

# **The CAVR Timor Report: A Challenge to the International Conscience**

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The 2000 page report of crimes against humanity in East Timor, which has just been delivered to the UN Secretary General, is an extremely important document that calls for a comprehensive international response, in effect an ad hoc international tribunal. So far Australian responses have been along the lines of - "It's all over now. Let the Timorese put the past behind them and get on with their lives". The recent SMH editorial is a typical response. In a way it reflects our hope that our own guilt in this affair will not be subjected to international scrutiny. But that is not good enough, and not only as a matter of justice for the long-suffering East Timorese.

For me it is a matter of personal concern, for between 1975 and 2002 I interviewed dozens of Timorese survivors of horrendous human rights abuses. There were those who had witnessed mass executions, and cases of individual torture. For example, there was Maria (not her real name) who some ten years ago was arrested with her husband, an independence supporter, and taken to a TNI intelligence centre. There she was tied to a chair and forced to witness her husband's brutal torture. His tormentors kept at it for over four hours – until he died – but her ordeal was not over. Then, this witness, in her distraught state, was taken to a nearby room and raped by six TNI soldiers.... As a one time soldier, a member of an occupation force, I could barely contain my anger and disgust.

So far East Timor's nightmare under Indonesian occupation has been obscured, even swept under the carpet by a disinterested international community. This report by a UN backed body is comprehensive, convincing and damning about the occupation, but there is a grave risk that these atrocities will again be swept under the carpet, thanks to an international community that is more preoccupied with Indonesia's democratic transformation than justice for the East Timorese. That must not be allowed to happen, and not only on grounds of justice. Its implications are much wider. The story it exposes is not just about a cruel, unjustified and illegal act of annexation. The conspiracy goes beyond Indonesia. It is about the readiness of Australia, the United States and others to accommodate, if not encourage, this gross violation of the UN Charter. Had these governments opposed the Indonesian invasion (which they had forewarning of), this act of aggression might never have occurred, and over 180,000 Timorese lives would not have been lost.

But the report's implications go even further. In this case to forget the past would be to endanger the future. Many of those TNI officers who played command roles in the rape of East Timor are still around, several of them, incredibly, remain in senior TNI positions. For years now the focus has been on the atrocities and destruction of 1999, but that was only the tip of the iceberg. The Indonesian political scene may have undergone a significant change in the direction of democracy, but the same cannot be said of the TNI officer corps, the architects and practitioners of East Timor's generation of terror. There is one lieutenant general around Jakarta who gave the orders that led to the killing of over 1,000 Timorese – men women and children. Then there senior officers like Lieutenant General Sjafrei Sjamsuddin, and major generals like Tono Suratnam, Zakky Anwar Makarim and Mahadin Simbolon, who have a lot to answer for. Why should they enjoy impunity at a time when those responsible for similar atrocities elsewhere are being hunted down and brought to justice? As for reforms to the TNI, some changes have been made, but until those responsible for

atrocities have been formally identified and at least removed from office, such reforms must be considered superficial, and totally inadequate.

The importance of the tribunal recommended in this report, and earlier by Kofi Annan special advisers (the Committee of Experts), is that it offers a means not only to bring those responsible for individual violations to justice; it will also expose a culture that is inimical to Timor Leste's long term security, as well as to that of the region, and to the human rights of the Indonesian people. It is hard to believe that Indonesia's democratic transformation can be carried out without a comprehensive exposure of the forces that shielded the Suharto dictatorship. The tribunal's findings would not be particularly kind to Australia, the US, ASEAN powers and Portugal, but that, too, is about a culture we need to change if we are to be responsible international citizens.

The report also deals with the fighting between Timorese political groups, but responsibility for this conflict weighs heavily with Indonesian intelligence agencies which sought to create the conflict, as a way of justifying their intervention. The Portuguese, too, are criticised not for human rights violations, but for the mismanagement of decolonization. The report also calls for reparations, a course I recommended six years ago. The earlier years of occupation aside, it is astonishing that the TNI's responsibility for the destruction of 73% of East Timor's houses and buildings should have escaped demands for reparations.

Some Timor Leste leaders want this report shelved, arguing that it will undermine their efforts to create a special relationship with Jakarta, and they are fearful that a tribunal would impose impossible strains on a relationship that is still sensitive. This stance has been welcomed by political leaders here, but surely it is about short term opportunism, and misses the point. It will take a comprehensive exposure of what transpired in 1975 and afterwards to make Indonesian leaders aware of the magnitude of this violation of international law and human rights, and to persuade them to accept responsibility and institute reforms that will ultimately enhance security for all of us.

To ignore the report would also be to diminish the role of the UN. Despite claims that Australia's backing of the Interfet intervention liberated the East Timorese, the key role was played by the UN Secretary General, Kofi Annan, who took up the Timor issue when he came to office in 1997, and exploited the change of direction that occurred under President Habibie. The referendum of August 1999 was organized by the UN, in consultation with Indonesia and Portugal. While Prime Minister Howard's offer of a leading Australian role in Interfet was a very positive move, the force did not land until its intervention was agreed to by Habibie, and approved by the UN Security Council. The Timor experience shows the importance of the UN's role, but it also implicitly exposes the way the major powers seek to manipulate its responses to suit their narrow national interests.