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# link timor

News, analysis and action in support of justice for East Timor

No.52 March 2001

## Must try harder

Efforts to bring to justice the perpetrators of human rights violations in East Timor have got off to a slow start. The next session of the UN Commission on Human Rights (UNCHR), on 19 March-27 April, offers an opportunity to emphasise to the international community the urgent need for justice. Some lobbying points are listed below. Overleaf, CIIR's Asia Policy Officer **Catherine Scott** reports on prosecutions in Indonesia and East Timor.

The UNHCR should adopt a resolution condemning gross violations of human rights in Indonesia and calling for perpetrators of serious human rights violations and crimes against humanity committed in Indonesia, and in East Timor during the Indonesian occupation, to be brought to speedy justice according to international standards.

- An international tribunal should be established for this purpose, based on the recommendations of the UN Special Commission of Enquiry and the three special rapporteurs.
- International agencies must have secure access to refugees, who should be screened and allowed to make uninhibited, informed choices about their future domicile.
- The Indonesian government should amend its constitution to allow retroactive prosecution for gross violations of human rights.
- The Indonesian government should transfer authority to establish *ad hoc*



Irene Sleght/Panos Pictures

Now is the time for justice: A woman mourns at the cross for the Timorese killed in the 1991 massacre at Santa Cruz cemetery.

human rights courts from the parliament and the president to the Supreme Court or another respected non-political body.

- The Indonesian government should adopt legislation making military personnel subject to civilian courts in criminal cases.
- The Indonesian government should cooperate fully with the UN Transitional Authority in East Timor (UNTAET) in prosecuting human rights cases and establishing an effective witness protection programme, as well as bringing to trial in Indonesia members of the military and militias living in Indonesia who have been indicted in East Timor.
- The Indonesian government should sign and ratify the international covenants on civil and political rights, and on economic, social and cultural rights, without reservations; implement in full covenants it has already ratified such as the Convention for the Elimination of all forms of Discrimination Against Women

(CEDAW) and the Convention Against Torture; and harmonise its domestic laws with these standards.

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# Justice delayed

Western governments are exerting pressure on Indonesia to improve its judicial system in the interests of stability in the archipelago. But there is a danger that in the process the need for justice for the East Timorese will be overlooked.

The hard-pressed Serious Crimes Investigation Unit of the UN Transitional Authority in East Timor (UNTAET) has been working to indict and try perpetrators in the newly established East Timorese courts. On 24 January an international court in Dili sentenced a pro-Jakarta militiaman to 12 years' imprisonment for murder. João Fernandes, 22, (a member of the Besi Merah Putih — 'red and white iron' — militia) was found guilty of murdering a pro-independence activist in Maliana on 8 September 1999. His prison sentence was reduced from 20 years after he agreed to supply further information about militia activities in East Timor in 1999. This was the first successful prosecution for the violence which surrounded the 1999 popular consultation. Prosecutors in East Timor, working with the United Nations, expect a further 15 cases to be heard within the next few weeks.

In another breakthrough, on 6 February the UN indicted an Indonesian army officer and two anti-independence militia leaders for rape. It was the first time the UN has filed indictments for sexual crimes in East Timor. The accused allegedly detained and repeatedly raped three women between May and July 1999 in the town of Lolatoi, 100 km south-west of Dili.

### Where are the big fish?

So far, however, it is the small fry who face prosecution. Two Indonesian soldiers and several militiamen have been indicted. Despite a promise to cooperate with UNTAET in legal, judicial and human rights matters, Indonesia has refused either to extradite suspects to East Timor or to allow prosecutors from East Timor to interview suspects in Indonesia. UNTAET's under-resourced human rights unit is hampered by lack of experience, language problems and a shortage of skilled translators, among other problems. Although there is ample evidence of chains of command leading from the militias to the Indonesian army (TNI), it is difficult to mount a successful prosecution.

### Trials in Indonesia

The progress of criminal prosecutions in Indonesia for crimes relating to East Timor has also been desperately slow. The trials of six suspects for the killing of three staff of the UN High Commissioner for Refugees (UNHCR) in August 2000 in West Timor have been delayed by a dispute over where the proceedings should be held. Judge Anak Agung Gde Dalam has now ruled that the trials will proceed in North Jakarta, as it remains unsafe to hold them in Atambua in West Timor.

In the meantime, the trial in Jakarta of Eurico Guterres, former commander of the Aitarak militia, has at times bordered on farce. The Portuguese ambassador to Indonesia, Ana Gomes, was forced to ask the Minister of Justice and Human Rights why Guterres' supporters were apparently permitted to swarm into the courtroom waving banners and flags. Guterres is now under house arrest.

In response to international pressure, the Indonesian House of Representatives passed a human rights law on 6 November. But no one knows when, or if, the *ad hoc* human rights courts which have been promised for Jakarta, Medan, Surabaya and Ujung Pandang, will be set up, or whether they will try senior military officials suspected of masterminding violence in East Timor in 1999.

### Softly, softly

The international community has demonstrated little political will to hold Indonesia accountable for the crimes of 1999. More than a year ago, the UN International Commission of Enquiry and three UN Special Rapporteurs recommended that an international tribunal be constituted to try crimes against humanity and war crimes committed in East Timor. The UN Security Council decided instead to let Indonesia conduct its own legal process. After the killing of three UNHCR employees in August 2000, the Security Council passed Resolution 1319 (which demanded the disarming and disbanding of the militias). The visit of a Security Council delegation in November 2000 established, in the words of the UN secretary-general, that 'despite the collection of some arms, resolution 1319 (2000) remained largely unfulfilled'. The delegation made few strong recommendations, and was careful

to avoid antagonising the Indonesian government.

With the Indonesian president Abdurrahman Wahid looking increasingly vulnerable, foreign governments are preoccupied with Indonesia's stability. When the Security Council convened to renew UNTAET's mandate at the end of January 2001, governments made only passing reference to justice. The Swedish government, speaking on behalf of the European Union, seemed prepared to rely on the Indonesian authorities:

The European Union calls on the Government of Indonesia to continue all necessary efforts to bring the perpetrators of serious crimes, committed during the violence in September 1999 and before, to justice. It also takes note of the efforts being made by the Indonesian Attorney General concerning the investigation of human rights violations in East Timor, and calls on the Indonesian Government to follow the spirit of the Memorandum of Understanding signed with UNTAET. The investigation process and the bringing to justice of those responsible for the atrocities that followed the popular consultation must not be delayed. The European Union also encourages the Indonesian judicial authorities to continue the co-operation with the office of the High Commissioner for Human Rights.

Human rights groups are aware that they must carefully balance the need for advances in Indonesia with the needs of the East Timorese to obtain justice. They must not allow one to displace the other. They must also redouble the pressure on Indonesia, directly and through their own governments.

Nevertheless, human rights groups around the world have been highly critical of the softly-softly approach. East Timorese activists have complained that their people's suffering should not be used as a strategy to facilitate legal advances in Indonesia, desirable though these are. On the first anniversary of the report from the International Commission of Enquiry, many called for an international tribunal.

Lastly, governments should bear in mind that failure to address genuine grievances in East Timor could ultimately lead to serious civil unrest, as people try to settle their own scores. Conflict could set back international efforts to put East Timor on the road to peace and stability.

## EAST TIMOR: Nation in waiting

East Timor emerged into the 21st century having endured 400 years of colonial rule, followed by nearly a quarter of a century of brutally repressive occupation, and finally a brief but devastating period of violence. Having chosen independence, the people of this tiny country face the multiple tasks that building a political, social and commercial infrastructure out of the ashes of conflict implies.

**T**imor, which lies 482 km north of Darwin, Australia, was settled by Malay, Melanesian and Polynesian peoples before the arrival of Dutch and Portuguese settlers in the 16th century. The eastern part of the island began what was to be a long and traumatic struggle for independence in 1974, when Portugal began a process of decolonisation.

On 11 August 1975 the Timorese Democratic Union (UDT) staged a coup to pre-empt Indonesia's threat to intervene should the nationalist liberation movement, Fretilin, come to power after Portugal's withdrawal. The ensuing civil war cost the lives of 1,500 people and saw Fretilin take control of most of Portuguese Timor.

### Invasion

Worried by the proximity of an independent state with radical policies, in December 1975 Indonesia launched a full-scale invasion of East Timor with the knowledge of the United States and the encouragement of Australia. After a fraudulent 'act of self-determination' (the 'Balibo Declaration'), in May 1976 East

Timor was declared to be Indonesia's 27th Province. The United Nations always regarded the annexation as illegal.

There followed years of determined resistance by the poorly armed Falintil on behalf of the East Timorese. It is estimated that some 200,000 people — a third of the population at the time of the invasion — died from malnutrition, preventable diseases, or at the hands of the occupying forces.

Under the Indonesian dictator Suharto, negotiations between the Indonesian government and Portugal — in international law the administering power — became deadlocked. It was not until 1997-98, with financial crisis sweeping Asia and the final ebbing of international support for Suharto's corrupt regime, that there were real signs of change.

Suharto's successor Jusuf Habibie bowed to international pressure and, in essence, traded East Timor for much-needed support from the International Monetary Fund. Habibie offered the East Timorese autonomy within Indonesia. If they rejected it, Indonesia would 'let East Timor go'. The offer was a pragmatic one, made by a stand-in president, and without wide consultation. Much of the Indonesian military was appalled.

In negotiating the terms under which a ballot on the autonomy package would take place, the United Nations allowed Indonesia to provide the security. This was to prove costly, as it left the way open for those in the military special forces, Kopassus, responsible for the original invasion, to try to influence the result or wreak revenge should they fail.

### Popular Consultation

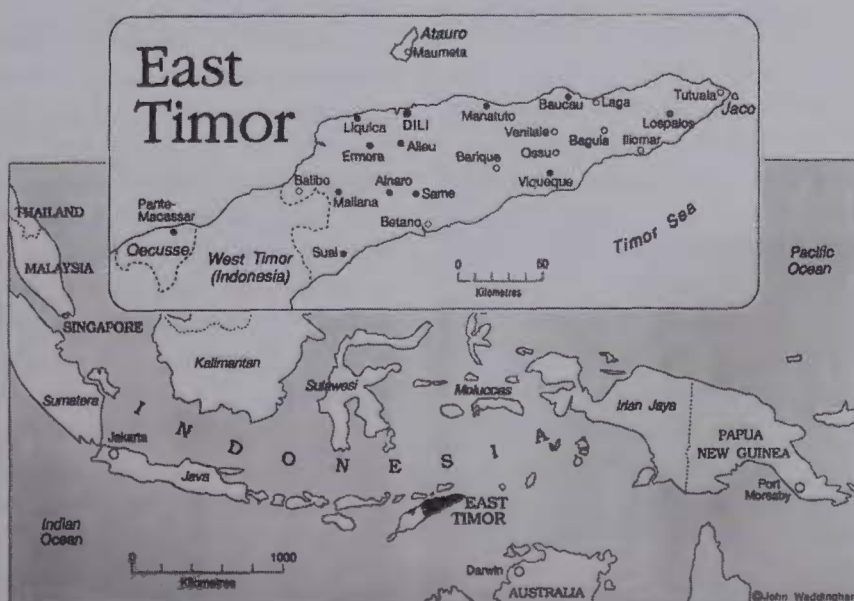
Braving violent intimidation by Indonesian militia, more than 90 per cent of eligible East Timorese voters turned out, and nearly 80 per cent of them voted for independence. The United Nations had assured voters it would stay after the ballot. Although a backlash had been predicted, the severity of the violence that followed the announcement of the results took the world by surprise. As UN personnel fled, the Indonesian military and militias drove nearly 300,000 people over the border into West Timor, while killing, raping and looting, and laying waste to East Timor's long-neglected infrastructure.

### Transition

Following an intervention by an armed international force (INTERFET) in September 1999, and with the departure of all Indonesian troops on 31 October, East Timor came under the United Nations Transitional Administration in East Timor (UNTAET) headed by Sergio de Mello. It was expected to take UNTAET two to three years to prepare the territory for full independence. The first six months of freedom were spent responding to a major emergency — feeding the hungry and trying to facilitate the return of the hundreds of thousands of displaced. By December 2000 there were still 100,000 East Timorese in refugee camps in West Timor alone. Some were displaced further afield. Militias were running many of the camps and preventing people from returning to East Timor.

UNTAET inherited a country with a largely unemployed population and an economy in ruins. Key challenges include the search for reconciliation with justice, and supporting the growth of a strong civil society in East Timor. But the East Timorese are now free at last to begin constructing an independent nation.

In the late 1990s, the political scene in East Timor came to be dominated by the National Council for East Timorese Resistance (CNRT), a grouping of old anti-Indonesian parties. The CNRT is led by Xanana Gusmão, the 'Asian Mandela', who spent most of the 1990s in jail in Indonesia for his part in the armed resistance. His popularity among the East Timorese, and the resilience of the people, will be major factors shaping the recovery that needs to take place at every level of society.



# Election countdown begins

On 12 December East Timor's National Council endorsed a calendar marking out the steps to independence by the end of the year 2001. **Milena Pires** and **Catherine Scott** examine the implications.

The calendar, proposed by Xanana Gusmão in his capacity as leader of the Council of Timorese National Resistance (CNRT), provisionally scheduled constituent assembly elections for June 2001. The UN Transitional Authority in East Timor (UNTAET) has since announced that the elections will take place on 30 August 2001. The constituent assembly is expected to draw up and adopt the new East Timorese constitution, and become East Timor's first parliament. The calendar presumes the choice of a presidential system of government, in keeping with a resolution adopted at the CNRT congress last August.

The plan is ambitious, but the United Nations has accepted it as a guiding document. The deadlines it sets will probably

slip, and many people, both inside and outside East Timor, recognise that the process will probably need to be slower.

Sergio Vieira de Mello, head of UNTAET, mentioned the calendar in a report to the UN Security Council in early December, affirming that it was the product of wide consultation. In fact, the National Council had not yet discussed it and discussion within the CNRT had been minimal. The lack of consultation led some political factions to criticise Gusmão for undemocratic and secretive behaviour. Further controversy was ignited by the false claim that the calendar set 28 November as independence day. This was the date of the original 1975 declaration of the Independent Republic of East Timor (DRET/RDTL), championed by a controversial political party now operating in East Timor with alleged Indonesian backing.

Although leaders of the Fretilin political party have individually endorsed Gusmão's leadership, some individuals and political groups feel that a presidential system, in particular one that concentrates too much

power in the office of president, may not be for the best. Several critical articles in the international media question aspects of Gusmão's role and actions.

The problem is that many people, both in East Timor and outside, tend to equate consultation of Gusmão with consultation of the East Timorese people in general. Even the United Nations has fallen into this trap. There is an urgent need to broaden consultation processes and in so doing to strengthen East Timorese civil society. Discussion of the new constitution must be as broad as possible before the constituent assembly comes to approve it. The burgeoning community of non-governmental organisations can assist in this process, but so should the local democratic structures set up under the Community Empowerment Programme. It is important that discussions on the constitution go right to the grass roots, and that views are collected and channelled appropriately.

*Timor Link* has documented the dissatisfaction of the East Timorese with the international presence in East Timor. Most of the resources expended are unlikely, ultimately, to benefit East Timor and the people have not always been treated with the respect they deserve. It is not difficult to sympathise with the view that the sooner UNTAET leaves and lets the East Timorese find their own way, the better for everyone.

However, a rapid UN pull-out at the end of the year would also leave East Timor dangerously weak. Quite apart from the security risks — and there is plenty of evidence that the Indonesian military is maintaining the militias in West Timor for future destabilisation — the democratic institutions so necessary to East Timor's future need time to rise to the huge demands that will so soon be placed on them. Strong institutions are essential to mitigate personality politics and to develop collective responsibility and decision making. Such capacity building cannot be done quickly. The East Timorese foreign minister, José Ramos Horta, has spoken recently of waiting a little longer for independence if circumstances demand.

For these reasons, *Timor Link* welcomes the UN Security Council decision to maintain a presence in East Timor for at least two years after elections, to maintain peace and stability for the newly independent nation (see box, left).

## Security Council extends UNTAET's mandate

On 31 January 2001 the UN Security Council unanimously passed Resolution 1338 (2001), extending the mandate of the UN Transitional Authority in East Timor (UNTAET) until 31 January 2002.

The resolution is sufficiently flexible to take into account adjustments to the proposed calendar for East Timor's independence. It highlights the need for continuing delegation of tasks to the East Timorese, and the need for a 'strong international commitment' to East Timor after independence. It requests the UN secretary-general to make detailed recommendations on the size of the international presence which will be needed in six months time. It also reaffirms resolutions 1272 (1999) and 1319 (2000) which demanded action on the plight of refugees in West Timor. The resolution provides for UNTAET to 'respond robustly' to militia threats in East Timor.

The resolution urges continued financial commitment from donor governments and better coordination of development assistance. It stresses that East Timor will continue to need help after independence. It draws attention to

the newly formed East Timorese Defence Force, and the need to provide it with financial and technical resources.

The resolution also mentions the need to address shortcomings in the administration of justice in East Timor, in particular prosecuting those responsible for serious crimes in 1999, and the need for resources to develop the police force and judicial system.

### HIV/AIDS

Resolution 1338 (2001) also acknowledges the potential problem of HIV/AIDS, which has not featured in previous UN pronouncements. The issue remains sensitive owing to cultural and religious taboos surrounding discussion of sex, contraception and prostitution. Although the Security Council resolution confines itself to the sensitisation of international personnel, airing the issue has been a significant step. Health workers point out that unless preventative education and action are taken soon, East Timor has all the conditions for a major epidemic a few years hence.

# Women lobby the World Bank

Women in East Timor have organised quickly since the end of the Indonesian occupation, and in the face of male hostility are making themselves heard in key decision-making fora, says **Catherine Scott**.

At the World Bank donors' review meeting in Brussels in December 2000, Filomena dos Reis, representing the East Timorese Women's Network (REDE), called for:

- resources to be made available to mainstream gender throughout the planning process towards independence;
- women's health to be prioritised, and counselling provided to victims of sexual crimes;
- at least 30 per cent of posts in public services to be allotted to women;
- grassroots women to participate in politics and administration;
- tough new laws to protect women from domestic violence.

Opposition to the new role women are seeking is highly visible. Women have been stoned in the market place for wearing short sleeves and talking on mobile phones. At least four women have died as a result of domestic violence since autumn 1999. Men are trying to reassert their authority: more than 80 per cent are unemployed, feeling bitter and powerless in the face of a UN presence which still tends to do things for them rather than with them.

Filomena dos Reis' requests received a promise of swift action from the head of the UN Transitional Authority in East Timor

(UNTAET), Sergio Vieira de Mello. He agreed to meet representatives from women's organisations back in Dili. On 19 December he met dos Reis, and affirmed UNTAET's commitment to empowering women in the private and public sectors, but explained that the attitudes of men would also have to change if real progress was to be achieved. UNTAET, he said, is committed to making it clear to men that violence against women will be swiftly punished.

The women argued that to effect cultural change, a strong message should be promoted that men will not get away with violence against women. The education system should promote equality from primary level upwards. Community-based education, radio, television and newspapers should also be used to spread the message. The administration should set up shelters, and safe-houses should be provided for women.

De Mello explained that UNTAET has passed strong new special legislation against violence, including sexual violence, and this is now being applied by the serious crimes unit. Civilian police procedures will be improved so that cases of sexual violence are dealt with sensitively and speedily. Civic education will promote gender equity and women



Filomena dos Reis of the East Timorese Women's Network on a recent visit to CIIR's London office.

will be strongly encouraged to participate fully in politics and society. However, de Mello said, women need to put themselves forward for civic and public office. It is sometimes difficult to fill the new quotas because female candidates are slow to come forward.

More conservative elements in East Timorese society — the church, for example — should embrace change and develop strategies to facilitate it. Catholic women's organisations have a wealth of experience in this, as East Timorese delegates to the World Union of Catholic Women's Organisations meeting in Rome this March, will discover.

## Quotas for women

REDE, East Timor's Women's Network, is lobbying for a quota to give women at least 30 per cent of seats in the Constituent Assembly, and for 30 per cent of candidates fielded by each political party in the assembly elections to be women (with women listed as every third candidate from the top of the list). The elections are provisionally set for June 2001, although this date may change.

The UN Transitional Authority in East Timor (UNTAET) is expected to decide the electoral rules and procedures at the end of February, after considering recommendations from the National Council. Early indications are that UNTAET

does not favour quotas, alleging that they would detract from free and fair elections. There are, however, several precedents of elections conducted with quotas to encourage the election of women. Quotas have been used in Bosnia, India, and South Africa to good effect over the past decade. Also, numerous UN resolutions, documents and statements make clear the importance of women's full participation in political structures, political parties, and government.

### Key role

The Constituent Assembly will play a key role in framing and agreeing East Timor's

constitution. REDE members therefore feel it is imperative that sufficient, and strong, women's voices are elected to the body. REDE has made its views plain to UNTAET and to East Timor's political parties, and has been encouraging groups internationally to support the campaign.

The network believes that East Timorese women have been politically marginalised for long enough. They have made it clear that they want a much stronger voice in the new East Timor. To deny the quota would be to sacrifice an important means of ensuring women a voice in an independent East Timor.

# Time to come home

**On 6 September 2000 three staff of the United Nations High Commissioner for Refugees were killed in Atambua. As a result, all UN international staff were withdrawn from West Timor. On 8 September the UN Security Council adopted resolution 1319 (2000), which insisted that the government of Indonesia take additional steps to disarm and disband militias and ensure safety and security in the refugee camps. Catherine Scott reports on subsequent developments.**

**T**he militias are based in refugee camps in West Timor, where large numbers of East Timorese refugees continue to live in very difficult conditions. The militias have been intimidating refugees and spreading misinformation about the situation in East Timor. The UN Transitional Authority in East Timor (UNTAET) has attempted to counter this by disseminating factual information about East Timor and arranging for Indonesian journalists based in West Timor to visit Dili.

In a report to the Security Council in January 2001 on the situation of refugees in West Timor, UN Secretary-General Kofi Annan said: 'There are no indications of tangible progress in disbanding the militias and enabling the refugees to decide freely whether to return to their homes or to resettle in Indonesia.' A Security Council mission to East Timor and Indonesia in November 2000 had discovered that apart from the collection of some arms, resolution 1319 (2000) remained 'largely unfulfilled'.

The Indonesian authorities met with UNTAET in Denpasar, Indonesia, on 30 November with a view to implementing an agreement on a joint border committee that had been signed on 14 September.

The UN Security Council has kept up the pressure. On 6 December it adopted a presidential statement (S/PRST/2000/39) which demanded that the government of Indonesia take decisive action to end the militia activities, allow international relief agencies to return to West Timor and improve the flow of information to refugees. To ensure the security of the international personnel, the Security Council urged discussions between the Indonesian government and the United

Nations to facilitate an expert assessment of the security situation in West Timor. On 22 December the Indonesian government met the UN resident coordinator in Jakarta to discuss a mission to assess security conditions.

## Reconciliation

In October 2000 divisions emerged within the pro-autonomy umbrella group, and between the militias and the Indonesian military. Eight militia leaders announced that they were prepared to return to East Timor to face justice, and claimed that thousands of refugees would follow them if their security were assured. UNTAET has encouraged reconciliation efforts between CNRT and pro-Indonesian militias. In December East Timorese community leaders met pro-autonomy supporters in Denpasar; the meeting was arranged with the help of the Indonesian authorities. The UN secretary-general reported that in December, 400 East Timorese former reservists of the Indonesian armed forces returned with their families to Lautem and Viqueque districts in East Timor. Over the Christmas holiday some 250 refugees visited East Timor. Efforts are under way, in collaboration with the Indonesian army and the Government of Indonesia Task Force for Refugees to arrange further exploratory visits by militia leaders in early 2001.

Although militia incursions into East Timor have decreased in recent months, the threat will remain until the Indonesian government disbands the militias. The refugee problem will also remain. The United Nations continues to press the Indonesian government to fulfill resolution 1319.

## Numbers game

Although officials in West Timor claim that 130,000 refugees remain there, East Timor's foreign minister, José Ramos Horta, believes there are only 60-70,000. It has been suggested that the refugees have become a financial investment for the military authorities in West Timor and for the indigenous population, who take advantage of food aid. Refugee numbers appear to rise and fall: the *Indonesian Observer* reported on 30 October that 'there are 60,000 Timorese refugees in Belu, but wherever there is rice

distribution, over 250,000 turn up to receive supplies'. Apparently shelters built for refugees were snapped up by locals instead. They were then burnt down by refugees, strengthening the view among many West Timorese that it is time for the East Timorese to leave.

The Indonesian government has been calling for the release of funds to resettle those refugees who want to remain in Indonesia. It has also promised that the pensions of former civil servants of the Indonesian regime in East Timor will be unfrozen, and the beneficiaries will receive payments. This may encourage the return to East Timor of some refugees who feared losing their pension rights. The Indonesian government has also been campaigning for the international agencies to resume operations in West Timor. Another date has been set for registration of the refugees, in March 2001. Indonesia knows that the process must be transparent and above board, and has opened the process to 12 international observers.

## New Comment from CIIR

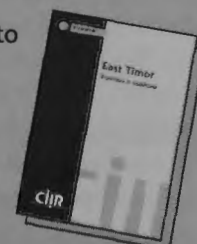
### East Timor – Transition to statehood

After 24 years of repression at the hands of the Indonesian military, the people of East Timor stand on the brink of independence.

This *Comment* traces their painful journey to freedom and sets out the key challenges facing the world's newest country.

On top of a legacy of corrupt military rule, East Timor inherits an infrastructure laid waste by the violence of 1999, a shattered economy and chronic poverty. Its women, for years a key target of abuse by the occupying army, now face violence in the home and profound discrimination in public life. Yet women must be at the heart of East Timor's regeneration. The liberation of the women of East Timor will be the real test of the country's coming of age.

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# Avoiding tears before bedtime

**Ian Linden argues for prior scrutiny of UK arms sales.**

**T**here can be few decisions of greater potential impact on the conduct of foreign relations, and on the lives of many people overseas', reads the seventh report of the UK parliament's Select Committee on International Development, 'than decisions as to whether to permit weapons made in this country to be put into the hands of overseas governments and their forces'. The question, of course, is who makes this decision?

The answer is complex and opaque. The decision to grant a licence under strategic export controls can involve four ministries: the Department of Trade and Industry (DTI), the Ministry of Defence, the Foreign and Commonwealth Office (FCO), and to a small degree the Department for International Development (DfID). After the decision is taken and the arms exported, or not, these ministries combine in a quadripartite committee, which reports on their oversight of strategic export controls in the democratic forum of a parliamentary select committee. Only at this point, after the event, does public accountability and scrutiny take place.

An 'ethical dimension' to UK foreign

policy was proclaimed to great fanfares in the Foreign Office shortly after Robin Cook became foreign secretary. Therefore, generally the Foreign Office is in the hot seat when licences are challenged on ethical grounds. But it is mainly the responsibility of the DTI and the Ministry of Defence, which have often vigorously promoted a particular arms sale, sometimes against the better judgement of the foreign secretary. Disputes are resolved in Downing Street — at the top level of government — with employment as the highest priority. The foreign secretary could, of course, resign when overruled but that would lead to a rapid turnover in foreign secretaries. These are not in any case resigning times in British politics — *pace* Mr Mandleson who was pushed and did not jump.

The best the British government and the European Union could do on arms sales to Indonesia was a four-month embargo, running rather shamefully behind the United States. The licence granted for sale of Hawk aircraft was remarkably extended from November 2000 until 24 March 2001 after the embargo was lifted last year. Extraordinary licences were given for spare parts for two aircraft used by Zimbabwe in the Congo in February 2000, in breach of the EU

embargo on arms sales in the Great Lakes war. The 'ethical dimension' tended to drop out of Foreign Office parlance as pressures for reform grew.

The 'ethical dimension' has caused the British government a great deal of pain. At one moment it is out of the question to break an existing contractual obligation for the sale of arms when human rights deteriorate. At the next a government representative testifying before the quadripartite committee states under pressure: 'What we recognise in these exceptional circumstances that we have been confronted with is the possibility of breaking that contractual obligation.' And in reply to the indefatigable Ann Clywd MP, 'In principle the British government could have taken that action (cancellation) at any time.'

There is a simple way out. This is prior scrutiny of licences by parliamentary representatives carrying, among others, a human rights brief, rather than *post hoc* scrutiny and the resulting tears before bedtime. It has been done in Sweden since the mid 1980s and it works. It should be done here. A great deal of trouble would be avoided. Not to mention 'the lives of people overseas' that would be saved.

• Ian Linden is executive director of CIIR.

## Balibo: The truth will out

**On 16 October 1975 — day one of Indonesia's invasion of East Timor — five television newsmen were murdered in the border town of Balibo. They were New Zealander Gary Cunningham; Australians Greg Shackleton and Tony Stewart; and Britons Brian Peters and Malcolm Rennie. Hugh Dowson and Peter Beveridge argue that the UK government should follow Australia's example by opening its files on the affair.**

**T**he UN Transitional Authority in East Timor (UNTAET) has launched an investigation into the Balibo murders. In the UK parliament on 7 November 2000, Foreign Office Minister Baroness Scotland welcomed the UN investigation. She wants 'the perpetrators

of these heinous offences to be found'. She did not accept, however, that Her Majesty's Government should release its papers on the case now, five years early.

Until recently, the Australian government claimed the Balibo attack was an East Timorese operation, led by João Tavares of the Timorese Democratic Union (UDT) and Tomas Gonçalves of the Timorese Democratic Popular Association (Apodeti). Early in 1999, Tavares emerged as 'Commander-in-chief' of the pro-Indonesian militias. Gonçalves fled East Timor in April 1999. He told Australian intelligence experts that Yunus Yosfiah (then Indonesia's information minister) had led the October 1975 attack on Balibo. He also warned that the Indonesian military (TNI) were planning to disrupt the coming independence ballot.

A report dated January 1999, commissioned by Australia's foreign minister, accepted that Yosfiah helped lead the Balibo attack and that Indonesian troops covered up evidence of their own involvement. But the Australian and British governments did nothing.

In May 1999, Yosfiah admitted leading the attack, but denied responsibility for the newsmen's deaths. He denied, too, that the TNI was undermining the UN ballot. Again, there was no action from Australia or Britain.

### Australian revelations

In July 2000 Professor Des Ball (Australia's top independent intelligence expert) and Hamish McDonald, foreign editor of the *Sydney Morning Herald*, showed how the Australian government had covered up



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the Balibo murders. Their book *Death in Balibo, Lies in Canberra* revealed that:

- the Australian government was told in advance by go-betweens for the Indonesian military that the latter would launch a full-scale invasion of East Timor on 15 October 1975; and
- Australian intelligence had intercepted a discussion between two Indonesian generals in which they agreed that the five television newsmen would be killed.

The Australian government, in a book published in September 2000, *Australia and the Indonesian Incorporation of Portuguese Timor, 1974-76*, accepted that Australia received advance warning of the invasion. But the book says nothing about Australia's foreknowledge of the murders in Balibo.

The TNI will continue to expect impunity for mass-murder until the UK government opens its Balibo files, including information from MI6 officer in Canberra, and allows a judicial inquiry into Balibo. Many of those who were involved at Balibo are today senior Indonesian political or military figures.

On 30 November 2000, Ann Clwyd MP, Valerie Davey MP, and relatives of Malcolm Rennie delivered to the FCO letters from both British newsmen's families demanding that the foreign secretary release all the UK government's files on Balibo.

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# A tale of two bishops

**CIIR's Catherine Scott reviews the contrasting biographies of two East Timorese bishops.**

**From the Place of the Dead: Bishop Belo and the struggle for East Timor, by Arnold S. Kohen, Lion Publishing PLC, Oxford and St. Martin's Press, New York, 398 pages, 1999.**

**Fighting Spirit of East Timor: The Life of Martinho da Costa Lopes, by Rowena Lennox, Pluto Press, Australia and Zed Press, London & New York, 260 pages, 2000.**

**D**o not be misled by the titles of these biographies: the first bishop is still very much alive, the second, dead. The first is fêted in international circles and holds a Nobel Peace Prize. The second died, abandoned by the church he served, sad, disillusioned and alone. Martinho da Costa Lopes (Apostolic Administrator, Dili 1977-83) had the misfortune to go first. Both he and his successor, Carlos Felipe Ximenes Belo, were conservative churchmen, transformed by the extraordinary situation in East Timor during the Indonesian occupation. They found that in order to be true to themselves, they had to put their people — and their people's suffering — first, and ecclesiastical diplomacy and neutrality second. In the process, they ran into opposition and pressure from all sides, from the church as well as the state. As a result, both were forced to tolerate extremes of isolation.

### Different approaches

So much for the similarities between the two biographies. Rowena Lennox's task was the more difficult. She has written about someone whom she never met, re-creating this account of Martinho da Costa Lopes' life with sensitivity and imagination, from extensive research and many hours of interviews with people who did know him personally.

Arnold Kohen's more expansive text about Bishop Carlos Belo, on the other hand, is the life story of a great friend, someone to whom he has had more access than most, and for whom he has worked as unofficial external spokesman. *From the*

*Place of the Dead* not only tells the story of Belo's life, and supplies a detailed and well-informed history of East Timor's recent past, it also records 24 years of campaigning from the author's own perspective as a long-standing US activist. It is a valuable account, and shows just how directly related Bishop Belo's pronouncements were to adjustments in the US political establishment.

### The precursor

Bishop Belo's fame has gone before him, especially since 1996, when he was awarded the Nobel Peace Prize (along with José Ramos Horta). His role in the story of East Timor's liberation has been central, and Kohen's account does justice to a remarkable individual. Lennox's account makes clear how da Costa Lopes set a precedent for Belo.

Should the former have received more recognition for his efforts? Perhaps Belo was the better politician as well as physically tougher, a younger man better able to weather the pressure and isolation. However, Bishop da Costa Lopes did not have recourse to international political support in the same way as Belo eventually did: the East Timorese cause at that time was on virtually no one's agenda outside the territory. The upsurge of international solidarity was still seven years away when he was finally forced out of office for his outspokenness.

### Love thy neighbour?

One thing is clear, however. Irrespective of the service and obedience they require of priests, the Vatican diplomatic authorities can be uncaring of their own. The Christian exhortation to love thy neighbour — something both Bishops have preached in an attempt to broker reconciliation between rival factions in their homeland — does not appear to have been applied to Dom Martinho as he struggled on his meagre Vatican pension in Lisbon, ignored and marginalised by the local hierarchy. Bishop Belo was lucky to have made a personal connection with Pope John Paul II during the latter's 1989 visit to East Timor. It may well have saved his skin on a number of occasions.