaen. At Silaen’s trial, Manuel Carrascalão, a prominent pro-independence East Timorese whose son had been killed in a militia attack on his house in April 1999, explained that Silaen had protected him.97 Bishop Belo and another pro-independence leader, Leandro Issac, sent written

94 “Security not the army’s job: Wiranto”, *Sydney Morning Herald*, 13 July 1999. The military never provided official information about the number of its troops in East Timor but in October 1998 leaked documents showed that the military heavily outnumbered the police. The documents showed that the number of military personnel was 17,941 troops (21,620 including militias), much higher than the 6,000 provided by Ali Alatas and the 10,700 mentioned by Tono Suratman. In comparison, the number of police was only 3,800. It was claimed by some observers, however, that some of the police were really military personnel wearing police uniforms. Within a month of the signing of the 5 May Agreements, 1,400 military troops were replaced by 1,300-1,500 troops of the paramilitary police Mobile Brigade (Brimob). Eventually the number of police personnel rose to around 8,000 at the time of the ballot. See, “Indonesian Police and Security of the Timorese”, *East Timor Observatory*, 10 June 1999; “Numbers and identification of Indonesian Military in East Timor”, *East Timor Observatory*, 6 July 1999; Breakdown of Indonesian Armed Forces stationed in East Timor”, *East Timor Observatory*, 19 February 1999.

95 Greenlees & Garran, op. cit., p. 140. At a human right court held in Jakarta in 2002 in Jakarta, Silaen stated that “Those accountable for security affairs at the national level are Feisal Tanjung and Wiranto. I was only a field officer who received orders from the National Police chief”. “Former police chief blames superiors for East Timor debacle”, *The Jakarta Post*, 25 April 2002.


97 Carrascalão stated, “All Indonesian generals wanted me to die, except this gentleman [Silaen]”. (“TNI intended to kill me: Carrascalão”, *The Jakarta Post*, 5 August 2002). Carrascalão was then leading the
submissions in support of Silaen at his trial. And this open support for Silaen partly contributed to his eventual acquittal on 15 August 2002.

Two mass killings in April

From January to April 1999, some of the most serious militia killings occurred. Despite official denial, a number of witness accounts suggested that the military directly or indirectly supported these incidents. During this period, several secret meetings were held between senior military officers, including Region IX/Udayana commander Adam Damiri, East Timor Korem commander Tono Suratman, and top militia leaders. And April saw the worst killings since the Santa Cruz massacre of 1991.

On 6 April Besi Merah Putih (BMP) militia, supported by Altaraka and other militias, attacked the house of the parish priest, Father Rafael dos Santos, at Liquiça where 2,000 refugees were sheltering after fleeing from violence by BMP militia during the previous days. KPP-HAM Timtim reported that at least 30 people had been killed, while NGOs and the pro-independence side gave much higher figures. Even though the Liquiça Kodim commander Asep Kuswani and Liquiça police chief Adios Salova were at the office of Kodim Liquiça which was only 40 meters from the site of the incident, they did not take any steps to prevent the violence. Father Rafael told at the human rights court and claimed that he had seen soldiers, including Kodim personnel, and police and implicated them in at least two of the killings.

Movement for Reconciliation and Unity of the People of East Timor (Gerakan Rekonsiliasi dan Persatuan Rakyat Timor Timur, or GRPRRT).

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88 "Timbul Silaen Dituntut 10.5 tahun", Kompas, 26 July 2002.
89 See, the judgement Pembacaan Putusan Hakim Alias Terdakwa Drs GM Timbul Silaen, 15 Agustus 2002 (unofficial transcript), prepared by International Platform of Jurists for East Timor.
90 Widely-circulated media reports on the existence of 'Operasi Sapu Jagad' (Operation Total Cleasing) tell about the secret meetings including the meeting of Adam Damiri, Mahidin Simbolon, and militia leaders in February, and the meeting of Tono Suratman, Abilio Soares, and militia leaders on 26 March. In the meeting, for example, Abilio Soares reportedly suggested that priests and clergy could also be killed. (Expresso, Lisbon, 11 September 1999, quoted in “Operasi Sapu Jagad' Indonesian military's plan to disrupt independence", East Timor Observatory, 21 October 1999). Rumours about what was discussed at the meetings are, however, not very reliable.
91 “Sidang HAM Timtim: Jaksa dan Hakim Pegang BAP Berbeda”, Kompas, 3 September 2002.
92 "Priest Testifies Indonesian Troops Shot East Timor Refugees", Associated Press, 23 January 2003. Kuswani, Salova, and district head Leoneto Martina, were indicted in this case but cleared of charges on 29 November 2002 in the Indonesian trial. The main reason for acquittal was "There was no effective command relation between the defendants and the BMP militia group". ("Four Officers Acquitted in East Timor", Associated Press, 29 November 2002). The Deputy Commander of the East Timor Korem, Col. Mudianto, and Dili police chief Herman Goelitom, testified that members of SGI led by Yayat were present.
Indonesian officials rejected responsibility for the incident, and shifted it to the East Timorese themselves. Wiranto, in a meeting with the Australian ambassador John McCarthy two days after the massacre, claimed that the events in Liquiça were ‘simple incidents that occur in developing countries where social groups are in conflict’ and asked that it be kept in proportion'. In testimony at the Indonesian human rights court, Zacky Anwar Makarim accused Father Rafael of being an active CNRT member who tended to cause trouble. He continued that when he was an intelligence officer in 1995, in any social conflicts in Liquiça, Rafael was always involved. The Udayana Kodam commander Adam Damiri, in his secret report to Menko Polkam Feisal Tanjung on 11 July, even stated that the attack on the Liquiça church had stymied the anti-integration youth, adding that the popular reaction to the attack was an increase in patriotism towards Indonesia. TNI headquarters conducted their own investigation, but only admitted a death toll of five.

The objectives of the massacre were apparently three-fold. Firstly, it aimed to spread devastating fear among pro-independence supporters, or any local people who were not pro-integrationists. Secondly, as many diplomats and foreign observers believed, it intended to derail the ongoing tripartite negotiations on the ballot which were then reaching their final stage. Thirdly, it attempted to provoke Falintil guerrilla, fighters who so far had remained in the mountains to come into the open to protect their supporters. If Falintil had done this, the situation in East Timor would have resembled the scenario envisaged by the Indonesian military—fighting between the two armed factions, rather than one-sided attacks by the pro-integration forces. In fact, infuriated by the massacre, the Falintil commander-in-chief, Xanana Gusmão, who was under his house arrest in Jakarta, authorised the resumption of military action by Falintil.

The UN and foreign governments were greatly worried about the outbreak of fighting between the two armed camps. Thus, they quickly moved to persuade Xanana not

in the Liquiça church when the massacre occurred. However, Yayat, too, was acquitted on 30 December 2002 chiefly because the judges could not find any connection between BPM and him. “Mantan Dansatgas Tribuana Yayat Sudrajat Bebas”, Kompas, 31 December 1999.

167 “Full report of KPP-HAM”, op. cit., p. 25.
168 “CNRT/Xanana: Urgent: "Falintil Resumes Defence of The People Of East Timor", Press Statement, obtained via ETAN email list. Xanana was released from Cipinang jail and became under house arrest on 10 February 1999. He was eventually freed on 7 September 1999.
to respond to the provocation and continue to promote reconciliation. Fortunately, Xanana agreed. Here it should be noted that ahead of the conclusion of the agreement on the consultation, the UN and foreign governments were obliged to be defensive as they did not want to jeopardise the chance of self-determination. In fact, not a single country was willing to risk disrupting the process by openly condemning the Indonesian government, let alone threatening Indonesia with possible sanctions. Far from condemnation, the US even went so far as to offer new assistance. On 8 April, only two days after the Liquiça killings, Admiral Dennis Blair, the new US commander-in-chief for the Asia Pacific region, visited Jakarta during which he met Wiranto. According to a classified cable on the meeting quoted in a Nation article, Blair, rather than telling Wiranto to contain the militia activities, instead promised Wiranto to offer fresh US assistance. Reportedly Blair did not even mention the Liquiça killings.  

After the Liquiça massacre, the military and government campaign for autonomy continued. Most conspicuously, on 17 April, a large pro-integration public meeting was held in the grounds of the governor’s office in Dili. Among those present were Maj. Gen. Kiki Syahnakri, Col. Tono Suratman, Governor Abilio Soares and militia units from all 13 regencies. In the rally, Aitarak commander, Eurico Guterres, urged those present to "conduct a cleansing of all those who have betrayed integration. Capture and kill them if you need to". Video evidence which was later brought into his human rights trial in 2002 showed that in his speech Guterres incited the mass to kill the family of Manuel Carrascalao. After the meeting, the masses led by Aitarak attacked Carrascalao’s house and killed at least 12 people, including Carrascalao’s teenage son. Carrascalao, later appeared as a witness in the human rights court. According to him, when he asked Korem commander Tono Suratman for assistance, Suratman just laughed and told Carrascalao that he had to remain ‘neutral’ so Casrrascalao should seek protection from CNRT. Former chief spokesperson of the pro-integration organisation UNIF, Basilio Araujo

110 Reportedly, part of the motive for the violence was to retaliate against the killing of a brother of Lopes da Cruz, Head of BRTT, allegedly by Falintil. The house of senior CNRT leader Leandro Isaac was also ransacked. The office of Suara Timor Timur, East Timor’s only newspaper, was also destroyed.
111 “TNI intended to kill me: Carrascalao”, The Jakarta Post, 6 August 2002.
supported, though in a reserved tone, Carrascalão’s account in the court regarding Suratman’s unresponsiveness.\textsuperscript{112}

Suratman’s attitude was typical of the TNI’s responses to various violent incidents that occurred in the following months. In his memoirs, Suratman identified the three causes of the violent incident in April: 1) provocative actions by the pro-independence side; 2) the central government’s decision to adopt the two-options policy, which disregarded the reality on the ground where there had been intra-Timorese conflict over two decades; and 3) the international community’s biased support for the pro-independence camps. Suratman also stressed the necessity of ‘neutrality’ on the part of the TNI—the excuse which was employed whenever the security forces were accused of failing to take action to protect pro-independence groups.\textsuperscript{113}

Wiranto was again defensive and claimed that the TNI had received no information to suggest that elements in the field were not acting in line with their commanders’ policies. He also explained that the TNI only had a limited number of troops in East Timor—another oft-used response to criticism of non-action of the security force. The head of the intelligence section of the Dili Korem, Maj. (Inf) Bambang Wisnumurthy, even blamed independence supporters for provoking violence at the ‘peaceful’ pro-integration rally on 17 April.\textsuperscript{114}

Nonetheless, on Habibie’s order, Wiranto prepared and presided over the signing of a peace agreement between the pro-integration and pro-independence camps on 21 April in Dili. Tono Suratman signed the agreement along with leaders of both pro-integration and pro-independence camps. Xanana Gusmão also signed by fax, despite his regarding this agreement as no more than an image-building exercise by Wiranto. In the future, Wiranto would never fail to stress this ceremony as one of his greatest achievements as a mediator in the conflict in his writings and interviews and at the human rights court. This peace agreement resulted in a number of small agreements;\textsuperscript{115} however,

\textsuperscript{112} “Military did nothing to prevent attack on Carrascalão’s house”, \textit{The Jakarta Post}, 9 August 2002.


\textsuperscript{114} DFAT, 2001, op. cit., p. 68.

\textsuperscript{115} \textit{Kesepakatan Tentang Penghentian Permusuhan dan Upaya Untuk Menciptakan Perdaanai di Timor Timur}, 22 April 1999.
as this agreement was not a formal cease-fire and did not specify any process for
disarmament, there was little expectation among the UN and the pro-independence camp
that it would improve the situation on the ground. The Commission of Peace and Stability
(KPS), which had been expected to play a central role in promoting reconciliation, was
formed along with this peace agreement. It consisted of two representatives from the
pro-independence camp, two from the pro-autonomy camp, two from the local
government, two from the Dili Korem, two from the local police, and four from Komnas
HAM. And this body was soon given the specific role based on the 5 May Agreements on
security to elaborate a code of conduct for the laying down of arms and taking the
necessary steps to achieve disarmament. However, as will be discussed in the next chapter,
this body proved to be ineffective and served more as a public relations exercise for the
Indonesian government side.

Wiranto's rising political prospects

By this stage, foreign governments had already come to doubt Wiranto’s willingness to
create a security environment conducive to the ballot or even his willingness to let the
ballot take place; however, they had realistic choice but to believe that he eventually
would do so. In fact, there were some reasons to believe he would go ahead with the
ballot. Wiranto was initially regarded by observers inside and outside Indonesia as
being more or less a reformer within the military. He had refrained from grasping
power and successfully avoided bloodshed at the turbulent ending of the Soeharto
regime and the transfer of power to Habibie in May 1998.\textsuperscript{116} He also implemented a
series of reform programs, with the support of so-called reformist intellectual officers.\textsuperscript{117}
Among the reforms were his acceptance of a reduction in the number of military
appointees to the DPR; ending the long-established practice of active military officers
occupying non-military positions in the government, and severing organisational support
for Golkar. In August 1998, he lifted the decade-long special military operations status

\textsuperscript{116} See, Chapter 2, Section 1 of this thesis.

\textsuperscript{117} These officers included Lt. Gen. Susilo Bambang Yudhoyono (Chief of Socio-Political Affairs to the
Military Commander, which was changed into Chief of Territorial Affairs in November 1998), Maj. Gen.
Agus Wijoyo (Assistant for General Planning to the Military Commander) and Agus Wirahadikusumah
(an advisor for the military commander in political and security fields). A 1998 armed forces seminar
announced four principles as the military’s New Paradigm, or Paradigma Baru ABRI. Although very abstract, it
at least was regarded as the military’s declaration of continuing commitment to reform.
(Daerah Operasi Militer, or DOM) in Aceh, and he apologised for the military’s past misdeeds in Aceh—the first time ever that the Commander of the Military had issued such an apology. Wiranto certainly understood the declining reputation of the military and necessity of reform.

As a commander, however, Wiranto was not highly rated. Political and military observers pointed out that Wiranto was indecisive, lacked experience and the ‘presence’ of a commander, and was unwilling to correct the mistakes made by his subordinates. Wiranto’s rapid rise to Commander of the military in February 1998 owed much to his four-year service as Soeharto’s adjutant. He had been Kostrad commander for 15 months and Army chief-of-staff for only eight months, before his appointment as overall military commander. Due to this rapid rise, he did not have any strong power base of his own.

Despite these shortcomings, in the military personnel reshuffle in January 1999, Wiranto succeeded in consolidating his power within the military. He demoted officers connected to his old rival, Lt. Gen. Prabowo Subianto, and appointed reformist officers to important posts. But recognising the remaining strength of officers close to Habibie’s circle and Prabowo, and not wanting to rely too much on reformist officers, he set out also to promote officers linked to Soeharto, such as Lt. Gen. Sugiono, Maj. Gen. Tyasno Sudarto, and Maj. Gen. Endriartono Sutarto. Like his mentor Soeharto, Wiranto attempted to build a system under which opposing groups had to depend on him.

Looking at his initial attitude towards East Timor, he at least accepted autonomy and then the two-options policy, and allowed some freedom of expression for the pro-independence camps during 1998. However, at the same time, he retained many ‘infamous’ officers in the eyes of the public and the international community. And, as noted in Chapter 2, despite the promise and highly publicised shows of withdrawal of troops in East Timor in August 1998, it turned out to be a deceit. Further, as has been noted repeatedly, the militia build-up in East Timor had already started in

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119 Interview with Kusnanto Anggoro, CSIS, 23 December 1999.

120 Interview with I.t. Gen. (ret.) Hasan Habib, 26 December 1999.

121 Interview with J. Kristiadi, CSIS, 15 May 2001.

122 Honna, 2000, op. cit., p. 29, p. 32
mid-1998. These policies suggested that as independence increasingly became a possibility, East Timor was not within the area of his reform agenda.

Finally, it is necessary to observe Wiranto-Habibie power relations. As discussed in Chapter 3, Wiranto and Habibie depended on each other; however, Wiranto’s position in 1998 was rather unstable, and several times gave concessions to the Habibie camp even in essentially military affairs. However, entering 1999, Wiranto increasingly gained an appetite for politics and succeeded in actually strengthening his political power. Soon after the January personnel reshuffle, Wiranto approached civilian party leaders and politically influential figures critical of the Habibie government—namely Megawati Sukarnoputri of PDI-P, Amien Rais of the National Mandate Party (Partai Amanat Nasional, or PAN), Abdurrahman Wahid of the National Awakening Party (Partai Kebangkitan Bangsa, or PKB), and prominent Muslim scholar Nurcholish Madjid.\footnote{“Menharkam/Pangab Bertemu Tokoh Masyarakat: Bahas Soal Bangsa”, 
Kompas, 25 January 1999.} He secured a certain degree of support from these figures and was in the political limelight as a potential candidate for the vice presidency in the coming election at the MPR session. This suggests that Wiranto was gaining independence from the Habibie camp.

In contrast, Habibie’s position was increasingly vulnerable. Although the East Timor issue was not one of the most contentious issues for the main political parties in the coming general election, it became increasingly a convenient tool by which Habibie’s opponents could criticise Habibie. By the conclusion of the 5 May Agreements, Habibie was already dependent on Wiranto. Even though Habibie himself did not like to intervene into essentially military affairs and preferred to leave it to Wiranto, he increasingly lacked the capacity to correct Wiranto’s policies, even if he had wanted to.

Conclusions

This chapter has observed political developments in the lead-up to the signing of the 5 May agreements after the Habibie government’s declaration of the new policy to consult the East Timorese on their future. At this stage, Indonesia’s responsibility after the declaration had not been clearly specified, local security was totally in the hands of the Indonesian military, and few international observers had entered on the ground. This gave
the Indonesian government, especially the military, considerable latitude in influencing the environment for the future ‘consultation’. At the diplomatic level, the Indonesian government was in a strong bargaining position. The UN and Portugal regarded the new policy as a big concession from the Indonesian side; thus, they felt it necessary to be very flexible during the negotiations. More importantly, during this period, the actions of the UN and foreign governments were very constrained by the possibility of Indonesia's unilateral cancellation of self-determination if put under too much pressure. Habibie was already weak and in no position to offend the military. This resulted in the flawed agreement on security that entrusted the responsibility in the field entirely to the Indonesian security forces, the very party which had conducted the violence towards the local population over 23 years and were encouraging militia violence at the very moment when the agreements were being concluded.

The second section of the chapter presented the nature of the militias and the benefits the military obtained by using the militias. This examination was crucial to understand the logic at work in the militia-led violence in 1999, and the government and military response to demands for accountability and their treatment of the former militias in the post-ballot period (discussed in Chapter 6 and 7). The use of militias satisfied the military's aim to create an impression of a civil war, or intra-Timorese fighting, where the military served as a neutral moderator. This picture was in fact what they had claimed over 23 years. The creation of 'a civil war' scenario was a most important factor behind the use of the militia, but we cannot disregard other important factors: by putting the militias in the front line, the military attempted to avoid their responsibility for human rights violations as well as physical danger to themselves in case of counter-attack from the pro-independence camp. One might notice that the military's ruthless way of using the local population was a familiar pattern in the invasion and war operations (discussed in Chapter 2) and post-referendum treatment of militias (will be discussed in Chapter 6 and Chapter 7).

In the last section, we have sketched key players in the 1999 military operations. It was stressed that almost all key military players introduced in this chapter—except Wiranto himself—had Kopassus backgrounds. This foreshadows Wiranto's inability to fully control those officers in the months ahead. The employment of Kopassus officers at the same time indicated Wiranto's strong determination to gain a favourable result in the
ballot. In fact, our discussion so far suggests that there was no reformist versus non-reformist division within the military leadership as far as the 1999 East Timor policy was concerned. The strategy was perhaps simple and unsophisticated—to threaten the local population into choosing autonomy. In this respect, the naivety of Habibie and his circle was obvious, and they soon found themselves unable to deal with the rapidly deteriorating situation on the ground. Wiranto's growing political strength further deprived Habibie of his ability to correct the military policy.
Chapter 5

The Popular Consultation and Post-Ballot Violence

In the previous chapter, we have observed political developments both at the diplomatic and domestic-policy levels during the period between the 27 January 1999 announcement of the Habibie government’s new policy on East Timor and the signing of the 5 May Agreements. The chapter also reviewed the increasingly volatile situation within East Timor during that period due to militia violence and military and civilian support for militia activities. With the signing of the 5 May Agreements, however, Indonesia was entrusted with the sole responsibility in the field of security to ensure a free and peaceful ballot in East Timor. Thus, despite wide suspicion about the military’s continuing support of militia violence, there was an expectation that the Indonesian government as a whole would be more responsive to the demands of overseeing a successful ballot.

This chapter examines political developments after the signing of the 5 May Agreements, the UN-supervised referendum on 30 August 1999, and the political consequences of these events on East Timor and Indonesia. Here we ask: How did the Indonesian government respond to international demands to abide by the 5 May Agreements? What factors explain government responses to various crucial events—in particular, those involving security? More concretely, why did the government respond positively by providing a better security situation during the voter registration and the ballot itself but then resist international intervention in security affairs following the ballot until East Timor had already been destroyed? Why did the government eventually accept foreign troops? And, what were the domestic reactions to international security intervention? This chapter argues that the following four factors played a critical role in explaining the above questions: 1) the ever-weakening position of President Habibie in domestic politics, in particular vis-à-vis TNI commander General Wiranto; 2) Wiranto’s changing interests related to the handling of East Timor; 3) Wiranto’s weakening capacity to control his own troops, and 4) the
changing strength and credibility of international pressure.

The first and second sections of this chapter examine the preparation for the ballot, focusing in particular on Indonesian responses to demands for the improvement of the security situation on the ground. The third section focuses on the violence that occurred in the immediate post-ballot period, and Indonesian responses to increasing demands for international security intervention. This section also discusses the background of the government’s eventual decision to accept international troops and analyses both the factors behind the decision and the domestic backlash to the decision. A key objective throughout the chapter is to explain the causes of the violence that emerged surrounding the ballot.

Preparing the Ballot

As shown in the previous chapter, the UN and foreign governments prioritised the signing of the agreements on popular consultation. The security arrangement would be strengthened later. Consistent with this approach, as soon as the agreements were signed, the UN pursued the possibility of strengthening the UN security presence besides Civilian Police (Civpol), and succeeded in having Indonesia accept 50 military liaison officers (MLOs).1 While Civpol was to maintain contacts with and give advice to the Indonesian police, MLOs were to maintain contacts with the TNI. The inclusion of MLOs in the UN operation was regarded as a considerable diplomatic achievement on the part of the UN and foreign governments, given the level of resistance to foreign military presence that had been demonstrated by the Indonesian government so far.2

This section observes the period from late May to late July, when the various preparations for the ballot were in progress but there was still considerable uncertainty as to whether the ballot would take place as scheduled. This period saw intense

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1 This name was intentionally chosen by the UN, considering Indonesia’s sensitivity about the presence of foreign security personnel in East Timor. The UN barred possession of arms by Civpol and MLOs because it anticipated that the possession might incorrectly give rise to the expectation that Civpol had a responsibility for providing security and also would encourage the use of weapons against them. Martin, 2001, op. cit., pp. 38-39.

2 The inclusion of MLOs and UN Civpol was what Wiranto often stressed as his generous concession. The background of Wiranto’s accepting them is unclear but he had perhaps little reason to reject them as the UN and foreign governments would otherwise have demanded an international security presence of a more military nature.
bargaining between the UN and the Indonesian government about the terms by which the popular consultation would be conducted.

_The launching of UNAMET and the Indonesian task force_

As mentioned in the previous chapter, the UN Secretary General proposed the establishment of the United Nations Mission in East Timor (UNAMET) on 22 May 1999, to organise and conduct a popular consultation on 8 August. Although its formal establishment—under Security Council Resolution 1246—had to wait until 11 June 1999 due to a delay of US Congressional approval for its government's contribution for this UN operation, a small advance team had set up the base of the UN operation in Dili before the formal mandating of the mission. UNAMET consisted of political, electoral, information, Civpol, MLO, and administrative components, and eventually, the operation was to build up to 214 international staff, 425 UN volunteers, 271 Civpols, 50 MLOs, and 4000 local personnel. UNAMET had only three months to register voters, make arrangements for campaigns, and conduct the ballot itself. No other UN electoral mission had ever operated under such a tight schedule. Nevertheless, logistic preparation for the ballot proceeded at unprecedented speed. The head of UNAMET Ian Martin attributed this efficiency to several factors, including the opening of a 'trust fund', voluntary contributions from various countries; and the availability of supplies at the UN's logistic base in Italy.

With the signing of the 5 May Agreements, the Indonesian government also began to prepare for the popular consultation. On 8 May, the government formed a team which would shortly be named the 'Team to Secure the Success of the East Timor Special

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4 In addition, three international experts were appointed to serve on an independent Electoral Commission based in Dili, while polling outside East Timor was to be conducted by the Australian Electoral Commission and the International Organisation for Migration. To conduct the popular consultation, UNAMET divided East Timor into eight regional centres based on population density and logistical considerations. A Political Officer was assigned to each centre and worked alongside a Regional Electoral Coordinator, a regional UN Civilian Police chief, and MLOs. For the details on the structure of UNAMET, see, DFAT, 2001, op. cit., pp. 37-39. The trust fund was made up of the voluntary contributions which enabled UNAMET to avoid the time-consuming process of UN authorisation of funds. The largest contributions were made by Australia, Portugal, Japan, and the United States, followed by EU. The fund ultimately amounted to $50 million, a large part of the UNAMET's total cost of $80 million.
Autonomy Ballot (Satgas Penukasan Penentuan Pendapat Otonomi Khusus Timtim, or P4OKT)⁶; however, this team was quickly disbanded.⁷ On 18 May, by Keppres (Presidential Decree) 43/1999, a new team called the ‘Team to Secure the Implementation of the Popular Consultation in East Timor (Tim Pengamuan Pelaksanaan Jajak Pendapat di Timor Timur)’ was established.⁸ The team was headed by Menko Polkam Feisal Tanjung, and included TNI commander/Minister of Defence, National Police Chief, the Head of BAKIN, and the ministers of Foreign Affairs, Home Affairs, and Justice. Under this team, the government established a Dili-based team called Satgas P3TT (Satuan Tugas Pelaksanaan Pendapat di Timor Timur, or the Task Force for the Implementation of the Popular Consultation in East Timor).⁹ Satgas P3TT’s stated task was to serve as liaison between UNAMET and the Indonesian government, and assist the government to carry out its responsibilities under the 5 May Agreements. This task force of about 20 members had a strong Deplu face. It was headed by a former permanent representative to the UN in Geneva, Agus Tarmidzi, and high-profile young diplomat Dino Patti Djalal became its public face as its spokesperson.¹⁰ And, as noted in the previous chapter, former BIA chief Zacky Anwar Makarim was to serve the team as ‘security advisor’, widely assumed to be an official cover for his covert operations on the ground.

Although Satgas P3TT officials facilitated contacts between UNAMET and the Indonesian government, this team did not receive a high mark from UNAMET and foreign observers. Ian Martin claimed that Satgas P3TT often aired unfounded criticism of UNAMET. UNAMET believed that this criticism itself could have undermined the confidence of the local population in UNAMET and fuelled the hostility of the

⁷ According to the testimony by Brig. Gen. Glennky Karjupan, Zacky Anwar Makarim’s deputy at the Dili-based task force, during questioning by KFP-HAM Timtim, P4OKT lasted only several hours as the government was still uncertain about what kind of team would be best. “KFP-HAM Termuka Kejanggalan”, Suara Merdeka, 31 December 1999.
⁸ Whether P4OKT was really disbanded and whether the composition of the new team was exactly the same as that of P4OKT are unclear. According to KFP-HAM Timtim, various documents under the name of P4OKT—including the controversial ‘Gamadi document’ which will be examined later—were appearing as late as August 1999 (Masters of Terror…, op. cit., p. 137). In Feisal Tanjung’s biography, only the formation of the second team is mentioned as if the previous team had not existed. (See Usamah Hysiam, ed., Feisal Tanjung: Terbaik Untuk Rakyat Terbaik Bagi ABRI, Jakarta: Dharmaapena, 1999, p. 738). There was then a media report that Habibie was concerned with the name ‘the Success of… Autonomy ballot’ which might be misinterpreted as ‘the Success of Autonomy’ and ordered to change it.
⁹ The team’s status was later strengthened by Inpres (Presidential Instruction) 5/1999.
¹⁰ Dino had been a frequent contributor of essays on East Timor to The Jakarta Post from the early 1990s. Although these essays were written in his private capacity without mentioning his status at the Deplu, they apparently served a public-relations function for the ministry.
pro-integration militias towards it. Satgas P3TT spokesman's periodic briefings almost always blamed the pro-independence camp for clashes, while almost totally disregarding the far more serious violence committed by pro-integration militia. In addition, some members of Satgas P3TT openly participated in the publicity campaign to explain the ballot, although the 5 May Agreements gave UNAMET the sole responsibility for this. Two East Timorese Foreign Ministry personnel, Francisco Lopes da Cruz, the head of BRTT, and José Tavares, the son of the supreme commander of the entire militia organisation PPL, João Tavares, were among them.

The 7 June general election

The East Timor referendum was certainly a crucial item on the Habibie government's agenda at that time. However, as the general election set for 7 June approached, the Indonesian political elite was increasingly preoccupied with domestic political competition. This election was widely regarded by the domestic and the international community as an important test of the Habibie government's commitment to democracy. TNI commander Wiranto assured to the public that the military would guarantee security for a peaceful election. He also promised that the military would be neutral in the campaign, breaking its New Order tradition of working for the victory of Golkar. At that time religious and ethnic tension were growing throughout the archipelago, and it was feared that the election campaign might kindle further violence. And, naturally, election fraud was widely anticipated.

The results of the election demonstrated that PDI-P led by Megawati Sukarnoputri won the largest vote with 35 per cent of the contested 462 seats in the DPR, followed by Golkar, with 24 per cent. Golkar had gained 76 per cent of seats in the previous election of 1997; thus, the election was regarded by the domestic and international community as reasonably fair. This election results also indicated that

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13 "Legitimacy or lawlessness to follow vote", Sydney Morning Herald, 7 June 1999.
15 Thirty-eight seats were reserved for the TNI and the police.
16 For example, former US president, Jimmy Carter, whose Carter Center officially observed the election, concluded that despite some misuse of funds for campaigning, overall the election was peaceful, organisation of the polling stations was good, and an important step in the development of democracy had
Habibie, as the Golkar presidential candidate, was becoming more vulnerable to political attack from his opponents. It also signalled that he would probably lose office in the next MPR session, and that he was most likely to be replaced by Megawati. As for the security situation during the election, there was little violence in the campaigning and voting throughout Indonesia, and much praise was given to TNI commander Wiranto. This led observers to question why he had not provided the same security environment in East Timor.

This election also seemed to provide a useful test by which the Indonesian government could predict the outcome of the upcoming UN ballot in East Timor. In East Timor, Golkar won 49.1 per cent of the vote, followed by PDI-P’s 34.9 per cent. The strong support for Golkar and Megawati’s PDI-P led by Megawati which had objected to Habibie’s idea of releasing East Timor made the military and members of the Habibie cabinet optimistic about the result of the ballot. Menko Polkam Feisal Tanjung later revealed in his biography that on the basis of this election result he had predicted that 75 per cent of the East Timorese would vote for the autonomy option.

Security dimension: May-July 1999

After the 5 May Agreements were signed and Satgas P3TT, UN staff, foreign observers and the press began to gather in East Timor, the violence on the scale of April halted. The Commission of Inquiry into Human Rights Violations in East Timor (KPP-HAM Timtim) reported:

The violence that involved TNI members or units in fact dramatically decreased in May 1999. The result of this agreement in New York placed Indonesia under international supervision with the duty to implement security and watch over peace. The decrease in violence was also connected with security policies to make the implementation of the 1999 General Election in East Timor a success.

17 It later turned out that many pro-independence supporters simply did not participate in the Indonesian election, although the call from pro-independence youths and some of the pro-independence senior leaders to totally boycott the election was rejected by CNRT president, Xanana Gusmão. It was reported that many pro-integration PDI-P supporters in PDI-P’s stronghold, Ermera and Covalima districts in East Timor, were forced to vote for Golkar by local authorities. “Pemilu di Tengah Ketegangan”, Tajuk, 10 June 1999.
TNI commander Wiranto was apparently conscious about the negative effects of violence. In a 15 June report to Feisal Tanjung, he mentioned the need to ‘replace physical attempts (violence, intimidation, and killings) with moral activity (dialogue, discussion, and other honourable efforts)’, as the former methods were ‘counterproductive’. In the same report, Wiranto also stressed that the unification of the entire pro-integration force was crucial. He at least saw the danger of the militia’s disorganised and uncontrollable behaviour at that time.

However, low-intensity violence by the pro-integration militia continued. So did the support of the security forces for militia activities and the TNI leadership’s obvious leniency towards such militia activities. Throughout the pre-ballot period the major targets of violence were pro-independence activists; however, as the ballot date approached, threats and intimidation of ordinary people became more evident. The number of refugees or internally displaced persons (IDPs) rose dramatically during the period, most notably in Bobonaro, Ermera, and Liquiça districts, where militia violence was most evident. Recruitment of militia from the pool of refugees also intensified—often with a ‘blood-drinking oath’ ceremony. And, at the same time, warnings to humanitarian NGOs not to assist the refugees were witnessed in many places. Against this background, on 23 June UN Secretary General Kofi Annan declared the postponement of the registration by three weeks to 13 July, which would result in the inevitable delay of the ballot itself by two weeks. Habibie agreed to the delay in a meeting with Jamshed Markar and Ian Martin in Jakarta; however, he insisted that the delay should be attributed solely to the UN’s being unready, and not to the security situation. (Subsequently Annan linked the delay chiefly to technical matters in his report to the Security Council; however, he still implicitly

23 On this occasion, the Indonesian government also insisted that it was inappropriate to hold the ballot on Sunday, citing the religious sensitivities of the predominantly Christian population. (Martin, 2001, op. cit., p. 47). Previously, on 21 May, the Minister of Justice Muladi had announced that the government had decided to move the scheduled 8 August direct ballot one day forward on the request of Catholic church leaders in East Timor as the 8th was a Sunday. This announcement was rescinded for the reason that no consultation had been made with the UN. But, again, the government insisted on avoiding Sunday, and this request was eventually accepted.
connected it to the security problem). The delay was, however, what the Habibie government wanted to avoid as much as the UN and foreign governments did. It was necessary for the government to hold the ballot before the commencement of the MPR session which was still scheduled for late August of that year. (It was later delayed, first, to November but eventually moved forward to October).

The militia had thus far targeted almost exclusively pro-independence activists and local people who were suspected to be pro-independence; however, from the end of June, UNAMET staff also became a target. Three major incidents involving UNAMET staff occurred from late June to early July. On 29 June, dozens of militias attacked a UNAMET office in the town of Maliana in Bobonaro district, injuring several local people and an electoral officer; on the next day, in Viqueque district, the residence of one of the electoral staff was besieged by the militia and he was threatened with death; and on 4 July, militia attacked a humanitarian convoy passing through Liquiça, where local NGO workers were injured, while a UNAMET humanitarian officer was threatened with a gun. In the Maliana case, the Indonesian government quickly denied any organised involvement in the incident and portrayed it as fighting between the two sides; however, UNAMET investigations found strong evidence that the attack had been coordinated and planned by the Bobonaro Kodim commander, Lt. Col. Burhanuddin Siagian, and the head of military intelligence in the district, First Lieutenant Sutrisno. As for the Liquiça case, according to a UN political affairs officer, Geoffrey Robinson, it was one of the clearest examples of the routine failure of the police to respond to militia violence, and that such unresponsiveness was clearly seen before, during, and after the incident. The Maliana and Liquiça cases

25 The MPR was normally convened every five years and the next regular MPR session which could ratify the result of the ballot would have been in 2004 if this chance had been missed—an unimaginable scenario. It was only at the 1999 MPR session when legislators decided to hold the MPR session every year.
28 Robinson writes:

Despite clear warnings that the convoy might be attacked, and despite repeated requests by UNAMET for an official police escort, none was provided. Indonesian police also failed to intervene once the attack was underway, even though the district police headquarters (Poldes) was only a few minutes away by car. In the aftermath of the attack, moreover, the police made no effort to detain, or even to interview, any of the militia members who had been observed attacking the convoy with weapons. On the contrary, they worked with the militia to round up those who were fleeing from the attack. (Robinson, 2002, op. cit., p. 262).
were captured on film by foreign television crews and spread worldwide, provoking strong responses. The UN Secretary General and Security Council issued strongly worded statements, deploving the militia actions and demanding an immediate halt to the violence.²⁹ Two days after the Liquiça incident, the head of UNAMET Ian Martin and Kofi Annan’s deputy special representative for East Timor, Francesc Vendrell, flew to Jakarta. In the meeting with Wiranto and National Police Chief Roesmanhadi, Martin detailed a series of incidents where UN personnel in East Timor had been threatened, and demanded concrete actions by the military to stop the militia threats to UN personnel and others. To this demand, Wiranto only promised to send an additional 1,200 policemen.³⁰

It was a critical time for the Habibie government. On 10 July, the UN Secretary General delayed voter registration once again from 13 to 16 July and was considering a further postponement of the registration, and, therefore the ballot itself. Annan, in contrast to the softer stance he took when he decided the first delay of registration, now stated that the main reason for the delay was Jakarta’s failure to control pro-Jakarta armed militias operating with impunity in East Timor, adding that the process would only begin on the 16th if tangible improvements in security were witnessed.³¹ This obviously worried Habibie. He ordered nearly half of his cabinet, some 16 ministers and a similar number of senior officials, to visit East Timor. The delegation was led by Feisal Tanjung and included Wiranto, Roesmanhadi, and Ali Alatas, as well as the Ministers of Justice, Economy, Home Affairs, Welfare, Information, Social Affairs, Transmigration, Housing and Public Works.³² Ian Martin and other UN personnel noticed that after this ministerial visit on the 12th, the security tension calmed down; the police arrested suspects of the Maliana and Liquiça attacks; the Liquiça police chief was replaced; and generally, the Indonesian authorities


³² The delegation leader, Feisal Tanjung, however, did not fail to criticise UNAMET and the pro-independence side on this occasion. To the press, he stated that there was a certain group which was deliberately making the atmosphere in East Timor unstable and that UNAMET tended to side with the anti-integration camp. “Ada yang Sengaja Paksakan Hadirnya Pasukan PBB”, Republika, 13 July 1999.
became more cooperative. The UNAMET political affairs team also saw some effort on the part of Indonesian civilian authorities and the security forces to behave in accordance with the 5 May Agreements. Collective international pressure apparently worked. However, this series of positive responses at the same time suggested to UNAMET and foreign observers that the Indonesian security authorities could have maintained the security from the beginning and were controlling the pace of violence according to their own wishes.

Despite some improvement, the security situation was far from re-assuring for the upcoming voter registration; however, the UN believed that a further suspension would only encourage the party which attempted to disturb the ballot by using violence. Moreover, many East Timorese, including CNRT President/Frelitlin commander Xanana Gusmão, did not want a further delay. The registration eventually went ahead on 16 July and closed on 6 August after a two-day extension. Although small clashes occurred in some places, it was more successful and peaceful than expected. A total of 446,666 people were registered—438,517 at 200 registration centres in East Timor and 13,269 at external registration centres in Indonesia, Australia, Portugal, Mozambique, Macau, and the United States. The tens of thousands of IDPs were also able to register as UNAMET arranged for IDPs to register at any of the 200 registration centres—not necessarily at the one nearest to their place of normal residence.

Why did the military let the registration go smoothly? This may be explained as part of a series of positive responses to international demands in relation to the incidents involving UNAMET, but it was also likely to be owing to the military’s generally optimistic calculation about the result of the upcoming ballot. Meanwhile, the high voter turnout with few disruptions encouraged the pro-independence camp and UNAMET, and strengthened their resolve to go ahead with the ballot.

33 Martin, 2001, op. cit., p. 49.
34 Robinson, 2002, op. cit., p. 260. UN Secretary General Kofi Annan, in his 20 July report to Security Council, also noted, “the serious effort by the Indonesian authorities to provide the necessary security(...)” and praised the Indonesian task force, the security forces, and TNI commander Wiranto in this context. Security Council, Question of East Timor: Report of the Secretary-General, S/1999/803, 20 July 1999.
35 On 12 July, Francesc Vendrell, was sent to Jakarta for a long discussion with Xanana. He told Xanana that if Xanana felt that it was too dangerous to go ahead with the ballot, the Secretary General was ready to cancel it. However, Xanana asked Vendrell to go ahead with it and recommended that the registration process start. “The lonely struggle of Kofi Annan”, op. cit.
Disarmament and reconciliation

As was noted in the previous chapter, the peace agreement signed on 21 April specified the Commission of Peace and Stability (KPS), organised by the Indonesian government as a chief vehicle to promote disarmament and reconciliation. The start of its operation was, however, very slow, in view of the tight time-frame of the preparation for the ballot. It was only after UN Security Resolution 1246 of 11 June that the KPS began to move. KPS’s first major activity was the holding of a three-day meeting (16-18 June) of both pro-integration and pro-independence East Timorese leaders. Falintil commander-in-chief/CNRT President, Xanana Gusmão, and a senior member of CNRT, Leandro Issac, from the pro-independence side and the Commander of PPI João Tavares and the Head of FPDK Domingos Soares from the pro-integration side agreed on a code of conduct for the campaign and also devised a cease-fire and disarmament plan.\(^37\) The latter plan, however, turned out to be ineffective as neither side was willing to lay down arms. Falintil’s main concern was not the militia but the TNI. Their view was that they could not disarm themselves when the militia continued to receive arms from the TNI. As necessary conditions for the implementation of the disarmament, Xanana then demanded the closing-down of all the military posts spread throughout the territory and TNI’s confinement to barracks. Wiranto, however, persisted in maintaining his claim that the TNI was neutral and not a party in the conflict.\(^36\)

KPS also had a mandate to monitor human rights violations and Komnas HAM members in the team were expected to play a central role for this purpose. The four Komnas members were Joko Sugianto (Komnas HAM chairman), Benjamin Mangkoredilaga, B. N. Marbun, and Maj. Gen. pol. (ret.) Koesparmono Irsan. However, Wiranto on various occasions claimed that those Komnas members in KPS had never raised human rights violation cases with him during the entire preparation period of the ballot.\(^39\) These members in fact joined the chorus of attacks on UNAMET, rather than raising concerns about the militias or members of the security forces.\(^40\) The majority of


\(^{36}\) “Gusmao says no agreement on who will disarm Timor factions”, *Agence France-Presse*, 19 June 1999.


\(^{40}\) For example, B.N. Marbun criticised UNAMET staff for ransacking several houses in Liquiça district.
the KPS members were in fact Indonesian officials, including members of the TNI and
the Indonesian police, and the only two members from the pro-independence side
were Xanana Gusmão, who was still under house arrest in Jakarta, and Leandro Issac,
who had been in police protection after the April attack on his house. The UN’s request
for its own participation in the team was rejected by the Indonesian government.
Under this situation, it was unlikely for KPS to have credibility with UNAMET and the
pro-independence camp. Ian Martin wrote:

KPS was fatally flawed from its inception. The composition was heavily
weighted toward the Indonesian authorities and pro-autonomy
representatives; the conveners from Komnas HAM for the most part acted as
their surrogates; the UN was not always even informed of meetings and was
deliberately excluded from the proper involvement that alone could have
given the KPS credibility with the CNRT/Falintil.41

Efforts at reconciliation between the pro-integration and pro-independence
camps also made little progress. The first substantial reconciliation meeting led by the two
bishops, Carlos Belo and Basílio do Nascimento, was held on 10-11 September 1998 at the
Catholic seminary in Dare, near Dili. However, this meeting, which is called Dare I, did
not achieve its purpose of laying down a foundation for reconciliation and promoting
dialogue. The following months only saw a rapid militia build-up by the military and
intensifying violence on the ground. Nevertheless, a renewed attempt was initiated by
these two bishops in late June 1999. This second meeting was called Dare II, which still
aimed to bring the two camps together for dialogue and to promote reconciliation. It was
held in Jakarta on 25-30 June. Among the participants were PPI commander João Tavares

("East Timor: KPS deplores ransacking of homes by UNAMET personnel", Antara, 21 June 1999). This
allegation was in fact first made by FPDK and officially circulated through P3TT (see, Satgas P3TT,
periodic briefs, issue 3, 22 June 1999) and by the Indonesian permanent mission in New York. But this
ransacking turned out to be a fabrication by TNI soldiers. (Martin, 2001, op. cit., p. 47). Koeparmono
Irsan highlighted the death of a BNP militia member allegedly killed by a Falintil soldier, saying "It is a
serious violation of human rights and it injured and even killed people as well", while never publicly
pointing out violence by the pro-integration side. ("Last Timor: KPS regrets Falintil’s attack against
pro-integrationists", Antara, July 5, 1999). Sugianto and Mangkoeidilaga also strongly criticised UNAMET
in testimony to the Indonesian human rights court and in media essays respectively. (For Djoko Sugianto,
see, "Ketua Komnas HAM Saksi Perkara Timtim", Suara Pembaruan, 5 June 2002; "Ketua Komnas HAM
Saksi Perkara Timtim", Suara Pembaruan, 5 June 2002. For Mangkudilaga, see, "Yang Tercecer dari Timor
Timur", Kompas, 10 September 1999). All these four Komnas members are considered conservative in
Komnas. It is often the case that Komnas HAM’s performance depends on which particular members are
involved in an investigation. Compare the performance of the Komnas HAM members in the KPS with
those in KPP-HAM Timtim (See Chapter 6).

41 Martin, 2001, op. cit., p. 70.
and PPI deputy commander Eurico Guterres from the pro-integration side and Xanana Gusmão and CNRT international spokesman José Ramos-Horta from the pro-independence side. This was the occasion when Ramos-Horta was allowed to go back into Indonesia for the first time since 1975. The talks proceeded in an amicable atmosphere, but, again, the meeting yielded little in substance. While the participants agreed on various 'points of convergence' including facilitation of disarmament of the militias and Falintil, and acceptance of the outcome of the ballot, they did not agree on a proposal to set up a representative joint commission to continue the dialogue in the lead-up to the ballot. TNI commander Wiranto still maintained his contention about disarmament. He stressed that the pro-integration side had already complied with the KPS-sponsored disarmament agreement of 18 June, and suggested a two-week extension from the initial deadline of 5 July so that the pro-independence side also could comply with this proposal. Naturally, it was difficult for the pro-independence side to comply it, as they continued to be attacked by the pro-integration militia with full logistic support from the TNL.

Nevertheless, approaching the ballot, Xanana agreed to the unilateral cantonment of Falintil forces with the purpose of demonstrating that Falintil was not the source of violence as the Indonesian side claimed. By 12 August, Falintil had implemented full cantonment in which Falintil's forces were restricted to four areas. The pro-integration militias meanwhile announced their intention to lay down arms, and began symbolically to hand over arms to the police, although they were obviously only a tiny fraction of those they possessed. However, the militias did not remain in their designated cantonment areas. As unmistakably witnessed, they walked freely with arms in full view of the Indonesian security forces throughout the pre-ballot period. UNAMET in fact was not so much concerned with the credibility of cantonment in itself as whether the Indonesian side would now act against those who were waking around with weapons and would be supported in doing so rather than subdued by the TNI.

43 Dare II Agreement, 25-30 June 1999, Department of Foreign Affairs of the Republic of Indonesia, 30 June 1999.
44 DFAT, 2001, op. cit., p. 102. Xanana had urged the UN to define and decide on a body that would supervise and monitor the disarmament, but the request was turned down as, according to the UN, it was far beyond UN's mandate, resources, and timescale. Martin, 2001, op. cit., p. 72.
45 Martin, 2001, p. 73.
Final Stage of Preparations

The declining optimism in the pro-autonomy camp

Despite the favourable outcome of the 7 June election in East Timor province and general optimism about the victory of the pro-integration side at that time, by late July, doubts about a pro-integration victory were growing among sections of the Indonesian government as well as pro-integration East Timorese. The ongoing high level of voter registration was apparently one important factor. Australian Foreign Minister Alexander Downer, during his visit to Jakarta and Dili at the end of July, sensed that Indonesian officials and pro-autonomy East Timorese were beginning to acknowledge, even though privately, the prospect of a pro-independence result. He noticed a contrasting mood between the pro-independence side and the pro-integration side which lacked entusiasms and seemed defensive.45

In fact, the earliest documentary evidence of official doubt within Indonesia about the chances of victory for the pro-integration camp was expressed by a senior military officer in early July, and widely circulated by the media in mid-July. The so-called ‘Garnadi document’ dated 3 July 1999 is a secret document from Deputy Chairman of Satgas P3IT, Maj. Gen. (ret.) H. R. Garnadi, to Menko Polkam Feisal Tanjung. In the document, Garnadi questioned the great optimism about the outcome of the ballot and noted that while the Indonesian government had been slow in mobilising the ‘floating mass’, UNAMET had quickly inspired confidence on the anti-integration side.46 As will be

45 DFAT, 2001, op. cit., p. 110. There were conflicting reports with regards to Wiranto’s attitude during this period. One report noted that on 28 July, in an eight hour-long session of the cabinet meeting, Wiranto opposed the ballot, stating his concern that it would spur the surge in separatist violence in Aceh. He also mentioned that the situation could become critical there if East Timor won independence. Habibie and his civilian ministers rejected Wiranto’s proposal to abandon the ballot, warning that it would come at a huge cost to Indonesia’s international credibility and prestige. (“Cabinet Split”, Far Eastern Economic Review, 12 August 1999). Another report referred to comments given after the meeting by the Minister for Information Yunus Yosfiath in Wiranto had assured the cabinet about the security situation which Wiranto saw as conducive to the upcoming ballot. (“Wiranto Kritik Oknum Unamet”, Kompas, 29 July 1999). Considering his generally optimistic attitude about his ability to secure the peaceful ballot, it seems less likely that he openly showed his opposition to the holding of the ballot as described in the former report.

46 Garnadi wrote:

The task to win Special Autonomy for the people of East Timor is actually not too difficult because what is being fought for is a floating mass whose demands are very simple, that is, for the availability of food and medicine. Whoever can provide food and medical treatment, the people will follow them. Even the anti-integration group is waiting for this type of help but
discussed in Chapter 7, Garnadi also made a controversial suggestion about various preparations in case the autonomy side lost, such as evacuation of pro-autonomy Indonesians and East Timorese, and destruction of vital facilities and objects in East Timor. Shortly after the leak of the document, Satgas P3TT spokesman described it as complete forgery.\textsuperscript{47} However, its chairman, Agus Tarmidzi, at least shared Garnadi’s perception that the voting result was likely to be in favour of the pro-independence side. During the visit of the second large-scale ministerial delegation led by Feisal Tanjung on 7 August, he candidly conveyed his own assessment to Feisal, Wiranto, and Alatas that the autonomy side would attract 40 per cent of the vote at best. Feisal Tanjung dismissed this as too pessimistic.\textsuperscript{48} Foreign Minister Ali Alatas, like Tarmidzi, doubted such optimism. Although he did not specify from when, in a later interview he admitted that he had some doubts about positive reports, although “up to the balloting, the report we got from our own people, of the pro-integration people, including Lopes da Cruz, and so on, is that we were going to win”\textsuperscript{49}. It was widely observed that at least by mid-August, a substantial number of Indonesian officials and pro-autonomy East Timorese expected a pro-independence result. The Head of UNAMET Ian Martin, when he talked with Zacky Anvar Makarim on 20 August, sensed that Zacky also expected a result rejecting autonomy.\textsuperscript{50}

As a further indication of the increasing doubts about their victory in the ballot, the criticism of UNAMET by the pro-integration camp rapidly intensified from early August. Accusations included that UNAMET laid blame only on the pro-integration camp and the military;\textsuperscript{51} that UNAMET favoured independence supporters in its recruitment;\textsuperscript{52} unfortunately we are always late while the anti-integration side can make use of the opportunity of UNAMET’s presence with its additional task, as if it is a savior. [H.R. Garnadi, \textit{Gambaran umum apabila Opsi 1 gagal} (Niomor: M.53/Tim P4-OKTT/7/1999), 3 July 1999].

A copy of both the original document and its English translation can be obtained at http://etan.org/news/news99b/secret1.htm. In the questioning by KPP-HAM Tintim as well as the AGO investigation team, Garnadi himself only admitted that the signature on the document was his own, but rejected the content of the document. Feisal Tanjung denied his acquiescence in the letter.

\textsuperscript{47} Satgas P3TT, “Subject: Letter on the ‘task force’s contingency plans’ for East Timor is a forgery”, periodic briefings (Issue 9), 21 July 1999.

\textsuperscript{48} Greenlees and Garran, op. cit., pp. 181-182.

\textsuperscript{49} “Ali Alatas looks back on 11 years of Indonesia’s foreign policy”, \textit{The Jakarta Post}, 2 November 1999.

\textsuperscript{50} Martin, 2001, op. cit., p. 84.

\textsuperscript{51} “UN mission biased, says Indonesia”, \textit{The Australian}, 21 May 1999. In this context, UNAMET chief spokesperson, David Wimhurst, was often criticised as siding with the pro-independence camp. He several times received death threats from the militias.

\textsuperscript{52} UNAMET head Ian Martin countered the criticism by providing several reasons. One is that UNAMET needed English speakers, whom they found mostly among recent university graduates, and they were
and that the effort to make people aware of the autonomy proposal was poor. As a whole, their claim was that UNAMET was not neutral. And from a little prior to the ballot, the criticism increasingly centred on UNAMET staff’s pressuring or threatening voters to reject the autonomy option. Those who led this move were pro-integration East Timorese associated with UNIF, but members of Satgas P3TT and other government officials increasingly joined the chorus. On 28 July, when Kofi Annan decided to postpone the ballot until 30 August, Wiranto, who had so far refrained from openly criticising UNAMET, also blamed UNAMET in a long cabinet meeting. According to him, UNAMET had committed acts of intimidation and made other efforts so that voters would reject the integration option. He also complained that UNAMET had refused to open a registration centre at Atambua in West Timor, where, according to him, there were about 10,000 pro-integration refugees. Criticism of UNAMET further intensified on and immediately after the ballot day—which will be examined shortly.

Final weeks

Two weeks before the ballot, senior officials of Indonesia, Portugal, and the United Nations began two-day talks aimed at ensuring peace and stability in East Timor for the period between 30 August and Indonesia’s final decision at the MPR—the ‘Phase II’ period. The responsibility for security still to rest with Indonesia during that period. Habibie agreed to overwhelmingly pro-independence. Another reason is that educated supporters of integration were more likely to be already employed in local government. Further, those who wanted a referendum came forward enthusiastically to work with UNAMET, and cooperated in the recruitment process, while pro-autonomy parties did not. See Martin, 2001, op. cit., p. 41.

53 One of the criticisms which was often heard from the Indonesian task force was regarding the following explanation that was employed by UNAMET via television and radio during the public awareness campaign: choosing autonomy means that the people will live in a room in the house owned by Indonesia, while rejecting autonomy means that the people will live in their own houses. (“Banyak Warga Timtim Belum Pahami Materi Paket Otonomi”, Kompas, 26 July 1999). It is difficult to know how the people interpreted this explanation, and more generally, to evaluate UNAMET’s effort to publicise the contents of the autonomy proposal, however. For UNAMET’s accounts of its public campaign, see Martin, 2001, op. cit., p. 55. Consult also UNAMET, Civic Education Materials, 1999 (available at http://www.un.org/peace/etimor99/etimor.htm).

54 For claims of such pressuring before the ballot, see Muh. Nur Muis, Kecurangan UNAMET Selama Jajak Pendapat di Timor Timur pada Tahun 1999, Jakarta: Lembaga Demokrasi Indonesia Baru, 6 October, 2000, pp. 7-9.

55 “Wiranto Kritik Oknum Unamet”, Kompas, 29 July 1999. These criticisms by Wiranto were revealed by Minister for Information Yurus Yosfiyah just after the cabinet meeting closed. Ian Martin argued that it was technically impossible to add overseas centres to the five centres in Indonesia (Jakarta, Yogyakarta, Surabaya, Denpasar, and Ujung Pandang) when the Indonesian government requested it to do so; it was in fact the Indonesian negotiators who designated these five places. Martin, 2001, op. cit., p. 59.
Annan's proposal to increase the number of Civpol and MLO in East Timor after the ballot. During the meeting, some optimism emerged on the UN side that Indonesia would cooperate, apparently face up the possibility of a defeat, and was offering a peaceful process after the ballot.56

The replacement of TNI officers

On the day after the above tripartite meeting, the East Timor Korem commander, Tono Suratman, was replaced by Col. Muh. Noer Muis. Although the TNI spokesman as well as the Udayana Kodam commander Adam Damiri stated that it was a routine transfer,57 Indonesian representatives privately told UN officials that this change was in response to the concerns of the international community.58 As noted in the previous chapter, Suratman was one of the local commanders whom pro-independence Timorese as well as UN staff accused of fermenting much trouble. Although Muis also had a Kopassus background, he had been less deeply involved in East Timor than Suratman; was regarded as loyal to Wiranto; and due to his military education experience in Australia, he was expected to communicate with the UN side more smoothly.

The political campaign was waged from 14 to 27 August. To avoid open clashes between pro-autonomy and pro-independence supporters, campaigning by each side was conducted on alternative days—following the practice in the recent Indonesian general election. The militia relied on public shows of force and threats of post-ballot mayhem if the ballot result was in favour of independence. The pro-independence side relied more on a door-to-door campaign. Xanana Gusmao wanted to avoid provoking the pro-integration forces and at the same time was very convinced that the people would choose independence even without campaigning. (This optimistic attitude invited some frustration among pro-independence activists, who wanted more active campaign to secure the victory).59

The security situation quickly became tense. On 18 August, militias rampaged through the town of Maliana, targeting students. At least one student was killed and UNAMET's office was threatened. Ian Martin took the head of Satgas P3IT, Agus

56 Martin, 2001, op. cit., p. 75.
58 Martin, 2001, op. cit., p. 76.
59 For the pro-independence campaign before the ballot, see, Fernando de Araujo, “The CNRT campaign for independence” in Fox and Soares, eds., op. cit., pp. 106-125; Nicholson, op. cit.
Tarmidzi, to Maliana by helicopter to see the serious situation. Then, Martin urged Jakarta to remove all military officers who had been most closely and obviously associated with the militia. Martin and UNAMET's chief military liaison officer, Brig. Gen. Rezaqul Haider, wrote letters to their respective counterparts, Tarmidzi and Zacky Anwar Makarim. Martin's letter included the names of Bobonaro Kodim commander, Burhanuddin Siagian, and the chief of intelligence in Bobonaro, First Lieutenant Sutrisno. Alatas was worried and called Tarmidzi immediately to return to Jakarta and brief officials on the situation. At the 23 August ministerial meeting for security and political affairs (Polkam), chaired by Feisal Tanjung, Alatas gave his own assessment of security in East Timor based on the letters from Martin and Haider, and Tarmidzi's assessment, arguing that the situation was not conducive to go ahead with the ballot. He then suggested that Zacky be removed as it would send a positive message to the international community.\(^5\) A visiting US congressional team, which included influential Democrat Senator Tom Harkin, added pressure too. They requested that Habibie replace Zacky, Siagian, and Covalima Kodim commander Lt. Col. (Inf) Ahmad Masagus.\(^6\) Eventually Zacky and Siagian were replaced. The assistant for intelligence at TNI headquarters, Rear Admiral Yoost Mengko, succeeded Zacky, although Mengko spent little time in East Timor on his assignment. The decision to dismiss Zacky was a big concession on the side of Indonesia. After all, Zacky had been directly chosen by Wiranto and had served as chief military liaison officer on the Indonesian side. Wiranto later privately complained about strong criticism of his choice of Zacky and Zacky's eventual dismissal.\(^7\) Nonetheless, after replacement, both Zacky on 28 August and Siagian amid the post-ballot violence were seen in Maliana,\(^8\) which cast doubts on whether their dismissal had any meaning in practice.

**Dispute over polling and monitoring**

 Amid fear of violence on the polling day and the days thereafter, UNAMET proceeded with the last stage of technical preparations. Predictions of a bloodbath following the ballot were heard not only from the militias but also the security forces. The new East Timor

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5. Greenlees and Garran, op. cit., pp. 184-186.
7. Interview with Wiranto, 25 May 2001. He stated that when he selected Zacky, even Ian Martin was pleased to have him as a liaison officer—something that Martin would surely deny. Wiranto also denied the report that Ali Alatas was stunned by Wiranto's choice of Zacky. Wiranto explained that he chose Zacky simply because he was one of the most experienced officers on East Timor affairs.
Korem commander, Noer Muis, stated that a civil war would likely erupt regardless of the outcome of the vote, adding that the security authorities would face a big problem if the pro-independence camp won.\textsuperscript{64} Due to continuing fear of violence, UNAMET decided that there would be one central count of the votes so that there could be no knowledge of how individual districts or subdistricts had voted and voters would not fear reprisal. The adoption of this policy was partly a reaction to the demands of the pro-integration leaders. In the run-up to the ballot, some pro-autonomy leaders, including East Timor Governor Abilio Soares, had declared that if the overall vote was for independence, those districts with a pro-autonomy majority—presumably western districts—should remain part of Indonesia.\textsuperscript{65} The demand for local counting was initially supported by Satgas P3TT but overruled by Ali Alatas, who was alert to the dangers of encouraging talk of partitioning East Timor.\textsuperscript{66}

Another contentious issue at this last stage was the accreditation of about 2,300 election observers. In addition to the 100 official Portuguese and Indonesian (50 each) observers, about 490 international governmental as well as non-governmental observers, and nearly 1,700 Indonesian and East Timorese nongovernmental observers were permitted. However, ten days before the ballot the official Indonesian observer delegation submitted applications for the accreditation of an additional 340 Indonesians, including students, NGO members, and members of other youth organisations. But the Chief Electoral Officer rejected their accreditation on the grounds that they could be regarded as official Indonesian observers as they arrived by an Indonesian warship at Indonesian government expense, and that their inclusion would violate the terms of the agreement on the numbers. Moreover, the delegation included groups that had been involved in political violence in Jakarta; thus, the UN side was not confident that the delegation members would behave in a neutral manner. Satgas P3TT spokesman criticised UNAMET’s as overly-suspicious.\textsuperscript{67}

In the lead-up to the ballot, foreign pressure on Indonesia began to accumulate,

\textsuperscript{64} “Military ready for ‘civil war’ in East Timor”, The Jakarta Post, 26 August 1999.
\textsuperscript{65} For their further arguments, see Section 2 of Chapter 7 of this thesis.
\textsuperscript{66} Martin, 2001, op. cit., p. 88. Note that the final vote was not broken down.
\textsuperscript{67} “Komisi Pemilihan Tolak Tambahan Pemantau”, Kompas, 26 August 1999; See, also, Martin, 2001, op. cit. pp. 88-89. UNAMET, however, allowed these people to witness the consultation process without the rights and obligations of accredited observers. It also allowed UNIF and CNRT to nominate representatives with access to polling stations and to the count. The latter failed to nominate any representatives before the deadline, but kept complaining about their exclusion.
which highlighted a mix of expectations and tensions on the part of the international community. US President Bill Clinton wrote a letter to Habibie reminding him of how importantly the United States considered a free and fair vote. He also implicitly warned Habibie that relations with the US would be seriously damaged if mass violence broke out during the referendum. US Defence Secretary William Cohen also wrote to Wiranto expressing concern about TNI links to the militia and the militia’s violence.

The ballot day: various responses

The ballot day finally arrived. The media covered with great praise the polling scene. Under the hot sun, people, many of whom were wearing their best clothes, were waiting calmly and patiently for their turn to vote. Tension and small-scale incidents marked some areas, including seven polling stations that had to suspend operations due to security concerns. And late that day, a local staff member of UNAMET was stabbed to death outside a polling booth at Atesabe in Ermera district. However, these incidents were isolated and there appeared to be concerted efforts on the part of the Indonesian security forces to prevent the eruption of violence during the voting. Overall, both domestic and international observers responded favourably to this largely peaceful ballot in East Timor. So did the Indonesian government. Foreign Minister Ali Alatas stated, “The facts show that the people came out in great numbers, there was no intimidation, people came out enthusiastically. It was peaceful and therefore when the results are announced I hope nobody will claim it was not free and not fair and not peaceful.” He also mentioned “UNAMET on the whole, as a UN extension, should also be congratulated for a job well done”. Wiranto also praised UNAMET for peacefully conducting the ballot. “I think on

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70 See, the 31 August 1999 editions of leading international and Indonesian newspapers. As for the latter, for example, “Sukesar, Penentuan Pendapatan di Timor: Pemilih Mencapai 90 Persen”, Kompas, 31 August 1999; “Jajak Pendapat Berlangsung Aman dan Tertib. Lebih 80 Persen Warga Timur Berikan Suara”, Media Indonesia, 31 August 1999; “Observers praise East Timor ballot”, The Jakarta Post, 31 August 1999. However, among the major newspapers, Republika, which is popular among intellectual Muslims, took up various claims of UNAMET’s fraud as one of the main news items on the ballot. See, “UNAMET Diduga Lakukan Kecurangan...Jamsheed Marker: No Comment”, Republika, 31 August 1999.
71 “Alatas calls on rivals to accept result”, Sydney Morning Herald, 1 September 1999.
72 “Indonesian foreign minister says East Timor vote was fair”, Agence France Presse, 31 August 1999. However, Alatas was also obliged to respond to the domestic criticism of UNAMET by saying that the government was always “watchful about some of the things that certain individuals [in UNAMET] may do”.

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the whole UNAMET has implemented its duty well", he stated. In his memoir, interviews, and seminar talks, Wiranto repeatedly highlighted this largely peaceful ballot as one of his significant achievements. What Wiranto often stressed is that among the 700 polling booths, not a single booth was destroyed during the voting and among the 4,000 foreigners present, not a single person was injured on the day. He also often recalled having received much praise from the UN side. 

"Thank you, Pak Wiranto, an extraordinary job, and so on, so on...", comparing this with what he claimed was a 180-degree reversal of attitude by the foreign parities only a few days later.

Naturally, however, this view was not shared by the pro-integration Timorese leaders. The strength of the voter turnout on 30 August and general mood in favour of independence further accelerated their criticism of UNAMET. On the polling day, UNIF spokesperson Basilio Araujo presented a list of 37 violations allegedly committed by UNAMET staff. The core accusation was that UNAMET staff had pressured voters to reject autonomy proposal at polling stations. East Timor governor Abilio Soares showed his disappointment at the attitude of the Indonesian elite. "I was surprised at the attitude of politicians in Dili and Jakarta. What have they done about the fraud, tricks, and dirty play by the UN or UNAMET? How come they were so quiet?", he asked. And, he repeated his earlier call to divide East Timor into two territories. Meanwhile, one of the formal Indonesia ballot observer organisations, Forum Rektor Indonesia (Indonesian Rectors' Forum) and the Indonesian network of observers and monitors, called UNIT, recorded 92 cases by 2 September, all of which claimed that UNAMET staff had pressured voters to reject autonomy.

These claims made by the pro-autonomy side were immediately investigated by

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73 "Observers praise East Timor ballot", The Jakarta Post, 31 August 1999.
74 See, for example, "Wiranto: Unamet Curang", Suara Pembaruan, 5 April, 2002; "Wiranto: TNI Bukan Malasakat", Tempo Interaktif, 23 October 2002.
78 "Gubernur Timtim Tak Sepandap Dengan Pandangan Menlu Alatas", Suara Pembaruan, 2 September 1999. For example, the rector of Gajah Mada University Professor Ichlasul Amal stated, "In the conflict between Iraq and the US, for example, the UN is not reluctant to support US interests; thus, in the case of East Timor, that UNAMET as an extension of the UN is not neutral is not surprising." "Komentar Seputar Kecurangan UNAMET", Republika, 2 September 1999.
the UN and the independent Electoral Commission; however, the allegations were not substantiated. It was no secret that many UNAMET staff had personal sympathy for the pro-independence population; however, they knew full well that there was nothing to be gained from misconduct because the ballot was likely to bring about a pro-independence result anyway and obvious bias would give the pro-integration camp grounds to demand the nullification of the ballot. 

Violence before the ballot

How can one explain the violence that had occurred so far? Clearly, it was an outcome of the military’s attempt to prevent independence, and for this purpose the military fully employed the militia. Whether the militia would have conducted violence on such a scale without the military’s institutional support is very doubtful. It might appear naïve if the military really believed that by violence they would be able to influence the people’s choices in the secret ballot, but selective violence combined with other measures to attract support was a rational strategy. In a context of rising violence, it was perhaps not so illogical if the military calculated that they would be able to bring many floating votes to their side by offering food and safety to those who supported integration and threatening people to believe that war would break out if independence was chosen. The military had been accustomed to ensuring victories for the government party, Golkar, in general elections in Indonesia during the previous three decades and is likely to have believed that a strategy that combined coaxing and force would work in East Timor too.

KPP-HAM Timtim concluded that Wiranto knew about the military’s

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79 Martin, 2001, op. cit., p. 91. Wiranto’s interpretation of UNAMET’s response over the allegation was different. At a human rights trial held in Jakarta in 2002, he stated that the UN had acknowledged the existence of fraud but had claimed that it had not affected the validity of the decision. “Wiranto testifies in Jakarta”, Judicial System Monitoring Programme (JSMTP)/ International Platform of Justice in East Timor (IPJET), 4 April 2002.

80 Personal communication from one of the UN volunteers, who was named by the pro-integration groups as having behaved improperly at a polling station, January 2001. Note, however, that large numbers of UN workers were simply posted to the territory and UN personnel came from every corner of the globe. And many of the NGO observers were determined that the decision was up to the East Timorese to make, rather than outsiders personally concluding what was best. But still, the foreigners in East Timor were scared by the militias and the pro-autonomy supporters and tried to stay away from them. The militias’ actions angered virtually everybody, even those who had no opinions before arriving. Personal communication from Anthony L. Smith, the Asia Pacific Center for Security Studies (a NGO observer of the ballot).
involvement in the violence, and that he took no effective action. Wiranto himself, as a witness in one of the human rights trials in Jakarta in 2002, acknowledged that he had received regular reports from East Timor police chief Timbul Silaen, discussed the situation with him, and issued instructions; however, according to Wiranto, he did not know the details of individual incidents of police and military indiscipline. Wiranto’s negligence is, thus, beyond doubt, but it is likely that Wiranto also directed the violence in some way at least before the ballot. After all he was the Commander of the TNI and had frequently communicated with Zacky Anwar Makarim and many other officers who maintained close contacts with militia leaders. He had appointed many Kopassus officers whose partisanship was obvious and whose past records indicated a tendency towards excesses. It was therefore inconceivable that he totally entrusted all policy-making to his subordinates, including resort to violence, and was completely unaware of what was happening on the ground. But still, according to one source close to both Wiranto and Zacky, Wiranto was not very enthusiastic in following up how his subordinates, including Zacky, carried out his policies and orders; and Zacky did not fully report all his activities with the militia to Wiranto.

As far as the pre-ballot period was concerned, however, it was clear that Wiranto at least had authority to control the overall security situation, if not day-to-day low-level violence perpetrated by militias and security personnel. The most striking indication of this authority was shown by the quite timely halts to violence at crucial moments, as observed earlier in this chapter. The sharp reduction in violence after the arrival of UNAMET in May, after collective international pressure related to the attacks involving UNAMET staff, and the lack of violence on the day of the ballot are examples. Another example is the success in avoiding foreign fatalities: despite militia threats to foreigners, in particular Australians, there was not a single foreign casualty before the ballot. Yet, Wiranto failed to use his authority to prevent the bloodshed in other cases and took almost no action to discipline offenders. Obviously he gave

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81 “Full report of KPP-HAM”, op. cit.
82 “Wiranto testified in Jakarta”, JSMP/IPJET, 4 April 2002.
84 The most blatant action in this context was that of FPDK spokesman Basilio Araujo who handed Australian Foreign Minister Alexander Downer a letter signed by Euriço Guterres and Canício Lopes de Carvalho, which contained threats to the safety of Australian diplomats and journalists in East Timor. The letter says, “It is better to sacrifice an Australian diplomat or journalist to save the lives of the 850,000 East Timorese(...)”. DFAT, 2001, op. cit., p. 50.
victory the higher priority.

As for the general aim of the violence, there is a question as to whether the military attempted to subvert the holding of ballot itself. There has so far been no evidence to support this view. However, in the period before the signing of the 5 May Agreements, when the responsibility of the Indonesian government and security forces had not clearly been defined, such a scenario might have been in Wiranto’s mind as one of the options. After 5 May, however, he apparently accepted the international process, even though his tolerance of militia violence continued. Until the last month or so, he probably believed that the vote would be against independence. And, as noted in the previous chapter, Wiranto was increasingly ambitious for the post of vice president from the beginning of 1999; thus, he must have recognised the risk that total abandonment of the ballot for security reasons might have for his political career. However, elements of the military who had deep interests in East Timor were likely to have envisaged such a scenario regardless of the international agreements. Those people were, after all, sensitive to neither international perceptions of the Indonesian military nor possible international sanctions on Indonesia.

Post-Ballot Violence and the Issue of the Entry of Foreign Troops

The announcement of the ballot results

The relative peace that marked the ballot day was short-lived. On the following day, militias began to take to the streets in various parts of East Timor. A group of about 150 UN staff and international observers were besieged in the town of Gleno in Ermera district by heavily armed militias and houses were burned.85 On 2 September, two UNAMET local staff were killed at Maliana in Bobonaro district and house burning began to spread. Due to the continuing militia intimidation, the offices of UNAMET in Maliana, Ermera, Aillieu, and Oecussi were closed and staff were forced to move back to Dili. UNAMET regarded this action as being part of a deliberate strategy. And there was an effort by the Indonesian security forces to force foreign observers and journalists leave the country. Journalists in particular became militia targets. On 3 September, the military and police

85 “Violence returns to East Timor”, British Broadcasting Corporation, 1 September 1999.
stated that they could no longer provide safety for journalists, and warned them to leave the territory.\textsuperscript{86}

Amid increasing security tension, it became apparent by 2 September that the vote count would be completed during the night of 3-4 September and that the result would be overwhelming and require no interpretation. As Ian Martin noted, the growing insecurity argued for the earliest announcement of the result. Martin then informed Satgas P3TT of the UN's intention that the announcement would simultaneously be made in Dili in the morning of the 4th and in New York in the evening of the 3rd.\textsuperscript{87} East Timor commander Noer Muis objected, but the request was brought to Jakarta and then accepted at a meeting attended by President Habibie and the Polkam ministers.\textsuperscript{88}

The result of the ballot was that as many as 98.5 per cent of those who registered participated in the ballot, and 94,388 or 21.5 per cent accepted the autonomy proposal, while 344,580 or 78.5 per cent rejected the autonomy proposal, and thus, chose independence. Although within Indonesia the victory of the pro-independence side was not so much a surprising result, many within the political elite were apparently shocked by the wide margin of the two options.\textsuperscript{89} President Habibie, nonetheless, stated on television that his government respected and accepted the results of the referendum. TNI spokesman Brig. Gen. Sudradjat stated that “TNI sincerely accepts the result of the popular consultation(...) [the result] reflects the aspiration and pure feeling of the Timorese population. All the parties have to accept and respect this democratic result”.\textsuperscript{90} Reactions of political leaders were divergent. The chairman of PDI-P Megawati Sukarnoputri stated that she accepted the result with open heart but showed her concern about the ongoing violence and attributed


\textsuperscript{87} Martin, 2001, op. cit., pp. 91-92.


\textsuperscript{89} Golkar chairman Akbar Tanjung did not hide his surprise as he had apparently truly believed that the victory of the pro-autonomy side was certain. Tanjung had been assured of the victory by the pro-autonomy camp when he visited to Dili a week before the ballot. ("Marzuki: Selamat Kepada Rakyat Timtim", \textit{Suara Pemberian}, 4 September 1999). Ali Alatas later claimed that the number of votes for the autonomy could have increased by two percent if UNAMET’s alleged fraud was the case, but in any case, it could not change the result. Noer Muis later criticised this view and claimed that the votes for the two options should have been 50-50. Muis’s speech at a seminar titled \textit{Kecurangan UNAMET Selama Jajak Pendapat di Timor Timur pada Tahun 1999}, organised by Lembaga Demokrasi Indonesia Baru, Jakarta, 6 October 2000.

\textsuperscript{90} "TNI Ikhlas, Golkar Menerima", \textit{Jawa Pos}, 5 September 1999.
responsibility to Habibie’s reckless policy. The NU chairman, Abdurrahman Wahid, commented that the decision was painful and Australia’s intervention policy was to be blamed. The other voices expressed ‘relief’, especially among the ICMI circle, who had been fed up with the economic and diplomatic burden due to Indonesia’s rule of East Timor. The tone of major Indonesian newspapers and magazines was similar to Megawati and Abdurrahman, though the focus varied among newspapers. While generally showing regard for the democratic choice of the East Timorese people, the media tended to highlight the impact on the political prospect of Habibie due to the loss of the territory, the questions about foreign manipulation of the ballot, and the prospect of the more militia violence.

The announcement of the ballot was immediately followed by large-scale violence by the militias and massive displacement of the population to West Timor. In Dili, the militias began hunting for independence supporters in Dili harbour and destroying and burning houses and facilities. This resulted in people’s fleeing to supposedly safer places, such as the Dili Diocese, the house of Bishop Belo, the police headquarters, and UNAMET headquarters. Outside Dili, militiamen started to take similar actions, and the population were forced to take refuge in churches and police stations, some fleeing to the mountains. The situation in Maliana and Suai were among the worst, where systematic house burning and destruction began immediately after the announcement of the ballot result. On 5th, militias eventually attacked the Dili Diocese, killing about 25 people, according to Bishop Belo. Amid this situation, UN Secretary General Kofi Annan called the media and gave a message that an international military presence was now necessary in East Timor. Annan sent Jamsheed Marker to Jakarta to protest the violence, while he himself made a phone call.

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91 Megawati Soekarnoputri; Presiden, Panglima TNI dan Kapoldri harus Bertanggung Jawab”, Suara Pembaruan, 7 September 1999.
92 For example, the Secretary General of ICMI and the Minister of Cooperatives and Small and Medium Enterprises of the Habibie government, Adi Sasono, showed his relief when he knew that East Timor would no longer be a part of Indonesia. Responding to the announcement, he stated that for 23 years Indonesia’s foreign policy was held ‘hostage’ by East Timor with its population of just 700,000; Indonesia was insulted because of the accusation of violating human rights; and each year had to fork out US$100 million (for the East Timor provincial budget). (“Habibie calls on the nation to accept E. Timor results”, The Jakarta Post, 5 September 1999). Some magazine reports, such as “Sayonara (Good Bye) Timor Leste” in Tajuk, detailed how economically Indonesia had suffered from defending East Timor. (“Sayonara, Timor Leste”, Tajuk, 1-18 February 1999). Similar arguments were widely seen in essays in ICMI-owned Republika. Chapter 3 of this thesis discussed some of these articles.
93 Among the major Indonesian newspapers, an evening daily, Suara Pembaruan, was apparently most heartily welcomed the ballot result and, overall, most objectively reported developments on the ground in 1999. See, “Selamat Datang Timor Timur Merdeka”, Suara Pembaruan, 4 September 1999.
call to Habibie and demanded that the TNI arrest the militias and informed Habibie of his intent to prepare for the deployment of multinational troops. From this point, Annan himself took significant daily initiatives in the East Timor crisis.

The adoption of martial law

Responding to the strong international reactions to the outbreak of violence, on 5 September Habibie instructed the Polkam ministers, including Wiranto, Ali Alatas, Feisal Tanjung, and Roesmanhadi, to go to Dili to grasp the real situation on the ground and take necessary measures. At an airport meeting with the ministers, Ian Martin and other UNAMET officials detailed the involvement of the members of the security forces in the violence and strongly demanded immediate action. Wiranto held a private meeting with pro-integration militia leaders and told them to accept the result and put an end to violence. Reportedly, the militia leaders directed their anger at Wiranto as they had been assured by the military that the result would be favourable. In a separate meeting with local Timorese figures, including Bishop Belo, Wiranto assured them that he ordered local police, military and militia commanders to stop the violence completely. On his way to the Korem headquarters, Wiranto saw the extent of destruction, which he later described as ‘indeed bad’.

By 6 September, violence had reached its peak. Militia with Aitarak shirts launched a heavy attack on Bishop Belo’s residence, where thousands of refugees were sheltering and the office of the International Committee of the Red Cross (ICRC) next door. On the request of the police chief Timbul Siaen, Bishop Belo was evacuated to the

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95 “The lonely struggle of Kofi Annan”, op. cit.
98 The Udayana Kodam commander Adam Damiri stated that the attack on Bishop Belo’s house was triggered by the information that the ballot boxes were kept there, instead of the UNAMET office. (“UN responsible for E. Timor unrest, says Gen. Damiri”, The Jakarta Post, 2002). Other officers and pro-integration East Timorese leaders made the same claim. In this case, Dili Kodim commander Lt. Col. Soedjarwo was sentenced to five years in prison by the Indonesian human rights court on 27 December 2002. One of the judges stated: “After the Sept. 5 Dili diocese massacre, he sent his troops to guard Bishop Belo’s house, but, later, he withdrew them after receiving unreliable reports from Capt. Hartono that Bishop Belo wanted the army to be withdrawn to respect a mass at 7 a.m. (...)Three hours after his decision, militias easily attacked the residence of Bishop Belo, leaving dozens of people dead and injured”. (“Court fails to send rights violator to jail”, The Jakarta Post, 28 December 2002). With regard to overall negligence in response to possible attacks on Bishop Belo’s house and office, a typical excuse of the security forces was that an attack on what the Timorese regarded sacred places was unimaginable. (“Kerusuhan di
East Timor police headquarters, and then, flew to Baucau, where he was able to join Bishop of Baucau, Basilio do Nascimento. But other refugees were forcibly taken out from the house. Some were physically abused, at least two people were killed, and the house was set on fire. On the same day, the Laksur and Makidi militias attacked the Ave Maria Church in Suai, where thousands were sheltering, killing at least 27 people, including three priests. Father Hilario Madeira was one of the main targets of the militia as he had been quite open in his sympathy for the pro-independence population. Again, the security forces did not prevent, and some even assisted that attack. At the Indonesian human rights court held in Jakarta in 2002, eyewitnesses testified that Suai Koramil commander, Lieutenant Sugito—whose transfer Ian Martin had unsuccessfully requested—and the Mayor of Suai, Col. (Inf) Helman Sedyono, led the attack on the church, and that Sugito participated in disposing the bodies.

On the following day, Wiranto reported the situation on the ground to Habibie: 1) disappointment of the pro-integration camp due to their defeat, and discontent with UNAMET's unresponsiveness to the reports on various frauds conducted by UNAMET's foreign and local staff; 2) misunderstanding of the pro-integration camp regarding the

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Rumah Usup Belo Tidak Diprediksi Aparat”, Kompas, 19 April 2002; Judicial System Monitoring Program, Case Status of Sadejarwo, 5 July 2002). Noer Muis was sentenced to five years in prison at the Indonesian human rights court on 12 March 2003. According to the verdict, Muis was responsible for the withdrawal of troops from Bishop Belo’s residence just hours before the attack. “Former military chief in East Timor jailed for five years”, Agence France-Presse, 12 March 2003.

Belo eventually evacuated to Darwin on the 7th. The security forces were obviously concerned about international reactions if such a prominent figure as Belo was harmed. Meanwhile, Xanana Gusmão was released from prison on 7 September and was moved to the British Embassy in Jakarta as he still needed firm protection.

Twenty-seven is the figure provided by the prosecutors to the Indonesian human rights court. Noted human rights NGO in Dili, Yayasan HAK, however, claimed that 50 to 200 people were killed.

After the attack, many of those who survived the attack were taken to the Suai Kodim headquarters. A witness who testified at the Indonesian court stated that one of her own daughters was forcibly taken from the office by Laksur militia members, raped, and returned to the place. Then, another daughter was taken by militias, and raped. Soldiers were just standing by and did not stop anything—some even chatting with those militias. Suai Kodim Commander Liliek Koeshadianto only stated that he did not hear that there was a rape there. “Diperiksa, Saksi Korban Perkosaan”, Kompas, 28 May 2002; “East Timor massacre survivor fronts human rights tribunal”, AAP Newsfeed, 28 May 2002.

This claim was made by Yayasan HAK and several witnesses during the investigation by KPP-HAM and at the human rights court in Jakarta. Although this incident was the worst single killings in 1999 and there were many witness accounts for the involvement of the defendants in the attack, all the defendants were acquitted on 15 August 2002. The defendants were Herman Sudyono, Sugito, Liliek Koeshadianto, former chief-of-staff of Suai district command, Captain Ahmad Syamsuddin, and former police chief of Suai, Lt. Col. Gatot Subiakto. See, Pengadilan HAM ad hoc Jakarta Pusat, Perkara Pelanggaran HAM Berat Timor Timur, Putusan No. Reg. Perkara: 01 HAM/Tim-Tim/02-2002, Terdakwa: Herman Sudyono dkk, Jakarta (Unofficial Transcript prepared by Tim Monitoring Pengadilan HAM ELSAM) 15 April 2002. See also, Judicial System Monitoring Program, Summary in English of the Decision of the Ad Hoc Human Rights Court in the Suai Case, 15 April 2002.
possibility to reverse the result of the ballot; 3) attacks on the office and residence of bishops that were not characteristic of the East Timorese people, and, thus, a certain party (pihak tertentu) was intentionally pushing East Timor towards chaos in order to corner and destroy the credibility of the Indonesian government and people; and 4) circulation of weapons due to the ineffectiveness of the promise of disarmament. Wiranto also mentioned the ‘psychological’ factor—emotional closeness between the Indonesian security forces and the pro-integration East Timorese population; and the local security forces’ awareness of misconduct by UNAMET’s personnel. In the same report, he requested Habibie to introduce martial law in East Timor. Under martial law, Wiranto intended to explain to the pro-integration camp about the government’s need to observe the 5 May Agreements; to remove East Timorese native soldiers who experienced strong psychological barriers in cracking down on militias; and to request UNAMET to honestly respond to the protests about their fraudulent acts and bias towards the pro-independence side. 103

The initial domestic response to Wiranto’s proposal to adopt martial law was not supportive. On the 6th, Habibie brought the proposal to the DPR, but its reaction was negative.104 Then the idea was discussed in the cabinet. Wiranto’s argument was that if the civil emergency as another option was adopted in the territory and only the police was used, it would be the provincial governor who would have retained authority, while the governor had already fled from East Timor; moreover, the police could not control the situation. Yet, there were many reservations among the members of the cabinet, if not outright objections. The concern of the cabinet members, especially Habibie and Ali Alatas, was that martial law would violate the 5 May Agreements which gave primary security responsibility to the Indonesian police. According to one of Habibie’s aides, Habibie’s additional concern then was the domestic reactions to adopting martial law; he was worried that it could dent his reformist credentials among his supporters.105 The meeting eventually ended without agreeing to any emergency measure. Meanwhile, Minister for Information, Lt. Gen. (ret.) Yunus Yosafiah announced that the cabinet had decided

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103 Menhankan/Panglima TNI, Perkembangan lanjut situasi Timtim dan cerita kebijaksanaan penangannya, (confidential), R/511/P-01/03/14/Set, 6 September 1999.
104 “Darurat Militer Tidak Stiripaktik”, Suara Pembaruan, 7 September 1999. For example, Zarkashh Nur of the United Development Party (PPP) stated, “My party strongly rejects martial law(...)the military approach has traumatized the people, and does nothing to resolve the situation”.
105 “Wiranto is the man to watch”, Straits Times, 12 September 1999.
'against' martial law.

In the evening, Habibie rang UN Secretary General Kofi Annan to see whether he could get his approval for martial law. Annan basically agreed but gave Habibie 48 hours to prove martial law was having an effect and warned that if it was not effective the international community would consider other measures.\(^{106}\) Portugal, another signatory to the 5 May Agreements, did not oppose it, either. Late in the evening, Wiranto went to the president's home and a decree enacting martial law was signed.\(^{107}\) Reportedly Wiranto warned Habibie of the consequences of not imposing martial law and the dangers of allowing foreign troops on Indonesian soil. Due to the earlier announcement of the cabinet's objection to martial law, Habibie's signing of the martial-law decrees gave the public impression that the military had imposed it;\(^ {108}\) and this even provoked a rumour of a military coup. Although the plan of coup was never substantiated, Habibie's resignation was at least a realistic scenario at that time, given Habibie's position which was weaker than ever. Habibie had already been heavily pressured both domestically and internationally in relation to the Bank Bali scandal.\(^ {109}\) Furthermore, on the following day, a deputy chairman of the DPR, Lt. Gen. (ret.) Hari Sabarno, submitted a letter to Habibie, requesting a formal explanation to the DPR with regard to his East Timor policy.\(^ {110}\)

At midnight on 6-7 September, East Timor was officially placed under martial law. Operations assistant for the army chief-of-staff, Maj. Gen. Kiki Syahnakri, was appointed

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106 "Mayhem in East Timor draws threats of intervention, martial law fails to quell unrest as militiamen step up rampage", The Washington Post, 8 September 1999. (Some other news reports gave an account that Annan first gave Habibie 24 hours, and then gave another 24 hours on the following day).

107 "Wiranto's role in martial law move sparks unease", Sydney Morning Herald, 9 September 1999.

108 Harold Crouch, "The TNI and East Timor policy" in Fox and Soares, eds., op. cit., p. 176. According to a Straits Times report, a senior official of the State Secretariat stated that Wiranto had handed Habibie a letter to sign, indicating that if Habibie had let international troops in the military would take over power by forming a triumvirate of ministers— Wiranto, Feisal Tanjung, and Minister for Home Affairs Lt. Gen. (ret) Syarwan Hamid. The military intelligence (BAJS) apparently engaged in circulating rumours that Habibie would resign. ("Wiranto is the man to watch", Straits Times, 12 September 1999). The rumours of a coup were further heightened when Wiranto was accompanied by the heads of the three branches of the military and the chief of the national police and had a three-hour discussion with Habibie on the 9th. "President Habibie makes light of rumoured resignation, coup", The Jakarta Post, 11 September 1999.

109 The Bank Bali scandal involved the payment of over $70 million by Bank Bali to a firm run by an official of the ruling Golkar party. It was suspected that the money was intended by the pro-Habibie group within Golkar to support the re-election of President Habibie. Due to this problem, Indonesia was then being pressured by the IMF which stated that they would not send a planned mission to review its fund—a prerequisite for the disbursement of loans to Indonesia—if the scandal was not resolved swiftly. The World Bank took the same position.

110 "DPR Bakal Mosi Tak Percaya Habibie", Rakyat Merdeka, 10 September 1999. 176
by Wiranto as Martial Law Commander. Kiki had served eleven years in East Timor, including the post of Korem commander in 1994-5, which made him one of the most experienced East Timor veterans within the military. On 9 September, he assumed effective command from the Udayana Kodam commander Adam Damiri, to whom on 5 September chief command responsibility for security had been transferred from East Timor police chief Timbul Silaen. It is reported that militia leaders such as Eurico Guterres and João Tavares met Damiri at the border town of Atambua in West Timor on the 9th and agreed to stop the violence.\footnote{"Komandan Milisi Berjanji Hentikan Aksi", Suara Pembaruan, 8 September 1999.}

According to Kiki, he took three basic steps in his martial law operations. Firstly, he adopted a ‘persuasive’ step, where the military attempted to persuade both the pro-integration and the pro-independence side to stop violence and to calm down East Timorese native soldiers, who were then very emotional. The second step was ‘anticipation’, attempting to separate conflicting groups in various parts of East Timor. Among the most important measures was to evacuate those groups to West Timor. The third step was a ‘repressive’ operation. This operation focused on Dili and divided the small city into sub-sectors and sub-sub sectors so as to make it easier to control the situation. Among the eight battalions which Kiki brought from Jakarta, three battalions were allocated to Dili. In this operation, Kiki intended to withdraw all units with emotional ties to East Timor to West Timor and replace them with outside battalions from Kostrad.\footnote{"Kiki Syahnakri: Konflik Timtim Akan Terus Berlanjut, ‘Australia, Jangan Sombong Dulu Kau!’", Rakyat Merdeka, 29 September 1999.} The priority for protection under the martial law period was, 1) personnel and office of UNAMET, 2) other foreigners, 3) government officials, and 4) ordinary refugees.\footnote{Direktif Panglima TNI Nomor 02/P/IX/1999, tentang Komando Pengusahaan Daerah militer Wilayah Timor Timur, 6 September 1999; Surat Keputusan, Nomor 821/P/IX/1999 tentang Ketentuan Penggunaan Wewenang Pengusahaan Daerah Militer Daerah Timor Timur, 20 September 1999.}

As noted in the previous chapter, unlike the troops that had long been in East Timor and cultivated close relationships with militias and the local civilian pro-Jakarta elite, Kostrad troops were supposedly reliable and willing to take orders from Jakarta. The prime task of Kostrad was to guard foreigners from militia violence, and Kostrad troops apparently provided a certain degree of assurance for the safety of UN foreign staff. However, UN staff witnessed Kostrad troops in combat uniforms joining others in destroying UN properties, and like other troops, their tolerance for the militia was evident.
When a UN official asked one of the Kostrad soldiers why he and his colleagues did not shoot at or arrest the militias, the soldier replied that they had no orders to do so.\textsuperscript{114} Moreover, reportedly, the first two Kostrad battalions arrived in East Timor on the 3rd,\textsuperscript{115} and Kostrad soldiers are likely to have stationed in East Timor even before that. If this was so, the question remains as to whether these troops encouraged the rapid spread of the violence on the following day. When his residence was attacked on the 6th, Bishop Belo bemoaned, “Last week Wiranto sent battalions supposedly to protect people, but in the night they dress as militia with guns and weapons and they go around the villages shooting”.\textsuperscript{116}

\textit{International responses to the post-announcement violence}

With violence rapidly escalating, calls intensified for the UN to organise and send troops to East Timor. News coverage of militia violence and the non-intervention and suspected involvement of the Indonesian security forces provoked huge public calls in western countries for such intervention. However, the initial response of foreign governments remained the same as before the ballot: they were unwilling to send such forces without the consent of Indonesia before Phase III, or until the MPR decided on the separation of East Timor. Moreover, the United States, the world’s supreme military power, was reluctant to commit itself to a UN peacekeeping force. Among the foreign nations, only Australia and Portugal were enthusiastic about such a force.\textsuperscript{117} Member nations of the Security Council had been refusing even to send its own mission to Indonesia until 5 September, when the Dutch chairman of the UN Secretary Council successfully obtained approval from Jakarta.

Among foreign countries, Australia was the one that took the most significant initiative in this context. As noted in the previous chapter, despite initial reluctance, the

\textsuperscript{114} Robinson, 2002, op. cit., p. 265.

\textsuperscript{115} “More than two dozen British NGOs call for Peacekeeping troops in East Timor”, \textit{Tapol Press release}, 3 September 1999.

\textsuperscript{116} “International Pressure Grows as Violence Continues in East Timor”, \textit{The New York Times}, 11 September 1999. In fact, the effect of the imposition of martial law was doubtful. The 8th saw another mass killing at the Maliana police station. According to the KPP-HAM report, the security forces again did not try to intervene. See, “Full report of KPP-HAM”, op. cit., p. 46.

\textsuperscript{117} However, Australia showed some ambivalence, due to the huge diplomatic and financial implications of its participation.
country had previously attempted to convince Indonesia to accept an early deployment of UN peacekeeping force. When Kofi Annan sounded out the matter at the end of May, the Australian government supported the idea and even mentioned the possibility of leading it. The UN’s reliance on Australia, and Australia’s positive response to the UN’s request, was very much understandable. The country possessed not only the capacity to lead such a force, but also the interest to prevent a security breakdown in East Timor which could undermine stability of the region and generate many refugees. No less importantly, there was strong public support for intervention.

In addition to persuading Indonesia to accept an earlier entry of such a force, Australia had another difficult task—to convince the US to commit itself to the peacekeeping force. Australia’s effort intensified after the violence escalated on the 4th. Howard spoke to Clinton and Annan on the 6th. Clinton’s response was disappointing. He told Howard that the US was very heavily stretched and unable to offer help, and that if there was to be military intervention, the US wanted the force to comprise Australian and Asian soldiers. Kofi Annan also conveyed to Clinton the Australians’ wishes for US participation, but Clinton cited his worry about the reaction of the Congress and fear that people would say that East Timor was a long way away and the US could not be the world’s policeman. At that time the US was preoccupied with the crisis in Kosovo. NATO air strikes on military targets in Yugoslavia were already over, but the peace-building process had just started. For the US, East Timor, with a population only 800,000, was obviously not important in its world security map. Moreover, its relationship with Indonesia—the world’s largest Muslim nation, strategically located, and in a steady progress towards democratisation—was absolutely more important. This US attitude greatly irritated not only Australia but also Portugal. In Lisbon, Prime Minister Antonio Guterres joined a six-mile human chain in Lisbon to protest the violence in East Timor. He at the same time made a fervent appeal to Clinton and British Prime Minister Tony Blair for concrete action. In a

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119 Eric Schwartz, The Intervention in East Timor, Report for the National Intelligence Council, December 2001. Howard called Habibie on the 3rd and 5th to obtain his approval for earlier intervention but Habibie repeated the same argument that the international security intervention was allowed only after the MPR session.
120 Greenlees and Garran, op. cit., p. 243.
121 Shawcross, op. cit., p. 358.
telephone conversation with Clinton, Guterres said that he could not sell to the Portuguese public the fact that Portugal was in the Balkans and the international community was not deploying military forces to East Timor, implicitly threatening to pull its troops from the NATO-led peacekeeping force in Kosovo. Guterres made two phone calls to a close friend of his, Tony Blair, requesting pressure on Clinton to do more.\(^\text{122}\)

Although the unwillingness of the US to commit itself to a UN force remained, after the attack on Belo’s residence and the Suai Church massacre on the 6th, where priests and nuns were murdered, the US began to put systematic pressure on Indonesia. From Hanoi, Secretary of State Madeleine Albright warned her counterpart Ali Alatas that Indonesia did not have much time, and that if Indonesia did not deal with the problem, it was essential to invite the international community to deal with it.\(^\text{123}\) The chairman of the joint chiefs-of-staff Gen. Henry Shelton telephoned Wiranto every day during the following week, and in three calls he told Wiranto that the US was ready to block IMF aid to Indonesia.\(^\text{124}\) On the 8th, apparently there was a shift of US position with regard to its own military contribution.\(^\text{125}\) From then, the US demonstrated remarkable firmness. Clinton’s message from the White House on the 9th—“If Indonesia does not end the violence, it must invite—it must invite—the international community to assist in restoring security”—attracted wide media attention. Then, from Air Force One, on route to Auckland, New Zealand, where the APEC summit were to be held, Clinton announced that the US was cutting off military ties with Indonesia, and reviewing arms sales as well. In fact, the decision to suspend military ties had been delivered to Wiranto by Admiral Dennis Blair, US commander-in-chief for the Asia Pacific region, in a half-hour meeting in Jakarta the previous day.\(^\text{126}\) Blair’s attitude in

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\(^{122}\) Personal Communication from Paulo Gorjão, Lucida University, 1 November 2002.

\(^{123}\) “Mayhem in East Timor draws threats of intervention, martial law fails to quell unrest as militiamen step up rampage”, *The Washington Post*, 8 September 1999.

\(^{124}\) “Beware of a Military Putsch for a Parallel Foreign Policy”, *Los Angeles Times*, 22 September 1999.

\(^{125}\) The cabinet meeting on the 8th was apparently the turning point of the US response to the crisis. On the previous night, there was a video conference between Australian defence planners and the Pentagon, where for the first time the plan of operation and the resources needed were spelled out in detail. (Greenlees and Garran, op. cit., pp. 246-247). According to Eric Schwartz, a special assistant to Clinton at the National Security Council, the necessity to support the effort of its ally Australia was increasingly felt by the US decision-makers at that time. US foreign policy principals in a meeting on the 8th firmly decided to recommend to the President that the US contribute militarily. (Eric Schwartz, op. cit.).

the meeting was unusually blunt. He walked into Wiranto’s office, sat down, delivered his message, stood up and walked out. When someone told him that they had arranged lunch and a full program, Blair replied “I don’t care.” The US also suspended an invitation to Wiranto to attend a meeting of Asia-Pacific defence chiefs that was to be held in the following month in Hawaii. On the 10th, the US decided to cut off arms sales to Indonesia as well, and Britain, another important arms supplier to Indonesia, followed suit and suspended the delivery of nine Hawk ground-attack aircraft.

The IMF, which had provided substantial loans to Indonesia after the economic crisis hit the country two years before, joined the international effort to have Indonesia accept international security intervention. In a statement on the 9th, the IMF stated that it was ‘closely watching’ the situation, expressed concern over the violence, and decided to postpone a planned mission—a prerequisite for approval of the next loan tranche of approximately $450 million. The president of World Bank, James Wolfensohn, in a letter to Habibie, warned that “it is critical that you act swiftly to restore order and that your government carry through on its public commitment to honour the referendum outcome”. The fact that the IMF and World Bank usually refrained from linking its lending decisions to politics of recipient nations, added weight to the pressure. As if emphasising the move of the IMF and the World Bank, Clinton further stated,

It would be a pity if the Indonesian recovery were crashed by this(...)but one way or the other, it will be crashed by this if they don’t fix it(...)Nobody is going to want to continue to invest there if they’re allowing this sort of travesty to go on. So I think, one way or the other, the economic consequences to them are going to be very dire.

To the good fortune of the proponents of international intervention, this critical week coincided with the annual summit of APEC in Auckland, New Zealand. It was attended by the leaders of 21 countries, representing two-thirds of the world GDP and nearly half of the world’s trade. Bill Clinton, John Howard, Chinese President Jiang

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127 Greenlees and Garran, op. cit., pp. 243-245.
129 “U.S., IMF Move to Isolate Jakarta: Clinton Cuts Ties to Indonesia Military; Loan Program Suspended”, The Washington Post, 10 September 1999. The IMF had expected to disburse the last $2.2 billion of a $12 billion package over the next 14 months.
130 Ibid.
Zemin, and Japanese Prime Minister Keizo Obuchi were among the participants. Habibie and Ali Alatas were absent due to the domestic crisis. This summit, which was supposedly to focus exclusively on trade and the economy, turned into an East Timor summit. 132 On the 9th, ahead of the APEC leaders forum on the 11th and 12th, the foreign ministers informally discussed East Timor. By then, it was understood among the participant countries that Australia would lead such a force, and that in order to make a quick deployment, the force was to be ‘a coalition of willing’ nations given a mandate by the UN, not the so-called ‘blue helmets’ of a formal UN force. 132 At least seven countries—Australia, New Zealand, Malaysia, Britain, Canada, the Philippines and Portugal had given firm commitments to join any UN-mandated peacekeeping force in East Timor. 133 Clinton and John Howard met on the sidelines of the APEC summit to discuss the international force and how the US would support the force. Clinton told Howard that it was anticipated the US would provide extensive airlift support to bring troops from other countries, primarily Asia, other logistical support, intelligence and communications. 134

Acceptance of international security intervention

According to Habibie’s foreign policy advisor Dewi Fortuna Anwar, although Habibie continued to reject international intervention for a week after the announcement of the result of the ballot, he was personally prepared to accept it when the situation in East Timor deteriorated; but he only wanted to give Wiranto the opportunity to make the right decision. 135 Among the members of his cabinet as well, some apparently began to acknowledge that an earlier deployment of UN troops was unavoidable. On 4 September, State Secretary/Justice Minister Muladi stated that while there was basically

131 Although there had been no precedent of discussion of political issues at APEC, this was in fact the second time an APEC summit was coloured by political issues. The previous year’s meeting in Malaysia came just as the country’s deputy prime minister, Anwar Ibrahim, was sacked, arrested and allegedly beaten in jail, and this angered APEC leaders. US Vice President Al Gore caused a diplomatic flap when he praised the ‘Reformasi’ movement in a speech before Malaysian Prime Minister Mahathir. “APEC Stops Short Of Calling For Intl Force”, Dow Jones News wires, 10 September 1999.
132 Greenlees and Garran, op. cit., p. 256.
133 “Crisis in East Timor - Can the world bring Indonesia to heel?”, The Independent, 12 September 1999.
135 Interview with Dewi Fortuna Anwar, 14 February 2000.
no need for an international force during Phase II, "everything is flexible".\(^{136}\) When the adoption of martial law was at issue on the 6th, Ali Alatas and Yunus Yosfiah talked informally about inviting a UN security force, while at least two ministers, Feisal Tanjung and Syarwan Hamid, still objected to it.\(^{137}\)

Wiranto himself continued to reject a UN force. By that stage, he must have felt heavy international pressure to seek international security help; however, he was also under enormous pressure from his junior officers and retired generals to resist such demands.\(^{138}\) Menko Polkam Feisal Tanjung, who had been most critical of foreign pressure on this question within the cabinet, might have also pressured Wiranto to prevent the entry of UN troops.\(^{139}\) Moreover, the entry of foreign troops into what Indonesia regarded a legitimate part of Indonesia was a matter of his own pride as TNI commander. If he allowed it, he could been seen by history as the military commander who let foreign troops step onto Indonesian soil for the first time in five decades after Dutch troops left Indonesia in 1949.

However, developments between the 8th and 11th were powerful enough to break Wiranto's resistance. The visit of the UN Security Council mission to Jakarta and Dili between the 8th and 12th of September had a substantial impact on this question, as discussed below.

**The visit of UN Security Council mission**

On 8 September, five Security Council ambassadors, led by the Namibian Ambassador Martin Andjaba, arrived in Jakarta with the arduous task of persuading Habibie and Wiranto to accept international troops.\(^{140}\) The mission's 14 September report to the Security Council tells how the mission had a delicate task. On the first day, the mission met Megawati Sukarnoputri, the favourite in the upcoming presidential elections. The

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\(^{137}\) Greenlees and Garran, op. cit., p. 261.

\(^{138}\) According to a source close to Wiranto, Wiranto was greatly concerned about how he was viewed by retired generals after he provoked their anger by yielding to the Habibie circle with regard to East Timor ballot. Confidential interview, October 2000.

\(^{139}\) According to Lt. Gen. (ret) Hasan Habib, when Annan gave a 48-hour limit to improve the security situation in East Timor under martial law, Feisal was most 'furious'. Interview with Hasan Habib, 26 December 1999.

\(^{140}\) Other members of the mission were: Ambassador Hasmy Agam (Malaysia), Ambassador Danilo Turk (Slovenia), Ambassador Jeremy Greenstock (UK), Minister Alphons Hamer (Netherlands), and Frances Vendrell (Deputy Personal Representative of the Secretary General).
Chief aim of the mission was to request Megawati to refrain from using any emerging willingness of the Habibie government to accept international security intervention as a stick with which to attack the government. Megawati agreed but declined to make a public statement in support of international intervention. On 9 September, the ambassadors met Habibie and members of his cabinet. Habibie was persistent in maintaining the government's policy that foreign intervention would be possible only after the MPR had acted on separation of East Timor. He stated that it would send the wrong signal to the Indonesian public regarding the military and risk the Balkanisation of Indonesia. On the 10th, the delegation also had a separate meeting with Wiranto and his staff at the TNI headquarters. Wiranto stressed the security forces' commitment to handling the security situation in a complex situation involving the problem with regard to native soldiers; and the anger of the pro-integration camp towards UNAMET's bias. He also mentioned that the deployment of foreign troops was 'relevant to the dignity' of the Indonesian armed forces.\(^{141}\)

David Osborne, the only journalist who accompanied the Security Council delegation for the entire trip, vividly described the atmosphere after Wiranto gave his account of the situation the military faced. After his presentation, one of his staff showed graphs indicating the number of attacks, burnings, and destruction in East Timor over 10 days since August. The worst was allegedly five cases on 2 September, while only two cases occurred on 8 September—which was something of a joke to the ambassadors. The Namibian ambassador Martin Andjaba, a former anti-government fighter, interrupted the presentation by saying:

> We do not believe them. The violence has continued, the oppression, the destruction of property has continued unabated. The killing continues even as we sit here(...)You are failing the international community, you are failing the people of East Timor, and you are failing Indonesia(...)Perhaps it is a question of a lack of political will on your side.\(^{142}\)

Wiranto rejected Andjaba's view, but when he was still repeating his contention that everything was all right, a mobile phone call came to Andjaba from

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\(^{142}\) "A chilling audience with Dr Strangelove of Jakarta", The Independent, 11 September 1999.
UNAMET’s Jakarta representative, Tamrat Samuel, who was in the UNAMET compound in Dili which was then under siege by militias. Wiranto rang his subordinate in Dili and was informed that there was nothing serious at all and continued to tell the mission not to worry. But, before long, a second telephone call to the UN mission reported that the compound was still under threat. Wiranto was apparently humiliated by his ignorance of what had been happening on the ground. According to a source attending the meeting, Wiranto lost composure and threw up his hands in frustration, and stated, “I don’t know what is going on every day down there”. Wiranto decided to visit Dili on the following day.

After the meeting, Wiranto held a media conference. He stated:

I fully understand the willingness of a number of friendly countries to provide security assistance with its peacekeeping forces to Indonesia under the UN banner. I, however, assess that it is not really the appropriate time and [it is] very highly sensitive for such peacekeeping forces to enter the territory of Indonesia, because a number of native East Timorese people have had such an emotional reaction against the UNAMET. And such will be shown and aimed at the in-coming international peacekeeping forces. Therefore, the TNI will at first calm down the situation in East Timor, in order that with such a consideration, it is hoped that when the UN peacekeeping forces come, they will be welcome by all levels of East Timorese people.

Wiranto’s backdown

On the 11th, Wiranto and the UN Security Council mission separately flew to Dili. Much of the city was burnt down but some houses were still smouldering, indicating systematic destruction of houses and offices in the previous days. However, on the day, the mission did not see any violence—in fact, the city was eerily quiet and empty. Instead, thousands of refugees were in the military and police headquarters and at the dock. According to a member of the UN mission, British Ambassador Jeremy

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143 Ibid. A senior Deplu official, who accompanied the UN delegation to Dili, was suspicious about the timing of telephone calls from Dili, as it was too coincidental. Moreover, when he checked the matter on the next day’s visit, he was told that someone at the UN compound provoked the militias into entering the compound by giving a militia member a key to the car parked inside the compound. Confidential Interview, June 2000. This story, however, has not been confirmed.


Greenstock, Wiranto was “obviously shaken to see that one had perhaps not told him the whole truth.” Greenstock described the city as a ‘living hell’ and warned Indonesia that it faced the prospect of an international arms boycott unless it took immediate steps to bring peace to the territory. “I don’t think anybody here has any doubt that there has been complicity between elements of the defence forces and the militias. In some areas, there is no difference between them in terms of action and motivation”, he stated. In New York, Kofi Annan stated that martial law which had been imposed early the week by Habibie failed to restore order in East Timor, and urged Indonesia to accept military help from abroad. Annan further stated, “If it refuses to do so, it cannot escape the responsibility for what could amount, according to reports reaching us, to crimes against humanity.”

A few hours after Annan for the first time used the term ‘crime against humanity’, Wiranto briefed to the press: “The offer of an accelerated deployment of international peacekeepers must be considered an option by the Indonesian government, and I will bring my report to the president tomorrow”. He explained his decision:

After I have checked in the field, then I can conclude that the main problem is psychological constraints found among our personnel on the ground. By personnel on the ground, I meant troops who have been living with the East Timorese people for a long time and have built emotional relationships with them(...)Because the Indonesian government has united them(...)for more than 20 years our personnel have been working hand in hand with the people who have developed East Timor in many places both in towns and villages(...)I can understand that this makes it very hard for them to shoot their own people(...)who are not really criminals yet they defend their basic principles emotionally.

Wiranto called Habibie in Jakarta to ‘recommend’ international security

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148 Kofi Annan says time has come for Indonesia to seek international community’s help to bring order and security to East Timor, SG/SM/7127, SC/6725, 11 September 1999. This comment by Annan was widely covered in headline reports in Indonesian major newspapers on the following day.


cooperation. On the following day, the UN mission returned to Jakarta. Habibie avoided meeting the mission straight away and went into a cabinet meeting. Habibie wanted to show to the Indonesian public and the international community that the decision was Indonesia's own and not due to Security Council's pressure. After several delays of the announcement, at 20:00 p.m., in a live televised address to the nation, surrounded by all the Polkam ministers and the three heads of the armed forces, Habibie announced that he had informed the UN Secretary General that he had agreed to invite a UN peacekeeping force of 'friendly nations' to restore order in East Timor. He did not give any specific conditions to this acceptance.

Wiranto's decision

What actually triggered Wiranto's decision to accept international security intervention? Wiranto's explanation was contradictory. His explanation before the press on the 11th emphasised that it was impossible for his troops to crack down on militias due to their emotional relationship; thus, there was no other way but to let international troops take charge. However, Wiranto on various later occasions argued that until the 11th the emotions of the militias were so enflamed that they would kill any 'white-face' soldiers entering the territory; however, by the 11th, the military had successfully calmed down the militias and the security situation; thus, it was time to invite the international troops. He even argued that he was not opposed to UN troops from the beginning, even claiming that he suggested to Habibie even before the 5 May Agreements were signed that the UN should take care of security. To the question of whether it would have been humiliating for the TNI, he disagreed somewhat disingenuously on the ground that he had already accepted MLOs and Civpol, which were not really different from the UN troops.

However, Wiranto's explanation was flatly rejected by a senior Deplu official,

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151 Ibid.
152 "UN saved from outrage by peacekeeper agreement", Australian Broadcast Cooperation AM News Programme, 13 September 1999. During the following meeting with the mission, Habibie expressed the government willingness to evacuate the refugees in the UNAMET compound and to supply food to displaced persons in the mountains, and ensured that Falintil members would not be attacked by the militia. Report of the Security Council Mission to Jakarta and Dili: 8 to 12 September 1999, S/1999/976, 14 September 1999.
who claimed that the military had been opposed to even a UN medical team wearing military uniform. Moreover, as observed a little earlier, at the meeting on the 10th with the Security Council mission, he certainly mentioned the problem of national dignity as one of the reasons for rejecting international security intervention. But still, according to one source close to Wiranto, as early as 5 September, on his return from Dili, he revealed his strong regret about having accepted all the responsibility for security in the first place.

Many observers, including the members of the Security Council mission, linked Wiranto’s astonishment when he saw for himself the situation on the ground to his change of mind. Habibie’s foreign policy advisor, Dewi Fortuna Anwar, also shared this view and believed that the angry reactions of the mission members when they saw the situation in Dili were also a crucial factor. However, considering Wiranto’s cautious decision-making style, it is less likely that Wiranto was astonished to see the situation, and thus, decided to accept foreign troops on the spot. Rather, it is more likely that Wiranto had already anticipated a situation worse than the reports that he had been receiving from his subordinates and had already envisaged accepting international troops. Whatever the case may have been, the observation of the burned down city with ‘his own eyes’ had a strong impact on Wiranto’s own perception of the problem and this led to his final decision. Moreover, the burnt-down houses, shattered infrastructure, and frightened refugees seen by the UN mission meant that Wiranto was unable to repeat his assurance of the previous day anymore.

Were there any key individuals who strongly influenced Wiranto’s change of mind? Wiranto faced direct pressure from various foreign quarters. The role of members of the Security Council Mission has already been mentioned. US commander-in-chief for the Asia Pacific region, Admiral Dennis Blair, must have had an impact when Blair directly conveyed the US decision to suspend military cooperation. In a rare admission of criticism towards himself, Wiranto related that in the face-to-face meeting on the 8th, Blair, whom Wiranto regarded as ‘a good friend’, told Wiranto that, “What you are doing was damaging the Indonesian nation”. In an

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154 Confidential Interview, August 2001.
156 Interview with Dewi Fortuna Anwar, 14 February 2000.
157 Ian Martin tends to see it this way, too. Personal communication from Ian Martin, 3 July 2000.
interview, asked about the entry of foreign troops, Wiranto also said that even the Senior Minister of Singapore, Lee Kuan Yew, had pressured him.\textsuperscript{159} In this context, some Indonesian media reports suggested that the frank admission by Martial Law commander Kiki Syahnakri of his inability to control the security quickly was a crucial factor.\textsuperscript{160} If we assume that Wiranto’s resistance to international security intervention came from his pride as the military commander and pressure from his men, Kiki’s suggestion might have relieved such pressure to some extent. Habibie’s foreign policy advisor Dewi Fortuna Anwar believed that among international actors, UN Secretary General Kofi Annan most influenced the Indonesian government on this question. It was certain that Habibie, who received Annan’s numerous phone calls to demand Indonesian’s acceptance of UN troops, took Annan’s words most seriously, but whether Annan’s comments greatly influenced Wiranto’s decision is difficult to assess.

As for threats of economic sanctions, views vary among observers. Military observers tend to argue that Wiranto was not moved by economic sanctions as the military was the segment of the Indonesian society least affected by a cut-off of foreign economic aid; even in the case of military aid, they believed that there were always alternative channels for arms purchase and training.\textsuperscript{161} On the other hand, there was also a view that he, as a member of the Cabinet who was considering his future political career, must have been conscious about the impact of economic sanctions on Indonesia.\textsuperscript{162} Irrespective of how he actually considered the risk and impact of economic sanctions at that time, the pressure on himself from many of the cabinet members who had been extremely concerned by sanctions certainly mattered. Besides the problem of possible sanctions, there was also pressure from the cabinet members on Wiranto as to whether it would be any use to spend on costly security operations in

\textsuperscript{159} This comment was obtained from an academic who interviewed Wiranto in March 2001. How Wiranto personally viewed Lee Kuan Yew was not clear. However, this was perhaps related to Lee’s status as one of the most important voices from ASEAN nations which Indonesia regarded as friendly nations. The willingness of some ASEAN nations to take part in a UN peacekeeping force might also have influenced Wiranto’s eventual decision.

\textsuperscript{160} According to one report, when Wiranto asked whether Kiki could control the situation within a week, Kiki answered that “Even Normen Schwarzkopf (US commander of the Operation of Desert Storm in the Gulf War in 1990-1991) would not able to achieve that”. (“Schwarzkopf pun tak akan mampu”, D&S, 13-18 September 1999). Some other reports, although not detailing what exactly Kiki conveyed to Wiranto, reported that Kiki’s negative evaluation influenced Wiranto’s decision.

\textsuperscript{161} Interview with Kusnanto Anggoro, 23 December 1999; Hasran Habib, 26 December 1999.

\textsuperscript{162} Interview with Dewi Fortuna Anwar, 14 February 2000.
East Timor if the territory would be surrendered to the UN anyway.\textsuperscript{163}

In fact, by this time, a substantial part of the Indonesian elite, including some sections of the military, wondered whether there was any merit in continuing to reject foreign demands for international security intervention if Indonesia was facing actual or possible economic sanctions.\textsuperscript{164} Moreover, there was fear that the nation would become an international pariah. Voices in support of international intervention also began to be heard from the public. Public calls for such intervention were far fewer than international ones—mostly human rights NGOs and some liberal intellectuals—and, as will be observed shortly, a mounting anti-Australian and xenophobic mood muddled the issue of foreign intervention. However, there was certainly public recognition that the Indonesian military was either unable or unwilling to control the security situation and that mayhem had to be stopped quickly. Domestic print media widely covered the violence on the ground and highlighted the international threat of economic sanctions. Even Megawati Sukarnoputri, who had been reluctant to support international security intervention, showed her concern about the violence and criticised not only Habibie, but also TNI commander Wiranto and the National Police Chief Roesmanhadi as being responsible for the developments in East Timor.\textsuperscript{165}

\textit{The deployment of the multinational force and domestic reactions}

Only several hours after Wiranto had decided to accept international security intervention, the Security Council held a seven-hour debate. The Indonesian ambassador to the UN, Makarim Wibisono, who had apparently yet to be informed of the Wiranto's decision, was still rejecting a UN force. However, with wide recognition of Indonesia's failure to fulfil its responsibility under the 5 May Agreements, the debate concluded with the council chairman's statement that Indonesia must agree to an

\textsuperscript{163} Interview with J. Kristiadi, 31 January 2001.

\textsuperscript{164} One of the officials who had this feeling most was the Coordinating Minister for the Economy, Ginanjar Kartasasmita, who was then at the APEC summit in New Zealand. As Habibie and Ali Alatas were absent, he became a focus of international pressure to convince Habibie and his fellow cabinet members of the seriousness of foreign threats of economic sanctions.

international force being dispatched to the territory. Following Indonesia's formal acceptance of UN troops on the 12th, the Security Council passed a resolution on the 15th, authorising the establishment of an Australian-led multinational force, which was subsequently known as International Force East Timor (INTERFET). In this resolution, the Security Council approved a force with robust power under Chapter VII of the UN Charter. On the following day, the Australian government appointed Maj. Gen. Peter Cosgrove as the Commander of Interfet. Many Indonesians were opposed to Australian participation, let alone its leading the force, because they regarded Australia as not being a neutral party. Moreover, they did not like the way Australian Prime Minister John Howard had mustered international support for this UN force. Indonesia wanted a force led by Asians and comprising mainly Asians.

In fact, starting from the first week of September, anti-Australia actions marked the capital, and this soon spread to other major cities. Demonstration in front of the Australian Embassy and the United Nations office in Jakarta were almost a daily occurrence. Flag burning was seen many times and a few shots were fired at the Embassy. Although the orchestration and agitation by the military and certain civilian political groups was beyond doubt, there was genuine anger among Indonesians as well. Many felt humiliated by the loss of East Timor, the way they were treated in the international community, and Australia's mobilising support for, and eventually leading, the multinational force. On 6 September, the Association of Indonesian Importers (GINSI) threatened to boycott goods from Australia and New Zealand, two countries it singled out as meddling in Indonesia's domestic affairs over the East Timor affair. Australians took a similar action. Outside the Garuda airlines office in Sydney, unions declared a planned trade boycott, while dockworkers refused to unload goods shipped from Indonesia. The relationship of the two countries deteriorated sharply

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166 Security Council hears 52 Speakers in Open Debate on Situation in East Timor, SC/6724, 11 September.
167 United Nations Security Council Resolution 1264, S/RES/1264 (1999), 15 September 1999. Chapter VII allows the use of a force to act against threats to the peace, breaches of the peace, and acts of aggression. (See, Chapter VII, Article 38-51 in Charter of the United Nations). This is in contrast with mandates under Chapter VI, which are designed only for pacific settlements of disputes including the implementation of peace agreements. See, Chapter VI, Article 33-38 in Charter of the United Nations.
168 Thai Maj. Gen. Songkiti Jaggabattara became Deputy Commander of Interfet and this might have mitigated both Indonesia's discontent with Australia's leading the force and Australia's concern about Indonesia's hostile reactions, although likely only marginally.
169 "GINSI calls for trade boycott", The Jakarta Post, 7 September 1999.
170 "Race against genocide", Sydney Morning Herald, 7 September 1999.
during the week.

The media greatly contributed to this confrontation. As far as the Indonesian media was concerned, the level of agitation was most evident after the arrival of Interfet in East Timor on 20 September. The Indonesian media incessantly reported what Indonesians called the ‘overaction’ of Interfet soldiers. Reporters interviewed pro-integration militias lamenting the ‘atrocities’ of Interfet soldiers. The photographs of white soldiers pointing guns at suspected East Timorese militiamen, while other soldiers searched them lying prone on the ground, were carried in all major news dailies and weeklies. And a rumour that Interfet soldiers burned a militiaman to death was widely circulated by the state Antara agency.171 Thanks partly to this media coverage, even liberal intellectuals, pro-democracy activists, and government critics joined this anti-Australia chorus. NU chairman Abdurrahman Wahid was most outspoken, calling for reducing the relationship with Australian to ‘the lowest level’.172 In fact Habibie’s opponents were taking advantage of this opportunity to manipulate opinion on East Timor, while the military was enjoying the anti-Australian mood which helped obscure its own failure. On 16 September, Menko Polkam Feisal Tandjung announced Indonesia’s scrapping of the four-years-old consultative security agreement with Australia because of ‘the attitude and actions of Australia, which are no longer consistent with the spirit and letter of the agreement’.173

*Explaining the post-ballot violence*

How can one explain the mayhem that was witnessed in September 1999? What was the exact role of the Indonesian military in the violence? Various official and non-official

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172 He stated, “If we have to have diplomatic ties, make it a very cold relationship, and if necessary, set it up at the lowest level without having an embassy there[…]We are not a cockroach nation”. (“Habibie calls on the nation to accept E Timor results”, *The Jakarta Post*, 5 September 1999). In a different report, he warned Xanana Gusmão not to become the ‘puppet of Alexander Downer’. “What Jakarta’s papers say about East Timor”, *Inside Indonesia* (Digest 83), 8 September 1999.
173 “As Peacekeepers are Readied, Indonesia Sends Unnerving Mixed Messages”, *The Washington Post*, 17 September 1999. Criticism of Australia was further heightened when the Australian *Bulletin* magazine carried an interview with John Howard, in which Howard approved a suggestion that Australia could be a sort of deputy sheriff in Asia under US leadership. (“The Howard Defence Doctrine”, *The Bulletin*, 28 September 1999). Howard did not actually use the term ‘deputy sheriff’, but this report quickly fuelled Indonesia’s suspicion that Australia had a special agenda in the region.
investigations have attempted to answer these questions; however, they have not found any solid evidence to prove that the post-ballot *bumi hangus* (scorched earth) action and mass killings were a planned project, especially, one that was planned and directed from Jakarta—a picture often presented in western media reports. And, even if such a plan and orchestration existed, clear evidence, especially documentary evidence, is most unlikely to be found. Perhaps, no one—even the military—can be completely sure of the overall picture of the post-ballot violence. Considering this limitation, let us approach the causes of the violence from a different angle. Over three and a half years since the ballot, military and police officers have explained the deterioration of security after the announcement of the ballot result in various ways—in writings, seminar talks, official investigations, and court testimonies. Although these military accounts fall far short of a satisfactory explanation, some insights emerge from them.

The explanation which has been most commonly employed by the military and the civilian elite was that the violence was due to the militia's running amok, in reaction to the announcement of their defeat. Some point to the Timorese cultural tendency to run amok at times of stress. Even Habibie, when asked in a later interview about who was responsible for the violence, stated that "I don't know, I really don't. Amok! Amok! Uncontrolled and without any damper". Although brutal and frantic behaviour of militias—which scared even members of the police, as they themselves confessed—was undoubtedly present, it was also obvious that the post-ballot violence could not be explained simply as purely spontaneous action or general anarchy. As many UNAMET staff and foreign observers witnessed, the militia behaviour was quite uniform across East Timor, suggesting some sort of organisation and preparation. Moreover, the militias did not always act alone in their frenzy. The militias and the security forces were seen jointly expelling the people to West Timor with full logistic support from the security forces. It is difficult therefore to dismiss the militia behaviour as simply running amok.

A second explanation focuses on the warm ties between the military forces and the militias. As Wiranto quite often pointed out, military personnel who had long been stationed in East Timor had often formed close relationships with local East

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174 For this point, see Robinson, 2002, op. cit.
175 "To stop the dogs of war", *Sydney Morning Herald*, 23 August 2001.
176 This point will be further discussed in Chapter 7 of this thesis.
Timorese who had loyally served the Indonesian cause for many years. Military personnel therefore felt unable to betray loyal members of the militias by cracking down on them once the violence began. Even senior officers, who understood the core problem posed by this close relationship between the two groups, on many occasions admitted their own emotional ties to pro-integration Timorese and militias. And, it was not just a question of links with the militias. Native Timorese comprised about one-third of Battalion 744 and Battalion 745 under the East Timor Korem and were present in various official and unofficial commands as well. In Suai Kodim, for example, 80 percent of the 300 troops were native East Timorese. Many of these soldiers had friends and even relatives who were members of militias. The closeness of these soldiers and the militia members—membership of the two often seemed to be overlapping—meant that it was impossible to expect that these troops would take repressive measures.

However, while there is some merit in this explanation, the fact is that the violence was not perpetrated only by East Timor soldiers and militia members. Indonesian soldiers too were often seen joining the attacks on the pro-independence population, sometimes wearing wigs of long, curly hair to disguise themselves as Timorese. And Indonesian military officers took no steps to contain violence perpetrated by both the militias and their own troops. In retrospect, it seems that the Indonesian military is now conveniently shifting responsibility to the East Timorese, both native soldiers and militias. This tendency has been increasingly evident since military officers have been questioned in court either as defendants or as witnesses.177

Thirdly, the military often pointed out the problem of the security forces’ lack of capacity to control the situation. For example, the Udayana Kodam commander Adam Damiri claimed that there were not enough military and police personnel on the ground to calm tensions between conflicting community groups. Referring to the situation during the days after the announcement of the ballot result, he called their tasks ‘mission impossible’—a catch-phrase repeated by several military and police officers before the

177 For example, in testimony before the Indonesian human rights court in April 2002, Wiranto shifted responsibility for the systematic violence in East Timor to ‘emotional and uneducated’ East Timorese. (“Vote caused violence, Wiranto testifies”, South China Morning Post, 5 April 2002). Kiki Syahnakri, in court testimony, when asked about the witness accounts of soldiers’ joining with the militia in destruction of houses with militias, answered that these were Timorese soldiers and they were also (dissatisfied) voters. “Laporan PDM Kepada Panglima ABRI: Pembakaran Rumah Masyarakat Prokemerdekaan Didukung TNI”, Kompas, 18 September 2002.
Indonesian human rights court.\textsuperscript{178} Noer Muis stated that the security forces had to deal with 300,000 angry people confronting 2,000 UNAMET personnel.\textsuperscript{179} As discussed in the previous chapter, it was difficult to grasp the exact number of the security forces; however, from various official comments, it is estimated that at least 8,000 police and 10,700-10,800 army troops were in East Timor at the time of the ballot (while unofficial sources suggest that the number was much larger) and a few thousand army troops were added after the ballot. According to Muis, when the situation became chaotic on the 5th, the chain of command was cut off, and many soldiers from the two battalions technically under his command deserted, and this was apparently the case.\textsuperscript{180} It is difficult to evaluate whether security forces of this number were enough to control the situation given the fact that members of the security forces, including field commanders, were negligent even at the time of the worst violence between 4 and 10 September. Moreover, many of those who should have controlled the situation were active participants of the violence. The obvious point was, therefore, not the number of the security forces as Damiri and Muis emphasised, but the behaviour of the security forces when rapid control of the security situation was required.

A fourth explanation places the blame on an international conspiracy. This argument has quite often been combined with the explanation about the militia's running amok. The military emphasised that the militias were very angry at UNAMET's alleged misconduct in the ballot, and more generally, what they saw as an international conspiracy through UNAMET's activities. It is certain that many of the pro-integration East Timorese disliked UNAMET and their defeat was easily blamed on the UNAMET staff's general closeness to the pro-independence population. And they were also angry at UNAMET's alleged unresponsiveness to the fraud claims. However, even casual observation of continuing criticism of UNAMET well over

\textsuperscript{178} "UN clipped out power in E. Timor: Witnesses", \textit{The Jakarta Post}, 20 June 2002.

\textsuperscript{179} Noer Muis, at a seminar on 'UNAMET's fraud', op. cit., 6 October 2000. Muis apparently obtained the number 300,000 from the total number of refugees who had fled to West Timor by late September. Of course, using this number was wrong as it included young people ineligible for voting and many independence supporters. Muis also claimed that the military reduced its own troops before the ballot as UNAMET was always complaining about the over presence of the military.

\textsuperscript{180} Interfet arrived on the 20th; however, the withdrawal of all the native soldiers had not been completed by then. Battalion 745 was brought to Dili for evacuation from Los Palos at the eastern end of East Timor. Just as members of this battalion entered Dili, Sander Thoenes, a Dutch journalist of \textit{The Financial Times}, was killed. Considering the fact that there was an obvious military policy to avoid foreign casualties, it was unlikely that this murder was directed by the Korem or a higher command.
three-and-a-half years since the referendum leads us to suspect that the military has been shifting responsibility to UNAMET as the most convenient target. After all, this UN body is unpopular among the Indonesian civilian elite and the public as well; thus, the military might expect some sympathy for such claims from their domestic audience.\textsuperscript{181}

Fifthly, the military argued that UNAMET's decision to bring forward the announcement of the ballot result contributed to the violence. The East Timor Korem commander, Noer Muis, is the one who has most vehemently and repeatedly stressed this point. In fact, he expressed dismay when Ian Martin first notified him of the earlier announcement, and asked that the date not be changed. According to Muis, he wanted to bring better-disciplined Kostrad battalions into East Timor before the original announcement date of the 7th.\textsuperscript{182} He also argued that the change in the date added to the anger of the militias—supposedly the militias felt doubly cheated.\textsuperscript{183} In testimonies at the Indonesian human rights court, Wiranto, Habibie, and Kiki Syahnakri also stressed this point.\textsuperscript{184} It was perhaps true that the military could have arranged the evacuation of pro-integration people more smoothly if the announcement had not been brought forward. It was also likely that UNAMET's sudden request to change the announcement date angered the militias and many of the security forces, and swelled their suspicion of an international conspiracy. However, there remain strong doubts as to what the security forces could or would have done to reduce the violence itself in these three days given the obviously intentional unresponsiveness of members of the security forces, including field commanders, towards militia rampages in the week following the announcement of the

\textsuperscript{181} Over three-and-a-half years since the ballot, military officers and their civilian supporters have constantly published books defending themselves and blaming an international conspiracy; however, these books were written in the Indonesian language only; thus, the target audience was obviously domestic. Apparently, these writers were not interested in directly challenging the UN.

\textsuperscript{182} Martin, 2001, op. cit., p. 92.

\textsuperscript{183} See, for example, Muh. Nur Muis. op. cit, p. 14.

\textsuperscript{184} "Kiki Syahnakri Tampil Sebagai Sakit", Republika, 18 September 2002; "TNI sudah minimalikan jumlah korban Timtimp", Metro Indonesia, 24 October 2002; "B] Habibie di Pengadilan HAM Ad Hoc Timtimp: Indonesia Tidak Diberi Kesempatan Mencegah", Kompas, 21 March 2003. Habibie stated that he was only given one hour before the actual announcement on the 4th, which appears to be an exaggeration. To complicate the story, in a media interview held in 2001, Habibie argued that the decision to bring forward the announcement of the result of the ballot had broken an agreement he had with Kofi Annan to inform him of the result three days before those details were officially announced. ("To stop the dogs of war", Sydney Morning Herald, 23 August 2001). However, it seems quite unlikely that Annan made such a promise without informing UNAMET. Ali Alatas many times countered to repeated criticisms or the changed date by pointing out that all sides, including the TNI and the police, were invited to discuss the proposed change. See, for example, "Alatas Buka Kartu Soal Timtimp, Tidak Setuju Referendum", Media Indonesia, 1 June 2000; Tempo interview with Alatas, 2003, op. cit.
ballot result.

Lastly, though less frequently raised, the military claimed that the destruction and burning of houses was done voluntarily by the owners of houses when evacuating to West Timor. In an interview, Wiranto explained,

They [pro-autonomy evacuees] felt that their lives’ hopes had already been dashed, and then moved to a place where they would be better-off, that is, West Timor. So they burned their houses themselves so that these houses would not fall into the hands of the pro-independence people.\textsuperscript{165}

Noer Muis also made the same claim in a later seminar talk.\textsuperscript{166} This account was, however, flatly rejected as ‘a complete lie’ by a prominent pro-autonomy East Timorese whose own house and office were destroyed by the militias.\textsuperscript{167} Moreover, there is doubt as to whether ordinary people had time to make such long-term calculations when they themselves had to flee from the violence. In fact it was the military and hardcore integrationists who had reason to destroy as many houses and other infrastructure as possible so as not to be later used by the pro-independence population.

The above discussion provides some partial explanations for the violence. East Timorese militias and soldiers did indeed run amok; the ‘emotional’ ties between military officers and their loyal East Timorese allies inhibited them from taking firm measures against their friends; both Indonesians and pro-integration East Timorese were angered by what they genuinely believed was ‘cheating’ by UNAMET on behalf of an international conspiracy, and so on. However, these explanations put forward by military officers seem intended to mask the real perpetrators. They are hardly sufficient to justify their failure to intervene to stop the massive violence and do not address claims that military officers in fact encouraged the militia behaviour.

Several possible reasons have been suggested to explain why Wiranto, or the military as an institution, would have had incentives to order the destruction that followed the ballot. One motive may have been to get rid of documentary evidence of


\textsuperscript{167} Confidential Interview, 5 September 2000.
past human rights violations, not only those related to the 1999 violence but also those done before 1999. For example, an Australian military officer who stayed at the Korem headquarters just after the announcement of the ballot result witnessed personnel there destroying documents, apparently in preparation for their own departure. But it is still difficult to believe that there was an order from TNI headquarters to burn out the cities and towns just for this reason although it may have motivated some local arson. There was also a view that the TNI was motivated to destroy East Timor to give ‘warning’ to other regions with separatist tendencies, particularly Aceh and Irian Jaya; however, this was unlikely to be a prime reason behind such violence in a crisis situation, which was running out of control in any case, even though this idea may have been in the minds of some senior TNI officers. Certainly, there is no direct evidence to indicate that this was a major consideration motivating the military leadership.

A more plausible possible motivation was the ‘need’ to show that a civil war really was taking place in East Timor. The military leaders had justified their initial intervention in East Timor in 1975 on the grounds that it was necessary to prevent civil war and military officers continued to use the same argument in 1999. They had often warned that the ballot would aggravate tensions among the people of East Timor and that a vote in favour of independence would trigger a civil war. They therefore had an interest in ensuring that the ‘civil war’ really did break out after the vote against integration with Indonesia. Although there is little evidence to show that the military institution, let alone Wiranto personally, actually planned and organised this ‘civil war’ (despite the claims about the Lumintang telegram and the Garnadi document which were discussed earlier), military officers were not inclined to intervene to stop it when it seemed to be happening spontaneously and it is not unlikely that they in fact encouraged it. The overall image of a civil war was also beneficial in that it served to exonerate the military from responsibility. Moreover, well-organised mass displacement of the population contributed to this image creation.

But our examination of the evidence does not provide grounds for the claim that the massive post-ballot destruction, house burnings, and killings—even priests and nuns—was those well planned in advance or orchestrated from Jakarta. Nor was

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188 Martin, 2001, p. 99. The officer had been in fact a staff college classmate of Muis in Australia and had never come to doubt Muis’s intention to protect UNAMET personnel, but this destruction led him to question whether this could be guaranteed.

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there any strong evidence that the TNI leadership directed the spread of the post-ballot violence to the level that we witnessed. In fact, as far as Wiranto is concerned, he had little to gain from this happening. As noted, he was already very much involved in the political competition ahead of the presidential elections at the MPR session in the following month and the security arrangements to protect the session. And Wiranto must have known the damage that the chaotic and embarrassing retreat from East Timor and humiliating international condemnation of him which actually happened would do to his political career.189

On the basis of available evidence, therefore, the most reasonable explanation appears to be that following Habibie's two-options announcement, the TNI leadership adopted a strategy of selective and controllable violence designed to intimidate the pro-independence population and ensure a pro-integration vote in the ballot. This strategy was implemented consistently during the months leading to the ballot but it failed to produce the desired result. After the ballot, militia violence broke out and the military chain of command apparently broke down. In contrast to the pre-ballot period, the violence was no longer controlled and limited. In this situation, some senior officers who were deeply involved in East Timor affairs had no objection to such violence and even encouraged it. In East Timor itself, local military commanders had even less reason to prevent the violence which was largely perpetrated by the militias on whom they had been relying during the entire pre-ballot period.

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On 21 September, Habibie gave an ‘accountability speech’ (pidato pertanggungjawaban) on East Timor as demanded by the DPR members. In a one-and-half hour speech, Habibie attempted to justify his new policy. The speech attributed the government’s new policy on East Timor almost entirely to the aim of freeing Indonesia from various

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189 At an interview held just after the ballot, he talked about his current political position, including several offers of support for the post of vice-president, and also the need to ensure security for the coming MPR session. As for East Timor, he indicated his wish that the MPR would accept the result even if independence was chosen. (Jenderal TNI Wiranto, “Keadilan Darurat Tidak Mungkin Diatasi UU Biasa”, Forum Keadilan, 12 September 1999). Of course some might still suspect that behind this seemingly magnanimous attitude, Wiranto was still directing the violence; however, this interview gives readers the impression that Wiranto’s mind was already on the MPR session which was to be convened one-and-a-half months later.
foreign pressures. Habibie also criticised Australia’s attitude on the East Timor issue, warning that he “might have to accommodate the majority of the Indonesian people’s sentiments against Australia”. But the DPR was not satisfied. The following month, the MPR convened with two major items on its agenda—the presidential election and the issue of East Timor. On 14 October, Habibie gave his Presidential ‘accountability speech’ to the MPR as required at the end of his term. The speech, however, was narrowly rejected by the MPR—355 votes to 322, and the next day, Habibie announced that he would not seek the re-election as president. In the Presidential election on 20 October, tough behind-the-scenes political manoeuvring resulted in Abdurrahman Wahid being elected as Indonesia’s forth President, defeating the favourite Megawati Sukarnoputri who was elected as vice president on the following day.

In the morning of 20 October, the MPR formally accepted the result of the UN-supervised ballot in East Timor and agreed to revoke the 1978 MPR decree incorporating East Timor into Indonesia. On 25 October, Abdurrahman wrote to Kofi Annan to convey the MPR’s decision to acknowledge the result of the UN ballot. Also on 25 October, East Timor was handed over to the United Nations Transitional Administration in East Timor (UNTAET), and on 28 October, in New York, Indonesia’s ambassador to the UN, Makarim Wibisono, delivered a letter from Wahid to the UN Secretary General Kofi Annan to officially transfer authority over East Timor to the UN.

Conclusions

In the first section of this chapter, we examined various attempts of the Indonesian government to fulfil its responsibilities under the 5 May Agreements. Among the major

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190 “Habibie’s speech gets mixed reactions”, The Jakarta Post, 22 September 1999.
191 Opponents of Habibie criticised that it was as if the Indonesian government adopted the policy to please the international community. For this criticism, see, for example, “Kalangan DPR Kecewa Atas Penjelasan Habibie”, Suara Pembaruan, 22 September 1999.
192 Wiranto was nominated for the vice presidential election but withdrew at the last minute due to various pressures and his realisation that he had little chance of winning. He, however, was given the post of Menko Polkam in the new Abdurrahman government.
193 “Indonesia Officially Transfers Authority Over E Timor To UN”, Asia Pulse, 29 October 1999.
steps were the formation of the task forces to prepare for the ballot and the Commission of Peace and Stability, and the holding of meetings between the pro-integration and pro-independence camps to promote reconciliation and disarmament. This chapter concludes that these apparently constructive steps taken by the government contributed little to create an environment for a free and peaceful ballot. The cause was two-fold and related to each other. One lay in the government’s approach to the core problem facing the East Timorese. The Indonesian authorities maintained their perception that there were two East Timorese communal groups that had been in conflict for 24 years and that the Indonesian government, the military in particular, was the mediator between them and had the task of preventing a civil war from occurring again. Derived from this basic perception, the concessions the government demanded from both camps, in particular over the problem of disarmament, was naturally unacceptable to the pro-independence camp.

The other problem was much more simple and evident. While claiming that it was neutral and actively supporting the ballot, the military continued to back militia activities morally and logistically. As Wiranto’s position vis-à-vis Habibie became stronger, especially after the 7 July election, Habibie and civilian members of his cabinet were increasingly obliged to follow the military line, even though they at least occasionally took their own initiatives. Within the cabinet, however, attitudes were diverse. Some members of the cabinet, such as Foreign Minister Ali Alatas, were concerned about the military excesses and Indonesia’s deteriorating international reputation. On the other hand, Menko Polkam Feisal Tanjung was apparently the most fervent advocate of a firm approach—perhaps more than Wiranto. Despite this divergence of views and approaches within the cabinet, the final official policy decision tended to be in favour of the military, most markedly seen in government’s direct and indirect financial support for militias, continued resistance to international security intervention, and the eventual adoption of martial law.

This chapter demonstrated that foreign pressure was a critical factor explaining some responses of the Indonesian government before, during, and after the ballot. As far as the pre-ballot period is concerned, occasional collective foreign pressure drew positive responses from the Indonesian authorities and actually resulted in improvement of security on the ground. However, due to considerable reluctance on
the side of foreign nations and the UN to confront Indonesia and the Indonesian government's apparent awareness of the foreign actors' dilemma, such positive responses tended to be short-term and far from substantial. However, collective and credible pressure worked in the markedly different circumstances of the second week of September to force Indonesia to accept foreign troops. As Wiranto—not President/Supreme Military Commander Habibie or anyone else—was the real decision maker on this question, this chapter attempted to read Wiranto's mind at the crucial time. Our examination suggests that Indonesia's policy over this question can be explained largely by Wiranto's strong position in domestic politics at that time and his overall cost-benefit calculations of the impact of his acceptance of foreign troops—both as TNI commander and as a political actor.

In the last part of this chapter, we examined the cause of the post-ballot violence, and argued that it was not simply the result of military orchestration. However, there is at least strong evidence to prove direct military involvement in more serious violence at least at Kodim level; however, it is doubtful that Wiranto as the TNI commander supported, let alone orchestrated, the spread of the violence in the post-ballot period. This chapter argued that a more reasonable explanation is that he was not able to control the troops, including the troops technically under his command, and, after the announcement of the ballot result, the chain of command was broken at various official and non-official levels. We argued that this factor—his recognition of his inability to control his own troops—was one of the crucial reasons behind his eventual acceptance of international security intervention despite incentives to continue resistance.
Chapter 6

National Investigations into Human Rights Violations in East Timor

As observed in the previous two chapters, gross human rights violations occurred in East Timor during the period surrounding the UN-supervised ballot. This chapter examines the Indonesian government’s responses to domestic and international pressures to identify and punish individuals considered responsible for these human rights violations. The national investigation went through two phases. The first was a preliminary inquiry (penyelidikan) conducted by the Commission of Inquiry for Human Rights Violations in East Timor (Komisi Penyelidikan Pelanggaran Hak Asasi Manusia di Timor Timur, or KPP-HAM Timtim), which was formed by Komnas HAM on the request of the government. This was followed by an investigation (penyidikan) conducted by the Joint Investigation Team (Tim Penyidik Gabungan, or TPG) formed by the Attorney General’s Office (AGO).

KPP-HAM’s work gained high marks from the international community. Despite initial doubts, the commission gradually showed integrity and independence as a team, finally issuing a path-breaking report which included a list of names of high-ranking military and police officers and their civilian backers considered responsible for gross human rights violations in East Timor. On the other hand, the follow-up investigation of the AGO received little praise—either domestically or internationally. The TPG showed tardiness in proceeding with the investigation and in identifying perpetrators of human rights violations. The investigation finished with the identification of only 22 suspects, excluding several key actors, and without providing any clear agenda for trials. How did this happen? More precisely, why was KPP-HAM seemingly able to work efficiently, while the TPG was not? Was it mainly due to the quality of the teams themselves or more a result of the political environment surrounding the two teams? This chapter aims to answer these questions.

If we look at the international environment, the Indonesian government had to
respond to an agenda set by the International Commission of Inquiry on East Timor (ICIET) formed by the UN, as well as other investigations\(^1\) and related international demands. By carefully observing the responses of the Indonesian government to these international moves, this chapter also attempts to answer to what extent these international pressures affected the performance of the national investigations. This at the same time will help answer the main questions above.

The time frame on which this chapter focuses is between September 1999 and December 2001, the period starting from the formation of KPP-HAM Timtim, through the follow-up investigation, and the technical preparation for national trials. The trials eventually opened in Jakarta on 14 March 2002. The trials are continuing at the time of writing, and as in the previous two chapters, this chapter refers to them to better provide information on various cases and suspects of human rights violations that occurred in 1999.

The Politics of the Establishment of KPP-HAM Timtim

Calls for investigations into various human rights violations that the world witnessed in 1999 were being voiced even before the violence rapidly escalated in reaction to the 4 September announcement of the result of the ballot; nevertheless, they were in most cases calls for inquiries into specific incidents. The international community was far more concerned with the ongoing security breakdown in the lead-up to, and the weeks immediately after, the ballot. It was not until the visit of Mary Robinson, the United Nations High Commissioner for Human Rights, to Darwin, Australia, on 12 September and Jakarta on the following day that the issue of investigation was highlighted domestically as well as internationally. In her meeting with President Habibie in Jakarta, Robinson urged that military personnel be held accountable for their crimes and requested that Habibie cooperate with an international commission of inquiry on East Timor. According to Marzuki Darusman, the chairman of Komnas HAM, Habibie’s response to her request was positive. Habibie told Robinson, “the establishment of such a commission should be considered”, although it was not clear

\(^1\) Other investigations include those of the three UN Special Rapporteurs and the UN/East Timor Serious Crimes Unit.
whether he meant ‘international’ or ‘national’. Immediately after the meeting, Marzuki himself commented that Indonesia needed to establish a kind of truth and reconciliation commission for East Timor. Although Komnas HAM did not clearly indicate its intention to form a new commission in the following week, Marzuki announced on 22 September at President Habibie's private home that the government planned to set up a national inquiry for investigating human rights violations in East Timor. On the following day, Habibie issued a presidential instruction to establish a national commission.

Factors influencing the establishment of KPP-HAM Timtim

The reasons for the 22 September decision of the Indonesian government to create a ‘national’ inquiry body can be looked at from both national and international perspectives; as we will see, however, the latter perspective was more important than the former. According to some members of KPP-HAM, this decision was a direct reaction to the decision of the UN Commission on Human Rights (UNCHR) of 20 September 1999 to hold a special session on East Timor. The Indonesian government had already recognised the possibility that a resolution to set up an international inquiry—the first step towards the establishment of a war crimes tribunal—would be adopted. Therefore, before the UNCHR opened the special session, the government at least needed to demonstrate its intention to set up a national inquiry body. In addition, the government also aimed to use this initiative to lobby individual UNCHR member states not to vote for the establishment of an international commission of inquiry at the session.

The question is, who took the initiative in forming KPP-HAM, and what were their motives for setting up the commission? According to observations of members of KPP-HAM, Asmara Nababan and Munir, it was President Habibie and TNI

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5 On the request from Portugal on 9 September, the Office of UNCHR consulted by letter the 53 member nations about the necessity to hold a special session. The body narrowly agreed to hold a special session, with 28 responses in favour, 15 against, 2 in abstention, and 8 without any response. ("Commission on Human Rights to Hold Special Session on Situation in East Timor", HR/99/92, United Nations press release, 20 September 1999). Special Sessions had been held only three times in the previous decade (on Yugoslavia in 1992 and 1993; and Rwanda in 1994).
Commander Gen. Wiranto who took the initiative. Both were greatly concerned with the possibility that an international tribunal would be established. Moreover, this initiative was very much influenced by the domestic political environment the two leaders were facing at that time. Political bargaining had already started over the presidential election at the coming MPR session, which was originally scheduled to be held in November 1999. On 21 September, the General Chairman of the Golkar Party, Akbar Tandjung, declared his intention, though stressing that it was a personal stance, to promote the Habibie-Wiranto partnership as the presidential and vice-presidential candidates. However, if we look at Habibie's position at that time, he was in a very difficult situation. As noted in the previous chapter, Habibie's speech on East Timor before the DPR on the same day drew negative responses. This revealed that Habibie's East Timor policy—which might have become his lasting achievement—did not work to his political advantage at all. In addition to this, criticism and pressure regarding his major political scandal, the Bank Bali corruption case, was at its height. Facing these difficulties, Habibie needed to gain popular support by showing his strong commitment to human rights, an area that he thought of as 'his own'. His support for the establishment of a national inquiry body with a legal basis can partly be seen in this context. Furthermore, he also needed to seek the support of Wiranto by showing his strong intention to protect him from a possible international tribunal. This was related to the fact that facing the very competitive environment surrounding the coming presidential election, Habibie needed the 38 votes of the TNI/Polri Group (Fraksi) for his continuing presidency. Wiranto, meanwhile, needed to protect himself from being brought to such a tribunal, which would inevitably end his political career. Wiranto repeatedly explained in interviews and seminars that he wanted KPP-HAM to counter international allegations which he thought were biased. In an interview, he stated, "From the beginning, we have already agreed that the mission of the KPP is, firstly, to prevent the establishment of an international tribunal, secondly, to preserve national prestige, and thirdly, to protect the national interest".

While preparing for the formation of a national inquiry body, Marzuki recognised that the international community held low expectations that a national

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6 Interview with Asmara Nababan, 10 May 2000 ; Munir, Deputy Director of YLBHI, 16 April 2000.
7 Interview with Munir, 16 April 2000.
body would have the capacity to carry out impartial inquiries. During the UNCHR session, Marzuki as the Chairman of Komnas HAM, tried to convince the member countries in his speech that a proposed national team would be trustworthy; however, such efforts supported by ardent back-door diplomacy did not succeed. On 27 September, the Commission adopted a resolution in favour of the formation of an international commission of inquiry on East Timor (later named International Commission of Inquiry on East Timor, or ICIET).

Towards the formation of KPP-HAM Timtim

Marzuki officially announced the formation of Komisi Pencari Fakta untuk Timor Timur (which was soon renamed KPP-HAM Timtim) on 7 October 1999. On the following day, President Habibie issued Government Regulation in Lieu of Law No. 1 concerning Human Rights Tribunals (Perpu No. 1/1999 tentang Pengadilan HAM), which granted Komnas HAM the sole authority to inquire into human rights violations before such cases were brought before the courts. With regard to the selection of the members of KPP-HAM, Marzuki recognised that he and his Komnas colleagues had to select people with credible human rights records both from the perspective of the Indonesian public, and, especially, the international community. There appeared to be no ‘direct’ international pressure in the selection of the members, such as demands to select specific individuals, although there was ‘indirect’ pressure which Komnas members felt in differing degrees. For example, while Asmara Nababan, a Komnas member who himself became a member of KPP-HAM, felt only a small amount of international pressure, another KPP member, HS Dillon, acknowledged that Komnas HAM needed to include human rights activists who were well-known in the international community such as Munir and Todung Mulya Lubis because Komnas HAM tended to be regarded as ‘pro-integration’—a reputation earned by the poor performance of

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10 Nevertheless, Indonesia was not defeated totally. It managed to have sentences inserted in the resolution to the effect that the international inquiry would be undertaken ‘only in cooperation with Indonesia’s own inquiry’. There was one more issue in the resolution: It requested the Indonesian government to accept UN special rapporteurs to make preliminary reports in particular fields. “Special Session of Commission on Human Rights Adopts Resolution on East Timor”, UN press release, HR/CN/99/70, 27 September 1999.
11 This is stipulated in Article 10(1) in “Perpu No.1 tentang Pengadilan HAM”, Undang-Undang Huk Asasi Manusia 1999, Bandung: Citra Unbara, 2000.
Komnas-led KPS during the ballot.\textsuperscript{12}

At the selection stage, candidates from NGOs at first hesitated to join the commission. Munir, co-ordinator of Kontras (The Commission for Disappearances and Victims of Violence), for example, had some reservations. He doubted the efficacy of such a national inquiry body, and foresaw a possible conflict of interest with his own activities as a human rights lawyer/activist.\textsuperscript{13} Other NGO figures had similar concerns. Facing this concern, Komnas HAM members seriously discussed KPP's freedom from external intervention. This was the most important condition demanded by non-Komnas candidates. Marzuki then promised the candidates that there would be no intervention from inside or outside Komnas HAM and agreed to facilitate KPP-HAM's access to the government as well as to the international community.\textsuperscript{14} Nevertheless, Marzuki felt it necessary to at least confer with Wiranto on the composition of the members of KPP-HAM. Wiranto then recommended some figures who later became members of the Advocacy Team for Military and Police Officers' Human Rights (Tim Advokasi HAM Perwira TNI/Polri) such as Adnan Buyung Nasution and Ruhut Sitompul. However, Marzuki rejected these recommendations because of their possible effect on the credibility of Komnas HAM/KPP-HAM.\textsuperscript{15} Eventually four noted NGOs figures, Munir, Nursyahbani Kasyungkana, Todung Mulya Lubis, and Zoemrotin K. S., joined the team.\textsuperscript{16} From Komnas HAM, Marzuki Darusman,\textsuperscript{17} Albert Hasibuan, Asmara Nababan, HS Dillon, and Maj. Gen. Pol. (ret.) Koesparmono Irsan

\textsuperscript{12} Interview with Asmara Nababan, 10 May 2000; Interview with HS Dillon in "HAM Timtim: Ancaman AS", Garda, 17-23 January 2000. For Komnas's "pro-integration" role, see, for example, "UN body to set up inquiry on East Timor", The Jakarta Post, 28 September 1999; "Rekomendasi bagi Jenderal Wiranto", Pari Masyarakat, 2 February 2000.

\textsuperscript{13} He was associated with several international human rights groups, including a Swedish-based human rights inquiry body. However, as a human rights lawyer and activist dealing with human rights abuses, he, as well as his colleagues, felt that he should participate because if the KPP failed, the military would be in a stronger position to resist inquiries into other cases such as Aceh and Ambon. He was also encouraged by the participation of Asmara Nababan, Albert Hasibuan, and HS Dillon from Komnas HAM in KPP-HAM, whom he regarded as supporting human rights. Interview with Munir, 26 April 2000.

\textsuperscript{14} Interviews with Munir, 26 April 2000; Zoemrotin K.S., 27 June 2000. The staff assisting KPP-HAM from various NGOs, especially ELSAM (The Institute for Policy and Advocacy) and PBHI (Indonesian Legal Aid and Human Rights Association), also suspected the effectiveness of the commission initially. However, mainly because of the composition of the members of KPP-HAM, several members from the two NGOs joined KPP-HAM as assistants. Interview with Amiruddin, ELSAM, 16 May 2000.

\textsuperscript{15} Interview with Munir, 26 April 2000.

\textsuperscript{16} Mulya Lubis is one of the most noted human rights lawyers in Indonesia; Zoemrotin is the chairman of the Indonesian Consumer Association and former chairman of the International NGO Forum on Indonesia Development (INFID); Nursyahbani is director of the Indonesian Women's Association for Justice (APIK).

\textsuperscript{17} Marzuki resigned as a member of Komnas HAM and KPP-HAM in December 1999 due to his new assignment as Attorney General in the Abdurrahman government.
were selected. These members were assisted by 13 assistant investigators, 14 secretariat staff, and 3 resource persons, most of whom came from leading human rights NGOs.18

Government Responses to International Inquiries

Almost at the same time as the KPP-HAM conducted its inquiry, the Indonesian government had to face international inquiries based on the UNCHR resolution of 27 September 1999. The immediate reaction of the Deplu to the resolution was strong. Foreign Minister Ali Alatas in New York flatly denied Indonesia’s obligation to accept the ICIET. Indonesia’s envoy to Geneva, Hasan Wirajuda, stated that a formal investigation into rights abuses in East Timor risked ‘sparking a strong nationalist backlash in Indonesia’.19 In Jakarta, however, the government showed an ambivalent attitude. State Secretary/Minister of Justice Muladi announced the government’s willingness to cooperate with the ICIET,20 but then, on the next day, the announcement was rescinded. According to a Deplu official, this occurred because Muladi had not received clarification from the Deplu before his first announcement;21 however, it is possible that Muladi’s announcements also reflected Habibie’s ambivalent attitude. Habibie himself at first appeared not so much against an international inquiry as can be seen in his attitude at his meeting with Mary Robinson in Jakarta. Feeling the weight of international pressure regarding the violence, he seemed to have accepted the seriousness of the international community’s concern. Considering Habibie’s position vis-à-vis the TNI at that time, it was quite likely that his later opposition to the ICIET

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18 Komisi Penyelidik Pelanggaran Hak Asasi Manusia di Timor Timur, *Ringkasan Eksekutif Laporan Penyelidikan Pelanggaran Hak Asasi Manusia di Timor Timur*, Jakarta, 31 January 2000. (Hereafter, KPP-HAM report). As often referred to in the previous chapters, “(secret) full report” of KPP-HAM was prepared, and an English-translation of this report was published in McDonald et al., eds., op. cit. This report was kept secret by the authorities. James Dunn, UNTAET expert on Crimes against Humanity in East Timor, suspected that Wiranto had read the secret version of the report and pressured Marzuki either not to make it public or to change the contents. (Interview with James Dunn, 10 January 2001). Both versions of the report will be referred to in the following discussion.

19 “Indonesia resists inquiry by UN human rights team”, *Sydney Morning Herald*, 29 September 1999. See Wirajuda’s strong speech against the resolution at the Special Session. (“Statement by the Indonesian Permanent Representative Ambassador Dr. N. Hasan Wirajuda at the UNCHR Special Session on East Timor, Geneva, 27 September 1999” in a news email sent by ETAN, 2 October 1999). Wirajuda lamented the Semanggi II incident of 23-24 September, in which military troops shot ten dead. He saw that this incident gave the UNCHR member countries a very bad impression of Indonesia. “Laporan Maggie dari Dili”, *Gambar*, 10 October 1999.


21 Interview with a Deplu official, 29 June 1999.
was chiefly influenced by his need to avoid alienating the TNI and Wiranto in particular. Meanwhile, Marzuki appeared well aware of the real situation that Indonesia was facing in the international human rights community. He believed that “the decision is a valuable lesson for Indonesia and the presence of the international commission should have a positive impact on Indonesia”. Muladi, although, as State Secretary, he had officially announced Indonesia’s rejection of the ICIET, admitted that “the government’s foot-dragging and reluctance to fully follow up any findings of Komnas HAM in the past had influenced the international community’s perception about the effectiveness of the national commission’s inquiry”. Habibie immediately discussed this matter with Komnas HAM and during the meeting he telephoned UN Secretary General Kofi Annan and promised that Komnas HAM’s team would work swiftly and seriously within the following 2-3 months. He also assured Annan that the Indonesian constitution permitted human rights tribunals. Subsequently, on 6 October, Marzuki announced Komnas HAM’s co-operation with the ICIET, while Foreign Minister Ali Alatas was still rejecting the ICIET.

Why was the Deplu side so adamant in rejecting the ICIET? Naturally, there is the general perception in the institution that an international investigation in any form is a diplomatic defeat. However, as far as this case is concerned, the Deplu was particularly unhappy about the process by which the initial UNCHR session decided to hold the special session. It was reported that the High Commissioner’s Office pressured Japan to change its position from ‘abstain’ to ‘support’ and persuaded other Asian countries to choose ‘support’ at the special session. It was also criticised for its laxness in counting the ‘support’ votes. Another reason for the Deplu’s resistance was due to the fact that the initial request for the 20 September meeting came from Portugal.

23 “Government shifts stance on UN probe”, The Jakarta Post, 30 September 1999. As Muladi mentioned, Komnas HAM had already issued a number of recommendations, not only related to East Timor, but also various other human rights cases such as Aceh and Ambon, and the violence of 13-15 May 1999; however, the government had not paid much attention to those recommendations. These recommendations can be read in Supriyanto, ed., op. cit.
26 Among the 28 ‘support’ votes, 26 votes were received by the deadline, along with verbal ‘support’ from Rwanda. According to UN sources, the written confirmation from Kigali came after the deadline. “UN rights body to hold special session on E. Timor violence”, The Jakarta Post, 22 September 1999.

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which only had observer status at the commission at that time. Furthermore, as the Deplu argued, Portugal was the former colonial master of East Timor and therefore had special political interests in pushing this issue forward.27

What was the TNI’s immediate reaction to the resolution? Wiranto, still TNI commander at that time, remarked that “[t]he TNI welcomed an international inquiry(...)as long as they keep in mind that Indonesia is the master of the home here". To a media question regarding whether the TNI was ready for an international inquiry into human rights violations committed by the TNI and the Polri, he answered that the TNI was not reluctant to accept it but stressed the point that “human rights violations were conducted by all the parties”.28 It must be noted that at this stage KPP-HAM had not yet been formed so he still possibly expected that a national body would rebut the allegations made by the ICIET.29

Meanwhile, a UN spokesperson, having observed these domestic responses, announced that regardless of Indonesia’s decision, the UN would send the ICIET to East Timor.30 Of course, once East Timor was separated from Indonesia, the ICIET would be able to enter East Timor without Indonesian’s permission; but not West Timor where nearly 200,000 refugees remained. If we look at the UN move after the adoption of the resolution, however, the red tape and politics on the UN side delayed the actual dispatch of the ICIET, which contributed to the shortening of the commission’s inquiry. Five members of the ICIET were selected by the Office of UNHCHR on 15 October and were ready to go but had to wait until 25 November.31 The bureaucratic rationale for the delay was a desire for the UN Security Council to wait until the MPR ratified the result of the UN ballot on 20 October 1999.32 But more importantly, it also had to wait until the Economic and Social Council (ECOSOC), the parent body of the UNCHR, voted in favour of an international inquiry (15 November

28 “RI Tolak Resolusi Komisi Tinggi PBB untuk HAM”, Kompas, 30 September 1999.
29 Judging from Wiranto’s initiatives to form KPP-HAM discussed in the previous section and his repeated insistence on his efforts and innocence in a number of interviews and speeches which was observed in the previous chapters, this ‘open but defensive’ attitude is perhaps his style.
31 The five members were: Sonia Picado (Costa Rican jurist, the team head), A.M. Ahmadi (former Indian chief justice), Mari Kappa (Papua New Guinea deputy chief justice), Judith Sefi Attaah (a former Nigerian cabinet minister for women’s affairs), and Sabine Leuthenbser-Schnarrenberger (a former German justice minister).
In addition, before the resolution was adopted, there was a weeklong debate regarding the High Commissioner’s financial estimates for an inquiry. And again, there was another week-long debate on the procedural irregularities with regard to the special session of the UNCHR. Indonesia strongly protested the decision of ECOSOC. Only then was the ICIET given the green light to go to East Timor for the inquiry.

Before the ICIET was dispatched, three UN Special Rapporteurs were sent to East Timor for the period between 4 and 10 November, based on the resolution of the UN special session. As noted before, Indonesia’s position was that the resolution was not binding. The new Indonesian government, headed by President Abdurrahman Wahid, therefore, seemingly attempted to resist it at first and then only co-operated minimally. Through a letter dated 26 October 1999 to Foreign Minister Ali Alatas, Mary Robinson informed the Indonesian government of the planned Special Rapporteurs’ mission and requested the government to meet with the mission in Jakarta. However, in its reply on 3 November, the government informed Robinson that it had deferred consideration of the proposed visit and that a decision would be taken on the matter after a period of internal consolidation of the newly appointed government. In the light of the urgent and strong request by the UNCHR for an immediate investigation into and report on the human rights situation in East Timor, the Indonesian government finally agreed that the rapporteurs could go to East Timor. However, the government rejected the special rapporteurs’ request to go to Jakarta and meet with government representatives. The rapporteurs’ strong wish to visit West Timor and other locations relevant to their investigations was also rejected. Eventually, the special rapporteurs conducted their inquiry in their own way, and demanded urgent follow-up investigations.

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33 It must be noted that only after ECOSOC endorses an international inquiry, can a commission of inquiry start an on-site inquiry. The Council vote was 27 in favour to 10 against, with 11 abstentions. “UN Panel Votes in Favour of Rights Probe in E Timor”, Reuters, 15 November 1999.
34 Again the government protested about the holding of the special session on 23-27 September as being ‘politically motivated’ and ‘legally defective’. See “Indonesia rejects the decision by the UN High Commission for Human Rights”, Press Release, Directorate Foreign Information, Department of Foreign Affairs, 18 November 1999, Jakarta.
35 The visit was undertaken pursuant to resolution 1999/5-4/1 of 27 September 1999 adopted by the UNCHR at the Special Session. (“Human rights questions: human rights situation and reports of special rapporteurs and representatives”, A/54/660, 10 December 1999). The three members were the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, the Special Rapporteur of the Commission on the question of torture, and the Special Rapporteur of the Commission on violence against women, its causes and consequences.
36 Ibid.
Getting through these bureaucratic and political obstacles, the ICIET managed to conduct a nine-day inquiry in East Timor. The Indonesian government accepted the ICIET's visit to Jakarta for 2 December 1999, but only on the condition that they would conduct dialogues only and would not conduct any inquiries in Jakarta.37 On the other hand, in East Timor, the ICIET was able to question over 160 people and hold meetings with East Timor leaders, UN staff, KPP-HAM members, and local NGOs. On 13 December, based on the investigation of the ICIET, UNHCHR, in a press conference, spoke about systematic intimidation and terror in East Timor and recommended that the inquiries continue and that the alleged perpetrators of these atrocities be brought to justice.38 Subsequently, the ICIET reported their findings to Mary Robinson on 14 December, and recommended continuing to push for an international tribunal.39 With pressure for an international tribunal increasing, the Deplu side prevaricated by giving a warning about the growing nationalism in a similar way as they had at the time of the Special Session four months earlier. Foreign Minister Alwi Shihab under the newly-established Abdurrahman Wahid government remarked that if the UN urged the establishment of an international tribunal, the Indonesian people would see it as foreign intervention, and the government would fall because it would be considered to have failed to solve the problem.40

On 31 January 2000, the ICIET issued its final report in which it officially recommended the establishment of an international crimes tribunal.41 Again, the Deplu reacted strongly. In a letter of 31 January to the UN Secretary General, Alwi Shihab criticised ‘the sweeping, uncorroborated allegations’ and the ‘one-sided and selective approach’ of the ICIET report, while at the same time stressing the high quality of KPP-HAM.42 The Deplu also repeatedly commented that there were

37 They originally planned to go to West Timor after visiting Jakarta, but failed to do so because they could not get a visa for that purpose soon enough. They claimed that this delay was intentional when they arrived in East Timor. They complained that the government had not issued a visa to go to Jakarta by that time ("Indonesia Obstructing E. Timor Rights Inquiry - U.N.", Reuters, 25 December 1999). It is difficult to know whether the delay in issuing the visas was an intentional or planned act; nevertheless, it is likely that the Indonesian side hesitated to issue the visas.
38 Inter Press Service, 14 December 1999.
41 See the ICIET final report.
countries, China and Russia in particular, which would support Indonesia in opposing the establishment of an international tribunal.\textsuperscript{43} And President Abdurrahman also reiterated his determination to reject an international tribunal.\textsuperscript{44} It appeared that there was no division of opinion within the government in opposing the proposal of the ICIET.

To Indonesia’s delight, important members of the international community also showed their opposition to the ICIET’s recommendation for an international tribunal in the near future. Secretary General Kofi Annan and US Ambassador to the UN Richard Holbrooke made it clear that an international tribunal should not be considered until Indonesia had a chance to prosecute its own citizens who committed human rights violations. Australian Foreign Minister Alexander Downer urged the international community to let President Abdurrahman Wahid handle this matter.\textsuperscript{45} Here we must note that these stances were presented after they had observed the performance of KPP-HAM and their briefings and reports. It was quite likely that these stances of the UN and the western governments were very much influenced by the work of KPP-HAM—whose performance as will be analysed in the next section—far exceeded the expectations of most of the member countries at the UN Security Council. It was also due to the international support of the Abdurrahman government and his tough stance vis-à-vis what the international community saw as anti-democracy forces.

The Performance of KPP-HAM Timtim (October 1999 - January 2000)

KPP-HAM started its inquiry on 10 October 1999, and its work accelerated after the Abdurrahman Wahid government was established at the MPR session on 20-21 October. KPP-HAM’s mandate was to gather facts, data, and information concerning human rights violations that occurred in East Timor from January 1999 until the MPR decree of 20 October 1999 that ratified the results of the UN ballot. In less than four months, it did a substantial amount of work. This work included field investigations in West Timor (6 times) and East Timor (3 times); the excavation of mass graves in West Timor

\textsuperscript{43} Note that the set-up of an international tribunal requires the support of all the five permanent member countries of the UN Security Council.

\textsuperscript{44} “RI dismisses calls for world tribunal”, \textit{The Jakarta Post}, 1 February 2000.

\textsuperscript{45} “UN East Timor tribunal faces growing foreign opposition”, \textit{Indonesian Observer}, 1 February 2000.
(once); interviews with victims of incidents (55 persons) and other witnesses in East and West Timor (23 persons); and interviews in Jakarta (45 persons). These efforts culminated in an over-4,000-page document. As KPP-HAM members acknowledged, their inquiries—and the field investigation in particular—were greatly helped by their assistants who had strong connections with NGOs in East Timor. Among various types of inquiries, the most politically sensitive was, undoubtedly, the questioning of TNI/Polri officers and their civilian associates. On 18 November, KPP-HAM announced its plan to question high-ranking TNI/Polri officers—including then Menko Polkam Wiranto—and their civilian supporters. The questioning started on 20 December 1999 and, without major resistance from the witnesses, proceeded until 18 January 2000. High-ranking TNI/Polri officers were called to the office of Komnas HAM for questioning one after another during this period: an unprecedented event.

Why was KPP-HAM able to carry out the questioning of the officers so smoothly? Two factors were crucial. The first related to the attitude of the TNI leadership. On 1 December, KPP-HAM held a meeting with new TNI Commander Admiral Widodo A.S. to get permission to question his officers. In the meeting, Widodo agreed to the request and offered to facilitate the process. Although he suggested that he would give moral support to the officers who were to be questioned, he also stressed that the TNI very much respected and supported efforts to uphold the law, particularly efforts to uphold human rights. Perhaps as a naval officer, Widodo had fewer obligations to suspected TNI/Polri officers, and this made him less hesitant in facilitating KPP-HAM’s work. Second, Wiranto himself co-operated with the

47 Twelve assistants included members of noted NGOs such as YLBHI, PBHI, Kontras, ELSAM, Solidamor, and the Dili-based Yayasan HAK. Aniceto Guteres, Director of Yayasan HAK, stated that he was willing to provide data to KPP-HAM just because KPP-HAM included some good friends of his (Interview with Aniceto Guteres, 10 January 2001). Note that Yayasan HAK is the NGO which collected substantial evidence indicating the involvement of TNI and Polri in human rights violations surrounding the UN ballot. Although some of their documents were stolen by the SGI on 3 September 1999 and more were lost in the attack by pro-integration militias on 5 September, many documents remained. They collected more documents after the Intefet troops arrived on 20 September. (Interview with Lefidus Malau, an Assistant member of KPP-HAM/Director of Fortilos, 4 August 2000; Aderito de Jesus Soares, Director of Sahe Institution for Liberation, 12 January 2001). All the formal and informal assistants to KPP-HAM whom the author interviewed answered that they may not have helped KPP-HAM at all if there had been no credible human rights activists in the KPP.
49 Wiranto created a post of deputy TNI commander in his last days as TNI commander and put the then Navy chief-of-staff Widodo in charge. Widodo calculated that Widodo would soon replace him, and that bypassing the weak TNI commander he could still maintain his power over the army. Marcus Mietzner,
questioning. During the questioning, Wiranto gave his version of events and especially stressed his efforts to hold ceremonies for peace between the two warring factions, forming KPS, and making the ballot itself safe and successful. Wiranto regarded the questioning as a good opportunity to defend his actions. Munir stated, "Wiranto was perhaps the most cooperative among all the witnesses. He even provided many documents which could prove his commission [of human rights violations], not just omission [implying failure to prevent violence]."

Nevertheless, just before the questioning started, a backlash from a section of the TNI surfaced. The Commander of Kostrad, Lt. Gen. Djadja Suparman—a close ally of Wiranto—was most vocal in defending the military personnel who were to be questioned. Djadja, for example, commented that KPP-HAM’s action in calling the TNI officers for questioning was an "effort to corner the TNI(...)There is a large conspiracy inside and outside the nation to annihilate the TNI systematically". He also implicitly threatened that it could cause a backlash from the soldiers if their leaders and corps continued to be humiliated. TNI spokesperson Maj. Gen. Sudradjat—another close ally of Wiranto—also criticized this process, and remarked that KPP-HAM was just to ‘entertain’ foreign countries. These comments by officers close to Wiranto suggested that Wiranto’s affable and cooperative demeanor before the KPP-HAM disguised deep anger. Marzuki reacted to Djadja’s comments by stating that they could be interpreted as attempted intimidation of KPP-HAM. He immediately sent a letter to Widodo to ask whether Djadja’s comments reflected the voice of TNI as an institution. Marzuki, then, assured the media that such comments from Djadja would not affect the

“The first 100 days of the Abdurrahman Presidency: an evaluation” in Kingsbury and Budiman, eds., op. cit., p. 333.

80 Interview with Munir, 26 April 2000. For the text of the questioning of Wiranto by KPP-HAM conducted on 24 December 1999, see, “Draft Notulen Pemeriksaan Wiranto”, Apakabar internet site, 15 September 2000. Whatever the evidence of Wiranto's commission Munir had, it later turned out that the Attorney General Office did not use or just ignored the evidence.


82 “TNI Mulai Waspadai”, Panji Masyarakat, 5 January 2000. Sudradjat was dismissed by Abdurrahman on 13 January 2000. These events also made vocal reformist Maj. Gen. Agus Wirahadikusumah’s stance known to the public. Wirahadikusumah gave his opinion that “soldiers only serve the TNI as an institution, not their leaders”. (See, “Kalau Kita Punya Pimpinan Ngawang, Terus Diadili, Masak Kita Sakit Hati?”, Forum Keadilan, 26 December 1999). Wirahadikusumah was then Sulawesi Commander. He was one of Abdurrahman’s favourites along with Army Chief of Staff Gen. Tyasno Sudarto, both of whom were not in tune with Wiranto. Abdurrahman expected them to reduce the remaining influence of Wiranto at that time.
work of KPP-HAM.53

During the questioning, the political temperature rose when Abdurrahman disclosed his intention to make Wiranto 'non-active' as the Menko Polkam until he was proven not guilty in the East Timor case; however, Wiranto refused to resign. The drawn-out Abdurrahman-Wiranto showdown over this issue intensified when Abdurrahman made a 16-day trip abroad from 28 January and 13 February 2000. (In fact, one of the main purposes of this trip was to lobby the international community against supporting the establishment of an international tribunal, in particular during the annual World Economic Forum summit).54 While abroad, Abdurrahman indicated his intention to dismiss Wiranto at every stopover, and finally carried out his threat on the night of his return.55 By showing his intention to dismiss Wiranto, Abdurrahman aimed to achieve two purposes. One was to gain further support from the international community—economic support, in particular. In Seoul, he commented that Indonesia stood no chance of an economic recovery if Wiranto persisted in his refusal to quit.56 The other purpose was to show the domestic community that he was protecting Wiranto from a possible international tribunal that would also constitute a national humiliation. Additionally, by actually dismissing Wiranto, he aimed to demonstrate to both the domestic and international communities his strong intention to consolidate civilian supremacy and show that he was actually running the country—although his last-minutes hesitation tended to produce the opposite impression.

If we look at the international environment at that time, another issue which coloured this drama played out by the President, Wiranto, and KPP-HAM was a rumour of a coup which was first clearly mentioned by the US Ambassador to the UN

55 However, on the day he returned to Jakarta, Abdurrahman showed hesitation in dismissing Wiranto, even though the final report of KPP-HAM had already named Wiranto as being responsible for the human rights violations that occurred in East Timor. It was reported that after Abdurrahman's decision to delay Wiranto's dismissal, the presidential office was inundated with telephone calls from foreign governments including the US government and Indonesians who were worried about the possible economic damage which this decision would cause. It was also reported that Marzuki was one of the main actors who changed Abdurrahman's mind from retaining to sacking him. Reportedly, Marzuki told Abdurrahman that he would resign unless Wiranto was dismissed. These episodes are described in "Saat Wiranto Tergilas 'Buldozer Zig-Zag'", Forum Keadilan, 27 February 2000; "Gus Dur, Wiranto, dan Drama Kejatuhan itu", Tejak, 17 February 2000.
Richard Holbrooke. In a telephone interview with a panel of Indonesian journalists in Jakarta on 14 January 2000, he gave a strong warning against domestic forces wishing to suppress democratic reform in Indonesia. He repeatedly expressed his support for Abdurrahman and Marzuki’s attempts to reveal the truth behind the violence, and accused the military of attempting to thwart the work of KPP-HAM. Even taking Holbrooke’s outspoken character into account and the complete lack of evidence that a coup was being planned, the comment can be interpreted as a strong warning from the US government to the anti-reform forces in the TNI and support for President Abdurrahman. This stance was reinforced by the fact that US Ambassador to Indonesia Richard S. Gelbard met with Abdurrahman within a day of Holbrooke’s warning and conveyed a message of support for him from US President Bill Clinton.

Then, how did these various pressures actually affect the behaviour of KPP members? Overall, they appeared not to be greatly influenced, although the degree of influence depended on the source of pressure. As far as the pressure from domestic individuals and groups are concerned, KPP-HAM members from Komnas HAM certainly felt pressure from Wiranto. This was because of Wiranto’s powerful position as Menko Polkam. They felt this especially during the questioning when Wiranto stressed face-to-face to members of KPP-HAM that he was one of the people who formed KPP-HAM. However, Abdurrahman’s tough stance against Wiranto itself relieved the nervousness of KPP members. From Abdurrahman himself, they did not sense any pressure, though they recognised that he was supporting their work. With regard to pressure from Wiranto’s allies such as Djadjja, they appeared to be little influenced. Marzuki’s strong reaction to Djadjja’s comments may have helped this. They were, however, disturbed by radical groups, especially ultranationalistic and/or Islamic groups such as Front Pembela Islam (FPI), seemingly coordinated by Djadjja. These groups branded KPP-HAM a foreign agent, anti-TNI, and anti-Islam, and staged demonstrations almost daily during the questioning and the preparation of the announcement of the result of KPP-HAM’s inquiries. But as a member of KPP

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90 Interview with Asmara Nababan, 10 May 2000.
commented, such demonstration and other threats were quite normal in Indonesia, and
did not worry the members much.\textsuperscript{61}

What about the effect of foreign pressure? KPP members felt ‘direct’ pressure
from the ICET, which was conducting its investigation in parallel with KPP’s
investigation and demanding that strict international standards guide KPP’s inquiries.
On the other hand, they were little affected by ‘indirect’ pressure such as Holbrooke’s
comments and other voices from important foreign figures. However, Munir observed
that foreign pressure that showed support like Holbrooke’s may have had some
negative impact in that it raised nationalist sentiments among both the elite and the
public, and it may have made the TNI more adamant.\textsuperscript{62} This negative impact turned
out to be minimal, however.

KPP-HAM published its final report on 31 January 2000 and its executive
summary was made public on the same day. The summary listed the names of 32
individuals held responsible for human rights violations, and detailed the ‘planned
and systematic violence’ which occurred following the UN ballot. Moreover, it
implicated former TNI commander Wiranto and four other military and police
generals in the killings and destruction in East Timor. Concerning the responsibility of
Wiranto, the report says that Wiranto “fully acknowledged and realised the extent of
the violence and destruction in East Timor but failed to take action(...)Therefore,
General Wiranto, as the TNI commander, should be the one to take responsibility”.\textsuperscript{63}

\textsuperscript{61} “E. Timor probe faults Wiranto”, The Jakarta Post, 1 February 2000.
\textsuperscript{62} Interview with Robertus Robet, YLBH, 18 April 2000; Munir, 26 April 2000; Asmara Nababan, 10 May
2000. The demonstrators’ view can be seen, for example, in “Komnas HAM Dinilai Gunakan Standar
Ganda dan Diskriminatif”, Media Indonesia, 13 January 2000.
\textsuperscript{63} KPP-HAM Report, op. cit. The other names listed in the executive summary are: Abilio Osorio Soares
(Governor of East Timor), Domingos Soares (Regent of Dili), Col. (Inf) Herman Sedoyo (Regent of
Cova Lima), Leonito Martins (Regent of Liquiça), Guilherme dos Santos (Regent of Bobonaro), Edmundo
Conceicao E. Silva (Regent of Los Palos), Brig. Gen. F. K. Tono Suratman (East Timor Korem Commander),
Col. M. Noer Muis (East Timor Korem Commander), Brig. Gen. (pol) Timbul Siaen (East Timor Police
Chief), Lieutenant (Inf) Sugito (Suai Koramil Commander), Lieutenant (Inf) Sutrisno (Deputy Commander and
Chief of Intelligence at Kodim Bobonaro), Lt. Col. Buharuddin Siagian (Bobonaro Kodim
Commander), Lt. Col. Sudrajat (Los Palos Kodim Commander), Mayor (Inf) Yakraman Yags (Commander
of Battalion 744/Dili), Mayor Inf. Jacob Saraso (Commander of Battalion 745/Los Palos), Pratu Luis (a
member of Battalion 744/Dili), Captain Tatang (Commander of Company B-Battalion 744), Lt. Col. Yayat
Sudrajat (Head of SGI, Korem Dili), First Lieutenant Yacob (Staff of Kodim Liquiça), Maj. Gen. Adam
Damiri (Ulyayana Kodam Commander), Maj. Gen. Zacky Anwar Makarim (Security advisor for Satgas
P3TT), Eurico Guterres (Alitak commander), Olivio Mendoça Moruk (Laksur commander), Martinus Bere
(Commander of Kodim 744/Dili), Igidio Maneck (Deputy Commander of Laksur), Joni Marquez (Tim Alfa
Commander), João da Costa (a member of Tim Alfa), Manuel da Costa (a member of Tim Alfa), Amilio da
Costa (a member of Tim Alfa), Manuel Sousa (Besi Marah Puth Command), João Tavares (Hulitinar
Commander). In the full report, some new names were listed: Lt. Gen. Johny Lumintang, Maj. Gen. (ret.) H.
International responses to the KPP-HAM’s final report were extremely positive. UN High Commissioner for Human Rights Mary Robinson called the KPP-HAM report an important step against impunity.64 On the same day of the publication of the KPP report, ICIET also published its inquiry results, demanding the establishment of an international crimes tribunal.65 As noted earlier, UN Secretary General Kofi Annan, the United States and Australia, all took the stance to give Indonesia a chance to prosecute its own citizens.

Domestically, although there was criticism by some DPR members over the publication of the names of suspects, the alleged bias in the identification of TNI/Polri members as suspects, and KPP’s disregard of crimes committed by the pro-independence side, there was no systematic attack on the work of KPP-HAM at that time. Further, the response from the TNI headquarters was supportive. TNI spokesperson Vice Marshal Graitso Usodo suggested that “The military was relieved by the report’s forceful nature in that it could stem foreign pressure for an international war crimes tribunal on East Timor”.66 Concerning the dismissal of Wiranto, the TNI leadership made their stance clear that it was all up to the President. “The TNI believes that the decision by the President is always oriented to the interests of the people and the nation, and General Wiranto will accept this with entire sincerity and a big heart”, Usodo stated.67

While KPP-HAM was working, Wiranto and his officers failed to find an effective way to counter KPP-HAM’s increasingly bold approach. If the KPP’s work had been obstructed or the KPP had produced a report that was perceived as weak, this would have only increased the possibility that an international tribunal would be established. On the other hand, a forceful report such as the one the KPP actually produced served to humiliate those on whom it focused and ensured that the results of the KPP inquiry would be drawn on in the post-KPP investigations and future trials.68

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68 A source close to Wiranto and Zacky Anwar Makarim, who met these two and other suspected officers in September or October 1999, suggested that they were really scared of an international tribunal. The
Moreover, they were not sure if they would be able to effectively intervene in post-KPP investigation because politics was extremely fluid at that time and President Abdurrahman's policies were very unpredictable. The team of lawyers for the suspected TNI/Polri officers, Tim Advokasi HAM Perwira TNI/Polri, was the main voice opposing the KPP's mode of inquiry. But, they were also worried about an international tribunal. Their only choice, therefore, was to attack the amateurism of KPP-HAM, while stressing their own professionalism, and to defend the officers by pointing out the paucity of direct evidence of their involvement in the violence.  

Wiranto recognised that he needed to let the KPP work freely to prevent an international tribunal, but expected that the KPP would at least counter unfounded allegations from the international community. Wiranto did not like the fact that the outcome of the KPP was quite similar to that of ICIET, which he claimed had never asked to meet with him, but collected information only from the KPP and pro-independence circle. Finding his name on the list, Wiranto felt deceived by the President and Marzuki. He stated, "They assured me face to face that there was nothing wrong with what I had done and told me not to worry [about the KPP](...)I can't understand at all what politicians do..."  

In summary, a number of factors were central to the effective performance of KPP-HAM. In addition to the strategic selection of its members and their staff, key persons in the government such as the President and Marzuki offered strong visible and invisible support. At the same time, the TNI commander, Widodo, at least refrained from intervening in their work. This does not necessarily mean that the political elite as a whole had good will toward what KPP-HAM or Komnas HAM was doing; however, they found little benefit in openly objecting to KPP's work. Foreign pressure was not deeply felt by the KPP-HAM members, but it certainly had some positive effects on their work by counteracting pressure which would otherwise have come from the TNI and other elements in the political elite. Abdurrahman took advantage of foreign pressure to dismiss Wiranto while waiting for the result of

most worried was Zacky, who stated at the meeting, "My fate is finished". Confidential interview, May 2000.  
69 Interview with Muladi, Supreme Court Judge/Tim Advokasi member, 19 April 2001; Tim Advokasi member, 18 October, 2000.  
KPP-HAM’s inquiry. His stance of trusting KPP-HAM’s work also benefited him, as he was seen by both the international community and within Indonesia as making an effort to consolidate civilian supremacy.

The Follow-up Investigation by the Attorney General’s Office (February–October 2000)

The KPP-HAM’s final report was handed to Komnas HAM and then submitted to the Attorney General’s Office (hereafter AGO) on 31 January 2000. Marzuki Darusman—who by then had become Attorney General—immediately appointed Deputy Attorney General for General Crime M. A. Rachman and Deputy Attorney General for Intelligence Jusuf Kertanegara to coordinate the follow-up investigation. According to Government Regulation in Lieu of Law No. 1 concerning Human Rights Tribunals (Perpu No.1/1999 tentang Pengadilan HAM), the follow-up investigation was to be finished within three months after the preliminary report was handed to the AGO, with a possible three-month extension. Marzuki told the media that this period was enough for his office.

Nevertheless, this investigation process—the examination of the KPP-HAM’s final report, the start of the actual investigation, the questioning of potential suspects, field investigation, and the announcement of suspects—proceeded very slowly. In addition to this tardiness, the announcement of the names of the suspects attracted much suspicion. In the list of 19 ‘potential (calon)’ suspects made public on 1 September 2000,21 the names of Wiranto, TNI Commander at the period of destruction in East Timor, Zacky Anwar Makarim, Security Advisor to Satgas P3TT, and Eurico Guterres, Aitarak militia commander, were left out. (Guterres was added to the list on 2 October 2000, along with three more suspects, however). Then, four militia members were later dropped from the list for the reason that the AGO was unable to find witnesses for their cases. Finally, the DPR passed the Human Rights Courts Act (UU Pengadilan HAM.

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21 See Article 13(2) of Perpu No.1/1999. TPG focused on five cases of grave human rights violations which happened in April and September 1999: the attack on the Liquiça Church Complex (6 April 1999); the attack on Manuel Carrascalão’s house (17 April); the attack on Dili diocese and Bishop Belo’s private house (5-6 September); the attack on Ave Maria Church in Suai (6 September); and the murder of Dutch journalist Sander Theunis of the Financial Times (21 September).

22 The description of the suspects as ‘potential’ indicated an unusual degree of deference on the part of the AGO to those named. In legal terms, they were ‘suspects’, not ‘potential suspects’. 
No.26/2000) on 6 November 2000, and this act provided a stronger legal basis for moving the investigation and prosecution forward, however, it only materialised at the end of the investigation when the names of the suspects had already been compiled.

How did all this happen? What factors were behind the tardiness and poor result of their work? Below, we will observe six aspects—inter-related in many respects—that provide the answers to these questions. These are the following: the team composition and the working environment at the AGO, legal problems in proceeding with the investigation, elite political interests in developing the legal framework, the problems surrounding the identification of suspects, the changing political context, and a lack of international pressure.

The Team

There were problems with the team itself. Marzuki formed the Joint Investigation Team (Tim Penyidik Gabungan, TPG) on 19 April 2000, after the special team of the AGO finished examining the final report of KPP-HAM. TPG was headed by M.A. Rachman and made up of 79 members, who were divided into the 64-member Investigation Team [38 from the AGO, 10 from Puspom TNI (the military police), 6 from the Polri, 10 from Department of Internal Affairs], and 15 members of an Expert Team.\(^73\) It is obvious that the inclusion of members of the TNI and the Polri—the very institutions under investigation—reduced credibility of the team’s work. Marzuki stressed that he tried to limit the number of TNI/Polri officers in the Investigation Team in order to avoid a ‘conflict of interest’, but 16 members constituted a substantial part of the team.\(^74\)

According to a Human Rights Watch report, as early as the training session held for the Team’s investigators, some investigators seemed unable to understand the nature of the charges.\(^75\) One investigator stressed that there had always existed the two

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\(^73\) “Jaksa Agung Bentuk Tim Penyidik Gabungan”, Republika, 20 April 2000.

\(^74\) “Jaksa Agung Tidak Berat Periksa Wiranto”, Suara Pembantu, 15 February 2000. It was unclear why Marzuki did not reject TNI/Polri members, but it was certainly AGO’s usual practice to include some TNI/Polri members in teams investigating violence, and Marzuki may have been unable to flatly reject such a custom. Perpu No.1/1999 tentang HAM did not prevent the TNI/Polri from participating in the investigation of human rights violation cases (See Article 12).

\(^75\) Indeed, the need to hold a ‘training session’ suggested that at least some members of the team were not suitably qualified for the task.
warring factions—pro-independence and pro-integration—in East Timor, while another investigator suggested the necessity to pay equal attention to the allegations in the Indonesian press that Australian ‘Interfet’ soldiers had committed atrocities against pro-integration militia members. Moreover, the Investigation Team included a military police colonel named Hendarji, who had allegedly obstructed investigations into the role of Kopassus troops in the disappearances of student activists in 1998. On the other hand, the Expert Team consisted mostly of legal experts including some lawyers associated with human rights NGOs, such as YLBHI (Indonesian Legal Aid Foundation) and ELSAM (the Institute for Policy Research and Advocacy). Marzuki invited these experts to join the Team out of his concern about the Investigation Team’s lack of experience with cases related to international law and human rights. Despite this objective, in the actual investigation, the Expert Team was allowed only to give recommendations to the Investigation Team in the actual investigation, while the Investigation Team paid little heed to the advice from those experts.

Another problem in TPG surfaced when its members conducted a field investigation in East Timor. According to a briefing by Rachman on returning from East Timor, their work was very much hampered by the inadequate preparations of UNTAET. To this claim, Sidney Jones, the head of the UNTAET Human Rights Unit until July 2000, countered that it was TPG which had been little prepared for the field investigation; however, she admitted that the UNTAET side had been hesitant to share information with TPG. This was because UNTAET was unsure about how the team would use this information and how witnesses would be protected. Local East Timorese, as well, distrusted TPG. Even KPP-HAM, which involved local NGOs, was not fully trusted by them simply because it was an ‘Indonesian’ investigation team. Distrust of TPG, which did not involve a single local NGO but instead many Indonesian TNI/Polri officers, was therefore not at all surprising.

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76 Human Rights Watch, Unfinished Business, op. cit. A member of the Expert Team complained that there was little independence in the Investigation Team. He said that there were two sources of command—one from Team leader Rachman and the other from the TNI—in the Team, and that there might be leakage of information to the TNI. “Jaka Agung Bentuk Tim Penyidik Gabungan”, Republika, 20 April 2000.
78 See the very informative interview with Adrianus Meliala, a member of the Expert Team, in “Jangan Membiarakan Ular itu Marah”, Media Indonesia, 10 September 2000.
80 Interview with Sidney Jones, Asia Director of Human Rights Watch, 8 December 2000.
Legal problems in proceeding with the investigations

A legal problem also seriously hampered the investigation—the absence of appropriate human rights legislation. When TPG started its investigation in April 2000, the team leader Rachman admitted having no strong legal basis for proceeding with the investigation. Before the Human Rights Courts Act was adopted by the DPR on 6 November 2000, Perpu No.1/1999 had been the only legal basis that stipulated the process for conducting a preliminary inquiry (i.e., KPP-HAM stage) for cases before the future human rights courts. And there was no human rights court at that time. However, the Perpu, which was issued by Habibie at the time of the formation of KPP-HAM, required parliamentary endorsement but it was rejected by the DPR on 13 March 2000.\(^1\) Nevertheless, it continued to be used by the Investigation Team as the legal basis for most of the period of the investigation, on the dubious grounds that it was still valid as it had not yet been officially repealed. The Expert Team objected to relying on the Perpu.\(^2\) Besides doubts about its validity, the Expert Team felt that while a ‘Perpu’ was an emergency measure, the cases they had to deal with were not emergencies and therefore required an alternative legal foundation. They then recommended combining the various existing national laws with international laws, while pushing for the adoption of the Human Rights Courts Bill.\(^3\) However, the Investigation Team preferred to use the Perpu, complementing it with Human Rights Law (*UU No.39/1999 tentang HAM*), which established procedures for preliminary investigation by Komnas-HAM, and the Criminal Code (*KUHP*, and *KUHAP*). In practice, the Criminal Code was chiefly used in the investigation. However, there was a major flaw in applying the code to human rights violation cases involving senior officers. It only recognises crimes of ‘commission’, but not crimes of ‘omission’, which

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\(^1\) According to the Minister of Law and Legislation, Yusril Ilaha Mahendra, the main reason why the DPR rejected this perpu was that it did not allow retroactive prosecution. However, there was a more convincing reason. Many DPR members did not like the fact that Habibie made the perpu under strong international pressure. “Seluruh Fraksi Tolak Perpu Pengadilan HAM”, *Kompas*, 14 March 2000.


\(^3\) Interview with Irianwo Subiakto, YLBHI director/Expert Team member, 2 October 2000.
means that it applied only to direct perpetrators of crimes. As a result, senior officers who permit subordinates to commit crimes cannot be prosecuted unless they are proven to have issued direct commands.84

This flaw was partly overcome in the long-delayed Human Rights Courts Act which was eventually adopted by the DPR on 6 November 2000. The new law provided for the prosecution of crimes of ‘omission’ in cases involving gross violations of human rights.85 It also provided for retroactive prosecution to cover cases of gross violations, like those in East Timor, which occurred before the adoption of the legislation. The law, however, did not provide for retroactive prosecution in all cases but only if the DPR proposed the establishment of an ad hoc court to hear specific cases which would then be implemented through a Presidential Decision.86 However, the law had not actually been adopted by the DPR until most of the investigation had been completed. Considering that much time was spent discussing the validity of the Perpu and other legal bases to move the investigation forward, the delay in the adoption of the Human Rights Act very much contributed to the slow process of the investigation.87 And more critically, the delay in adopting this law forced the investigators to rely heavily on the criminal code. Moreover, the investigators lacked a desire to modify their investigation results or conduct further investigation based on the newly-adopted Human Rights Courts Act.

Elite political interests in developing the related laws

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84 Meanwhile, the Human Rights Law stipulates the application of retroactive prosecution of gross human rights violations categorised as ‘crimes against humanity’ in the explanation of Article 4. However, this alone is insufficient for preparing for trials for these human rights violation cases because the law only stipulates that there should be trials and fails to stipulate anywhere the procedures to be followed. See Chapter 9 Article 104 in “UU No.39/1999 tentang HAM”, Undang-Undang Hak Asasi Manusia 1999, Bandung: Citra Umbara, 2000. Habibie signed this law on 23 September 1999.


86 See Chapter 8, Article 43 in the Human Rights Courts Act. Actually, the provision to permit retroactive prosecution was in the original bill, but it was withdrawn after repeated discussions in the draft-making team. According to a member of the team, Adnan Buyung Nasution, the reason for the Team to require a the DPR’s specific approval for retroactive prosecution was that past human rights violation cases would inevitably require a political decision. Munir, another member of the team, objected to the restriction on retroactive prosecution, but was defeated by the opinion of the majority. The draft bill was finalised by the team on 18 March 2000 but not adopted by the DPR until November. “Tim Penyusun Sepakat RUU Pengadilan HAM Berlaku Surat Tanda Batas Waktu”, Kompas, 4 February 2000; “Memburu Wiranto dengan UU Pengadilan HAM”, Forum Keadilan, 13 February 2000.

87 Interview with Luhut M.P. Pangaribuan, an Expert Team member, 5 December 2000.
During the time the TPG was proceeding with the investigation, two new political controversies had an influence on the investigation: the amendment of the 1945 Constitution and the delay in the adoption of the draft Human Rights Courts Act mentioned above. The amendments of the Constitution adopted at the Annual Session of the MPR (ST MPR) in August 2000 included the insertion of a human rights chapter based largely in the International Convention on Civil and Political Rights. At the centre of controversy was a clause rejecting retroactivity applied to human rights crimes [Article 28 I (l)]. This amendment, which was supported by the TNI/Polri Group among others, attracted much speculation on the motives of those Groups which supported it.

As a member of the Commission A at the ST MPR which was assigned to discuss the constitutional amendments admitted, this issue had hardly been discussed by the preliminary Ad Hoc Committee (PAH) of the ST MPR. This Committee had started its deliberations about two months earlier to lay the ground for the constitutional amendments. According to a Commission A member, the issue was only discussed in a ‘synchronisation team’ in several meetings at a hotel in July. MP Speaker Amien Rais admitted that the introduction of the amendment was an oversight, unnoticed by many legislators. He also acknowledged that the leaders of the Commission A had little knowledge of legal and human rights issues. Foreign Minister Alwi Shihab was also confused. He stated that the amendment was a blemish on Indonesia’s image and that he would personally find it difficult to explain it to the international community.

Meanwhile, Lt. Gen. (ret.) Hari Sabarno from the TNI/Polri Group denied that the ‘non-retroactive’ principle was intended to protect past human rights violators. He suggested, however, that these cases be referred to a ‘truth and reconciliation [commission]’—the formation of which was being simultaneously discussed in another

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88 It states “[t]he right not to be prosecuted based on a law which can be applied retroactively is among the human rights which cannot be diminished under any conditions”. (See Article 28 I (l) in “Perubahan Kedua: Undang-Undang Dasar Negara Republik Indonesia Tahun 1945” in Keketatan-setetapan Sidang Tahunan MPR-RI Tahun 2000, Jakarta: Restu Agung, 2000). The Minister of Justice and Human Rights Yusril Iliza Mahendra argued, however, that Article 28 I (2) stipulates that “In performing rights and freedom, each person should be submitted to limitations which can be specified by law” and, therefore, he claimed, the government can still implement the retroactive principle based on the Human Rights Courts Act. (“Yusril: Asas tak Berlaku Surut tidak Absolut”, Republika, 1 September 2000). Nevertheless, this interpretation is highly debatable.

89 “Assembly to pass amended constitution”, The Jakarta Post, 16 August 2000.


Together with another important decision at the ST MPR—the maintenance of 38 seats for the TNI/Polri Group at the MPR until 2009—the adoption of the amendment indicated the enhanced bargaining power of the TNI vis-à-vis political parties and President Abdurrahman in the context of a very fragmented legislative body. Hari Sabarno commented after the session that the decision was not their own choice but rather reflected the wishes of other Groups in the MPR. A member of the Expert Team of TPG suggested that the amendment in fact caused confusion among the investigators because they became unsure about what they would do if the amendment invalidated retroactive prosecution, for which they had been preparing. Marzuki admitted that the amendment had caused his office to postpone naming the suspects so they could prepare a stronger legal argument. How the amendment actually affected the substance of investigation was hard to gauge, however.

As noted earlier, another factor that affected the investigation negatively was the delay in adopting the Human Rights Courts Act. The DPR started to discuss the draft law on 5 April 2000, and its promulgation was expected by late July 2000, assured by DPR Speaker Akbar Tandjung. However, its passage had to be put on hold until as late as 6 November. Although it was reported that this delay was partly due to technical problems such as a lack of funds to hold meetings and many other bills which had to be dealt with concurrently, political resistance was also a crucial factor. According to media reports, there had been resistance especially from the TNI/Polri Group and the Golkar Group, with regard to the retroactive aspects of the bill. In a discussion of the bill, for example, a TNI/Polri representative stressed the breach of the

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93 The MPR adopted a decree permitting the TNI to retain its seats in the MPR until 2009 at the latest. This was a surprise to many because the main parties had already set the deadline of 2004 for the complete removal of the TNI/Polri appointees from legislative bodies. It was widely regarded that this was the result of each party's attempt to woo support from the 38 TNI/Polri members. The president who was facing possible impeachment also wanted their support. Because of the deal, the TNI/Polri group did not back the DPR's censure of the President following his controversial sacking of two economics ministers. Note that as a consequence of the general election of July 1999, the 500-member DPR and the 700-member MPR (which includes all the 500 DPR members) were very fragmented, with five big parties and many small parties.
95 Interview with Luhut M.P. Pangaribuan, 5 December 2000.
96 "Yusril reaassures international community on rights violators", The Jakarta Post, 1 September 2000.
97 "House to support bill on rights court", The Jakarta Post, 17 June 2000.
universality of the principle of non-retroactivity.\textsuperscript{98} It must be noted here that this was before the 1945 Constitution was amended to include the non-retroactive principle. It was therefore quite likely that the amendment of the constitution that threatened to invalidate retrospective prosecution persuaded those DPR members who had been opposed to the human rights courts bill to accept it, leading the bill finally to be adopted unanimously.

The problems surrounding the identification of suspects

On 1 September 2000, the AGO formally identified 19 people, including three generals as suspects in human rights violations in East Timor. These generals were former Region IX/Udayana commander Maj. Gen. Adam Damiri, former Korem 164/Wira Dharma commander Brig. Gen. Tono Suratman (who had been promoted from Colonel after his transfer from Dili), and former East Timor police chief Brig. Gen. Timbul Silaen. Most controversially, Gen. Wiranto, Eurico Guterres, Maj. Gen. Zacky Anwar Makarim, were not included.\textsuperscript{99}

From the early stages of this AGO investigation, there was much uncertainty and ambiguity in identifying suspects particularly among high-ranking TNI/Polri officers. A number of factors explain this. Firstly, as discussed in the previous chapter, solid documentary evidence to prove the involvement of non-field operators—in particular, the high-ranking officers who had given crucial orders from Jakarta or conducted intelligence operations—was lacking. In the case of Wiranto, the Expert Team had nominated him as a suspect before the first list was completed; nevertheless, either the Investigation Team or the Attorney General removed his name. The spokesperson for the AGO only suggested that there was not enough evidence to identify him as a suspect.\textsuperscript{100} Marzuki suggested that this kind of problem was due partly to the over-cautiousness of the Investigation Team as well as their way of investigating. When identifying the suspects, the Expert Team preferred to start from

\textsuperscript{98} "DPR plenary discusses HR Court bill", Kompas, 16 June 2000.

\textsuperscript{99} Although the total number of suspects in the AGO’s list was actually 23, one of the militia suspects, Olivio Mendoca Moruk, was murdered on 5 September 2000. Later, four more names were added; thus suspects on the AGO’s list came to 26 in total. However, in the end only 18 were brought to trial.

the top commanders, while the Investigation Team preferred to start from the bottom—that is, with field operators for whom they had concrete evidence. Then, as was noted, the Investigation Team had little respect for Expert Team's recommendations.  

Secondly, Marzuki himself made his own calculations regarding the timing of the announcement. In determining suspects, his authority was enormous. An Expert Team member suggested that it was very easy for Marzuki to take someone's name off of the suspects list at the very last moment. When determining the suspects, it was quite likely that Marzuki and his staff were concerned about the reaction from Wiranto and Eurico Guterres, both of whom had many followers and could cause political unrest or violence. Bomb blasts which rocked the AGO in July during the questioning of Soeharto's youngest son, Tommy Soeharto, were still fresh in the minds of the staff there, which may have affected their judgement to some extent. Thirdly, as Munir observed, it was to test the international reaction. He supposed that if there was a substantial international outcry, the AGO might change its attitude. Fourthly, as an Expert Team member Luhut M. P. Pangaribuan hinted at, there was 'the Marzuki factor' behind this. Marzuki was a prominent Golkar politician in the Soeharto era and many of the potential suspects were in fact his friends, or at least acquaintances. It was not difficult to imagine that psychologically it was not easy for Marzuki to bring them to trial.

Changing context of domestic politics

The more serious problem was that President Abdurrahman was no longer willing to strongly push for the post-KPP investigation, or simply paid little attention to it. Before dismissing Wiranto, he repeatedly stated that he would pardon Wiranto if he was later

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101 Interview with Irianjo Subiakto, 2 October 2000.
102 Ibid.
103 See, for example, "Nineteen suspects named over bloodbath", South China Morning Post, 2 September 2000.
104 Interview with Luhut M. P. Pangaribuan, 5 December 2000. It is unclear, however, how his membership in Golkar affected the selection of suspects. KPP and Expert Team members tended to suggest that Marzuki was motivated more by his own political ambition than reacting to direct pressure from the party. In addition to Marzuki, Rachman's close relation with the military, especially Wiranto, was also raised in the mass media. For example, reportedly Rachman had known Wiranto well since both sat in the Security and Legal System Stabilisation Council during the Habibie administration. "I Honestly Swear", Tempo, 21-27 August 2001.
found guilty and, after dismissing him, he hardly commented on this issue. This was very much related to the changing context of domestic politics around February 2000, when, coincidently the AGO investigation began. The President was simply too preoccupied with a burgeoning political struggle, and obviously more interested in political survival than pushing his initial reform agendas forward. The East Timor case, as well as most other outstanding human rights violation cases, were no longer priorities.\textsuperscript{105} Moreover, despite his pledge to eradicate corruption and improve the country’s notoriously corrupt judicial problem, he himself engaged in unlawful practices including two financial scandals—‘Buloggate’ and ‘Bruneiigate’—and various interventions in legal process.\textsuperscript{106}

After Abdurrahman dismissed Wiranto, he continued his attempts to sideline the Wiranto group within the military, and began promoting military officers whom he regarded as controllable and beneficial to him. His most blatant step was the replacement of Kostrad commander—and Wiranto’s ally—Djadja Suparman, with his own favourite Agus Wirahadikusumah on 1 March 2000. And this favouritism spurred the alienation of the Widodo-led TNI leadership, which had previously been aligned with Abdurrahman’s reform policy. Abdurrahman’s political mismanagement continued. One of the most serious examples was his sacking of ministers whom he accused of corruption but without solid evidence. And, those who were sacked belonged to the parties that had contributed to Abdurrahman’s elevation to the presidency. Meanwhile, his party, the National Awakening Party, only occupied eight percent of the seats in the 695-member MPR. His opponents in rival political parties therefore saw advantage in aligning themselves with the military, which still occupied a significant bloc of seats in the legislature. Abdurrahman’s weak position vis-à-vis the military was evident when he compromised with his political opponents, including the

\textsuperscript{105} For an overview of the various outstanding human rights violation cases in Indonesia, see, the International Crisis Group, Indonesia: Impunity versus Accountability for Gross Human Rights Violations, Jakarta/Brussels, 2 February 2001.

\textsuperscript{106} ‘Buloggate’ refers to his alleged involvement of the embezzlement of $3.7 million from provident fund for employees of a government agency Bulog, while ‘Bruneiigate’ refers to his possible improper acceptance of $2 million from the Sultan of Brunei. Among his many interventions in the judicial process were his recommendation to the Attorney General to stop investigation of his financial supporter, Marinmulta Sinivasan, and his apparently arbitrary targeting of the Bank Indonesia governor Syahril Sabirin over ‘Syahril’s role in the Bank Bali scandal. For a detailed analysis of Abdurrahman’s political mismanagement, see, Marcus Mietzner, “Abdurrahman’s Indonesia: Political Conflict and Institutional Crisis” in Grayson Lloyd and Shannon Smith, eds., Indonesia Today: Challenge of History, Singapore: Institute of Southeast Asian Studies, 2001, pp. 24-45.
military, during ST MPR in August 2000. His unsuccessful attempts to make military personnel changes, especially those involving Wirahadikusumah, were but further evidence of the weak position he occupied.107

Abdurrahman once again made clear his tough stance against hardliners within the military as he had done one year earlier, when he reacted to the incident where three UN humanitarian workers were brutally murdered by East Timorese militias in Atambua, West Timor, on 6 September 2000. However, the responses from the TNI leadership as well as the civilian political elite were very cool and Abdurrahman himself in no time returned to the day-to-day political battle and became detached from the issue. The developments surrounding the militias in West Timor during this period will be closely examined in the next chapter.

Absence of international pressure

The period during which international pressure on Indonesia most effectively worked was between the second week of September 1999 and mid-February 2000—from the weeks immediately after the announcement of the ballot results until Wiranto was made ‘non-active’ from his Menko Polkam post in mid-February 2000. However, after the release of the forceful KPP-HAM report and the dismissal of Wiranto that followed, foreign pressure lessened dramatically. The UN, as well as major Western nations, indicated they would trust the Indonesian government in following up the KPP-HAM’s inquiries. In addition, various types of sanctions began to be lifted. Most symbolically, the United States partially resumed military co-operation unofficially in mid-February, and officially in May,108 even though it later suspended it in reaction to the Atambua killing. The same stance was seen in the European Union, which had dropped its arms

107 The most significant steps in this context were Wirahadikusumah’s dismissal from the post of Kostrad chief at the end of July 2000 and Abdurrahman’s unsuccessful attempt to promote him to army chief-of-staff in early October 2000. For the background of this tug-of-war between Abdurrahman and the TNI over the military personnel change around the period, see, Jun Horna, Consolidating Civilian Control: the Indonesian Military Politics under the Abdurrahman Government (Paper presented at the conference organised by Shizuoka Asia Pacific Forum, Shizuoka, Japan, 1-3 December 2000). Abdurrahman, who faced the risk of impeachment, managed to survive the MPR session, but was forced formally to hand over the government’s daily work to Vice-President Megawati, although in practice her powers remained very limited.

108 A Pentagon official revealed that it was renewing its ties first with the air force and navy, but not the army due to the widely-spread suspicion that the US training had assisted Kopassus. “United States and Indonesia Quietly Resume Military Cooperation”, The New York Times, 24 May 2000.
embargo on Indonesia as early as mid-January 2000. In early May 2000, when the AGO was still continuing investigation, Ana Gomes, Portuguese Ambassador to Indonesia, was asked whether the member countries of the EU were still closely watching the investigation process by the AGO. She responded that after reading the excellent contents of the KPP-HAM’s report, their concern about the issue of justice had been relieved and they were now more interested in supporting a smooth democratic transition of Indonesia.\footnote{Personal communication from Ana Gomes, 3 May 2000.}

If we look at the annual session of the UNCHR in Geneva held at the end of April, Indonesia was even praised for its progress and observance of human rights by some countries at the session. The tone of Mary Robinson’s speech at the session was also softer compared to a few months previously. Instead of criticising the slow work of the AGO, she indicated that the Office of High Commissioner wished to provide technical assistance to the AGO’s work.\footnote{Comment by Albert Hasibuan, the head of KPP-HAM. “KPP-HAM Tuntut Timbat [sic] Lambat, Komisi Tinggi HAM PBB akan Kirim Utusan”, \textit{Kompas}, 7 April 2000.} The international mass media were also less interested in covering the work of the AGO. Only after the controversial amendment of the 1945 constitution at the ST MPR—and, more notably, after the Atambua killings—did Western governments begin to resume strong pressure on the Indonesian government to solve the militia problem. However, this had little impact on the AGO investigations into the 1999 human rights violations.

With regard to the identification of suspects, there appeared to be little pressure on the AGO from foreign governments or the UN to include specific individuals in the list of suspects. Although human rights NGOs and the international media were strongly critical, the voices of foreign governments and the UN were far softer although they continued to express expectations that additional suspects would be identified. The head of UNTAET Sérgio Vieira de Mello, usually outspoken, also praised the direction that the AGO was taking, indicating his hope that more suspects would be identified.\footnote{“De Mello lauds moves to try East Timor suspects”, \textit{The Jakarta Post}, 2 September 2000.} The president of CNRT, Xanana Gusmão, praised the list as ‘an act of courage worthy of applause’, and downplayed the fact that some top officials, among them Gen. Wiranto, were not included in the list. He also stressed that the Indonesian authorities should be given time.\footnote{“East Timor: Gusmão Praises Indonesian List of Post-Referendum Violence Suspects”, \textit{Lusa}, 1
the identification of 19 suspects meant that the AGO felt little sense of urgency to identify more suspects. A member of the Expert Team in TPG lamented this absence of international pressure.113 (The only exception was the case of Eurico Guterres, who was named as a suspect along with three more people on 2 October, but this was likely a side-effect of international pressure in relation to the Atambua killing—which will be observed in the next chapter).

In addition to a lack of direct international pressure on the AGO investigation, the slow progress of investigations and preparation for trials by UNTAET may have also negatively affected the performance of the AGO investigation. This was in contrast to the situation where KPP-HAM had faced strong pressure from the ICIET, the UN counterpart of KPP-HAM, which demanded that the AGO conduct an investigation in line with strict international standards. The Indonesian government and UNTAET signed a Joint Communiqué on 29 February 2000 and Memorandum of Understanding (MoU) on 5 April 2000 on cooperation in investigations.114 However, it was only in August 2000 that the Office of Prosecutor General of UNTAET began charting out a plan for systematic investigations of serious human rights violations cases, and only in November 2000 that a basic legal framework for dealing with them was eventually established.115 By the time the first indictment for crimes against humanity was made in December 2000 in East Timor, the AGO’s investigation had been completed. The AGO was satisfied with their own investigation and had little intention of cooperating with UNTAET on the exchange of information, not to mention the extradition of suspects.

Post-Investigation Developments (November 2000-December 2001)

Following the completion of the AGO investigation, over a year was spent on the

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113 Interview with Luhut M.P. Pangaribuan, an Expert Team member, 5 December 2000.
114 The MoU allows for arrest in the country of the other signatory, transfer of suspects between the two countries, and the sharing of information, witnesses, and forensic.
115 UNTAET internal document.
technical preparations for trials by the AGO, the Supreme Court, and the Ministry of Justice and Human Rights. However, the intrinsic weakness of the judiciary allowed the Presidential office and the newly-empowered DPR to influence the entire process leading to the trials. After all, the very decision to establish the ad hoc court for the East Timor trials was in the hands of these two institutions.

The DPR proposal and the presidential decrees

As stipulated in the Human Rights Courts Act, the retroactive prosecution for human rights violations can take place only in an ad hoc court (Article 43[1]), the establishment of which requires a proposal by the DPR and the agreement of the President (Article 43[2]). From the beginning, there was criticism among the human rights community about the law’s necessitating the initiative of the DPR—which was often swayed by nationalistic sentiments and increasingly seen by rights activists as ‘lembaga impunity baru (new institution of impunity)’—for establishing such a court. As expected, despite its urgent nature, it took another four-and-half months for the DPR to propose (on 21 March 2001) the establishment of an ad hoc court which would handle the 1999 East Timor violence case (Another ad hoc trial for the 1984 Tanjung Priok killings case was simultaneously proposed).116 One month later, on 23 April President Abdurrahman issued a decree on the establishment of an ad hoc court (Keppres No.53/2001).117 However, a big problem came to the surface. The decree stipulated that the ad hoc human rights court would only hear crimes that occurred after the referendum of 30 August 1999 (Article 2). This meant that after two-and-a-half years of waiting, the hearings of only two of the five major cases investigated by the AGO could be taken to the court.118 The explanation from this cut-off date was unclear but media

116 A few months later, in June 2001, the DPR recommended that Trisakti, Semanggi I, and Semanggi II incidents that occurred in 1999-2000, in which many students were shot dead by the security forces, be treated at ordinary courts, not at human rights courts.
118 These two cases involved the incidents that occurred on 6 September 1999, and entailed an attack on Bishop Belo’s house and the massacre at Suai church. One of the focuses of criticism vis-à-vis Abdurrahman’s decree was that it would allow Eurico Guterres escape prosecution because he became a suspect only in the case of the attack of Manuel Carrascalão’s house that took place before the ballot. One more priority case that occurred after the referendum, the case of the murder of Dutch journalist, Sander Thoenes, had already been virtually dropped as early as July or August 2000 because of what the AGO claimed as ‘the lack of evidence’ (The AGO has never officially announced the closing-down of the case.
reports suggested that the military had pressured President Abdurrahman—who was in the midst of the impeachment process—to limit the period to the post-referendum period so that the military/police officers could avoid prosecution.\(^{119}\) If only these two cases were handled, the lawyers of the military could argue at the court that the human rights violations were all explained by the militias’ ‘running amok’ in reaction to the result of the ‘fraudulent’ ballot. As was examined in the previous chapter, this was the claim which has been most popularly used by military/police officers allegedly involved in the 1999 violence.

Reacting to criticisms from rights groups, foreign governments, and the UN, President Abdurrahman promised to correct the decree; however, before he did this, he was impeached and replaced by Vice President Megawati Sukarnoputri on 23 July 2001. Megawati’s nationalist outlook, her close relationship with the military and the military contribution to her rise to the presidency, all greatly worried the human rights community. They predicted that Megawati was unlikely to do anything that would damage the military’s core interests. That worry was relieved when she issued a new decree overruling Abdurrahman’s decree shortly after she took office. The new decree allowed the ad hoc court to hear cases of human rights violations that occurred in Liquiça, Dili, and Suai in April as well as those in September 1999 (Article 2, Keppres No.96/2001).\(^{120}\) Although the specification of the place and months still poses a constraint in identifying the systematic or organised nature of the human rights violations at the court hearings, the new decree at least allowed authorities to pursue the two other major incidents, the Liquiça killings and the attack on Manuel Carrascalão’s house. However, Megawati disappointed the human rights community when she selected M. A. Rachman, the leader of the AGO investigation team, as the new Attorney General.\(^{121}\) The mass media immediately speculated on Megawati’s

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\(^{119}\) See, for example, “Gutterres set to slip through the net on atrocities”, *Sydney Morning Herald*, 1 May 2001. Abdurrahman was at that time fighting the last battle with his opponents including the military leadership, and rumours of a number of ‘deals’ proposed by the President were rampant.

\(^{120}\) “Perubahan atas Keppres No.83 Tahun 2001 tentang Pembentukan Pengadilan HAM Ad Hoc pada PN Jakarta Pusat (Keppres No.96 Tahun 2001)”, [hukumonline.com](http://www.hukumonline.com).

\(^{121}\) Rachman replaced Abdurrahman’s ally Marsilliam Simanjuntak who took office only briefly. Simanjuntak’s predecessor was Baharuddin Lopa. Lopa was known for his integrity and independence, but he died of heart failure only one month after he became attorney general. Responding to the news of Lopa’s death, human rights lawyer Todung Mulya Lubis lamented that one promising factor had
motive, suspecting that she accepted recommendations from retired generals, such as Gen. (ret.) Wiranto, or BIN (the National Intelligence Agency) chief Lt. Gen. (ret.) Hendropriyono, or civilian political leaders allegedly involved in corruption, including her husband Taufik Kiemas. Lawyers for the suspected military/police officers denied the link between the military and the selection of Rachman, but one thing is certain: Rachman is popular among this circle because he had demonstrated his ‘professionalism’ in proceeding with the investigation.123

Further preparations for trials

Although it was unclear exactly when the AGO finished its investigation, they regarded 17 October 2000 as the official deadline for completion of the investigation. After that their main remaining tasks were to locate and question militia suspects who had yet to be detected, prepare the dossiers for all the suspects to be brought before the courts, and select prosecutors for the trials.124 The Ministry of Justice and Human Rights, led by Yusril Ihza Mahendra, coordinated the preparation for ad hoc trials and funded the expenses and facilities for the trials. The Supreme Court, led by Bagir Manan, was responsible for selecting judges for the trials, and Supreme Court judge, Benjamin Mangkoedilaga, led the team to select ad hoc judges.

The authorities announced regularly—almost monthly—new dates of the opening of the first trial, much to the frustration of the human rights community. Initially scheduled for the end of January 2001, the trial were postponed monthly, and only started more than a year later, on 14 March 2002. Furthermore, as widely reported, the selection of judges was opaque and very slow, taking 7-8 months. The judge-selection team eventually selected 18 non-career judges (mostly university professors) and 12 career judges, but their quality and independence have been doubted. (A similar pattern was seen in the selection of the prosecutors for the trials).125

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122 See, for example, “Mega under fire over choice of A-C”, The Straits Times, 16 August 2001; “Kuda Hitam Tunggangan Militer”, ADIL, 27 August 2001.
123 Interview with Muladi; 18 April 2001; Interview with another Tim Advokasi member, August 2001.
124 “Jaksa Agung: Pemerintah Tak Akan Berikan ‘Impunity’”, Kompas, 24 November 2000. The AGO has delayed indictment before the trial begins. This is because the trial must start within 70 days after the ad hoc prosecutors for this case receive the dossiers from the investigation team. (Article 24 of Human Rights Courts Act).
125 For some notes on the judges with allegedly dubious track record, see, “Menyambut Pengadilan HAM
Moreover, it took some times for the ad hoc judges to assume their official capacities, and the ad hoc prosecutors for the trials were selected only after judges were officially put in place. This then necessitated waiting another week for the prosecutors to be officially installed. There was a suspicion that there was a concerted effort on the part of the Indonesian authorities to delay trials by finishing technical items one by one, rarely preparing multiple items concurrently. The government also tried to ameliorate international criticism by highlighting each step, while always stressing technical problems in the process leading to the trials.

Cooperation with East Timor?

As noted in the previous section, the MoU was concluded between Indonesia and East Timor to facilitate investigation on each side, and this enabled the Indonesian Investigation Team to visit East Timor for a field investigation in July 2000; however, the MoU did not properly function thereafter—in particular, for the side of UNTAET. There was little progress in the sharing of information, witnesses, and forensic evidence, let alone in the transfer of suspects between the two countries. Obviously the biggest obstacle which UNTAET was facing is that nearly all the key individuals—both the security forces and civilians—accused of gross human rights violations in East Timor are in Indonesia. This forced the East Timor administration to limit itself to the only available, mostly petty, suspects. For Indonesian investigators and prosecutors, the dysfunctionality of the MoU did not cause a serious problem because this only allowed them to weed out or drop the cases for which they could not find witnesses or strong evidence of human rights violations. A further hurdle for the East Timor administration was the general hostile attitude of the Indonesian political elite towards what they regard as the infringement of national sovereignty. This hostile attitude was

ad hoc: Patut Dipertanyakan Track Record Sebagian Hakim Ad Hoc dan Karier serta Perlunya Segera UU Perlindungan Saksi, Solidaritas Press Release, 22 January 2002. For the case of prosecutors, see, for example, “Lawyers doubt rights prosecutors’ capability”, The Jakarta Post, 9 February 2002. The delay of the selection of judges was partly due to the assassination of Syafuddin Kartasasmita, who had been leading the initial team responsible for selecting judges. Syafuddin was regarded as one of the few brave judges in Indonesia, who had sentenced Tommy Soeharto and Soeharto’s crony Bob Hassan to prison terms. Again, one promising factor disappeared.

Nevertheless, several militia leaders and former soldiers have already been tried and sentenced in East Timor. Joni Marquez, former Tim Alta militia commander received the heaviest sentence so far—33 years' and 4 months' imprisonment—at the end of 2001.
demonstrated when a mission from UNTAET’s Serious Crimes Unit (SCU) visited Jakarta in early December 2000. The delegation aimed to question selected witnesses, some of whom were also on the suspect list of the AGO. Despite the AGO’s assurances, it turned out that the delegation was not permitted to carry out its work and returned to East Timor empty-handed. Their rejection was initiated by the lawyers of the TNI/Polri and followed by the TNI headquarters and nationalist elements in the DPR, members of Commission I in particular. This led to the DPR’s summoning of the Attorney General and Foreign Minister to explain the MoU, and the DPR’s decision to review the MoU itself in its next plenary session. The legislators’ argument was that the MoU was not legally binding because it was not approved by the DPR. This kind of attitude in the DPR towards the East Timor investigation has not changed at all up to now. A renewal of the MoU looks hopeless because the DPR is unlikely to agree to it, considering its increasingly antagonistic attitude towards foreign intervention over the issue. These developments suggest that the East Timor side had no other option but to continue their own investigation within their own jurisdiction, and develop their own framework of justice, including the reconciliation scheme which has been established in East Timor, while sometimes sounding out Indonesia’s willingness to cooperate at a minimal level.\footnote{On 24 February 2003, the Serious Crimes Unit eventually filed an indictment charging Wiranto and other six senior officers (Zacky Anwar Makarim, Kiki Syahnakri, Adam Damiri, Tono Suratman, Noer Muis, and Yayat Sudrajat) and Abilio Soares with crimes against humanity committed in East Timor during 1999. SCU demanded the handover of these accused. The Indonesian government, in particular, the DPR, reacted strongly to this indictment and categorically rejected the extradition of the officers. The UN is rather cool to the indictment, explaining that the indictments were issued by the Office of the Prosecutor General of Timor-Leste, and not the UN. East Timorese leaders are also ambivalent. President Xanana Gusmão, in particular, showed his concern about possible negative effects of this indictment on East Timor’s relations with Indonesia.}

Conclusions

This chapter has observed factors influencing government responses to domestic and international demands to identify and punish individuals responsible for human rights violations in East Timor. It demonstrated that the Indonesian government’s performance over this crucial problem was largely explained by a political power game at the elite level, where the key players used the issue as an important political commodity. The government occasionally responded to domestic public demands, but
the responses to those demands tended to be cosmetic. The general strength of international pressure often explains the positive government response, but this chapter suggests that this requires precise timing and credibility, and the lack of a consistent strategy on the side of pressure-exerting states/institutions often gives Indonesian political players room to manoeuvre over the issue.

Following the referendum-related violence in East Timor, there was a dramatic change in the political power map. President Habibie, who had found it in his own interests to lay the groundwork for the process of justice, was replaced by Abdurrahman Wahid in the presidential election of October 1999. The Abdurrahman government had more apparent legitimacy to make drastic reform, and initially, enough power to do so. President Abdurrahman let KPP-HAM work independently and boldly, and had a strong personal interest in them doing so. However, from the start of the second half-year of his term, the power balance changed rapidly between the President and the military, and the President and political forces that not only opposed Abdurrahman's policies, but increasingly sought to dismiss him from office. This was the very period when investigations were being conducted by the conservative AGO team. This chapter demonstrated that besides the military, legislators were perhaps the most serious blocking groups by supporting the amendment of the constitution to prohibit retroactive prosecution, arousing a xenophobic mood within the nation, and rejecting cooperation with UNTAET over investigations.

The role of international pressure was crucial. So was the establishment of KPP-HAM and the continuing foreign pressure that facilitated the work of KPP-HAM. This pressure also helped Abdurrahman, who wanted to eliminate the remaining power of the Wiranto group as well as promote civilian supremacy in the government. Nevertheless, ironically, the performance of KPP-HAM led to a relaxation of such international pressure—it declined dramatically following the start of the follow-up investigation. The UN and foreign governments initially showed their intention to push for an international tribunal if the follow-up investigation was unsatisfactory; but this initial condition appeared to evaporate gradually. Even after AGO's performance was proven to be poor, there was almost no indication that the UN and foreign governments would push for an international tribunal because of the risk this would
pose to the already fragile government and Indonesia's democratisation process. This contributed to the identification of the small number of suspects and the extremely narrow focus of the charges brought to court. Nevertheless, the maintenance of a certain level of pressure at least prevented this outstanding problem being removed altogether from the Indonesian agenda.

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Chapter 7

The Refugee Problem in West Timor:
The Politics of Militia Control and
Refugees' Repatriation

As observed in Chapter 5, the announcement of the result of the UN ballot which gave
the pro-independence camp victory immediately provoked massive destruction of the
territory by the pro-integration militias. As a result, around 250,000 people were driven
into West Timor. Although many returned after the UN multinational Interfet troops
arrived in East Timor on 20 September, and small-scale repatriation and relocation of
refugees gradually took place, about 30,000 East Timorese were still living in the
refugee camps in West Timor three years later. It was generally believed that a chief
reason for this slow repatriation was that the refugee camps were under the control of
the militias which prevented the refugees from leaving. In addition to physical threats,
disinformation was spread by the militias and related political organisations.

The international community was greatly concerned with this problem. The
United Nations and individual foreign countries put pressure on the Indonesian
government to disarm the militias and to repatriate the refugees. The militia killings of
three UN humanitarian workers in Atambua of 6 September 2000 provoked an
international outcry, intensifying such pressure. The response from the Indonesian
government was, however, painfully slow, mirroring the delay detailed in the previous
chapter of bringing responsible officers to justice. Yet, over time, the presence of the

1 West Timor is the western half of Timor Island. It belongs to East Nusa Tenggara (Nusa Tenggara Timor or
NTT) province of Indonesia. Reportedly, besides West Timor, thousands of the East Timorese evacuated to
other islands around Timor Island such as Flores, Sumba and Ende. In West Timor, Belu regency which
borders East Timor accommodated most refugees, followed by Kupang, the capital of NTT province. It is
practically impossible to calculate the exact number of people who evacuated immediately after the ballot;
however, the figures which the Indonesian government and international organisations occasionally
provide mostly fall in between 240,000-300,000. The Indonesian government has been using a figure of a
little over 280,000, while the United Nations High Commissioner for Refugees (UNHCR) and the
International Organisation for Migration (IOM)—which have assisted most of the repatriation of the
refugees—have been using the figure 250,000. Here, the author adopts the latter figure.
refugees in West Timor became a big burden to the Indonesian authorities. This led the government to begin to take concrete actions in repatriating or relocating refugees from the end of 2000.

This chapter asks: how did the refugee problem in West Timor start? Why did substantial numbers of the refugees remain so long in West Timor? Why was the government slow in responding to this problem? What eventually spurred the government to take concrete action for repatriating the refugees? The refugee problem is complex. It is not only a political problem, but also an economic and social problem. It involved influential decision-makers in Jakarta, West Timor, and East Timor. This chapter intends to answer the above questions by gradually disentangling this complex decision-making structure. In this discussion, the militia and ‘refugee leaders’ emerged as key actors in developments in West Timor.

In this chapter, we firstly observe the origin of the East Timorese refugee problem in an attempt to grasp the nature of the refugee situation in West Timor. Then, we examine the obstacles to the repatriation of the refugees during the first year since the massive evacuation to West Timor occurred. This is followed by a close examination of the government responses to the Atambua killings of 6 September 2000. The last section will focus on the changing government response to the refugee problem in the post-Atambua period and the factors behind this change.

The Origin of the Refugee Problem in West Timor

*Pre-ballot deportation and displacement*

The displacement of East Timorese, as well as immigrant Indonesians, began long before the ballot in August 1999. The situation in East Timor had quickly turned volatile immediately after President Habibie announced his intention to offer autonomy to East Timor on 9 June 1998. This announcement provoked a flood of Indonesian immigrants out of East Timor province.² Between 15 June and 11 July 1998, about 50,000 of the 150,000 Indonesian immigrants in East Timor had fled in fear of violence from the pro-independence camp and what immigrants described as the nightly appearance of

² On the political and social sensitivity of these immigrants, see Chapter 2, Section 2 of this thesis.
armed ‘Ninjas’ around their homes. Persistent rumours and media speculation raised the spectre of a big showdown between pro and anti-integration groups that would force all the Indonesian immigrants out of the province by the end of July 1998. Local church sources rejected such reports as exaggerations, designed to create an atmosphere of panic and to justify military intervention. The Secretary General of Komnas HAM, Clementino dos Reis Amaral, criticised this type of reporting, suggesting that the volatile situation was being exploited by ‘a third party (pilah ketiga)’ (which, in East Timor, often referred to the military and its agents, in particular, Kopassus and its intelligence body, SCI). However, many of those immigrants were hesitant to leave East Timor for good and soon returned to East Timor where they had property and some had East Timorese relatives.

Yet, by the time that the Habibie government had announced the two options for East Timor on 27 January 1999, the fears of Indonesian immigrants in East Timor had grown. In fact, since late October 1998, clashes between local para-military units and pro-independence forces had become frequent. The violence increasingly involved attacks by better-armed, and tightly organised pro-integration militia members on independence supporters. It was against this background that the majority of the Indonesian immigrants had fled East Timor before the ballot day of 30 August 1999. Bonar Tigor Naipospos, the chairman of the Indonesian NGO on East Timor Solidamor, claimed that the military actively encouraged the departure of immigrants in order to create the impression that it was the pro-independence side that was waging violence and to encourage solidarity among the Indonesian people against pro-independence Timorese who were portrayed as persecuting Indonesians. In effect, this picture fitted perfectly with the military’s attempts to portray the violence in East Timor as fighting between the two warring factions—pro-integration and pro-independence factions. The militia also used this claim as their reason to arm themselves.

Around the same period, the large-scale ‘internal displacement’ of the local

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3 “Eksodus dari Timtim”, Kompas 11 July 1998; “Eksodus Berlanjut, 1,000 Warga Sulsel Tiba di Ujungpandang”, Kompas, 12 July 1998. The rough number of the inhabitants of East Timor was usually estimated as about 850,000. This suggests that the number of the local East Timorese population was about 700,000.
6 Interview with Bonar Tigor Naipospos, 25 July 2000.
East Timorese population from their villages also took place. From late October 1998, when the security situation became increasingly volatile, thousands of displaced people (Internally Displaced Persons, or IDPs) fled from their homes. Such displacement accelerated as the voting day approached. There were two types of IDPs. Some fled from militia violence and took refuge in what they saw as safer places: churches, cities, and mountains, for example. The others were those who were forcibly taken to militia-controlled camps. Numerous eyewitness accounts suggest the involvement of the military in this IDP-creation, either directly or indirectly through such activities as the provision of arms or bases for the raids, and trucks for taking people to militia-controlled camps. There were at least three possible motives behind this operation. Firstly, it aimed to intimidate independence supporters and thereby encourage them not to vote for independence, although the later ballot result proved this strategy to be ineffective. Secondly, it aimed to prevent the people from registering for, or casting their votes, by driving them far from their home villages. (As noted in our discussion on the ballot in Chapter 5, this was also not very successful because UNTAET managed to arrange voting for IDPs by enabling them to register at any of the 200 registration centres). The third aim is relevant to the case of the camps; there, they compelled displaced people to vote for autonomy and forced or tempted male IDPs with material incentives to become militia members.

Post-ballot mass displacement

As observed in Chapter 5, on 4 September 1999, the result of the popular consultation was announced: among 451,792 registered (13,090 registered outside East Timor), 78.5 per cent (344,580) of the East Timorese voted against the proposed autonomy (i.e., supported independence), while 21.5 per cent (94,388) voted for autonomy within Indonesia. Following the announcement, the pro-integration militia went on a rampage.

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8 In July 1999, one month before the UN ballot, the Dili branch of the Catholic relief agency, Caritas, registered the number of IDPs as 85,231. The majority of the IDPs originated from western parts of East Timor such as Maliana, Ainaro, Liquiça, and Suai, where pro-integration militia groups were most active. “Church group counts over 85,000 displaced people”, Agence France-Presse, 17 July 1999.
10 Many witnessed refugees in such camps attending daily ceremonies in which the Indonesian flag was hoisted and its national anthem sung. See, various summary reports in “Internally Displaced People in East Timor”, East Timor Observatory, 12 August 1999.
Shortly thereafter, mass relocation of the people by the military began and escalated after the implementation of martial law in the territory at 0:00 a.m. of the 7th. In this operation, about 250,000 people—about one third of the entire East Timorese population—were transported to West Timor within a few weeks. At the same time, another 300,000 people, predominantly independence supporters, were internally displaced throughout East Timor by the militia rampage. To what extent was this operation planned and organised by the military or other Indonesian authorities? And who were the actual evacuees?

The planning of the evacuation

It is clear that mass evacuation was a part of the military’s contingency plan. The commander-in-chief, Gen. Wiranto, initially appeared reluctant to admit the military’s preparedness for mass evacuation, perhaps because there was wide suspicion that the mass removal of people was a part of the military’s alleged scorched earth policy; however, he openly stated that it was “very natural for the military to make a contingency plan in the case of defeat. The plan was already circulated among the public, so there was nothing to hide”. The earliest indication of a plan appeared in a much-quoted telegram sent by the army’s deputy chief-of-staff Lt. Gen. Johny Lumintang to Region IX/Udayana commander Maj. Gen. Adam Damiri on 5 May 1999. Although the telegram only noted “[the necessity to] move back/evacuate if the second option [independence] is chosen”, it at least tells us that the military headquarters was already envisaging a contingency plan only hours before the 5 May Agreements was signed in New York, and that evacuation was an important element of its contingency plan from the beginning. Another oft-quoted document was that prepared by Maj.

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11 For example, in the meeting with US Defence Secretary William Cohen on 29 September 1999, Wiranto explained to Cohen that the flight of the refugees had not been manipulated by the government, by the TNI, or the national police. He also explained that the military transport had been used by most of the 250,000 refugees but it was just because there had been no other public transport available. “Indonesian Military denies forcing East Timor exodus”, Agence France-Presse, 30 September 1999.

12 Interview with Wiranto, 25 May 2001. In his memoir published in 2002, he detailed the contingency plan, which became effective on 5 September 1999. However, it is still unclear which document he referred to as the contingency plan. See, Wiranto, op. cit., pp. 223-226.

13 Lumintang signed a telegram on behalf of Army chief-of-staff Gen. Subagyo H. S. According to Munir, who questioned Lumintang as a member of KPP-HAM Timtim, Lumintang acknowledged the contents of the letter, but then argued that the interpretation of the technical terms he used in the letter was different from that of KPP members. As for his reference to pengungsian (evacuation), Lumintang stated that he meant it penarikan pasukan (withdrawal of troops). (Interview with Munir, 26 April 2000). It appears that Lumintang was still hesitant in using the term ‘pengungsian’ even if he could argue that it meant to protect
Gen. (ret.) H.R. Garnadi, deputy chairman of P3TT and a special assistant to Menko Polkam Feisal Tanjung on 3 July 1999. As referred to in Chapter 5, the document sketched who should be evacuated and how the evacuation should be organised if Option 1 (autonomy) was rejected. It partly reads:

[I]n order to face the situation if Option 1 is not accepted: plan to expedite evacuation for Indonesian civil servants and immigrants to East Nusa Tenggara (NTT); Prepare elements of the TNI, both the personnel and the equipment, near the areas for evacuation; Prepare the NTT territory to receive massive refugees including the security of their safety; Plan and secure the withdrawal route, if needed, by destroying vital facilities or objects.\(^4\)

Moore (2001) identified three evacuation plans made by 1) the Regional command (Kodam) called ‘Operasi Cabut (Operation Withdrawal)’, 2) the East Timor military command (Korem) called ‘Operasi Wira Dharma-99’, and 3) the police plan called ‘Operasi Hanoin Lorosae II’. The Kodam’s ‘Operasi Cabut’ plan was, according to Moore, likely to be a response to Lumintang’s telegram to Kodam commander Adam Damiri, and was more of a general policy that aimed to guide the Korem and the police in formulating their respective evacuation plans.\(^5\) The Korem’s ‘Operation Wira Dharma-99’ aimed to evacuate military and police personnel belonging to the territorial structure, their families, Indonesian civilians, and pro-integration East Timorese. According to the document, the Korem prepared itself to evacuate 20 per cent of the East Timorese population (180,000 people) across the border into West Timor with 70,000 Iranians.\(^6\) Meanwhile, ‘Operasi Hanoin Lorosae II’ specified the role of the police in the evacuation process: it would be responsible for safeguarding the evacuation routes and the state assets, but the primary function was to escort foreigners and ensure that none, especially the VIPs, were harmed. It also planned to transport

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\(^4\) Garnadi, op. cit.

\(^5\) Moore did not see the Kodam’s plan, but he notes that it was referred to in some documents which he examined. Moore, op. cit., pp.

\(^6\) Korem 164, Rencana Operasi ‘Wira Dharma-99’ (DIII, July 1999; Secret), Appendix D. Rencana Bantuan, in Moore, op. cit., pp. 9-44. This planned number is remarkably close to the number actually evacuated in September 1999.
between 184,000 to 259,000 East Timorese out of East Timor regardless of the ballot outcome.\footnote{It is unclear why the police planned to transport such large numbers regardless of the outcome, however. Kepolisian Negara Republik Indonesia Daerah Timor Timur, \textit{Rencana Opeasi Hanoin Lorosae II}, Dili, August 1999; Secret, in Moore, \textit{ibid.}, p. 42.}

It is clear that by even one month before the ballot, the government had physically begun to prepare for the post-ballot evacuation of the East Timorese refugees. According to an eyewitness of the United Nations High Commissioners for Refugees (UNHCR), the camps had begun to be built in West Timor weeks before the ballot took place.\footnote{UNHCR, Geneva, 17 September 1999, quoted in \textit{"Timorese Refugees and Deportation in Indonesia"}, \textit{East Timor Observatory}, 27 September 1999.} It is likely that Menko Polkam Feisal Tanjung took a leading role in taking Gornadi’s proposal to the cabinet in early July. Besides the political and security ministers, coordination with the economic, social-welfare, and transmigration ministers was very important to ready logistical support such as food, medicine, and facilities for the refugees.\footnote{“18 Menteri Kembali Kunjungi Timtim”, \textit{Republika}, 6 August 1999.} Feisal led the visit of 14 ministers to East Timor on 12 July and 18 ministers on 5 August and, although still optimistic about the outcome of the ballot, they presumably discussed how to prepare logistic support for an evacuation. If that became necessary, the East Timor Korem commander, Col. Noer Muis, argued publicly that civil war was likely to occur regardless of the ballot outcome because the defeated side would not be satisfied.\footnote{“East Timor fears more bloodshed”, \textit{The Jakarta Post}, 23 August 1999.} Just four days before the ballot, Muis affirmed that the military was well prepared for a mass evacuation, saying “whatever the Timorese opted for, the government and the military are preparing to evacuate people by land, sea, and air, and Atambua in West Timor will be the main staging gate out of the territory by land.”\footnote{“Military ready for ‘civil war’ in East Timor”, \textit{The Jakarta Post}, 26 August 1999.} Then, a few days before the ballot result was announced, State Secretary/Justice Minister Muladi estimated that 200,000 or more refugees were expected to flee East Timor if the pro-independence side won. Minister of Social Welfare Yustika Baharsyah said that her department would provide facilities for 200,000 refugees in West Timor.\footnote{“Mensesneg/Menkeh Muladi: Tidak Tertutup, Pengiriman Paskan PBB ke Timtim”, \textit{Kompas}, 3 September 1999.}

Thus, it is clear that the preparation for mass evacuation had been well organised by the military, was well coordinated by relevant ministries, and was openly justified. The contingency plan obviously aimed at evacuating the pro-autonomy
population—both East Timorese and Indonesians—in case their side lost. Officials also seemed to believe that a civil war was inevitable in the wake of the ballot and that the number of refugees could be much larger as a result. However, what was disturbing was the apparent lack of planning to contain the post-ballot violence that they so confidently predicted—which should have been a top priority of the security forces.

The evacuees
Who actually comprised the refugees? It must be noted here that it was very likely that more than half of the 250,000 people who evacuated to West Timor in September 1999 were pro-autonomy voters and their family members. Apart from the 94,388 who voted to remain in Indonesia, ineligible voters in each family unit—children under the age 17—are included in the 250,000. It is difficult to provide even a rough estimate of the number of children under the age 17 in the initial months after the ballot, but it is not unreasonable to estimate their number was as at least the same as the number of pro-autonomy voters, taking into account of census results that showed five to be the average size of East Timorese families in the refugee camps. Among the refugees were approximately 5,000 East Timorese military personnel and around ten thousand of militia members who remained in East Timor for some time after the announcement of the ballot but left for West Timor by the end of September. So, if we assume that almost all the pro-autonomy voters are included in the initial refugee number, it is misleading to picture this relocation of 250,000 people simply as forced displacement as often pictured by reports on the refugees in West Timor. This number included many ‘willing’ evacuees in the circumstance of that time.

Even so, the evacuation was not akin to an ordinary evacuation from a war zone. Many witness accounts suggest that people were forced to evacuate by military vehicle after being threatened by security personnel and militia members, and their

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²³ An estimate provided by Commission for Protection of Children (Komnas-PA) made in early October 1999 suggests that 60 per cent of the total number of the refugees were children under the age 14, although the organisation admitted that it was hard to obtain accurate data at that time. Komnas-PA, Report of an Investigation for the Formation of A Trauma Centre for the Children of East Timorese Refugees From East Timor in West Timor, 11-14 October 1999, Press release, 18 October 1999.
²⁵ This general misconception was previously raised by Crouch in Fox and Soares, eds., op. cit., pp. 171-172.
houses were burned down by the same group of people. In some cases, they were persuaded by the authorities to leave with the assurance that everything would be prepared for them in West Timor.26

It was widely regarded that large number of pro-independence East Timorese were forced to evacuate. Was their evacuation also part of an organised military contingency plan? There is a lack of strong evidence to show that the military planned or organised systematic removal of pro-independence East Timorese to West Timor. Most of the pro-independence East Timorese who evacuated to West Timor were fleeing from the violence which perhaps explains why the majority of them returned to East Timor within two months after evacuation. Some eyewitness accounts even suggest that military and police personnel sometimes prevented pro-independence people from leaving or at least sought to delay their evacuation by giving priority to supporters of autonomy.27 Another eyewitness said that the military and police would not let them evacuate and, as they could not simply wait for evacuation at the risk of their lives, they fled to the mountains.28

There is no doubt, however, that the security forces at least allowed militia members to kidnap and forcefully move some of the independence supporters to West Timor. As many reports by humanitarian NGOs indicate, some independence supporters were killed by militia members on the way to, and in, the camps in West Timor and many women and children were kidnapped by militia members.29 The expulsion of some pro-independence East Timorese was also useful to support the claim that UNAMET had cheated in the ballot. It was suggested that the evacuees were really motivated by fear of revenge from pro-independence groups; thus, the military and pro-integration leaders could argue that the real number of autonomy supporters was far higher than that the result of the ballot showed. The pro-autonomy side often

26 Confidential interview with a pro-integration East Timorese, September 2000.
27 For example, according to a pro-independence supporter associated with the human rights NGO Yayasan HAK in Dili, he was taken to a police station along with about 30 people including foreigners and Indonesians after the office of Yayasan HAK was attacked on 5 September 1999. Initially police officers at the site insisted only foreigners and Indonesians could evacuate, although all Timorese were eventually allowed to leave. Confidential interview, Dili, 12 January 2001.
28 Interview with pro-independence East Timorese, Dili, 10-11 January 2001.
29 See, for example, East Timor International Support Centre, Briefing Paper, Military Crimes East Timor: September 4-25 & West Timor, 28 September 1999. Among the kidnapping cases, one of the most high-profile cases was the abduction of 15-year-old Juliana dos Santos by vice commander of Laksar militia Igidio Manek at the Suai massacre of 6 September 1999. She was reportedly raped and gave birth to Manek's child.
used this argument which was also popular among nationalist segments of Jakarta’s political elite.30

Obstacles to the Repatriation: the Pre-Atambua Period

There was general agreement between the Indonesian government and the international community regarding what was best for the refugees in West Timor: those who wished to return to East Timor should be returned swiftly and safely, while those who wished to remain in Indonesia should be moved to a new place where they would be able to start their new life properly. There was also a general consensus that in order to facilitate the process, the improvement of the security situation surrounding the camps and the border area was indispensable. This section provides a general picture of the refugee problem, focusing on the first year after September 1999, and clarifies factors behind the slow responses of the Indonesian government.

General situation of the refugees in West Timor

As noted in the previous section, about 250,000 people were evacuated to West Timor. Soon after the Interfet troops arrived in East Timor on 20 September 1999 and the security situation was substantially improved, large-scale repatriation of the refugees commenced. According to UNHCR, more than 100,000 people returned to East Timor—about half on their own and half in organised ways—in October and November 1999.31 By late February 2000, UNHCR and IOM estimated that 144,000 had returned to East Timor; however, the number of repatriates dropped substantially thereafter.32 A

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30 For example, Defence Minister Mahfud M.D. stated that while only 21 per cent of the East Timor people opted for integration with Indonesia, the East Timorese who took refuge in Indonesia reached 40 per cent of the East Timorese, and could therefore indicate cheating at the popular consultation. (“Menhan: Resolusi DK PBB tidak Sah: Pemerintah Hadiahkan Pulau kepada Pengungsi Timtim”, Republika, 13 September 2000). Mahfud, of course, was making the elementary error of confusing the number of voters with the number of refugees which included children too young to vote.

31 According to UNHCR, the number of the repatriates by month was: 37,632 in October 1999, 68,703 in November, and 19,631 in December. After that the number of returnees declined greatly. UNHCR data in La’o Hamutuk, “Justice for East Timor”, the Laos Hamutuk Bulletin, October 2001, p. 17.

32 The Indonesian government put the number of the refugees in West Timor at 134,000 in March 2000; however, oddly, the Indonesian authorities kept using the figure of 130,000 until the end of 2000. “Refugees: How many? How many want to return to East Timor?”, East Timor Observatory, 10-20 January 2001. This point was further discussed in the last section of this chapter.
large majority of the initial repatriates were pro-independence East Timorese. Believing that the security situation had to a great extent improved as a result of the operations of Interfet, they returned either independently or with the help of international humanitarian NGOs. This suggests that the people who remained in the refugee camps from then on were predominantly those who opted for autonomy (continuing integration), and their families, and they were considered to have been under the influence of particular militia leaders. Among the militia leaders apparently most influential were João da Silva Tavares (Halilinter commander; Bobonaro), Eurico Guterres (Aitarak commander; Dili), Cancio Lopes de Carvalho (Mahidi commander; Covalima and Ainaro), his brother Nemeio Lopes de Carvalho (deputy Mahidi commander), and Joanico Cesario (Saka commander; Baucau). While they were obviously crucial figures influencing the overall direction of the refugees’ future life, many less noted, middle-level militia commanders or leaders continued to be influential and reportedly intimidated refugees in the camps. At the lowest level were ordinary refugees who had been on the pro-autonomy side, including some who were probably ‘unwilling’ militia members who had been recruited originally either by coercion or through material incentives and now lacked any choice other than to continue to follow the orders of their leaders.33

Militia groups formed the main political organisation representing the pro-Indonesia refugees in West Timor. This organisation evolved from the Unity, Democracy and Justice Forum (FPDK) which was set up before the popular consultation in order to provide political cover for the Forces Struggle for Integration (PPI). In June 1999, the National Unity Front (UNIF) was formed integrating another pro-autonomy group, the East Timor People’s Front (BRTT). Then, UNIF was transformed into United Heroes of Timor (UNTAS) on 5 February 2000, after the disbanding of PPI in December 1999. UNTAS was headed by former Dili regent Domingos Soares. The starting point of UNTAS’s argument was that the UN ballot was totally fraudulent.34

Factors explaining the slow progress of repatriation

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33 For the nature of these militia members, see the second section of Chapter 4 of this thesis.
It is obvious that the greatest obstacle to the repatriation of the refugees was the presence in West Timor of pro-integration political leaders and militia members who had strong reasons to prevent their return. The militia leaders had a special agenda after moving to West Timor: to partition East Timor. As noted in Chapter 5, this plan was in fact openly announced by militia leaders a few weeks prior to the ballot\textsuperscript{35} and was advocated most vigorously by Aitarak militia commander Eurico Guterres and the Governor of East Timor Abilio Osorio Soares. After the result of the ballot was known, they argued that 21 per cent of the territory should be allocated to the pro-integration side (4 regencies in the western part of East Timor: Dili, Liquiça, Covalima, and Ambeno) based on the fact that 21 per cent of the East Timorese opted for East Timor to remain a part of Indonesia.\textsuperscript{36} While perhaps sounding unrealistic, these plans were not purely propaganda: combat training was intensified—most notably under the command of former commander of PPI João Tavares—and a number of militia incursions were launched into East Timor from the border area of West Timor especially in the first half year after the evacuation. Cancio Lopes de Carvalho, former commander of Mahidji, later revealed another plan: to regain East Timor in 5-10 years as the ultimate aim.\textsuperscript{37} Whether partition or total retrieval of the territory, it was essential to keep a substantial number of East Timorese under their control.

Minister of Home Affairs Lt. Gen. (ret.) Syarwan Hamid and other senior government officials flatly rejected the idea of partition.\textsuperscript{38} Nonetheless, at first the military did not prevent the militia’s attempts to reorganise themselves for their new plan in West Timor. Operational Assistant to the Chief of General Staff of the Armed Forces, Endriartono Sutarto, supported the right of the East Timorese soldiers to be

\textsuperscript{35} Guterres flew to Jakarta on the day of the announcement to press for the idea. ("Panic as UN flees lawless Timor", \textit{The Independent}, 5 September 1999). For the details of their idea, see "Opsi Ketiga Penyelesaian Masalah Timtim", \textit{Suara Karya}, 29 September 1999.

\textsuperscript{36} "Setelah kalah Timtim Dibelah!", \textit{Media Indonesia}, 19 September 1999.

\textsuperscript{37} In an interview, Cancio stated:

[O]ur move to NTT was not intended to take refuge. The move from East Timor had a special agenda in the beginning, that is, to consolidate military power among the militia. In our mind, East Timor would again be integrated with Indonesia, after 5-10 years. We wanted NTT to become the base for our struggle. ("Cancio Lopez de Carvalho: Perubahan Sikap Politik dari Kesadaran yang Mendalam", \textit{Kompas}, 31 October 2001).

\textsuperscript{38} "Mendagri: Membagi Dua Timtim Tak Relevan", \textit{Suara Pembaruan}, 9 September 1999.
involved in the militias. Region IX/Udayana commander Adam Damiri attended the ceremony in which regular East Timorese soldiers joined in the PPI in October 1999 in West Timor and showed his private support for their participation. They obviously had knowledge of PPI’s new plan to continue fighting in the border area.\(^9\)

In order to persuade refugees not to return, the militias launched a disinformation campaign of verbal propaganda spread by local media—many of which were militia-influenced. In this propaganda, the militia spread disinformation portraying East Timor as a dangerous place, where revenge attacks were very common. The militia also resorted to violence and threats of violence. Death threats were reported against families seeking to leave refugee camps, and attacks were made on convoys led by aid agencies heading for East Timor, although over time violence against refugees declined gradually. As will be examined in the last section of this chapter, a comprehensive census was eventually conducted by the Indonesian government in June 2000, and a survey showed that the refugees were overwhelmingly in favour of remaining in Indonesia. However, the result is likely to have been influenced by militia pressure and was widely doubted by the international community. That the militia groups exercised considerable influence was further proved negatively by the decision of prominent militia leaders to allow large numbers of the refugees to return resulting in a large-scale repatriation in late 2001—a development that will be examined in the last section of this chapter.

Why did the militia members and other pro-integration East Timorese leaders impede the return of refugees? A pro-integration East Timorese who has a close link with militia leaders suggested three main reasons why militia members did not want to return. Firstly, he claimed that militia members faced legal punishment under UNTAET for their actions both before and after the ballot. Secondly, they had a sense of shame and embarrassment. They had been telling the East Timorese people that the Indonesian government would never discard them, the East Timorese, but the reality was that the government no longer wanted to take care of them. Thirdly, they were still dreaming of bringing back the *Merah Putih* [Red and White (flag)] to the land of East


\(^{40}\) See, for example, Human Rights Watch, *East Timorese Still Trapped in Indonesia*, December 1999.
Timor. These factors, however, only explain why militia members were unwilling to return, so we still need to explain why militia members and pro-integration leaders needed to prevent the refugees from returning to East Timor.

First of all, and perhaps most important, pro-integration leaders and militia members regarded the refugees in West Timor as politically invaluable leverage vis-à-vis the Indonesian government. The moral and material support from the government and the military towards those leaders greatly waned after the pro-integration side was defeated in the ballot. By demanding more attention for the pro-integration refugees and stirring up agitation, they attempted to attract more favourable treatment from the government. The repatriation of the refugees would have meant their loss of such power.

Secondly, the militia leaders wanted to keep the refugees until they judged that they could trade the repatriation of a substantial number of refugees (including the repatriation of themselves) for their own safety, or even total amnesty. This suggests that the control over large number of refugees was leverage not only vis-à-vis the Indonesian government but also vis-à-vis pro-independence leaders and the UNTAET administration.

The third reason revolved around material interests. Many of the pro-integration leaders and top militia commanders were former civil servants, or at least recipients of government funds. They had lost their previous jobs, property, and other privileges received from the government and the military chiefly due to the fact that East Timor was no longer part of Indonesia. Although they were relatively affluent, their new economic situation was far worse than before. However, as long as the camps full of the refugees were still there, at least opportunities remained to skim off the aid from the Indonesian government and the local and international NGOs. The level of skimming ranged widely from lower-level militia members’ ransacking of aid supplies to higher-level systematic misappropriation of aid funds. A local military commander acknowledged that rice and money for other food provided by the government via the Social Department of NTT was not given directly to the refugees in camps. Rather, these funds were passed to the ‘refugee elite’ associated with UNTAS, and then distributed by

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41 Confidential interview with a pro-integration East Timorese, September 2001.
42 For example, militia leaders such as João Tavares, Cincio Lopes de Carvalho, and Nemeio Lopes de Carvalho were former member in the assembly at a district level.
UNTAS members to ‘camp coordinators’. And, in changing hands from UNTAS to
camp coordinators, substantial amounts of the aid were skimmed off the top. However,
if this practice was put to a halt, the fear was that elite refugees would take violent
action. Thus, NTT officials felt they had little choice but to leave the situation as it was.49

The fourth factor was related to the militia’s way of life. Many of the
pro-integration militia are, after all, preman (thugs) and have been living off of shady
jobs such as gambling, prostitution, and working as agents for the Indonesian military.
Accordingly, it was difficult for them to lead a normal life. The life surrounding the
camps in fact suited them well and they had little need to leave.44 Meanwhile, the
government found it difficult to offer new jobs to such people, and would surely have
faced a dilemma if they demanded new jobs in exchange for leaving the refugee camps.

The fifth reason was related to the fact that the militias were still seeking to
gain territory for the pro-integration East Timorese. While they initially dreamed of the
partition or retrieval of East Timor, they increasingly found it more realistic to demand
the acquisition of some land in West Timor for the refugees, or to demand a new
province for the East Timorese. They believed that the latter demand gained them some
sympathy from the political elite.45 The holding of the large number of refugee was
necessary to achieve their purpose.

Of course, factors also were at work that made ordinary refugees hesitant to
return. One factor had to do with the economic disincentives faced by the refugees if
they had to return home. The government refused to use government funds to pay the
pensions of East Timorese who had been civil servants and military/police members if
they chose to return to East Timor. These policies added to the refugees’ economic fears
about restarting life in East Timor. The second factor was socio-political. Even those
who had not engaged in criminal acts naturally feared how they would be received by
the pro-independence population, especially people in their local communities. They

43 This was reported by the Commander of Korem 161/Wirasakti Col. Inf. M Moesanip to Pangdam
44 This was pointed out by Bonar Tigor Naipospos of Solidamor. Interview, 7 July 2000.
45 One interesting discussion involving pro-integration East Timorese and Commission I members was the
idea of a ‘Timor province by 2004’. The province that they envisaged includes West Timor and Islands
surrounding West Timor, where former pro-integration Timorese would play some important role in local
administration. This discussion was conducted formally between pro-integration Timorese leaders and
Commission I members in mid-2001. A pro-integration Timorese source suggested that Sabarn Sirait and
some other members of Megawati’s party PDI-P were most sympathetic to the idea. Confidential Interview,
August 2001.
feared that the suspicion of the local communities towards them that they had done something wrong may have grown the longer these refugees stayed in West Timor. Moreover, in the first year since the referendum, reconciliation between pro-independence and pro-integration Timorese had so far shown little progress. Nonetheless, these two obstructing factors might have been overcome to a great extent if the militia had not prevented the refugees from repatriating in the first place.

_Military support for the militia in West Timor_

One of the most crucial questions regarding the militia operations in West Timor involved the extent of military support. It is clear that there have always been individual supporters and sponsors for the militia activities within the military but to what extent did the military continue to support these activities as an institution? The Indonesian authorities as well as some outside observers denied that institutional support was given although they often admitted that some ‘rogue elements’ continued to provide arms and funds. However, it was very likely that strong institutional involvement of the military existed for several months after the referendum. Given that militia operations surrounding the UN ballot and their evacuation to West Timor were institutionally backed up by the military, it could not be expected that the military would suddenly stop financial and logistical support for the militia which moved into West Timor in the immediate post-ballot period. The military, still under the influence of Wiranto, shared bitter feelings with the militia about the loss of East Timor, and what they claimed was deceit by the international community. Moreover, the domestic atmosphere at that time was on their side. An anti-Australian mood was mounting, with the media featuring coverage of the ‘overreaction’ of Australia-led Interfet troops in cracking down on the militia in East Timor. Furthermore, concerned about the threat to establish an international tribunal, the military officials who were suspected of having committed human rights violations had an interest in keeping the mouths of militia

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7 Wiranto retained the posts of TNI commander and Defence minister until the new Abdurrahman Wahid administration took office. As noted in the previous chapter, he was then appointed as Menko Polkam by Abdurrahman, and retained the post until he was dismissed in mid-February 2000. The post of Region IX commander went from Adam Damiri to then Martial Law commander Kiki Syahnakri in December 1999.
leaders sealed. Giving them some leeway and funds was the best means of doing so. Nonetheless, when Abdurrahman Wahid became the President in October 1999, and spoke of various reforms in the military while sidelining Wiranto and his supporters, the institutional support for pro-integration forces appeared to decline, although Abdurrahman himself admitted he was unable to control the military’s behaviour in West Timor. Moreover, as time went by, the West and East Timor problem became less of a priority for the military, while separatism and religious and ethnic conflicts occurring nationwide have became far more crucial. And, as a pro-integration source suggested, military officers who were suspected of being responsible for human rights violations were beginning to see militia members just a nuisance, and began to think that the best strategy for the military was to place some distance between themselves and former protégé.

The Atambua Killings and Government Responses

On 6 September 2000, the office of UNHCR in Atambua in Belu regency, West Timor, was attacked by militia mobs, and three foreign workers were brutally murdered. UNHCR had been operating in West Timor by the invitation of the Indonesian government to carry out humanitarian activities for the refugees for a year since the mass displacement. The timing of the incident could not have been worse for the Abdurrahman government. It occurred only a few hours before the opening of the United Nations’ Millennium Summit, which the President and 154 other heads of state and government attended. UN Secretary General Kofi Annan started his opening speech with the announcement of the news of the incident and asked the world leaders present for a minute’s silence in memory of the three victims of the incident—a moment of acute embarrassment for the Indonesian President who had not been informed of the incident.

49 After a meeting with US President Bill Clinton in November 1999, Abdurrahman confessed that the military were not obeying his orders to allow people to return. He stated, “[t]he program for those refugees who desire to go back should proceed undisturbed. This, I have already said many times to my military people, but between saying and doing, there is a very vast difference. But I like to persist in doing so...” UN-INDO, 11 November 1999, quoted in “Repatriation of refugees and deportees—international efforts hindered”, East Timor Observatory, 7 December 1999.
49 Confidential interview, October 2000.
50 The Indonesian government formally handed responsibility for the refugees in West Timor to UNHCR on 1 April 2000.
A close examination of this incident provides a concrete picture of the politics surrounding the militia problem in West Timor that were discussed in the previous section. It also partly answers the question of why the government began to take concrete steps to repatriate refugees in the second year after the UN ballot.

The background of the incident: Olivio Moruk’s death and the UNHCR’s aid operation

The attack on the UNHCR office and killings of three workers stationed in the office was triggered by a long funeral procession for former Laksaur militia commander, Olivio Mendoça Moruk. Moruk was murdered in a sadistic way on the previous day. The militia mob, initially led by some of the prominent militia leaders, attacked and burned houses in a nearby village, demonstrated outside the local parliament in Belu regency, and then headed for Atambua and attacked the UNHCR office there. The military and police stood by and failed to seriously attempt to control the mob, acting just as they had during the militia rampage in East Timor just one year earlier.\(^{51}\) Official accounts of the cause of Moruk’s death claimed that it originated from private problems between local Wainibesak people and Laksaur members.\(^{52}\) However, there was immediate speculation within and outside Indonesia surrounding the circumstance of Moruk’s death. Three theories were circulated at the time. The first theory was that he was killed to enforce a code of silence on the order of some elements in the military: his murder occurred only about a month after the Indonesian Attorney General’s Office named Moruk as one of the 19 suspects for human rights violations that occurred in East Timor in 1999. Moruk had reportedly been planning to defect to East Timor and reveal his past, including his relationship with military officers.\(^{53}\) The second theory was that he was

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\(^{51}\) “Olivio Moruk’s Nightmare”, *Gatra*, 16 September 2000

\(^{52}\) According to the account of the Police headquarters made after the arrest of some suspects of the murder of Moruk, the murder followed an incident where local hoodlums extorted money from the driver of a public transport vehicle owned by Moruk. Moruk then beat (or killed) a member of the group, and he was then killed by group members as a reprisal. (“Pembunuhan Olivio Ditahan Polisi”, *Kompas*, 14 September 2000). However, there was some doubt whether local people had the nerve to mutilate the body of one of the most prominent militia leaders who had hundreds of followers. For a detailed chronology of the event, see, “Olivio Moruk’s Nightmare”, op. cit.

\(^{53}\) This view was popular among human rights activists and foreign observers. According to a report in *Tempo*, a military officer whose name was also on the AGO’s list of suspects of human rights violations in East Timor revealed that Moruk was difficult to manage and untruthful, stating, “I heard that he would be terminated(...)so he wouldn’t be able to tell anybody what he knows”. (“Savagery in West Timor”, *Tempo*, 17 September 2000). Even Attorney General Marzuki Darusman suspected that Moruk’s killing was politically motivated, saying “I think it was too coincidental that Olivio was killed right after he was named
killed as revenge, linking the fact that he was killed on the eve of the first anniversary of his and his follower’s slaughtering of nearly 100 people at the Suai church in East Timor. Those who favoured this theory argued that Moruk was killed by pro-independence Timorese or an individual who wanted to take personal revenge.\(^{54}\) The third theory was that his murder was aimed at destabilising the already-fragile Abdurrahman government: the masterminds were sure that Moruk’s death would trigger an emotional response from the militia and cause chaos, so they seized the opportunity presented by the President’s attendance at the UN Millennium Summit. Needless to say, this theory was believed by the President who announced that the killings were an effort by his opponents to humiliate him in front of the world leaders.\(^{55}\) He believed that the masterminds were hardliners within the military. He commented, “Many elements [in the military] are bad so that they would do anything to sabotage me and the peace”.\(^{56}\)

There has not yet been any concrete evidence to prove any of the above three theories. The above discussion, however, at least highlighted the leadership crisis of the Abdurrahman’s government. As discussed in the previous chapter, the annual session of the MPR in August 2000 demonstrated that the President was already surrounded by many opponents, including the military.\(^{57}\) Moreover, from the beginning Abdurrahman had been little involved in the refugee problem in West Timor. The problem of refugees was handled by Vice-President Megawati Sukarnoputri, and Abdurrahman appeared to just accept Megawati’s reports on this issue.

The circumstances surrounding the militia’s attack on the UNHCR office were less mysterious than those surrounding Moruk’s death. The militia simply hated the UNHCR staff. The militia regarded UNHCR (and its partner organisations such as IOM as well) as an extension of UNAMET. And, they regarded the latter as having stolen

\(^{54}\) “Rampage became a certainty after militia leader’s murder”, *Sydney Morning Herald*, 8 September 2000.

\(^{55}\) The head of the investigation team of the AGO, M.A. Rachman suggested the necessity for special protection of other militia suspects because he worried that they too might be eliminated. “Kejaksaan Khawatir Tersangka Tindak ‘Dihabisi’”, *Republika*, 9 September 2000.

\(^{56}\) A pro-integration East Timorese suspected that the pro-independence side was involved in Moruk’s murder, linking the Suai massacre, in particular the murder of Father Hilario, accusing him of the massacre. According to this source who personally knew Moruk, Moruk had detested Father Hilario, blaming that he had been ‘keeping’ women in the Church; but as far as the murder of Moruk was concerned, it was hard to identify who actually killed him or masterminded his murder since there were so many people who hated the ‘brutal’ Moruk even within the militia. Confidential interview, September 2001.

\(^{57}\) “Murder aimed at ‘humiliating me’“, *The Jakarta Post*, 8 September 1999.


\(^{59}\) For a brief description of the political competition during the period, see, Chapter 6, Section 4, of this thesis.
East Timor, and UNHCR as having stolen the refugees. The desperation of the militia had deepened on 31 July when the Indonesian government announced its plan to close the refugee camps within six months, without providing a concrete plan for the refugees. In fact, the months prior to the attack saw an increasing number of militia attacks on foreign aid workers and local people who helped their work. Due to security reasons, UNHCR and IOM suspended all their repatriation activities in West Timor on 1 August. UNHCR also suspended all the aid operations in West Timor on 23 August following a militia attack in which three workers were seriously injured. The Atambua incident happened only a week after UNHCR resumed their aid operations. It was no surprise, therefore, that Moruk’s death triggered an emotional response on the part of the militias and pro-integration refugees and that this anger was directed at UNHCR.

Domestic and international reactions to the killings of the UNHCR workers

International reactions
Reactions of the international community to the killing were greatly highlighted and affected by the context in which the news of the incident was received. At the UN Millennium summit, US President Bill Clinton took the podium immediately after Secretary General Kofi Annan’s announcement and opened his address by saying he was ‘deeply saddened’ by the news. At the emergency session of the United Nations Security Council (UNSC) immediately held to discuss the attack and at bilateral meetings, strong messages were conveyed from world leaders to President Abdurrahman Wahid. The gravity of the world fury was, however, most effectively demonstrated by the UNSC resolution (No. 1319/2000), unanimously adopted within two days of the incident and after only three-minutes of deliberations. The resolution, in addition to condemning the brutal act of the militia, stressed that the Indonesian government should bring perpetrators to justice, and disband and disarm the militia, and called for the immediate and safe repatriation of the refugees who wished to return.

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58 A report by UNHCR Inspector General on the Atambua killing noted that due to UNHCR’s concern with repatriation, even UNHCR’s partners in West Timor increasingly came to view close association with UNHCR as a liability for their own safety and programmes. Summary report of the inquiry into the deaths of three UNHCR staff members in Atambua, Indonesia, on 6 September 2000, Inspector General’s Office, UNHCR, pp. 1-3.

59 See, for example, Militia intimidation blocks IOM’s return operation of East Timorese refugees, IOM, 1 September 2000.
to East Timor. To ensure implementation of the resolution, the Council decided to dispatch a UN mission, while it withdrew permanent UN staff from West Timor by applying the UN security status Phase V to West Timor.

Human Rights Watch, in its immediate press release, stated, “It [the incident] would not, could not have happened if Indonesian authorities had taken steps much earlier to disband the militia in West Timor and prosecute them for known acts of violence.” This statement may best represent the genuine feeling of the international community, who had been tirelessly demanding Indonesia to take such steps for over a year. Although world leaders put strong pressure on the Abdurrahman government, this incident seemed to have reinforced their doubts about whether President Abdurrahman really had authority over the military, and indeed over the country. The US ambassador to the UN, Richard Holbrook, who had been giving Abdurrahman strong support, criticised the Indonesian military while saying, “we respect President Wahid(...)it is elements in the Indonesian military that have to be responsible for this problem.” However, he continued, “there is some question as to how much Indonesia (i.e., the Abdurrahman government) has direct control over its military”.

**Domestic reactions**

The immediate reaction of the Indonesian government to the news of the killings of the three UNHCR workers was a mixture of shame and regret. In a bilateral meeting with Kofi Annan, President Abdurrahman apologised for the incident, and quickly instructed TNI Commander Admiral Widodo to arrest those who were responsible for the murder. At home, Coordinating Minister for Political, Social, and Security Affairs (Menko Polsoskam) Lt. Gen. (ret.) Susilo Bambang Yudhoyono expressed deep regret for the incident and promised to take swift action. However, it was not long before various domestic voices began to adopt a defensive tone in the media. The terms and phrases used mirrored those heard one year earlier: ‘uncontrollable’, ‘emotional

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reaction’, ‘psychological constraints’, ‘international responsibility’ and ‘international conspiracy’.

Resort to terms such as ‘uncontrollable’, ‘emotional reaction’, and ‘psychological constraints’ was characteristic of comments made by Indonesian military and police officers. The Wirasakti Korem commander (Danrem 161/Wirasakti) in Kupang, Col. Jurefar, commented that his troops could not control the militiamen because “despite our attempt to quell the situation, some just went wild”.

Military spokesman Graito Usodo admitted, “In the situation facing several thousands of angry people, the troops faced a dilemma about what actions to take(...)Moreover, [the militiamen] were the people who had long stood side by side [with the military]”. Col. Noer Muis, East Timor Korem commander at the time of the UN ballot, even counterattacked against those who placed the blame on the military:

The condition created by UNHCR in Atambua was the same as that created by UNAMET after the ballot. At that time, many people were disappointed by foreigners, regarding them as cheaters. The security forces had to prioritise the protection of foreigners, even though the number of security forces was small. And then, Indonesia was regarded as incompetent.

The tendency to shift the responsibility to foreign governments or foreigners was clearly seen in the responses of Indonesian government officials. President Abdurrahman Wahid stated that Indonesia did not have enough money to resettle the refugees in West Timor and that if Indonesia had been given financial assistance the refugee problem would have been solved by the time the Atambua incident occurred.

Deplu spokesperson Sulaiman Abdur Manan stated in relation to the incident that “After the popular consultation, the UN left one big problem in Indonesia—130,000 refugees”. He also reminded the international community not to blame only Indonesia

64 “UN refugee staff killed in West Timor”, The Guardian, 7 September 2000.
67 “No money to settle Timorese refugees”, Indonesian Observer, 23 September 2000.
68 Sulaiman also stated, “Sadly, the various efforts of the Deplu to convey the position of Indonesia are not effective because it is hard to penetrate the media and international NGOs which already aim to corner Indonesia”. (“Jangan Timpakan Semua kesalahan pada Indonesia”, Republika, 9 September 2000). In relation to foreign criticism about the incident, another senior Deplu official also stated, “the Deplu people have strong feelings that it is always Indonesia who is blamed and the international community rarely respects positive actions taken by the Indonesian government”. Confidential interview, August 2001.
or the militia, stressing that it was ‘the residual conflict of East Timor’. In a more irresponsible tone, the chairman of the DPR, Akbar Tandjung, stated that the government could not be held accountable for the attack “because it was committed by persons who have no link with Indonesia. They are the East Timorese”.

Attributing an incident of this sort to Konspirasi Internasional (International conspiracy) or Rekayasa Internasional (International manipulation) was also common among the Indonesian political elite, and the Atambua case was no exception. The chairman of Commission I of the DPR Yusril Ananta Baharuddin mentioned the possibility of an international conspiracy to discredit Indonesia because “the timing of the incident was too coincidental”. Defence Minister Mahfud M.D. stated that he had enough evidence to show that Australian intelligence had been behind the violence in Atambua. Worse, he even argued that the motive behind the manipulation was to divert attention from Australia’s failure to develop East Timor in transition. These arguments were not in fact different from those of UNTAS, the chief political organisation of pro-integration Timorese, which immediately claimed that pro-independence Timorese and international NGOs were behind the incident in order to discredit the pro-integration camp and the Indonesian government. Secretary General of UNTAS, Nemeicio Lopes de Carvalho, who himself led the initial part of the demonstration staged immediately after the death of Moruk mentioned the existence of spies including one former Laksaur militia member hired by UNHCR whom, he claimed, had received Rp. 25 million (US$ 2,500) from UNHCR staff to conduct spying activities.

Government reactions to UNSC resolution No.1319/2000

Though seeing unfairness in the world’s condemnation, the Indonesian government

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70 “Murder aimed at humiliating me” The Jakarta Post, 8 September 2000.
71 “Pembakaran Kantor UNHCR Atambua: Tak Mustahil Ada Rekayasa Internasional”, Republik, 8 September 2000.
72 “Asing di Balik Kasus Atambua”, Media Indonesia, 17 September 2000. Mahfud suspected, “those countries deeply involved in the independence ballot feel embarrassed at the failure to develop East Timor. So they provoked this riot. They just throw stones and hide their hand, so that the world once again is blaming Indonesia”. An Australian spy claim was then well-featured in the Indonesian media. This claim was based on information about a former Australian army officer, Matt Quinn, whose name was first raised by militia leaders in West Timor. The Australian Embassy strongly rejected this allegation. “Spy claims show Jakarta hasn’t accepted Timor reality”, The Age, 16 September 2000.
73 “Serangan Ke Kantor UNHCR Hasil Rekayasa”, Siara Karya, 7 September 2000.

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took the UN resolution seriously, and moved quickly to deal with it. After a cabinet meeting held on the 11th, Menko Polsoskam Susilo Bambang Yudhoyono stated that government would take comprehensive measures in response to the resolution. He, however, stressed the government's rejection of the visit by a Security Council mission, arguing that Indonesia was now attempting to resolve the problem by themselves. This was a response to the unilateral announcement from the UN headquarters that the Security Council would send an investigative mission within a week. The team was to be headed by Martin Andjaba, Namibian Ambassador to the UN, whose mission the previous year had successfully pressured Gen. Wiranto to accept the UN troops. To persuade the UNSC members to accept Indonesia's case, Yudhoyono travelled to New York on 16 September.25

As was observed in the diplomacy to prevent an international inquiry into the 1999 human rights violations case discussed in the previous chapter, visits by foreign investigative missions of any form were always rejected by the Indonesian government. Nonetheless, this time, the Indonesian government appeared to recognise that some kind of mission from the Security Council was inevitable; however, it attempted to lower the significance of such a visit as much as possible. Before Yudhoyono travelled to New York, Foreign Minister Alwi Shihab said the mission from UNSC could be a 'friendly mission' to provide support for the government in its efforts to deal more effectively with the militia. He continued, "The middle way like this has a face-saving nuance—both for the Indonesian side and the UNSC side". In typical fashion, however, he warned of possible potential revenge attacks on UN staff in Indonesia if the mission went ahead without Indonesia's consent.26

In New York, Yudhoyono announced that the Indonesian government would 'invite' peacekeepers from UNTAET, other UN personnel, and Jakarta-based ambassadors of the countries in UNSC, as observers of the planned disarmament of the militias in West Timor; however, the government still refused to accept a UNSC mission to the territory, let alone an investigative mission on the killings of UNHCR workers. Yudhoyono also rejected any assistance from UNTAET, saying the task would be accomplished by Indonesian police and soldiers.27 Meanwhile, Yudhoyono assured

25 "World body pressed to scrap probe mission", South China Morning Post, 14 September 2000
27 "Disarmament of Timor militias starts next week", The Jakarta Post, 21 September 2000.
UNSC that the government would solve four issues: 1) investigation of the case and efforts to bring the perpetrator to trial, 2) disarmament of the militia, 3) completely solving the refugee problem in West Timor, and 4) reconciliation among the East Timorese people.76

**International economic pressure**

The international politics surrounding the Atambua incident were simultaneously developing at another level. Despite the non-binding nature of the resolution, it was quite possible that failure to fulfil the international demands embodied in Resolution No.1319/2000 would invite economic sanctions. What added to Indonesia’s worry at the time was that the incident occurred only about a month before the annual CGI meeting. This World Bank-led donor consortium for Indonesia consisted of 20 donor countries and agencies. Moreover, within a few days of the incident, World Bank President, James D. Wolfensohn, sent a letter to President Abdurrahman. In a restrained but firm letter, Wolfensohn warned that continued financial support for Indonesia might be linked to the success of its efforts to quell the militia in West Timor.79 This unusual letter was Wolfensohn’s second appeal to Indonesia to take action for non-economic reasons. When the violence broke out immediately after the announcement of the result of the ballot in East Timor, Wolfensohn warned President Habibie that he risked losing international financial support if he did not order the Indonesian military to stop the bloodshed. A message similar to Wolfensohn’s was given by the Jakarta representative of the IMF.80 The unusually political nature of the actions by the World Bank and the IMF added enormous pressure on Indonesia.81 The government recognised that it had to move quickly. A few days after the incident, President Abdurrahman Wahid stated

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77 “WB urges end to W. Timor Violence”, *The Jakarta Post*, 13 September 2000. The below comment was included in his messages:

> I am looking forward to being able to report on the progress to donors at next month’s Consultation Group meeting that the violence has ended, the UN has been able to resume its humanitarian activities and that those who want to return home to East Timor are now being allowed to do so in safety.

80 “Kasus Atambua bisa pengaruh CGI”, *Bisnis Indonesia*, 9 September 2000. The first letter from Wolfensohn was sent to Habibie on 9 September 1999. See, Chapter 5, Section 3, of this thesis.
81 “World Bank Chief Warns Indonesia On Militias”, *The Washington Post*, 12 September 2000. The World Bank then had $5.5 billion in outstanding commitments to Indonesia, of which $2.8 billion has not been disbursed.
that Indonesia would assure CGI member nations in the annual meeting by resolving the problem regarding Atambua within a week.82

It is often argued that western nations will never cut off economic assistance to Indonesia as they have done vis-à-vis Iraq or Burma because, by doing so, donors’ business interests would be jeopardised. And, it is also said that the Indonesian government is well aware of such constraints in following through on such threats. Nonetheless, the government obviously did not have the nerve to confront the entire set of donors at the CGI gathering. Moreover, Indonesia’s economic crisis was far from over. Especially for economic ministers, there would be nothing to gain by confronting donor nations in relation to the Atambua incident. The Coordinating Minister for the Economy Rizal Ramili, was obliged to work extremely hard on entirely non-economic issues for over a month, as a result.

While economic ministers were trying hard to persuade donor nations, there emerged a nationalist backlash, this time, against the United States. US Defence Secretary William Cohen visited Indonesia on 18 September, and made clear the US stance that Indonesia’s relationship with the international community and lending institutions could be in jeopardy if it did not move quickly to control the militia.83 The Indonesian political elite reacted to what they regarded as a ‘threat of embargo’ from the US.84 Cohen apparently did not use the term embargo and what he stated in Jakarta was not very different from comments from other officials of western nations. On the other hand, those who aroused the xenophobic mood intentionally highlighted the term ‘embargo’, and did not seem to be interested in knowing what kind of embargo the US might impose. In fact, the anti-US drive had begun even before the Atambua incident took place, and had much to do with the vocal US ambassador to Indonesia, Robert Gelbard.85 In addition, Israel’s intense bombings on Palestine at that time added to this

83 “Cohen warns Indonesian could face suspension of aid to Jakarta”, Deutsche Presse-Agentur, 18 September 2000.
84 MPR chairman, Amien Rais, vehemently criticised the US approach by saying that if the US imposed an embargo then Indonesia would take over the Freeport mine in Irian Jaya and Newmont mine in North Sulawesi. (“Syahmakri plays down spat with Gelbard”, Indonesian Observer, 28 September 2000). DPR chairman Akbar Tanjung commented, “the threat of an embargo is not fair and will incite the nationalism of 210 million Indonesians”. “Menlu: Indonesia tidak Menentang Resolusi PBB”, Republika, 21 September 2000.
85 Gelbard was very outspoken about Indonesia’s domestic affairs. At that time, what Indonesians might regard as his ‘arrogance’ was well-featured in the Indonesian media. See for example, “Heboh Ucapan Gelbard”, Gatra, 16 September 2000.
anti-America sentiment. In typical fashion, these issues became a convenient political commodity for opponents of Abdurrahman as he had earlier stated his intention to open commercial ties with Israel. This pattern was similar to that seen when sections of the political elite sought popular support a year before and attempted to discredit the then president, B. J. Habibie, by targeting Australia.

The case of disarmament of the militia

The Indonesian government decided to take steps to disarm the militias. From New York, Menko Polsoskam Susilo Bambang Yudhoyono announced that the government had decided to disarm the militia by combining ‘persuasive’ and ‘repressive’ measures. The plan was that the government would give the militia three days between 22 and 24 September to ‘voluntarily’ give up their weapons; after that the Indonesian security force would ‘forcibly’ disarm the militia. The government hoped that this plan would appeal to the international community by producing very visible results measured by the number of arms confiscated.

One day before the start of the ‘persuasive’ stage, a face-to-face meeting was held between civilian and military/police officials and some of the top pro-integration militia leaders. According to Yudhoyono, on this occasion, the militia leaders agreed to the disarmament, and immediately began to ‘socialise’ (i.e., persuade) their followers to understand the government’s policy. It was not clear what kind of deal was made between the two parties but the militia leaders were at least impressed by the planned attendance by Vice President Megawati at the disarmament ceremony.

Feeling under pressures, they expected that they could convey all the problems that the refugees were facing directly to her. “For a year, there has been virtually no attention [according to us] from the central government. We feel very happy with her...

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68 The deal could be an exchange between the military’s continuing material and moral support for pro-integration East Timorese and the militia’ surrendering weapon; however, a confidential source suggested that Region IX/Udayana commander, Kiki Syahnaki, had threatened the militia leaders that the military had to shoot at the militias. Confidential interview, February 2003.
visit”, Joanico Cesario, former Saka militia commander stated.89

With much fanfare, a ceremony was held at the central police station in Atambua. By then, reportedly, 28 ‘organic (i.e., military)’ weapons, 888 handmade weapons, 5 grenades, and 997 rounds of ammunitions had been surrendered and displayed on a platform set up in the yard. However, this event was marred by a scuffle between security forces and former Aitarak militia commander Eurico Guterres and his followers. A little before Megawati and other ministers observed the symbolic handover of the weapons by militia leaders, Guterres was summoned by NTT police chief Brig. Gen. John Lalo. After a while, Guterres returned to the site of the ceremony only to see that Megawati was already leaving. Reacting to this, he and his followers caused uproar by taking weapons that were displayed on the platform in the yard.90 A police official later revealed the reason to summon Guterres at that particular time: “We would have a problem in explaining to the international community if the government were [regarded as] friendly and side by side [with the militia]”.91 A source at the secretariat for the vice president suggested that Guterres was regarded by Western nations as the source of all the violent acts, and that a meeting between Megawati and Guterres would have been misinterpreted.92

The dismay and anger on the side of the militia may be understandable. Megawati in fact did not offer a single word of support to the pro-integration refugee leaders. Instead, she only handed aid such as rice, medicine, and agricultural tools to an UNTAS spokesperson, and shook hands with some refugee leaders. Eurico Guterres stated that he felt alienated from Megawati and deceived by the Indonesian authorities. Former vice commander of Mahidi militia, Nemecio Lopes de Carvalho stated, “After surrendering arms, we were kicked aside”.93 Former Mahidi commander, Cancio Lopes de Carvalho, declared that they would not surrender more arms and criticised

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90 Pangdam Udayana Maj. Gen. Kiki Syahnakri managed to sooth Guterres and persuade him to return weapons to the military, not the police by whom Guterres felt deceived.
91 “Insiden Berbuntut Tuntutan Mundur...”, Media Indonesia, 30 September 2000.
93 “Pengungsi Timtim Tolak Serahkan Senjata”, Kompas, 26 September 2000. A few weeks before, Nemecio was still saying that the militia emerged spontaneously to defend themselves, denying the claim that they were trained by the military. He soon changed his position. See the last section of this chapter. “Balas Dendem Setahun Silam”, Gatra, 13-19 September 2000.
Megawati as the one responsible for their refusal to continue with disarmament.\textsuperscript{94} He added that the arms would now be needed not only for defence against attack from East Timor but also from the TNI/police\textsuperscript{95} He then revealed that the weapons that were displayed in the ceremony were not the result of the recent confiscations or surrender but were in fact weapons taken from the militias a year before when they first arrived in West Timor; and he claimed that the police persuaded militia members to make homemade weapons expressly for the ceremony and surrender them to the polices so that they would become evidence of their success.\textsuperscript{96} Eurico Guterres was arrested on 3 October on the charge of inciting the violence at the ceremony, and this further added to the militia leaders' anger. This series of events reinforced the militia's suspicion that they were being discarded after many years of dedication to the Indonesian government and the military.

The ‘persuasive’ period was extended by three days but only 5 organic weapons and 18 rounds of ammunitions were surrendered.\textsuperscript{97} Then, the ‘repressive (\textit{represif})’ stage started, with supposedly more forceful collection of weapons; however, during the three-day ‘sweeping’ operation, only eighty homemade weapons and two standard firearms were seized. The national police chief decided to extend the ‘repressive’ stage by fifteen days. Nonetheless, Menko Polsoskam Yudhoyono stated that he was not sure about when the operation should end, while the commander of Kostrad Lt. Gen. Ryamizard Ryacudu, referring to the Cambodian experience, stated that it could take as long as seven months.\textsuperscript{98}

From the beginning, there was much doubt within the military about the feasibility of forced disarmament of the militias. The starting point of the military's argument was the disingenuous claim that the militias had been disbanded and disarmed in December 1999 and therefore militias no longer existed—they were only ex-militia. Reluctance to force the pace was expressed by senior military officers. Susilo Bambang Yudhoyono acknowledged, “To be frank there was a close liaison between the military and the militia in East Timor and because of that there has been a difference of

\textsuperscript{95} “Soal Milisi yang Tolak Serahkan Senjata, Yudhoyono: Tindak Tegas”, \textit{Republika}, 28 September 2000.
\textsuperscript{96} Cancio gave this explanation in a seminar held in West Timor on 14 October 2000. Email information from ETAN, 14 November 2000.
\textsuperscript{97} “Polri-TNI Mulai Geledah Milisi”, \textit{Media Indonesia}, 28 September 2000.
\textsuperscript{98} “Penyesalan Kaus Atambua: Pelucutan Senjata Diperpanjang Tiga Hari”, \textit{Kompas}, 25 September 2000. Indonesia had provided troops for the peace-keeping in Cambodia.
opinion in the military over how we should deal with the militias.\textsuperscript{99} Before the operation started, Ryamizard Ryacudu stated that the military was unlikely to use force in disarming the militia due to the close relationship between the two. "We will conduct disarmament slowly because they are also our brothers", he stated.\textsuperscript{100} He added that to be fair members of the pro-independence Falintil paramilitary group in East Timor should also be disarmed—as if Falintil had also been somehow responsible for the murder of the UNHCR workers.\textsuperscript{101} The Atambua district military commander, Lt. Col. Joko Subandrio, when asked if militiamen would be arrested if they did not disarm during the 'repressive' stage, just stated that he hoped that would not be necessary, but they would be 'a bit repressive if required'.\textsuperscript{102} Menko Polsoskam Yudhoyono said that during the 'repressive' period, the persuasion method was not abandoned so that the TNI and the police still obtained sympathy from the militia.\textsuperscript{103}

Did Indonesia win the game?

The Security Council finally relented on the investigation mission it had originally insisted upon sending. In the end, only a team to check the progress achieved by the Indonesian government in implementing UNSC resolution No.1319/2000 would be sent. Moreover, to Indonesia's pleasure, the mission would concurrently serve as a mission to check the progress in East Timor in relation to UNSC resolution No. 1272 (on UNTAET operations). This agreement was reached at a meeting between Foreign Minister Alwi Shihab and the representatives of UNSC member countries. According to Shihab, the member nations were far more cooperative than when Yudhoyono visited the UN headquarters a few weeks before. As Shihab hinted, besides the effects of the government step to disarm the militia and the arrest of several suspects of the Atambua killings,\textsuperscript{104} the arrest of Eurico Guterres greatly impressed the UNSC member nations.\textsuperscript{135}

\textsuperscript{100} "Merebut Timtim atau ke Pulau Kosong", \textit{ MEDIA INDONESIA}, 17 September 2000.
\textsuperscript{101} "Government begins operation to disarm militias", \textit{The Jakarta Post}, 19 September 2000.
\textsuperscript{102} "Militiamen warned to surrender arms", \textit{The Jakarta Post}, 28 September 2000.
\textsuperscript{104} The NTT police arrested two suspects on 4 October 2000 (and shortly afterwards arrested one more). They also announced that the trial of six suspects would be held within the month. Eventually, six suspects were brought to court, but, on 4 May 2001, North Jakarta district court sentenced them to between 10 and 20 months in jail for their roles in the murders. These extremely light sentences invited an international outcry. Then, responding to heavy international pressure, the Supreme Court increased the sentences of the three

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As noted before, Guterres was arrested on 3 October on the charge of inciting the violence at the disarmament ceremony in Atambua. In addition, his name was added on the previous day to the suspect list of the Attorney General's Office in the 1999 human rights violation cases. At the above-mentioned meeting of the UNSC, US Ambassador to the UN, Richard Holbrooke, praised steps taken thus far by the Indonesian government, particularly the arrest of Guterres. The Indonesian authorities denied the link between the two tough actions vis-à-vis Guterres and the two important agendas—the visit of UN mission on one hand and the upcoming CGI meeting on the other; however, the government's intention was obvious. During the visit of UNSC mission to Indonesia, the Indonesian authorities repeated the mission that Guterres would be kept detained.106

The mission, while demanding Indonesia's continuing effort to fulfil provisions in Security Council resolution 1319, such as the disarming of the militia and bringing to justice of the killers of the UNHCR workers, at least recognised that some progress was being made. Likewise, the reaction of CGI was positive. The donor nations even went so far as to disburse US $5.2 billion in aid, more than Indonesia's requested US$4.8 billion. It was clear that the donor nations and the UN were not yet satisfied by the actions taken by the Indonesian government, but at the same time, they could not ignore the positive steps. Perhaps they, also, well understood that the Abdurrahman government's power over the military and its capacity to control the militias in West Timor was limited. As for CGI member nations, they had their own reasons for wanting to disburse their money. The economic ministers who attended the CGI meetings were more


106 UN Security Council, Report of the Security Council Mission to East Timor and Indonesia (9-17 Nov 2000), 18 Nov 2000. In fact, on 29 September, while in Brazil, President Abdurrahman Wahid had said that the security force should immediately arrest Eurico Guterres, and reportedly he ordered it. ("Presiden Abdurrahman Wahid: Tangkap Kalau Eurico Guterres Langgar UU", Kompas, 30 September 2000). However, nationalistic segments of the political elite quickly showed their support to Guterres. Commission I members and DPR speaker Akbar Tanjung warned the government not to do this kind of thing just to satisfy the UN and donors, in particular, the US. ("Demi PBB dan Mulusnya Utang CGI Motif Politik di Balik Penangkapan Eurico Guterres", Jawa Pos, 6 October 2000). MPR chairman Amien Rais stated, "He's our friend, he's the leader of the pro-integration militias, and he's lost his homeland. If he's arrested for the sake of the UN, then what a nasty country that makes us". ("Restructuring: Making Arrest Only To Please", Gatra, 26 October 2000). Guterres was sentenced to six months in prison on 22 March 2001 for inciting the violence, but was released on 6 June 2001. Since then, he has been serving as the head of Bawas Muda, a youth organisation associated with PDI-P, and as noted he was sentenced to ten years' imprisonment at the Indonesian human rights court on 27 November 2002 but is still free awaiting his appeal.
concerned with promoting the recovery of the Indonesian economy than with what was happening in West Timor. Of course the failure of economic recovery could also lead to renewed political instability that could spill over into East Timor.

Indonesia successfully overcame the crisis in a very short period of time. The key was the government’s quick employment of ‘symbolic’ and ‘visible’ actions, although they were far from assuring the international community about the improvement of the situation on the ground. The foreign actors apparently had no other choice but to appreciate Indonesia’s actions. Further, the foreign actors’ recognition of the President’s lack of control over the military and developments in a remote region also worked in favour of the Indonesian government in the short term. This event foreshadowed similar ad hoc responses from the Indonesian government and foreign exoneration if similar incidents happened again.

The Progress in Repatriation

Despite the continuing ambiguity in its attitude towards the militias and ‘elite refugees’ in West Timor, the Indonesian government began to take concrete steps toward repatriation and relocation of the refugees from the end of 2000. UNHCR officials attributed this change in the Indonesian government’s policy primarily to a change in its economic incentives. The officials praised the Indonesian authorities for their ‘active and creative involvement’. 107 This last section examines the factors facilitating repatriation, with special focus on factors which eventually led the Indonesian government to take action.

Various steps and continued obstacles

Registrations of the refugees

Although it was obviously crucial to identify the exact number of refugees in order to facilitate their repatriation or relocation, a reliable number was never given by the Indonesian authorities. And, there were consistently huge gaps between the numbers provided by the Indonesian government and those provided by international

humanitarian agencies. UNHCR and IOM have used the figure 250,000 as the number of initial refugee, and updated the number repatriated on a monthly basis. According to these figures, after the initial massive repatriation of about 100,000, the numbers were mostly in the hundreds and only occasionally more than 1,000 per month over the first one-and-a-half years (April 2000—September 2001) until a remarkable surge in numbers (3,260) in October 2001, partly spurred by the repatriation of an influential militia leader Nemecio Lopes de Carvalho. Thus, the number had stagnated in the range of a total of 60,000-70,000 between mid-2000 and mid-2001, and gradually went down by 30,000 in the one-and-a-half years after that. Meanwhile, figures provided by the Indonesian government were very confusing, and even the government itself admitted its inability to ascertain the exact number of refugees. In fact, despite the gradual progress of repatriation, for the two years from late 1999, the government continually referred to a number of around 130,000. In late October 2001, more than two years after the repatriation started, the NTT provincial government estimated the number of remaining refugees as being as many as 143,803. It was widely reported that this discrepancy stemmed not only from the government's inability to count the number but also to fraudulent reporting by refugees and by the local authorities. The Minister for Manpower and Transmigration Jacob Nuwa Wea admitted that certain local officials intentionally marked up the number of the refugees to gain financial benefits at the refugees' expenses. This situation did not change until the government stopped providing regular aid to the refugees on 1 January 2002, and thus removed the incentive to inflate the refugee number.

Whatever the difficulties, the Indonesian government certainly felt it necessary to identify the exact numbers and nature of the refugees to facilitate repatriation and resettlement, and took action towards achieving that objective. On 3 October 2000, about a month after the Atambua incident, the government announced the formation of a 47-member inter-ministerial task force that would prepare for the repatriation and resettlement of the remaining 130,000 refugees living in the refugee camps in 14

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108 UNHCR, Monthly breakdown, email news by ETAN, 13 March 2002.
109 Denrem 161/Wirasakti Kupang M. Moesinip, however, gave a much smaller number of 70,000 around this period. "Pengungsi Timtim Sebaiknya Pulang Kampung", Sinar Harapan, 26 March 2002.
110 See, for example, "Manipulation suspected in registration of refugees", The Jakarta Post, 13 June 2001.
111 "Indonesia, East Timor agree to demilitarize border", The Jakarta Post, 31 October 2001.
regencies in the NTT province.¹³² This task force was formed under Menko Polsoskam Susilo Bambang Yudhoyono and comprised representatives of the 16 ministries and related agencies. Based in Atambua, the task force began preparations for the re-registration in early November 2000, ahead of the planned visit by the UNSC delegation in relation to the Atambua incident. According to the chief of the task force, Basyiruddin Yusuf, it was initially scheduled to be held on 13 December;¹³³ however, because of the resistance of UNTAS-associated refugee leaders and various technical problems, the registration materialised only half a year later. UNTAS often criticised the taskforce as being only interested in getting rid of refugees from the camps and little concerned about the real problems the refugees faced.¹³⁴

According to a senior Deplu official, the registration was the most notable step taken by the government in relation to the refugees in the two years following the UN-supervised ballot.¹³⁵ In the registration, the government aimed to 'get more accurate data on the size, background and characteristics of East Timorese refugees in West [sic] Nusa Tenggara as well as their preferred domicile, whether to return to East Timor or remain in Indonesia'.¹³⁶ The repatriation was monitored by 12 international observers, and the government received some positive evaluation from the international observers regarding the overall organisation of the registration—in particular, logistic arrangements and access to information.¹³⁷ However, the registration results attracted much criticism. They demonstrated that only 1,250 people (1.1%) of the eligible participants in the survey (111,540) opted for returning to East Timor. Bishop Belo, José Ramos-Horta, and East Timor human rights NGOs criticised the registration, pointing out that the presence of refugee leaders or militiamen during the registration obviously affected the result of the poll.¹³⁸

As far as the extremely small pro-repatriation number was concerned, it was a

¹³² The task force was called 'the task force for the settlement of East Timorese refugees in East Nusa Tenggara'.
¹³⁵ Interview with Marty Natalegawa, Director of International Organisation Bureau, Deplu, 22 August 2001.
surprise and disappointment to the Indonesian government as well. In fact, as will be discussed in the next section, due to various economic and socio-political burdens, the government wished and expected a far larger number of refugees to opt for repatriation. In April 2000, the local NTT government predicted that 80 per cent of the refugees wanted to go home. Newly-assigned Menko Polsoskam, Lt. Gen. (ret.) Agum Gumelar, stated that the government hoped that the choice made by 98 per cent of the voters to remain in Indonesia was a temporary one.\textsuperscript{119} What further disappointed the Indonesian authorities was that the total number of the refugees identified by the census was 295,744 people—twice the number of refugees contained in the government estimate and more than four times as large as the estimate by UNHCR. Region IX/Udayana commander Willem da Costa showed his discontent, stating that groups of elite refugees had manipulated the number and suggested the need to repeat the registration.\textsuperscript{120} The deputy NTT governor later confirmed that heads of camps had manipulated the data. In the end, this registration did little to facilitate the repatriation and resettlement; further steps by the Indonesian government and international actors were necessary.

**Resettlement**

Resettlement also posed great challenges. The Indonesian government repeatedly came up with the idea of resettling refugees, but lacked a comprehensive plan for actually doing this; accordingly, the resettlement did not proceed smoothly. Shortly after the Atambua incident in September 2000, Minister for Home Affairs and Regional Autonomy, Lt. Gen. (ret.) Surjadi Soedirdja, stated that the government would relocate the refugees in West Timor to the islands of Wetar, Sumba and other places in East and West Nusa Tenggara.\textsuperscript{121} The refugees, however, were reluctant to be relocated to a place far from East Timor. While the government plan was not at all concrete, they feared that they would never be able to return to East Timor once relocated.\textsuperscript{122} Other reasons for the

\textsuperscript{121} "Timorese to be sent to islands", *Indonesian Observer*, 30 September 2000. Wetar Island appeared to be the government's first major target and, the government planned to give as much as Rp16 million (US$1,600) to each family. However, various problems shortly appeared. Among the problems was that Wetar Island is not a part of NTT province but Maluku province. How to share the financial burden between NTT and Maluku provinces made the proposed relocation complicated.
\textsuperscript{122} "Warga Timtim di Atambua Tolak Tawaran Pulau Khusus", *Media Indonesia*, 16 September 2000.
refugees' reluctance included that they were more comfortable living in a place most similar socio-culturally to East Timor. In January 2002, NTT Deputy Governor Yohanis Pake Pani confirmed that the number of the refugees resettled outside West Timor in the first two years was only 8,250.\(^{123}\) Considering the number of refugees who had demonstrated their preference for staying in Indonesia by then, this was obviously a poor figure. Coordinating Minister for People's Welfare, Jusuf Kalla, showed his frustration, stating that transmigration of the East Timorese into any region was difficult because they were not interested in farming like other transmigrants.\(^{124}\) While refugees remained reluctant to resettle, a shortage of funds forced the government to reconsider the entire policy surrounding the refugees in West Timor. Although Indonesian government officials often stressed their respect for the refugees' decision to remain in Indonesia, it became clear that the government was increasingly motivated to prioritise repatriation over resettlement.

*Factors behind the government's new approach*

**Economic burden**

The most compelling reason behind the Indonesian government prioritising repatriation was that the government became tired of providing aid to the refugees. This burden was particularly felt by the government after the Atambua incident. As UNHCR halted its operation in West Timor in response to the incident, the government was obliged to take over chief responsibility for aiding the refugees, even though the government was still receiving supplementary aid from foreign and domestic sources. Following the withdrawal of UNHCR, the government provided Rp.1500 (US15 cents) and 400 grams of rice per person per day. The economic burden was likely felt most heavily by the NTT provincial government. This province itself had disbursed Rp. 530 billion ($53 million) for the refugees for the one-and-a-half years after it began receiving the East Timorese refugees in the province. As Governor Piet A. Tallo bemoaned, the province was also burdened with refugees from other conflict-torn regions such as Maluku, Poso, and Mataram.\(^{125}\) Moreover, the security 'Phase V' status made new


\(^{125}\) "Registrasi Pengungsi Timtim Dilakukan Pada Pertengahan Maret*, *Gohyarnet*, 23 February 2001
private investments from other regions, not to mention foreign investment, virtually impossible. Even without this problem, NTT province was one of the poorest among all the provinces in Indonesia. Furthermore, district governments faced demands by local residents, especially those in the Belu regency, to move the refugees who had long been occupying their land or to compensate them for their losses. Of course, the refugee problem was also a big headache for the central government. Due chiefly to intensifying communal conflicts in various parts of the archipelago, the number of refugees in all of Indonesia reached more than one million by November 2001.126

This heavy financial burden led the government to decide in October 2001 that it would stop humanitarian aid to the refugees in West Timor on 1 January 2002, and would instead concentrate on repatriating the refugees.127 The government had already started to provide a sack of rice and about Rp. 750,000 to each refugee family who opted to return in July 2001. The government realised that this material incentive could promote repatriation, and that in fact would be far more economical than aiding the remaining refugees. Along with the Indonesian government, UNHCR decided to stop aid to the remaining refugees in West Timor from 31 December 2001, and concentrate instead on aiding the returning refugees. Both parties realised that if they kept providing aid to the refugees who had not decided to leave the camps, these refugees would have little motivation to return.128

Nonetheless, there were other economic factors that offset the positive effects of the above-mentioned incentive: the government was very slow in paying the pensions of former East Timorese civil servants and security personnel in West Timor. These people waiting for their pensions had strong motivation to remain in West Timor until they received them. As of the start of 2002, UNHCR estimated that about 9,000 military and police personnel and civil servants were in West Timor, and some 50,000 of the refugees (including their family members) had some economic rights in Indonesia. However, the government was unable to come up with the 25 million dollars required

127 "Govt tells refugees to go home or be resettled", The Jakarta Post, 4 January 2002. The fact that the tension in most conflict areas had been subdued by this time also gave the government opportunity to concentrate on resolving the refugee problem at national level.
128 The official announcement that the repatriation assistance would end after East Timor's formal independence in May 2002 also appeared to be effective; however, it is difficult to evaluate the effects because there were many other crucial factors facilitating repatriation, such as the Presidential election, and indeed the independence of East Timor itself.
to fund the pensions. 129

The military's new approach

The second section of this chapter confirmed the military's continued leniency towards militia activities around the camps in West Timor at least for several months after the Atambua incident took place. Since the beginning of 2001, however, the military became more committed to providing a better security environment in West Timor and in the border region between East and West Timor. The military also became more actively involved in the repatriation of the refugees, to the extent that pro-integration refugee leaders complained that it was none of the military's business. In mid-February 2001, the military and the United Nations Peace Keeping Force (UNPKF) agreed to encourage cooperation among the Indonesian government, UNTAET, UNHCR, and IOM in the process of the repatriation of the refugees.

In the backdrop of this changing attitude of the military, there was a changing environment that the military faced in relation to the West Timor problem. East Timor's independence was becoming a reality and the international community recognised it. Practical preparations for East Timor independence were also progressing significantly, often involving the Indonesian government—regardless of the bitter feeling of many of the political elite. In this context, the military also needed to adapt itself to the new reality. Moreover, as security breakdowns were occurring throughout the archipelago, the military was unable to give West Timor priority. In this context, there was little reason to let the militia make trouble and keep the situation in West Timor volatile. In fact, increasing local conflicts, mostly triggered by intimidation towards or attacks on the local people by the militia, increasingly became a nuisance for local security forces. According to NTT police chief Brig. Gen. Jacky Uly, the militia-triggered violence was increasingly seen in Kupang and Belu in 2001. He claimed that in each incident, local

129 "Most East Timorese refugees now reluctant to return for economic reasons", Agence France-Presse, 28 January 2002; "Ribuan Eks Milisi Timtim Masih di NTT", Kompas, 23 February 2002. Furthermore, as was often revealed in the mass media, the NTT government was plagued by the presence of civil servants-turned-refugees in West Timor who were engaged in fraudulent behaviour. Because some of these individuals were working for the local government and received salary, many Timorese travelled from East Timor to West Timor to obtain salaries by pretending to be incumbent civil servants. Apparently those former refugees, the remaining refugees, and Indonesian officials coordinated these activities and shared benefits. The local government lacked the administrative capacity to prevent such fraud, and this may have caused substantial financial loss to the government. See, for example, "Eks PNS Indonesia di Timtim Diduga Ambil Caji di NTT", Kompas, 23 February 2002.
people were almost always the victims of the refugees, some of whom had arms and were accustomed to mass violence.\textsuperscript{130}

Although the general approach of the military leadership towards the West Timor problem had certainly changed, the effective performance owed, as both UNTAET officials and East Timor leaders admitted, much to the personal initiative by the new Region IX/Udayana commander Maj. Gen. Willem da Costa, who took over the post in December 2000, replacing Maj. Gen. Kiki Syahnakri. Da Costa, a Timorese native whose father is from the East Timor enclave of Oecussi, quickly removed officers seen as sympathetic to militia members, and began cleaning up the security environment in West Timor. His attitude towards armed militiamen was quite different from the accommodating attitude of other senior military/police officers that was seen at the time of the Atambua incident. From the beginning of his service as Pangdam, da Costa clearly recognised the presence of armed militias—not ‘ex-militias’—in West Timor as the core problem, and openly announced his preference for repatriation over resettlement.\textsuperscript{131} Wirasakti Korem commander, Col. (Inf.) M. Moesanip—under da Costa’s command—also adopted a similar attitude. He openly criticised UNTAS members’ prioritising of self-interest over refugees, and often announced, when refugees expressed their wish to return, his hope of helping them realise their desire.\textsuperscript{132} This recognition of the core problem and local military commanders’ preference for repatriation obviously helped create an environment conducive to smooth repatriation. This new approach followed the government line that was striving for the return of UNHCR to West Timor, and, in relation to this, the lifting of the security phase V status. Da Costa repeatedly explained that without the assurance of security, the refugee problem would continue to plague the Indonesian government.\textsuperscript{133}

The security forces’ intention to take a tougher approach towards the militia was well-demonstrated when they arrested 23 hardcore militiamen including notorious militia leader, Igidio Manek, after rioting by Laksaur militia members in November 2001.

\textsuperscript{130} "Kapolda NTT Jacky Uly: Pulang, Pilihan Terbaik bagi Pengungsi Timtim", \textit{Suara Pemberuan}, 22 November 2001. For example, in an incident in January 2001, refugees resettled near Kupang burnt down their homes in protest at poor living conditions. Also, in near Kupang, reacting to a trivial dispute during a local football match, the refugees burnt 100 houses belonging to local Indonesians and injured several people.


\textsuperscript{132} See, for example, "Warga Timtim bukan Pengemis", \textit{Pos Kupang}, 9 March 2002.

Security was further strengthened when the government decided to stop humanitarian assistance to the refugees. In anticipation of possible unrest involving the refugees who might refuse to vacate their camps, the NTT military and police personnel decided to launch a new security operation called *Operasi Pulih Komodo 2002* (Komodo Restoration Operation 2002) which started on 1 January 2002. In the operation, the entire NTT police force was involved, without any time limit placed on this increased activity. As a part of this operation, da Costa ordered troops and police to shoot on the spot any East Timorese refugees involved in theft or violence. Due to this tough approach, da Costa often attracted strong criticism from UNTAS members and DPR members who were sympathetic to pro-integration Timorese causes. Some pro-integration Timorese leaders branded him as a politically ambitious officer, who only wanted to be promoted by showing a good performance in relation to militia and refugee problem. However, criticism from those groups themselves indicated that da Costa was indeed serious in controlling the militias and solving the refugee problem quickly and comprehensively. A clear proof of his capacity is that after da Costa left the post of the Udayana Kodam commander to be assigned to his new post, the head of the army college (Seskoarm), in October 2002, the security situation along the border turned worse.

Changing attitudes of militia members

As shown in the previous section, some of the prominent militia leaders began to openly criticise the government and the military/police in reaction to the cold treatment

135 "Shoot First, Ask Questions Later", *Laksamana.Net*, 5 January 2002. Da Costa further stated, "If youths of 16 years, or men aged up to 40 or even 50 try to misbehave, do not hesitate to take strong action. I shall take the responsibility and I am ready to be tried on charges of violating human rights". In another interesting comment da Costa referred to the alleged, 'UNAMET's fraud', which was widely believed among the Indonesian military and Jakarta political elite. In relation to the possible manipulation of the number of the refugees at the registration in June 2001, he described it as a systematic strategy of a certain group of the pro-integration refugees who had been criticising UNAMET as having cheated in the ballot; those elite refugees was still making an effort to show to the international community that the pro-integration force was not only 21.5 per cent or 94,000 people but in fact more; through the registration they perhaps wanted to reinforce their claim that the UN ballot in East Timor was a fraud. "Pangdam: Ada Permainan Perbesar Jumlah Pengungsi!", *Kompas*, 15 June 2001.
136 A Jakarta-based pro-integration Timorese, who personally knew da Costa, blamed him for a raid on his relative's house in West Timor, and branded him as very ambitious for promotion. (Confidential interview, September 2001). An UNTAS-associated pro-integration Timorese also pointed out da Costa's ambition. (Interview, 20 August 2001). Da Costa occasionally publicly rejected such criticisms. For example, in an interview, he stated, perhaps with tongue in cheek, that he had been satisfied with two stars (indicating the rank of Major General) as he had been taught by the military academy that Timorese should not aspire to be appointed as top-level officers. "The Unworthy Timorese General", *Laksamana.Net*, 4 June 2002.
they received from the Indonesian authorities at the disarmament ceremony and the
arrest of Eurico Guterres. Their most blatant step in this context became known in
mid-October 2000. Four prominent militia leaders sent a letter dated 14 October 2000 to
the UN Security Council, in which they requested a guarantee of safety in exchange for
information in relation to the Indonesian military’s involvement in the 1999 violence.
They accused the military of trying to assassinate them, and requested protection for 54
militia leaders, members and advisors, including Eurico Guterres.\(^{397}\) A week later, they
sent another letter that accused their former colleagues such as former head of PPI João
Tavares, and UNTAS spokesperson Filomeno de Jesus Hornay, of threatening them in
relation to the first letter.\(^{398}\) At this stage, these militia leaders were likely only sounding
out a reaction from the UN, East Timor leaders, and the Indonesian government. It was
not clear to what extent they were willing to reveal the truth behind the 1999 violence,
either. Nonetheless, the East Timor authorities responded to their approach cautiously
but seriously, and actually began negotiating with these militias.

In fact, even before the Atambua incident, some militia leaders had already
found other ways to achieve their own political purpose. Herminio da Silva da Costa,
third in command in PPI, returned to East Timor and formed a new party, the Timorese
People’s Party (PPT), ahead of the election to elect members of the constituent assembly
in East Timor on 30 August 2001. He broke his ties with UNTAS and PPI because, he
claimed, both organisations had rejected his appeals to recognise the referendum and
cooperate with UNTAET.\(^{399}\) A few months before the election was to be held, more than
200 former militia members had returned to East Timor, judging that it would be better
to live in East Timor than in refugee camps even if there was a possibility of being
punished for their role in the 1999 violence.\(^{400}\) Cancio Lopes de Carvalho, in a media

\(^{397}\) The four writers stated that copies of the letter had been sent to 35 people including United Nations
Secretary General Kofi Annan, Pope John Paul II, and the leaders of the five permanent member countries
at the UN Security Council as well as Indonesia’s most senior politicians. They also claimed that they held
secret meetings in Dili in August 1999 with Wiranto, Adam Damiri, and Habibie, and that they have
received orders to kill all independence supporters if the pro-independence side won in the ballot. (This
claim was, however, unreliable). “Pro-Indonesia militias offer to reveal all about East Timor”, *Agence
France-Presse*, 17 October 2000.

\(^{398}\) The second one was titled ‘Another desperate Plea for Legal and Security Guarantees and International
Protection’. It was again sent out to the UN, the Pope, and governments. “Militia leaders plead for
international protection”, *South China Morning Post*, 26 October 2000.

\(^{399}\) *Kyodo*, 10 March 2000, quoted in “Political Movements and Parties: pro-autonomy”, *East Timor
Observatory*, 1-12, February 2001.

interview, revealed that he changed his position in April 2000 when he recognised that the aspiration of the East Timorese people was for independence. He was especially inspired by advice from two bishops in NTT, the bishops of Kupang and Atambua. Each respectively told him to look at the reality and recognise the wrongdoing, and advised that if this was achieved, the road was open and he could live in East Timor in peace.\textsuperscript{141}

However, these people were still minor actors in UNTAS. UNTAS regarded these moves as personal initiatives, and some of the organisation’s members regarded Cancio and others as opportunists. They stressed the UNTAS stance that the refugees did not want to return unless there was unconditional reconciliation.\textsuperscript{142} Nonetheless, as time went by, the solidarity of pro-integration leaders began to dissolve. Most of them—some having jobs with the government—in fact stayed away from West Timor, as the Udayana Kodam commander, da Costa observed.\textsuperscript{143}

\textbf{Initiatives from and developments in East Timor}

Initiatives from and developments in East Timor were also crucial. While obstruction by refugee leaders, as admitted by both Indonesian and East Timor authorities, certainly hindered repatriation, most refugees were primarily concerned with their prospects in East Timor if they returned. They weighed their chances of life in the camps in West Timor against the risks of harm in East Timor. Besides economic prospects, general security conditions and especially their personal security, including their families, strongly affected their choices and the timing of their return. Considering the fact that by late 2001 most of the remaining refugees were militia members and their families, security guarantees and the promotion of reconciliation between pro-independence and pro-integration Timorese were among the most important initiatives provided by the East Timor side. In fact, from early 2000, with the backing of the Indonesian government and UNTAET, pro-independence leaders, most notably Xanana Gusmão, held several meetings with former top militia leaders. Xanana stressed the importance of reconciliation, considering it indispensable for the repatriation of the remaining refugees, and he himself visited West Timor several times. Meanwhile, UNTAET

\textsuperscript{141} Kompas interview with Cancio, op. cit.
assigned its Chief-of-Staff, N. Parameswaran, to deal with the repatriation and reconciliation problem. He became the key point of contact for former militia leaders and other elite refugees until he resigned his post in January 2002 due to conflict within UNTAET.144

Nevertheless, neither this initial focus on elite-level reconciliation nor calls for repatriation with little concrete assurance of the safety of the refugees did much to promote the repatriation of refugees. As East Timor leaders, UNTAET, and international humanitarian NGOs came to recognise, it was grassroots-level reconciliation meetings that did more to facilitate repatriation over the two years.146 The grassroots-level reconciliation meetings were held between ordinary citizens and they were held at increasingly smaller forums (e.g., district to sub-district, sub-district to villages). They sometimes involved ‘go and see’ visits facilitated by the UNHCR, IOM, and UNTAET or some administrative authorities in Indonesia and East Timor; however, many of the meetings at border areas were also held without the involvement of higher-level authorities. UNHCR attributed the upsurge of the repatriation in March 2002 to these many small-scale reconciliation meetings and ‘go and see’ visits. Xanana Gusmão and other top East Timor political leaders also recognised the importance of the grassroots-level reconciliation and became actively involved in this process from the end of 2001. Through grass-roots level meetings, and direct participation of Xanana and other East Timor leaders, in early October 2001, Nemecio Lopes de Carvalho, and his 658 followers returned to Ainaro, his home regency. He was received by Xanana, Falintil commander Taur Matan Ruak, and UNTAET officials upon his return. Both Nemecio,  

144 For the controversy surrounding his resignation, see, for example, “UN diplomat cites racism as he quits”, South China Morning Post, 10 January 2001; “East Timor: McNamara Defends U.N. Against Racism Charge”, UN Wire, 10 January 2001. His resignation was also one of the reasons for the postponement of Cancio Lopes de Carvalho’s planned return to East Timor at the end of 2000, in that he lost an important point of contact in the East Timor administration. See, “Clarification of Cancellation of Return of Mahidi Militia Leader”, an email by Basilio Araujo (sent via ETAN emailing list), 8 January 2001.

145 For example, Wirasak Korem commander M. Moesanup, stated that reconciliation involving UNTAS was unsuccessful because they usually asked for jobs with the East Timor government, and that reconciliation involving ordinary citizens was more effective. (“Mudik Sukarela, atau Terpaksa”, Gamma, 13 November 2001). In the grass-roots reconciliation scheme, local community leaders directly contacted refugees through the following ways: First, people were encouraged to contact their relatives in the refugee camps in West Timor and ask them to return to East Timor. Second, community leaders in the refugee camps were approached and contacts were encouraged on the basis of village, sub-district or district levels to start repatriation and reintegration into their respective societies. For the importance and effectiveness of grass-roots reconciliation, see Dionisio Babo Soares, Nahe Biti: The Philosophy and Process or Grassroots Reconciliation (and justice) in East Timor, Draft Paper prepared for the Conference on Road to Reconciliation, organised by Christian Michelesen Institute, University of Bergen, Norway, 11-12 April 2001.
with his brother Cancio, who intended to return but still remained hesitant to do so, apologised to all the East Timorese, something that attracted Bishop Belo's praise. Former commander of PPI, João Taveres, also made clear his wish to return in early 2002 and began seriously negotiating with East Timor leaders, although many hurdles remain.

Lastly, general political developments in East Timor, which achieved full independence on 20 May 2002, were becoming favourable. The first crucial political event was the general election to select members of the 88-member constituent assembly in East Timor on 30 August 2001. As reported in the media, the refugees still in West Timor were very concerned about general security conditions ahead of the election. Even after the general election, which turned out to be peaceful, the refugees were not confident of their security. However, a marked upsurge in repatriation was observed prior to and after the Presidential election on 14 April, 2002. Before the election, there was a rapid increase in repatriation, with more than 10,000 repatriated in a single month. It was widely recognised that the almost-assured victory of Xanana facilitated the refugees' return. Xanana was regarded as the only person who was accepted both by pro-integration and pro-independence East Timorese as the leader to lead the country. His frequent visits to West Timor and assurances of safety to the refugees have further  

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149 In his speech at a conference on reconciliation held in Stockholm on 23 April 2002, he stated, "In my programs, I defended strongly the need for amnesty for those already indicted and serving prison terms. I intend to urge the Parliament to issue a decree granting the President special powers in this regard. ("Speech by Xanana Gusmão, RECONCILIATION - The Challenge for All, the Stockholm International Forum Conference on Truth, Justice and Reconciliation, 24 April 2002). See also his view on justice that was given when he visited Jakarta between 2-3 May 2002. "East Timor puts justice to one side", The Australian, 4 May 2002. (Xanana's views on amnesty and justice can be read at http://www.easttimor-reconciliation.org/Gusmao_Justice-E.htm). The new East Timor constitution which was finalised in March 2002, however, stipulates that the authority to grant amnesty to those who committed crimes, is in the hands of the parliament (Chapter 2 Section 95, 3(g) in Constitution of the Democratic Republic of East Timor, adopted on 9 February 2002). Nonetheless, Xanana's stated preference for granting amnesty apparently encouraged the refugees to return. The provision of a more concrete scheme of reconciliation along with general improvement of law and order is also likely to have contributed to the repatriation. East Timor under UNTAET formed a truth and reconciliation commission on 13 July 2001. It is difficult to evaluate the effects on its formation on the repatriation of the refugees; however, it was certainly an important step. Regulation No. 2001/10 on the establishment of a Commission for Reception, Truth, and Reconciliation in East Timor, 13 July 2001. (The commission's homepage is at: http://www.easttimor-reconciliation.org) Since 20 May 2002, East Timor has been assisted by United Nations Missions of Support in East Timor (UNMISET).
helped accelerate repatriation.

Conclusions

The refugees in West Timor emerged out of the violence that occurred prior to and after the UN ballot. As was discussed in this chapter and the previous chapter, the evacuation of some 250,000 of the population from East Timor was part of the military’s plan, and this operation was inseparable from the military’s policy that directly and indirectly supported militia violence. Members of the Habibie cabinet at least participated in the technical preparation for the mass evacuation of the East Timor population, with little power or will to question the military’s agenda in post-referendum security. In this operation, the military chiefly aimed at evacuating the entire pro-integration East Timorese and Indonesians to West Timor. And, most of these people certainly wished to leave the chaotic place. However, the key point may not be whether evacuation was ‘forced’ or not in the immediate post-ballot period, but the fact that the removal of those people was a part of an overall agenda of violence orchestrated by the military and the militia that extended from the pre-referendum period to the post-evacuation period.

Once the refugees were brought to West Timor, the international community showed great concern, in particular, over the militia’s continuing intimidation of the refugees. It kept pressuring the Indonesian government to disarm the militia and promote repatriation. However, the government’s response was very slow. This chapter identified the strong resistance of the pro-integration militias and the pro-integration political elite to refugees freely returning to East Timor. It also demonstrated strong shared interests between them and the military in keeping the refugees in West Timor. Even the Indonesian civilian political elite, who shared with the military and pro-integration East Timorese bitter feelings about the defeat in the referendum, were reluctant to solve the refugee issue as quickly as the international community wished. The presence of a large number of East Timorese refugees in Indonesia was apparently regarded as a symbol of nationalism for the military and much of the Indonesian elite, at least in the initial period. Their presence also helped strengthen that elite’s argument that the real number of the pro-integration population was much higher than the actual number of votes in the UN ballot—a ballot that they claimed was fraudulent. In any
case, the Indonesian authorities permitted armed militiamen to remain in the camps, controlling the refugees.

However, the Indonesian elite’s accommodating attitude toward the militia brought huge trouble on itself. The prime example was the Atambua incident, in which armed militiamen killed three UNHCR staff, who had been conducting humanitarian activities in West Timor. This incident invited a wave of world condemnation, and it seriously damaged the credibility of the nation. Although the government managed to escape economic sanctions from donor nations, the withdrawal of UNHCR staff from West Timor and the application of the security phase V status placed a heavy financial burden on the country. This incident confirmed that the refugees in West Timor were increasingly harming the interests of the government. Increasing social conflict between the refugees and local citizens in NTT also became a source of fatigue for the local government and local security forces. Many of the refugees accepted neither resettlement nor repatriation, but kept eating away at the government budget, due to the government’s need to continue aiding them. To put it bluntly, the government became fed up with these unruly refugees who consumed the government’s money and energy.

In addition to these factors, the value of these pro-integration refugees as a symbol of nationalism decreased considerably over time, because the solidarity of the pro-integration Timorese themselves was disintegrating. In fact, many of the staunch supporters of integration had returned to East Timor, and spoke badly there about the Indonesian government. And, the East Timor leaders demonstrated a considerable willingness to accept the militia refugees still in West Timor and care for them; therefore, there was little reason for the Indonesian government to reject their repatriation. The military also came to see the benefits of supporting the government line. Certainly the military had bitter feelings about East Timor independence, but they were also obliged to adapt to the new reality: East Timor was becoming independent, and security cooperation with East Timor along the border was necessary. The initiatives of the Udayana Kodam commander Willem da Costa, who clearly understand the imperatives of the situation, were very important in this context.

The financial disincentives to objecting to repatriation, the reconciliation scheme provided by both the Indonesian and East Timor side, and general
developments in the nation-building process in East Timor also began to produce results in the form of accelerated repatriation by the end of 2001. The refugees still remaining after the independence of East Timor are almost all former militia members and their families, who still fear for their own security. Now their eventual choice of whether or not to return depends primarily on the initiatives by the East Timor government and the communities to which these militia members formerly belonged. However, the initiatives of the Indonesian government are also essential. For example, the payment of pensions to former civil servants, including former members of the security forces, and effective use of aid from donor nations to promote repatriation are among initiatives that can help persuade refugees to return.
Chapter 8

Conclusions

This concluding chapter addresses the issues that we presented in the introduction and then attempts to explain the key factors influencing the government approach to East Timor in post-authoritarian Indonesia. When evaluating these factors, we also discuss their applicability to analysing the approach of the current and future governments to the East Timor issues and, more broadly, issues involving human rights and international pressure.

Chapter 2 gave a historical overview of Indonesia's annexation of, and rule over, East Timor during the New Order period. It also examined to what extent domestic pressure for change existed with regard to the government's approach to East Timor. In the first half of the chapter, we explained why East Timor had been almost a non-issue for most Indonesians and, to a considerable extent, the international community for the first one-and-a-half decades after Indonesia's annexation of the territory, and why at the beginning of the 1990s it suddenly rose to prominence and remained a pivotal issue throughout the decade. The most fundamental factor was the end of Cold War. Apart from Indonesia's own perception of the threat of Communism, Indonesia's invasion and annexation of East Timor and the subsequent gross human rights violations in the territory were facilitated by the direct and indirect support for the Indonesian cause by foreign nations. However, the Santa Cruz massacre of November 1991 that changed the entire picture of the East Timor issue occurred in an environment markedly different from the 1970s and 1980s. The Cold War had already ended, and the promotion of human rights had already been incorporated in the foreign policy agendas of many western nations. Sustained international pressure prompted by the influential NGO networks and extraordinary development of communications derailed Indonesia's endeavour to domesticate the East Timor issue throughout the 1990s.
Following the Santa Cruz massacre, the Soeharto government, though very selectively, became more responsive to international concerns over East Timor; however, little progress was made on the issue of the political status of the territory, nor had there been improvement in the human rights situation on the ground. With regard to the former issue, the non-progress was simply because Soeharto, backed by most of the political elite, did not want any change and kept rejecting suggestions both from within and outside the government. As for the human rights situation, despite increasing international scrutiny, there was little improvement either. The style of human rights violations, however, changed. Facing strong external criticism of military behaviour in the territory and the changed strategies of the East Timorese resistance, the military’s human rights violations became more indirect through the increased use of militias. The use of militias was especially helpful to create the picture of domestic conflict in the eyes of outside observers, and for the same reason, the military later actively used the militia in the lead-up to, and after, the 1999 referendum.

Chapter 2 also observed a changing perception of East Timor among Indonesians. The East Timor issue was still of low concern to average educated Indonesians as they were generally detached from the issue of human rights violations and democratisation. Despite this aloofness, occasional news of events in East Timor in the mid-1990s gave Indonesians a sense that the East Timor issue was causing a lot of troubles for the nation. Demonstrations and appeals by pro-independence East Timorese on the occasion of the APEC summit in Jakarta, riots against Indonesian immigrants in East Timor, and the awarding of the Nobel Prize to Bishop Belo and José Ramos-Horta were some of the events that raised public awareness. The sense of unease about East Timor gradually took shape in specific questions: why should Indonesia keep facing incessant foreign criticism just for East Timor? Why did the country have to inject a disproportionate amount of money into East Timor when the East Timorese never showed gratitude for Jakarta’s generosity and kept opposing Jakarta’s rule? Those who most frequently questioned the government’s policy on East Timor were Muslim intellectuals, in particular those in the ICMI circle, and in fact, some attempts to influence governmental policy were made during the Soeharto period. Other groups also expressed their concern about conditions in East Timor such as human rights NGOs, and even a governmental organisation, Komnas HAM, openly
questioned the military’s security approach in the territory. Through an examination of
domestic discourse and attempts to influence the government, this chapter concluded
that domestic pressure for change in the government’s East Timor policy, although not
sufficiently powerful to actually bring about policy change, was much stronger than
generally perceived during the New Order period.

Chapter 3 focused on the most critical policy-change made by the Indonesian
government in the two decades: the Habibie government’s decision to give the East
Timorese an opportunity to choose independence. In this chapter, we asked essentially
the following three key questions: 1) why such a long-unthinkable policy became a
realistic option, 2) why Habibie’s two-options proposal was offered at that particular
time, and 3) why such a drastic idea materialised as government policy so quickly and
with little immediate backlash. On the first question, we conclude that regime change
was obviously the most critical factor. Here, Soeharto’s departure was absolutely
necessary, but the way the regime change occurred was also important. At that time,
there was a general consensus among the political elite and the public to promote
democracy and human rights. And giving more freedom to East Timor was essentially
a move in the same direction. The second question was most clearly explained by the
two events that occurred in December 1998: the arrival of the letter from Australian
Prime Minister John Howard, and less directly, Bishop Belo’s refusal to meet Habibie
for a second dialogue. Here, we stressed the importance of how these two events were
‘interpreted’ by Habibie and his close associates and ‘employed’ to achieve their
preferred policy. The third question was best explained by the domestic political
configuration at that time. As the new policy was adopted before the first general
election after the end of the authoritarian regime, the power of political parties and the
legislature was not yet established and they were less able to challenge the power of
the executive. And, both at the institutional and personal levels—the authority of the
President over the military was relatively strong. Furthermore, public opinion was
pre-occupied with issues arising from the post-Soeharto transition—the forthcoming
elections, the outbreak of communal violence, the desperate condition of the economy,
continuing military abuses, and so on. East Timor was only one among many issues
and was viewed with indifference by much of the public. Certainly, there was no public
outcry in protest against Habibie’s new initiatives. But still, this ‘absence of public opposition’ provided a crucial environment for the emergence of the two-options policy.

The role of international pressure in the adoption of the new policy was less straightforward as no foreign countries, like the East Timorese leaders themselves, were demanding an immediate referendum at that time. To the extent that some envisaged a referendum, it was only after a preparatory period of several years. President Habibie’s response to the Howard letter was indeed far beyond expectations and was not welcomed wholeheartedly by the main western governments because of the risks it entailed. Our study argued that this unexpected policy response was shaped in part by the unusual temperament of President Habibie himself as well as the thinking of his advisors from the ICMI circle. They were reluctant to subsidise East Timor further if East Timor eventually was likely to choose independence—moreover, Indonesia itself was in a deep economic crisis. This perception was quite different from that of Ali Alatas and his Deplu staff, who regarded the provision of an internationally credible autonomy package to East Timor as being the best solution. Chapter 2 already demonstrated that people surrounding Habibie had favoured a referendum for East Timor during the late New Order period, even though few expressed these views very openly. They were fed up with the economic burden of East Timor; the lack of gratitude of the East Timorese; what they perceived as Bishop Belo’s ‘arrogant’ attitude; incessant foreign criticism just because of East Timor; what they saw as disproportionate foreign sympathy towards the largely Catholic province; and mistreatment of Muslim immigrants in the province. They simply wanted to clear all the problems away by giving the East Timorese the opportunity to leave Indonesia. In the policymaking process, the military’s views and interests in the territory and Deplu’s tremendous efforts in the past to defend the nation’s policies on East Timor policy were disregarded.

In the government’s policymaking process, the struggle and aspirations of the East Timorese themselves did not play an important role. This struggle was apparently regarded by the key policy-makers simply as part of ‘international’ pressure. In fact, our examination of the discourse and approaches of the people close to Habibie during the Soeharto period did not find any sympathy for the aspirations of the East Timorese
themselves, despite this circle’s general support for democracy and human rights.

In Chapters 4 and 5, we observed how the new government policy was put into practice. Although the two-options policy was adopted smoothly, the Habibie government soon faced tremendous difficulties in implementing the policy in the following seven months. East Timor policy was complicated by domestic politics which became increasingly competitive as the general election approached. At the same time, the military retained significant political strength as Wiranto began to consolidate his power by promoting allies within the military and approaching Habibie’s presidential rivals about possible deals in the presidential election. And, ahead of the future ‘consultation’ in East Timor, the military formulated and implemented its own strategy to prevent independence by activating the militias. Before the 5 May Agreements were signed and, thus, before Indonesian responsibility was clearly defined, the military had much room to proceed with its own strategy. Foreign governments and the UN took a conciliatory attitude towards Indonesia as they did not want to risk losing an opportunity for a referendum that was most unlikely to be repeated.

After the signing of the 5 May Agreements, however, the Indonesian government began to take some steps to facilitate an effective referendum. The military also scaled down the violence and became more responsive to international pressure. However, these responses tended to be short-term and far from fundamental. Moreover, the military continued morally and logistically to support the militias. While continuing to present himself as a mediator between the conflicting East Timorese factions, Wiranto endorsed selective violence to the extent that it was effective in supporting the victory of the ballot. Before the ballot, Wiranto had enough authority to control the security situation on the ground and this was proven by quite timely halts in the violence on several important occasions. The eventual peaceful ballot itself was necessary in view of his political agenda.

The post-ballot violence had already been envisaged by the Indonesian government. Expecting ‘civil conflict’, the military, as well as civilian ministers, openly prepared for the evacuation of 250,000 people to West Timor. When the violence actually occurred, the evacuation of at least the estimated number of people took place. However, our study found that the scorched-earth action and mass killings which were
actually witnessed in the week after the announcement of the ballot was unlikely to have been planned and orchestrated by Wiranto. As repeatedly argued, Wiranto was a political actor as much as the TNI commander, who made his own cost-benefit analysis of his future career prospects and this calculation was unlikely to have supported the complete destruction of East Timor and humiliating international condemnations. Our study confirmed that the spread of violence arose from the anger felt by militia members and East Timorese members of the security forces with the results of the ballot; military personnel—both officers and ordinary soldiers—sided with the militias and at the very least made no attempt to stop the violence and, in some cases, helped to orchestrate it. The TNI commander, Wiranto, who had encouraged militia violence during the months before the ballot, was not in a position to stop it after the ballot, especially because his own troops were openly siding with the militias and directly or indirectly participating in the destruction. While Wiranto may not have ordered the post-ballot violence, he clearly failed to take the measures needed to prevent the scorched-earth action and mass killings. This does not mean, of course, that other senior officers in Jakarta did not give some kind of ‘green light’ to the militias and their military backers in East Timor.

After the spread of violence following the announcement of the result of the ballot, international pressures intensified dramatically. International feeling had been heightened partly by extensive media coverage—especially television—due to the presence in large numbers of the international media in East Timor for the popular consultation. Under growing pressure from their own citizens, foreign governments and the UN demanded that Indonesia accept international security intervention. This pressure was so great that both Habibie and Wiranto felt that they had no choice but to accept the UN force.

Chapters 6 and 7 observed the government’s responses to the two residual problems. In the case of the investigations into human rights violations, the initial strong performance can be explained by the recent election of a president, Abdurrahman Wahid, with a long record of interest in human rights issues; continuing low morale and lack of cohesion in the military; strong international pressure, demonstrated by the establishment of an international commission of enquiry; and the participation of credible NGO human-rights activists in the Indonesian government’s
domestic inquiry. But the opposite trend occurred when the investigation moved from the KPP-HAM to the Attorney-General's Office. As the president came under increasing political attack on other issues, his attention was diverted from human rights issues to his own political survival; the military, despite its internal divisions, was largely united in its determination to protect its own personnel who had been accused of human rights offences; and international pressure became less intense following the 'satisfactory' report of the KPP-HAM which suggested that Indonesia was capable of resolving the issue itself. This chapter also argued that the entire process was not something manipulated by the Indonesian government from the very beginning, with the specific purpose of eventually acquitting Wiranto and other senior military officers; but, rather, it can be largely explained as an outcome of the ongoing political power game carried out at the elite level, where the key players used the issue as an important political commodity to advance their own political positions. Even international pressure was often utilised in this political game.

In the case of the issue of the repatriation of the refugees and the militia problem in West Timor, the factors that influenced the government response were more complex. This is because many individuals and groups were influencing the refugees’ behaviour, and of course, the refugees themselves were important decision-makers. Moreover, the refugees were a heterogeneous group: top militia leaders, lower-ranking militia members, camp leaders, (former) civil servants, and their families, and ordinary East Timorese identified with the Indonesian side. Distinctions between these groups were often very blurred and they often overlapped with each other. (Moreover, pro-independence East Timorese were also among the refugees in the early period). Further, the refugees were located in a remote region and access to the refugee camps was limited. This all tended to distort the information available to external actors and made it difficult to clearly identify who actually directed refugees’ moves. At least it was clear that the influence of former pro-integration militia leaders over ordinary refugees was considerable, and these militia leaders had substantial motivations to keep the refugees under their control.

However, we argued that the governments own interests also played a key role in the repatriation of refugees and dealing with other problems in West Timor. The government and the military initially had a strong incentive to retain a large number of
refugees in West Timor to support their claim that the actual number favouring integration was much higher than the ballot result suggested. Furthermore, both the government and the military had an interest in being soft on militia leaders in order to keep those militias' mouths shut due to a real possibility that an international tribunal could be established. In fact, shortly after the ballot, there were signs that some militia members were becoming more and more independent and beginning to challenge the government, demanding better treatment for the refugees. These factors contributed to the lack of government action to solve the refugee and militia problem in the first year after the referendum. Our study also found that the Atambua incident was the triggering event behind the government's policy change in relation to the refugees and militias. Despite initial hesitation to admit the existence of a militia problem in West Timor, this incident made the government realise that holding the refugees was politically, economically, and socially too costly. This led the government to review the entire policy on refugees, putting priority on repatriation from late 2000. From then on, the government responded positively by cooperating with the East Timor administration and international organisations in the field of security and repatriation and providing economic incentives/disincentives to facilitate repatriation. The military also began to promote repatriation of the refugees and to take tough measures against the militias based on its own overall interest.

The Key Factors

This study has argued that the Indonesian government's approach to East Timor since 1998 was the result of the interaction between many factors, both international and domestic. We will begin with the broad environmental changes without which independence for East Timor would have been unthinkable and then consider both international and domestic pressures on the Indonesian government.

Environmental change

As already discussed, the post-Cold War context was a critical factor in explaining the Indonesian government's approach to the East Timor issue in the 1990s. The new
environment affected the strength of international pressure in various ways, and this affected the perception and behaviour of Indonesians as well. From time to time before the 1990s Indonesia was subjected to international criticism of its policies and behaviour in East Timor but in the final analysis was always seen as an ally in the West’s struggle with communism. Whatever Indonesia did in East Timor, it continued to receive economic aid and foreign investment from the Western countries and Japan and its military continued to receive training and armaments. The end of the Cold War, however, saw the Western countries, led by the United States, placing greater emphasis on human rights and democratisation with the result that Indonesia found itself the target of heavy criticism. Indonesia could no longer expect that abuses in East Timor could escape the attention of the international community. If we look at the current international environment, however, the post-Cold War environment that facilitated East Timor’s independence changed dramatically after the 11 September terrorist attack on the US. The ‘war against terrorism’ has become the central foreign policy agenda of major western nations, notably the US, the UK, and Australia. In this context Indonesia’s value to the West has been enhanced and, in these circumstances, it is unlikely to be subjected again to the type of pressures that contributed to the release of East Timor. The post-Cold War and pre-‘war against terrorism’ years provided a necessary ‘window of opportunity’ that enabled East Timor to obtain its independence.

The Asian economic crisis also contributed to an environment that weakened Indonesia’s international position and made it more vulnerable to pressure on the East Timor issue. Confronted with the massive economic crisis, the fate of a small half-island containing less than half of one per cent of the Indonesian population and few economic resources lost the importance that it had been given in the Soeharto years and appeared to be more expendable. Desperately dependent on international economic support, the Habibie government needed all the goodwill that it could get and did not want that goodwill to be prejudiced by the occurrence of new military abuses in East Timor.

Of all the environmental changes, however, the end of the Soerharjo regime was most important. This event which occurred in the wake of the economic crisis removed the most important single obstacle to change in East Timor. It was not only the fall of Soeharto but also the dramatic way in which it took place that created
conditions that made possible the developments leading to East Timor's independence. In particular the fall of Soeharto was accompanied by the massive discrediting of the armed forces and revelations of abuses throughout the archipelago, including in East Timor. The fall of Soeharto did not in itself ensure East Timor's independence but it opened the way to envisaging significant change in the territory and ultimately to Habibie's two-options policy. The two-options policy was proposed while Indonesia was still in the midst of its democratic 'euphoria'. If the new policy had been proposed half-a-year later during the presidential election campaign, for example, the referendum was unlikely to have materialised. All our discussion suggests that the referendum in East Timor was conducted in an extremely favourable domestic and international environment that had not existed earlier and was not likely to be repeated.

*International Pressures*

This study has shown that international pressures played a key role at many stages in influencing government policies on East Timor. An initial turning point was the international reaction in 1991 to the Santa Cruz massacre that had been filmed by an international journalist and shown in television news broadcasts throughout the world. Although Indonesia was not subjected to major economic sanctions, the US restricted military cooperation, including the suspension of military training. Even before the Santa Cruz massacre, Portugal, as Indonesia's counterpart in UN-sponsored tripartite negotiations, had helped to keep the issue alive over nearly two decades up to 1999, despite lack of interest in other quarters. But as far as the specific decision of the Habibie government to hold a referendum is concerned, the role of Australia was central. It was not that Australia had the capacity to apply heavy pressure on Indonesia but the Australian Prime Minister's letter was one of two 'triggers' for the changes that followed. It should be noted, however, that Habibie's offer of an 'immediate' referendum differed substantially from the Australian suggestion that a referendum might be held in the distant future.

With regard to government responses in the lead-up to the ballot, there was a noticeable change after the signing of the 5 May Agreements. The government and the
military certainly took some steps to fulfil their obligations specified under the Agreements. But as far as the security field is concerned, Indonesia's approach to the ballot was largely guided by domestic interest rather than international pressure. International pressure was quite sporadic and ineffective because Indonesia enjoyed a strong bargaining position on the ground. During this period, even though the military's support for the militias was obvious, foreign governments and the UN adopted conciliatory attitudes for fear that Indonesia would cancel the ballot. But still, there were some specific cases where international pressure drew small but positive responses from the Indonesian government. This included a series of incidents involving UNAMET staff in Maliana, Liquiça, and Viqueque that resulted in the visit of the large ministerial delegation and the actually improvement of the security situation on the ground, which enabled relatively peaceful voter registrations. A second case led to the dismissal of several military officers accused of fomenting violence such as Zacky Anwar Makarim and the Bobonaro Kodim commander, Burhanuddin Siagian. But these cases only involved individuals and did not lead to fundamental changes in overall behaviour. Meanwhile instances of deceit continued to be observed without significant international protest, for example the holding of a ceremony to promote peace and reconciliation after the two massacres in April without any indication that the arming and funding of militias would be stopped; and the reappearance of military officers in East Timor in August and September who had previously been removed from their posts in response to foreign demands. Overall, sporadic international pressure alone did not force fundamental change in the government's approach to security. The explanation is that the government had strong reasons not to do what foreign actors demanded. Most notably, the government did not take steps to end the military's support for the militias for the simple reason that the militias were an essential part of the military's strategy to win a favourable result.

After the ballot, the circumstances were completely different and much more favourable for international pressure. The most important example is the decision of the Indonesian government to accept international security intervention. Our study closely observed how the key decision-makers, namely Wiranto and Habibie, finally bowed to the demands of the foreign actors. However, international pressure in relation to international security intervention also invited negative responses from
elements in the government, in particular covert backing for an anti-Australian campaign and the unilateral cancellation of a military cooperation agreement with Australia. These government responses were, however, not just spontaneous emotional reactions but aimed to divert public attention from the government's own failure to prevent the violence as well as help to heal the wounded pride of the nation. In our study, a similar response was observed just one year later, immediately after the Atambua incident in September 2000. Here, like at the time of the referendum, the use of 'foreign conspiracy' theories was popular among the political elite but in the end concrete steps were taken to meet the international demands. Claims of foreign conspiracy are still heard from military and police officers facing the Indonesian human rights courts who claim that UNAMET deliberately cheated to deprive Indonesia of East Timor. This is a cost-free exercise as, after all, UNAMET no longer exists and Indonesians in general hold a negative view of this organisation.

In the examination of the two post-ballot residual issues as well, our study found that the role of international pressure was critical. In the case of accountability for the post-ballot violence, domestic pressure alone would not have been sufficient to persuade the government to carry out a systematic investigation. If there had been no international pressure—particularly the threat to establish an international tribunal to try cases of 'crimes against humanity'—it is unlikely that the government would have set up the KPP-HAM with such a credible membership. After all, the violence occurred in a territory which no longer belonged to Indonesia and the victims (and their families) of the most serious human rights violations were no longer Indonesians. The absence of progress in many other human rights violation cases—despite much domestic pressure but without international backing—supports this argument.

Our study confirmed that the establishment of KPP-HAM was a direct reaction to the real possibility that a special session of the UNCHR on East Timor would be held, a first step towards the establishment of an international crimes tribunal. And, the effective performance of KPP-HAM was spurred by direct international pressure, especially arising from ICIET's concurrent investigation, as well the strong interest shown by much of the international community. International pressure also served the political purposes of President Abdurrahman in his struggle to control the military at that time. This in turn contributed to the positive outcome in the
investigation. Ironically, the impressive performance of the KPP-HAM had persuaded some of the international community that Indonesia was capable of handling these cases itself and led to a waning of international interest. The poor performance of the subsequent investigation by the AGO, which had the task of preparing the charges to be brought to the courts, reflected this waning interest and reduced pressure from the international community, although domestic factors, as we shall see, mattered much more. If we apply this observation to the current national trials of those accused of gross human rights violations in East Timor, the declining interest of the major western nations—and the effective removal of the threat of an international tribunal—is likely to mean that effective accountability will not be achieved. The message from the US is most marked in this context. In order to promote counter-terrorism in Indonesia, the US is considering rewarding the military by resuming military cooperation which had been cut off precisely because of the military’s role in the 1999 violence in East Timor.

In the case of the refugee problem and the continuing militia influence in refugee camps, international pressure on the Indonesian government had not been especially effective until the trigger provided by the Atambua incident. International outrage was felt directly by the Indonesian president because the incident occurred coincidentally while he was attending the Millennium Summit of world leaders. The humiliation of the president was reinforced by the immediate adoption of a UN Security Council resolution. As a result the Indonesian government tackled the refugee issue with unusual vigour. Without the heightened international pressure in response to the incident, it seems unlikely that the arrests of the perpetrators in the killings and the disarmament of militias would have taken place so quickly, and may not have taken place at all. Due to sustained international pressure, the initial light sentences of the three defendants in the Atambua case were substantially increased and the militia leader Eurico Guterres was also arrested.

As far as the issue of the repatriation of refugees is concerned, strong foreign demands eventually forced the Indonesian government to take firm action to resolve the question, including measures to release the refugee camps from the grip of militia gangs. It was ‘active international support’ in the form of technical and financial assistance, however, that proved vital in actually implementing repatriation. The fact was that even under heavy pressure, the government lacked the capacity to provide the
means to allow refugees to return to East Timor. Further, the repatriation of refugees depended largely on developments in East Timor itself, including the progress of reconciliation among the East Timorese and economic incentives/disincentives given to the refugees. Thus, the East Timor government's initiative to promote further reconciliation and foreign willingness to provide financial and technical assistance for repatriating or resettling the refugees—while withdrawing such support for those still in West Timor—are most important in solving this issue.

Domestic Pressures

International pressure can only work through domestic actors. Our study has shown that the development of Indonesia's policy towards East Timor reflected changing power relationships within the political elite. During the New Order, the absence of significant change in approach to East Timor reflected the dominance of Soeharto and the military in the regime and the regime's dominance of society. The collapse of the New Order saw the transformation of the powerful Soeharto regime into the weak government of President Habibie which lacked both legitimacy and a firm societal base. But, although the Habibie government was internally divided and lacking in authority, his opponents were even more fragmented. It was in this context that Habibie's two-options policy was proposed and met with little overt opposition both from a demoralised military and political parties and organisations which were preoccupied with political manoeuvring in anticipation of the forthcoming general election. The two-options policy, therefore, was formulated in the context of a very unusual political configuration. It was accepted not because it was proposed by a powerful government with few political enemies and supported by key political forces but because it was treated with indifference by a large part of the political elite whose attention was focused elsewhere. A crucial element in the political configuration, the military, was still on the defensive and too demoralised to contemplate a direct challenge to the President. Moreover, perhaps misled by its own intelligence services, it was confident that, as it had routinely done in previous general elections, it would be able to use it usual methods to ensure victory for the government side.

Between February and October 1999—the most critical period surrounding the
ballot—the military controlled policy on the ground in East Timor. Within the cabinet, two conflicting approaches to security emerged, although they were not always clear-cut. At the one end of the spectrum were the President, the Foreign Minister, and the economics ministers who were concerned about Indonesia’s deteriorating reputation in the international community, while ministers with military backgrounds were at the opposite end and laying plans to ensure a successful outcome of the popular consultation.

The ‘soft line’ was pushed by the Foreign Minister, Ali Alatas, when he presented a plan for far-reaching autonomy at the tripartite talks but this plan was vetoed at the last moment by the ‘hard-liners’ in the cabinet. In the talks that led to the signing of the 5 May Agreements, the military insisted that responsibility for security during the ballot would be wholly in Indonesian hands—a stand justified in nationalist terms as defence of Indonesia’s sovereignty but, no less importantly, essential for the military’s scheme to use militias to ensure the victory of the ‘autonomy’ option.

Although the military was by no means dominant in the government in Jakarta, the government was in no position to exert its authority on the ground in East Timor where the provincial and district governments were little more than extensions of the military. As the date of the ballot approached, the level of intimidation of pro-independence groups increased and UNAMET was forced to postpone the registration of voters twice. Meanwhile it appears that government leaders in Jakarta were being provided with wildly optimistic military intelligence estimates of the support that the integrationist side would get in the ballot. The ballot, of course, was a disaster for both the government and the military which had insisted on being the sole guarantor of order under the 5 May Agreements. When the post-ballot mayhem broke out, the government had little alternative to succumbing to massive international pressure to accept an international military force to restore order.

Our study showed that the investigations into human rights violations in East Timor were driven initially by international pressure which soon gave way to domestic resistance. Established by the Habibie government and strongly supported by the newly-elected President Abdurrahman who hoped to use its findings to strengthen his own authority over the military, the KPP-HAM carried out an impressive investigation. But, from about March 2000, the president not only alienated the military but provoked
increasing challenges from the political parties which culminated in his dismissal in July 2001. As Abdurrahman increasingly focused on combating the political challenges that he faced, he seemed to lose interest in the next stage of investigation by the AGO and the preparation for trials.

In the context of the fragmented DPR and MPR, the military and police representatives, although relatively small in numbers, could potentially play a decisive role if the legislatures were more or less evenly divided. The military/police group was therefore wooed by the main political parties which, as a quid pro quo, became especially sensitive to military concerns. This meant that the military could exercise considerable influence on the process of making military personnel accountable for crimes committed in East Timor. As our study has shown, the AGO's failed to continue the investigation of the East Timor cases with the vigour and commitment displayed by the KPP-HAM with the result that most of those accused have been exonerated. In the current context, this finding leads us to assume that the cordial relationship between President Megawati and the military will further weaken domestic pressure for human rights accountability. Now the East Timor government is requesting the extradition of 1999 suspects who are in Indonesia, but our findings suggest that co-operation from the Indonesian side will not be forthcoming. As the 2004 general election approaches, the power of the legislature is likely to increase vis-à-vis the executive, and the military could benefit from the competition between the executive and the legislature, as the military will have more options for political alliances. Moreover, the DPR often tends to react in a nationalistic way on issues seen as involving 'foreign intervention', such as anything to do with East Timor.

In the case of the refugee problem, pressure exerted by the military has not been as decisive as in the case of the investigations and trials of military personnel. In the initial period, military officers were undoubtedly close to the militia leaders who effectively controlled refugee camps and obstructed the repatriation of refugees to East Timor. By late 2000, however, military officers had accepted the reality that East Timor had been lost and were convincing militia leaders that they could not expect military backing if they embarked on cross-border incursions. As the presence of such a large number of refugees led to increasing tensions with local people and a heavy drain on government funds, the government—with military support, especially from the new
Udayana regional commander, Maj. Gen. Willem da Costa—faced little obstruction in persuading refugees to return. In this case, foreign pressure was particularly significant, especially, as noted above, after the Atambua incident, but later it no longer met with major domestic resistance.

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In explaining the developments in East Timor in leading to, and following, the crucial year of 1999, this study has focused on the interplay of international and domestic pressures that the Indonesian government faced. The relative impact of international and domestic pressures varied according to circumstances and the particular issues that were subjected to that pressure. At times international and domestic pressures worked in the same direction and sometimes were in conflict with each other. Domestic pressures were themselves varied and often conflicting, particularly between the military on one hand and a range of civilian forces on the other. This study has shown that the confluence of circumstances and pressures that led to the independence of East Timor was quite unusual, had not been present before 1999 and would have been unlikely to be repeated later.

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Appendix

5 May Agreements

ANNEX 1: Agreement between The Republic of Indonesia and the Portuguese Republic on the Question of East Timor

The Governments of Indonesia and Portugal,

Recalling General Assembly resolutions 1514(XV), 1541(XV), 2625(XXV) and the relevant resolutions and decisions adopted by the Security Council and the General Assembly on the question of East Timor;

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor;

Recalling the agreement of 5 August 1998 to undertake, under the auspices of the Secretary-General, negotiations on a special status based on a wide-ranging autonomy for East Timor without prejudice to the positions of principle of the respective Governments on the final status of East Timor;

Having discussed a constitutional framework for an autonomy for East Timor on the basis of a draft presented by the United Nations, as amended by the Indonesian Government;

Noting the position of the Government of Indonesia that the proposed special autonomy should be implemented only as an end solution to the question of East Timor with full recognition of Indonesian sovereignty over East Timor;

Noting the position of the Government of Portugal that an autonomy regime should be transitional, not requiring recognition of Indonesian sovereignty over East Timor or the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly, pending a final decision on the status of East Timor by the East Timorese people through an act of self-determination under United Nations auspices;

Taking into account that although the Governments of Indonesia and Portugal each have their positions of principle on the prepared proposal for special autonomy, both agree that it is essential to move the peace process forward, and that therefore, the
Governments of Indonesia and Portugal agree that the Secretary-General should consult the East Timorese people on the constitutional framework for autonomy attached hereto as an annex;

Bearing in mind that the Governments of Indonesia and Portugal requested the Secretary-General to devise the method and procedures for the popular consultation through a direct, secret and universal ballot;

Agree as follows:

Article 1
Request the Secretary-General to put the attached proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia to the East Timorese people, both inside and outside East Timor, for their consideration and acceptance or rejection through a popular consultation on the basis of a direct, secret and universal ballot.

Article 2
Request the Secretary-General to establish, immediately after the signing of this Agreement, an appropriate United Nations mission in East Timor to enable him to effectively carry out the popular consultation.

Article 3
The Government of Indonesia will be responsible for maintaining peace and security in East Timor in order to ensure that the popular consultation is carried out in a fair and peaceful way in an atmosphere free of intimidation, violence or interference from any side.

Article 4
Request the Secretary-General to report the result of the popular consultation to the Security Council and the General Assembly, as well as to inform the Governments of Indonesia and Portugal and the East Timorese people.

Article 5
If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is acceptable to the East Timorese people, the Government of Indonesia shall initiate the constitutional measures necessary for the implementation of the constitutional framework, and the Government of Portugal shall initiate within the United Nations the procedures necessary for the removal of East
Timor from the list of Non-Self-Governing Territories of the General Assembly and the deletion of the question of East Timor from the agendas of the Security Council and the General Assembly.

Article 6
If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is not acceptable to the East Timorese people, the Government of Indonesia shall take the constitutional steps necessary to terminate its links with East Timor thus restoring under Indonesian law the status East Timor held prior to 17 July 1976, and the Governments of Indonesia and Portugal and the Secretary-General shall agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations. The Secretary-General shall, subject to the appropriate legislative mandate, initiate the procedure enabling East Timor to begin a process of transition towards independence.

Article 7
During the interim period between the conclusion of the popular consultation and the start of the implementation of either option, the parties request the Secretary-General to maintain an adequate United Nations presence in East Timor.

DONE in New York on this 5th day of May, 1999.

Ali Alatas
Minister of Foreign Affairs, Government of Indonesia

Jaime Gama
Minister of Foreign Affairs, Government of Portugal

Kofi A. Annan
Secretary-General, United Nations
ANNEX 2: Agreement Regarding the Modalities for the Popular Consultation of the East Timorese Through a Direct Ballot

The Governments of Indonesia and Portugal and the Secretary-General of the United Nations,

Agree as follows:

Immediately following the conclusion of the agreement between the two Governments requesting the Secretary-General to consult the East Timorese people on whether they would accept or reject the proposed constitutional framework for autonomy, the Secretary-General will, subject to the appropriate legislative mandate, begin preparations for the popular consultation by deploying in East Timor such personnel as will be adequate for the purpose of executing the various phases of the consultation process. Preparations for the vote outside East Timor will also begin at locations of major East Timorese concentration outside East Timor.

A. Date for consultation

The ballot will take place on Sunday, 8 August 1999, both inside and outside East Timor.

B. Question to be put before the voters

The question that the Secretary-General will put to the voters is:

"Do you accept the proposed special autonomy for East Timor within the Unitary State of the Republic of Indonesia? ACCEPT OR
"Do you reject the proposed special autonomy for East Timor, leading to East Timor's separation from Indonesia?" REJECT

The United Nations logo will appear on the ballot papers. The ballot papers will include symbols to facilitate voting by illiterate persons.

C. Entitlement to vote

The following persons, aged 17 years or above, shall be eligible to vote in the popular consultation: (a) persons born in East Timor, (b) persons born outside East Timor but with at least one parent having been born in East Timor, and (c) persons whose...
spouses fall under either of the two categories above.

D. Schedule of the consultation process (in overlapping time periods).

The schedule for the operational stages of the consultation process will be approximately as follows:
* Operational planning/Deployment: 10 May-15 June
* Public information programme/Voter education: 10 May - 5 August
* Preparation and Registration: 13 June - 17 July
* Exhibition of lists and challenges/ Decisions on challenges and complaints: 18 July - 23 July
* Political Campaign: 20 July - 5 August*
* Cooling off period: 6 August-7 August
* Polling Day: 8 August

* Subject to revision

E. Operational Phases

a) Information Campaign

- The United Nations will make available the text of the main Agreement and the autonomy document to be voted on in the following languages: Tetun, Bahasa Indonesia, Portuguese and English.
- The United Nations will disseminate and explain the content of the main Agreement and the autonomy document in an impartial and factual manner inside and outside East Timor.
- The United Nations will explain to voters the process and procedure of the vote, and the implications of an 'accept' or 'reject' vote.
- The radio stations and the newspapers in East Timor as well as other Indonesian and Portuguese media outlets will be utilized in the dissemination of this information. Other appropriate means of dissemination will be made use of as required.

b) Registration

- Registration inside and outside East Timor will take place for a continuous period of 20 days.
- Two hundred registration centres will be opened in East Timor for this purpose.
- Outside East Timor, special registration centres will be opened in Jakarta, Yogyakarta, Surabaya, Denpasar, Ujung Pandang, Sydney, Darwin, Perth, Melbourne, Lisbon,
Maputo, Macau, New York with adjustments to be made as appropriate. The United Nations may utilize the services of the Australian Electoral Commission for the balloting in Australia and of the International Organization for Migration (IOM) in Portugal and elsewhere.

- The registration lists will be exhibited for five days at the end of the registration period at the respective registration centres, regional offices and at Dili headquarters. Challenges to the lists shall be submitted to the regional offices for a final decision by the Electoral Commission prior to polling day.

c) Campaign

- Supporters and opponents of the autonomy proposal will campaign ahead of the vote in a peaceful and democratic manner during the period designated for this purpose.
- There will be a Code of Conduct for the campaign, to be proposed by the United Nations and discussed with the supporters and opponents of the autonomy proposal.
- The United Nations will devise the means to provide equal opportunity for the two sides to disseminate their views to the public.
- Officials of the Governments of Indonesia and Portugal will not participate in the campaign in support of either option.
- East Timorese government officials may campaign in their personal capacity. All such campaigning will be carried out strictly according to the Code of Conduct without use of public funds and government resources or recourse to pressure of office.

d) Balloting in East Timor

Voting in East Timor will take place in approximately 70 registration/polling stations located in 200 polling centres.

e) Balloting outside East Timor

Voting will take place in polling stations set up in the same locations as the registration centres mentioned above.

f) Observers

- Indonesia and Portugal shall be entitled to send an equal number of representatives to observe all the operational phases of the consultation process both inside and outside East Timor.
- International observers will be able to observe the consultation process under terms to be developed by the United Nations to regulate their presence.
F. Funding

The Secretary-General will seek the approval of the Security Council for the operation in order to ensure assessed budgetary funding. Voluntary contributions will be channeled through a Trust Fund established for this purpose.

G. Security

The Indonesian authorities will ensure a secure environment for a free and fair popular consultation process and will be responsible for the security of United Nations personnel. A number of United Nations security guards will be deployed to ensure the security and safety of United Nations personnel and property. A number of international civilian police will be available in East Timor to advise the Indonesian Police during the operational phases of the popular consultation and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from polling sites.

DONE in New York on this 5th day of May, 1999.

Ali Alatas
Minister of Foreign Affairs, Government of Indonesia

Jaime Gama
Minister of Foreign Affairs, Government of Portugal

Kofi A. Annan
Secretary-General, United Nations
ANNEX III: East Timor Popular Consultation

The Governments of Indonesia and Portugal and the Secretary-General of the United Nations,

Agree as follows:

1. A secure environment devoid of violence of other forms of intimidation is a prerequisite for the holding of a free and fair ballot in East Timor. Responsibility to ensure such an environment as well as for the general maintenance of law and order rests with the appropriate Indonesian security authorities. The absolute neutrality of the TNI (Indonesian Armed Forces) and the Indonesian Police is essential in this regard.

2. The Commission on Peace and Stability established in Dili on 21 April 1999 should become operational without delay. The Commission, in cooperation with the United Nations, will elaborate a code of conduct, by which all parties should abide, for the period prior to and following the consultation, ensure the laying down of arms and take the necessary steps to achieve disarmament.

3. Prior to the start of the registration, the Secretary-General shall ascertain, based on the objective evaluation of the UN mission, that the necessary security situation exists for the peaceful implementation of the consultation process.

4. The police will be solely responsible for the maintenance of law and order. The Secretary-General, after obtaining the necessary mandate, will make available a number of civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from the polling sites.

DONE IN New York on this 5th day of May 1999

Ali Alatas

Minister of Foreign Affairs, Government of Indonesia

Jaime Gama

Minister of Foreign Affairs, Government of Portugal

Kofi A. Annan

Secretary-General, United Nations
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