

Jakarta rights tribunal buries E. Timor atrocities
Aboeprijadi Santoso, *Jakarta Post*, 8/21/03

A mere three years' imprisonment was the controversial verdict for Maj. Gen. Adam Damiri for his role in the 1999 wave of terror and destruction in East Timor that killed hundreds of people and caused great suffering. Yet there is more to the violence that made him a symbol of impunity. The declaration by the European Union (EU), issued following the recent conclusion of Indonesia's human rights tribunal on East Timor, is a welcome change. It deplored that justice has not been delivered, that the violence during the 1999 referendum was not accounted for, and that the prosecutors had omitted the evidence submitted by Indonesia's human rights subcommission (KPP-HAM) on the roles of the government apparatuses in funding and training the local militias.

The legal process at the ad hoc tribunal has damaged the credibility of its verdicts. Finally, the EU declaration called upon the Indonesian judicial authorities to work in accordance with international legal standards and the principle of transparency. The EU declaration sums up the principal objections against the process. However, put in the perspective of those countries that had been better and much earlier informed than anyone else about past atrocities in East Timor, it sounds like a belated "correction".

No European states, which had greatly profited from Indonesia under Soeharto, had publicly protested against past atrocities in East Timor -- even though these were comparable to the tragedies in Milosevic's Bosnia and Saddam's Iraq, where the Europeans had been proactive from the outset. Likewise, they later focused on Myanmar, but not East Timor. It was not until the St. Cruz massacres in late 1991 that even Portugal woke up. One Dutch minister, J.P. Pronk, was discredited nationwide for his protest regarding East Timor in 1992, only to regain respect six years later when Soeharto fell. It is important to recall these facts -- as the Indonesian tribunal on the 1999 violence in East Timor comes to a close -- for two reasons.

First, the process has ended with great disappointment among rights activists, as Indonesian officials and politicians have gotten over the "East Timor syndrome", simply by forgetting it. It is as if the East Timor tragedy never happened. Not only has Jakarta never acknowledged the 1975 aggression, but also, with the exception of former president Abdurrahman Wahid, none of Jakarta's leaders have offered a mea culpa to the East Timorese for its past atrocities.

In contrast, all heads-of-state after Soeharto, even military chiefs, have offered their apologies to the Acehnese for similar atrocities. With the tribunal on East Timor ended, Jakarta has buried the past without resolving the problem of the pre-1999 atrocities and the need for reconciliation between military personnel and their victims. The violence in 1999 was much less extensive than the aggressions of the past, in particular the great tragedy in Matebian, Central East Timor, during the nine-month siege from 1977-1978 that resulted in hundreds of thousands of deaths. This could be said to be the greatest of atrocities committed by the Indonesian military since the bloody events of 1965-1966 in response to the failed coup. Had the international community, including Europe, spoken out earlier, the catastrophes could perhaps have been limited.

Second, and ironically, as Jakarta wishes to bury its past in East Timor, the newly established country has just started to investigate human rights abuses by all sides from 1974 to 1999 and has set in motion a process of national reconciliation. But it seems unlikely that Dili's Serious Crimes Unit and the reconciliation commission would be able to fully complete their task, since no such processes may be expected from Indonesia for those involved in crimes against humanity in East Timor before 1999. The Dili processes need international support to obtain the cooperation of Jakarta authorities and those involved in past abuses.

The EU declaration has thus been useful to remind the world that, five years after Soeharto, Jakarta has not resolved its past in East Timor with justice and fairness. The verdict for Gen. Damiri, the last suspect tried by the tribunal, should therefore not be the end of the story. Maj. Gen. Damiri, 54, is the highest-ranking general brought to court and the most reluctant defendant to do so -- the trial had been delayed three times because of his absence. As chief of the Bali-based Udayana command, which included East Timor, he had worked in tandem with his deputy, Brig. Gen. Mahidin Simbolon. The two have been identified as the key officers who had close contact with then military chief and minister of defense Gen. Wiranto and the intelligence officers at the Coordinating Ministry for Political and Security Affairs (Polkam) led by Gen. Feisal Tanjung.

As regional commander, Damiri's position was the very locus where the formal military command appeared to have intersected with the covert operational command, managed from Jakarta by Polkam agents partly disguised as "liaison officers" in East Timor. It appeared that both the security affairs ministry and Gen. Wiranto had maintained links with militia leaders via Adam Damiri and local officers. Damiri reportedly nurtured contacts with East Timorese thugs such as Lafaek, while Simbolon sponsored a militia group named Mahidi.

Tomas Gonzalves, one of the most dedicated pro-integration figures, referred to these shadowy networks as he spoke about "intense contacts" that forced him to mobilize the militia in his district. The degree of threat and secrecy was obvious, as he was too scared to reveal the fact, even after he had taken refuge in Macau after deserting the militia (Radio Netherlands, Oct. 6, 1999). The report *Masters of Terror*, issued in 2002 (see www.yayasanhak.minihub.org), so far the most complete profile of key suspects of the Jakarta-sponsored violence in 1999, appears to confirm this impression. Some media have also suggested similar networks based on the conversations between local officers and militia leaders, as intercepted by Australian intelligence (Sydney Morning Herald, March 13, 2002).

As the three Polkam "liaison officers" -- Zacky Anwar Makarim, Sjafrie Sjamsoeddin and Glen Kairupan -- had extensive experience with operations in conflict areas, their juniors, Damiri and Simbolon, were later assigned to Aceh and Papua. Gen. Damiri's role thus appeared to be key in the greater picture, marking a regime of impunity that protected army operations in conflict areas. If Gen. (ret) Wiranto became the next president of Indonesia, he would then be the first suspect of human rights crimes to reach the apex of the republic. The impunity would then come full circle and he, not Gen. Damiri, would be the symbolic personification of impunity.