

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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(New York) - A series of attacks between May 27 and May 31 by resistance forces in East Timor, leading to the deaths of at least nine civilians and more than twenty military and police, has led to widespread arrests of suspected resistance supporters throughout the territory. Human Rights Watch/Asia condemns any targeting of civilians or other non-combatants by East Timorese guerrillas as being in clear violation of international humanitarian law. But it is also concerned about reports of manhunts by the military in the aftermath of the violence and widespread arrests in Dili, Baucau, Ermera and Los Palos under circumstances in which torture is likely. The International Committee of the Red Cross was expected to have access to the detainees on Monday, by which time some of those detained would have been in custody for over a week. Human Rights Watch/Asia calls on both sides of the conflict to respect international human rights and humanitarian principles and urges the Indonesian government to allow unhindered access to all parts of East Timor by human rights organizations, both domestic and international. An immediate visit to East Timor by the U.N. Special Rapporteur on Torture would be a particularly useful precautionary measure.

The attacks over the last week appeared to be a coordinated effort by the resistance to disrupt the May 29 polling in East Timor to elect members to the Indonesian parliament. According to reports received by Human Rights Watch but not independently confirmed, the two attacks involving civilians took place in Baucau, East Timor's second largest town, and Los Palos, further east. The victims in Los Palos included an East Timorese man named Castelo, locally known as a supporter of East Timor's integration with Indonesia and therefore opposed to independence. About 8:00 p.m. on May 28, Castelo and his family, together with some schoolteachers from eastern Indonesia, were at his home watching television when guerrillas vandalized the satellite dish outside. When the group went out to see what had caused the television reception to suddenly go bad, they were confronted by guerrillas who asked why he had signed documents formalizing East Timor's integration and who then opened fire on Castelo and three of his children. The teachers started running toward the district military command, but because all the alleyways were controlled by the guerrillas, they had no way out and were also shot and killed. Castelo was the younger brother of the head of the district parliament in Los Palos. According to this report, the guerrillas had come to Castelo's house on a motorcycle they had taken from a transmigration center in Muapitini after killing two soldiers and a transmigrant from Bali.

According to a different report, the guerrillas went to the transmigration site and took a Balinese family hostage -- also in clear contravention of international humanitarian law. They eventually released the wife and child but shot and killed the man; there was no mention in the second report of soldiers having been killed.

On the same day in Baucau, guerrillas shot and killed Miguel Baptismo da Silva, aged fifty-four, and his wife. Miguel had been the head of the district parliament from 1987 to 1992. One report said they were attacked at their home; a second report said they were in their car at the time they were shot.

The protection of civilians and non-combatants in situations of internal armed conflict has become a key principle of customary law and is formally set forth in Article 3, common to the Geneva Conventions, often known as the "rules of war." Common Article 3 prohibits, among other things, any "violence to life and person" of those taking no active part in hostilities. The attacks on the Castelo family, the Balinese migrant, and the couple in Baucau, if reports are accurate, appear to be in clear violation of that principle.

These attacks on civilians were part of a much broader wave of violence throughout East Timor. On May 27, a group of unidentified youths attacked a number of election officials in the village of Nunira, subdistrict Laga, Baucau, on the road to Baguia. Two election officials were reportedly killed, Police Sgt. Abdullah Syukur and Army Sgt. Sitepu. Four people were said to have been seriously wounded and evacuated to Dili while three others sustained less serious injuries.

On May 28, at about 8:30 p.m., Wednesday night, an estimated fourteen youths drove up in a red Kijang vehicle to a guard post of Company A of the police mobile brigade (Brimob) in Bairopite, West Dili, and said they were voters. They then opened fire. Five policemen were wounded, while three of the attackers were shot dead and two others died in the Wira Husada military hospital. A third,

the driver of the vehicle, Adeliode Fatima, was detained. He and others arrested later are reportedly being held at Dili police headquarters.

On May 29, in the village of Seisal, Baucau, voting was delayed a day and could only take place on Friday May 30 because the polling place was attacked by an unidentified group. An election official named Abinau Salay, who was a member of a civilian militia group called Wanra (an acronym for Perlawanan Rakyat or People's Resistance) was hacked with a machete and wounded. Ten people were arrested, according to local officials, and are detained in district police headquarters in Baucau.

On the same day, in Assumano, Liquica, a soldier was wounded when a grenade was tossed into a voting booth. Two polling places and a village administrative office were reportedly burned down in Baucau and Ermera, according to the then military commander for East Timor, Col. Mahidin Simbolon, in a statement on May 30. One soldier was reported to have been killed in one of the attacks in Ermera, but his death has not been confirmed.

On May 31, another major attack took place. According to press reports, twenty-six policemen and two soldiers were driving along the road in Quelicai, Baucau, in a Hino truck, when they were stopped by several men wearing Indonesian armed forces uniforms. The truck stopped to pick up the men, when the latter threw a grenade into the truck. An oil drum of gasoline in the back of the truck exploded, and in the resulting inferno, thirteen of the people in the truck were burned to death and four were shot as they tried to escape. The dead included sixteen policemen and one soldier. It was unclear if there were any casualties among the attackers. On the same day as the grenade attack, Col. Simbolon stepped down as military commander, but it was unclear whether there was a direct connection. His designated successor, Col. Slamet Sidabatur, was not yet in place.

In the aftermath of these attacks, East Timor has been effectively closed to journalists, and a massive round-up is reported to be taking place of suspected resistance supporters. According to the East Timor police chief, Col. Jusuf Muchtaram, thirteen rebels and nine of their civilian supporters were under arrest in Dili as of June 1. The army said thirty had been arrested, and more were being sought. Torture has been a common practice in East Timor as a way of extracting information about rebel movements. The comments of the division commander based in Bali, whose territorial jurisdiction includes East Timor, were not encouraging in this regard. "I hope they cooperate by telling us where their friends are hiding out and who their mastermind is," he told the Indonesian news agency, Antara.

Those arrested included veteran activist and former political prisoner David Dias Ximenes who was arrested in Bairopite, Dili on May 30 and charged with armed rebellion in connection with the attack on the Company A guard post. The charge carries a maximum sentence of twenty years. Ximenes has been allowed to see a lawyer. Five others reported arrested in connection with the same attack include two men, Joao Angelo and Francisco Magno, both from Ainaro, as well as a man named Jose Acacio and his wife. Unconfirmed reports also suggest that reprisal operations were underway in Los Palos but no clear information was available.

As of June 4, the National Human Rights Commission, Komnas, had taken no action to investigate events in East Timor, as its Jakarta-based members were busy investigating election-related violence in Indonesia proper, and the Dili office did not appear to be functioning.

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