East Timor

In 2008, EAAF traveled to East Timor, together with the Victorian Institute of Forensic Medicine (VIFM) from Australia, to provide training to the local police and mortuary staff, as well as to investigate the Santa Cruz massacre of 1991 and other human rights cases from the period of Indonesian occupancy. VIFM and EAAF formed the International Forensic Team (IFT) for their joint activities in East Timor, which conducted forensic work, and met with families of victims, human rights organizations, and government officials. Excavations related to this forensic work were initially suspended after no remains were found, but a new excavation site was located in 2009 and several victims have been recovered and identified so far.

BACKGROUND

On December 7, 1975, under President Mohamed Suharto’s leadership, Indonesia invaded the former Portuguese colony of East Timor, fighting pro-independence insurgents. Within three months, a reported 60,000 East Timorese had been killed by Indonesian forces. By July 1976, Indonesia announced that East Timor was its 27th province. During a 24-year occupation to suppress the East Timorese independence movement, the Indonesian military reportedly carried out massacres, torture, forced starvation and forced relocations. According to the human rights organization East Timor Action Network (ETAN), approximately one-third of the population, some 200,000 East Timorese, were killed during the occupation.

In 1998, President Suharto resigned, creating an opening for the independence of East Timor. After months of international pressure, especially from the United Nations and Portugal, Indonesia’s new president, President BJ Habibie, approved a referendum on East Timor’s independence. In October 1999, the United Nations announced that the East Timorese population voted overwhelmingly in favor of independence, rejecting alternative proposals to be an autonomous province of Indonesia. However, immediately following the vote, Indonesian troops carried out a campaign of violence and intimidation. Amnesty International reported that security forces murdered and raped hundreds of people.
displaced a vast portion of the population, and destroyed a significant part of the country's infrastructure. A UN report identified Indonesian forces as responsible for these human rights violations. In response to the violence, the United Nations authorized the creation of a multinational peacekeeping force made up of 9,900 troops from 17 countries. Starting in October 1999, the UN temporarily administered East Timor. On May 20, 2002, East Timor became an independent nation with Xanana Gusmão, who had long been a leader in the resistance movement, elected the first president earlier that year. Since independence, East Timor has had multiple incidents of factional violence, infighting among security forces, and political crises.

Accountability
A report released by the Indonesian-East Timorese Commission of Truth
and Friendship (CTF) in 2008, which examined the events from 1999, found violations on both sides, but with the overwhelming majority committed by Indonesian forces. The CTF investigation was prevented by its mandate from identifying individual actors and prosecuting crimes, but did assign institutional responsibility to pro-independence groups and the Indonesian government and security forces. The UN did not participate in CTF’s investigations and has instead continued investigations through the UN Serious Crime Unit, which pursues prosecutions in conjunction with the Office of the General Prosecutor of East Timor. The UN estimates that 400 cases can be investigated by the end of 2011.

Accountability for these crimes has largely not occurred in Indonesia or in East Timor. Indonesia, under international pressure to try crimes related to the violence in 1999, established the Indonesian Ad Hoc Human Rights Court for East Timor in 2000. Earlier crimes under Indonesian occupancy of East Timor were not considered. The court was heavily criticized for failing to ensure fair trials, adhere to international protocols, or act independently of the executive branch, among other concerns, and only one out of 18 defendants was convicted from 2000 to 2004, during the courts operation. In East Timor, in 2009, Ramos-Horta issued pardons for Timorese individuals charged with crimes related to the violence around the 1999 referendum. Further, Ramos-Horta has emphasized a conciliatory policy towards Indonesia. Finally, many perpetrators of the violence in 2006 are still at large.

Santa Cruz Massacre

On November 12, 1991, in Dili, the capital of East Timor, nearly 3,000 civilians were marching to the Santa Cruz cemetery to commemorate the death of Sebastião Gomes Rangel, an activist who had been killed two weeks earlier by Indonesian troops while hiding in a church. At the same time, a scheduled visit from members of the Portuguese Parliament to Dili was canceled, because the Indonesian government refused to allow an Australian journalist, who had reported on Indonesian human rights violations in East Timor, to be part of the delegation. Tensions were heightened among the East Timorese since independence marches had already been planned surrounding the international visit. During the peaceful march, Indonesian troops reportedly opened fire on the crowd. Reports of this event, including the Indonesian government’s official report and reports from various international NGOs, estimate the death toll to range from 50 to over 200. This incident became known as the Santa Cruz Massacre. According to witnesses, the dead and wounded were brought to the military hospital. Some people, who were injured but still alive, were reportedly executed at the hospital by Indonesian troops. Later, some of the bodies were reportedly buried in a mass grave near an Indonesian military base in Tibar, approximately thirty minutes outside of Dili. According to ETAN, the government made no attempts to identify the dead or inform their families.

EAAF Participation

EAAF previously worked in East Timor in 1999 and 2001, and an EAAF member served as an anthropological assistant to the UN Serious Crimes Unit from 2001 to 2002. EAAF and VIFM began collaborating on an investigation of the Santa Cruz massacre in 2005. At the request of VIFM, a joint project was established between both institutions, in order to evaluate the possibility of exhuming the suspected mass grave believed to contain the remains of between 50 and 100 people killed in the 1991 massacre at the Santa Cruz cemetery. VIFM and EAAF formed the International Forensic Team (IFT) in 2007. After meeting with relatives of the victims, and visiting the potential burial site in Tibar, outside of Dili, IFT planned to return in 2007 to begin exhumations, gather more ante-mortem information on the victims, and provide training for local forensic professionals. This mission was pushed back to 2008, due to the need to sign a memorandum of understanding about the excavations with the Government of East Timor, which took place in February 2007, as well as a lack of funds, followed by a renewal of violence in 2007.

From July 20 to August 24, 2008, two EAAF members traveled to East Timor to provide training to the East Timor National Police (PNLT) and mortuary staff, as well as to resume work on the Santa Cruz case, again in conjunction with VIFM. The IFT team continued its preliminary investigation and exca- vated two large areas on the potential burial site. The project was supported by AusAid and the Argentine Government, among others. Preliminary investigations into the Santa Cruz massacre included weekly meetings with relatives of the victims, coordinated by a survivor of the
massacre, in order to hear their concerns and expectations for the work, to consolidate the list of persons missing as a result of the Santa Cruz massacre and to gather more ante-mortem information—that is physical data—on the disappeared. IFT also met with the various governmental and military officials from East Timor, representatives of local and international human rights organizations, morgue employees, and representatives of the UN mission to East Timor to gather information for the investigations and assess the forensic capacity in the country.

In Tibar, prior to beginning excavations, the team met with the local community leader, and with owners of the land where the potential burial site was located,23 to request their collaboration. After clearing the area of foliage, using helicopters from the Australian army, stationed in the area as part of an East Timorese and Australian agreement to provide security after the attack on Ramos-Horta in February 2008, IFT took aerial photographs of the site. The team then excavated two areas, one measuring 50 x 30 meters, and another 20 x 30 meters, in parallel trenches. Excavations were taken down to the level of sterile soil, that is soil without any signs of disturbance caused by digging graves, and no remains were located.

During a site visit by Prime Minister Gusmão, the team explained the lack of findings to him, and kindly asked that he request information from the Indonesian government. The Prime Minister promised logistical assistance. Also, an Australian journalist, who, a week after the Santa Cruz massacre, had taken a photograph of what he
After collecting witness testimonies and aerial photographs, EAAF began excavating potential burial sites for remains from the Santa Cruz Cemetery Massacre. No remains were found in Tibar. Photo: EAAF.

Tacitolou, East Timor, 2010. A hotel and the East Timor Parliament building are to be built on this site in Tacitolou, outside Dili. According to testimonies, the site contained a mass grave from the period of Indonesian occupancy. IFT investigations located nine remains so far. Photo: Jon Steremberg.

Dili, East Timor, 2009. The IFT recovered remains from the Santa Cruz Cemetery Massacre in the Hera Cemetery in March 2009. Relatives of potential victims review personal effects recovered during the excavations. Photo: EAAF.
claimed was the burial site in Tibar, visited the site. He was able to locate the region of the photograph in general, but not in specific terms, as the area had changed significantly in the 17 intervening years. Other local testimonies identified different possible burial sites near the already excavated zone. IFT decided to suspend the excavations, in order to gather more information about the potential burial site, and narrow down the possible areas of excavation. President Ramos-Horta assured the team of support to continue the investigation.

IFT returned to East Timor in October 2008 to conduct more interviews and to assess a possible alternative site of investigation in a cemetery located in the town of Hera, about a half hour outside of Dili. According to testimonies, the Indonesian security forces buried approximately 23 to 50 persons in 23 graves on this site, shortly after the massacre. The team has visited the site during its earlier trip in 2008, but a lack of information prevented further survey. During its second 2008 trip, IFT collected more testimonies and information from relatives of victims.

In March 2009, IFT returned to East Timor to begin excavations in the cemetery in Hera, recovering 16 skeletons believed to correspond to individuals killed during the massacre. PNTL and mortuary staff participated in the exhumations, as well as in the laboratory analysis at the forensic pathology department of Dili's hospital. The team collected bone samples from the skeletons and blood samples from 48 families to use in genetic testing for identification purposes. The VIFM and EAAF genetic laboratories conducted testing on the samples. So far, 11 individuals have been identified, and the identification reports with odontological, anthropological, and genetic results for the first three individuals were delivered in August 2009. IFT also met with the families of victims, who requested the team continue investigations, as only 16 skeletons were recovered, and two more were believed to be buried in the Hera cemetery. The investigation continues.

Other Cases

The IFT also reviewed two cases investigated by the PNTL team, which began training under IFT in 2008. In the first case, the PNTL team exhumed the remains of two individuals whose identities are known, and are believed to be commanders of revolutionary groups that were disappeared in 1995. According to testimonies they were buried near Dili in a mountain area. Due to the poor state of preservation of the remains, and insufficient ante-mortem information, the IFT advised genetic analysis.

The second case involved the father of a man living in Australia, who died in 1975 during the invasion. Based on information provided by the son, the PNTL team exhumed a burial site in Bobanaro, approximately 10 km from the border with Indonesia. They recovered the remains of three individuals, their remains commingled in a mass grave. The IFT conducted anthropological analysis of the remains and took DNA samples from each in order to identify the man’s father. Results are expected in 2010.

Finally, the IFT visited an area called Tacitolou, where a hotel and the new Timorese parliament building will be built, and which is also believed to contain victims of human rights abuses during the Indonesian occupation. At the request of the
Prime Minister, IFT agreed to survey the site in order to locate any possible remains. An agreement was reached to temporarily halt construction on the sections of the land that were thought to contain remains. Excavations began in March 2010, and continued in May and June 2010. Nine remains were recovered from the first excavation, and they will be analyzed later in 2010. Further excavations are planned for Tacitolou.

Training
The IFT forensic experts also taught a course on human identification for 12 members of the East Timor National Police and three members of the forensic pathology department of the Dili Hospital. The course had practical and theoretical aspects, and included aspects of disaster victim identification (DVI) management. The team also met with Fernanda Borges, chair of the Parliamentary Human Rights Commission, which is responsible for implementing the recommendations of the East Timor Commission for Reconciliation, Truth and Reconciliation (CAVR), which concluded in 2005. The Commission is completing a working plan to implement the recommendations, and has been coordinating investigations with the Post-CAVR Secretariat, the office responsible for maintaining CAVR archives. Furthermore, the team discussed with the Human Rights Commission the idea of establishing a commission for the search of disappeared persons, which would focus on collecting information of potential burial sites, creating a unified list of persons disappeared from 1975 to 1999, and gathering other related information. For instance, in the case of the Santa Cruz Massacre, multiple lists of disappeared persons have been made, ranging from a total of 19, put forward by the Indonesian government, to over 300 listed by local NGOs.

ENDNOTES
5. ibid
9. In May 2006, factional violence reportedly spread within the East Timorese military, allegedly based on discrimination of western East Timorese soldiers within the East Timor Army, but spiraling outwards to encompass political tensions between President Gusmão and Prime Minister Mari Alkatiri. As a result, an Australian peacekeeping force was deployed and Alkatiri resigned from his post. He was followed to office by the Nobel Peace Prize laureate, José Ramos-Horta. See: International Crisis Group (ICG), Resolving Timor-Leste’s Crisis, 10 October 2006, Asia Report N°120. http://www.unhchr.ch/refworld/docid/45388e54.html. In 2007, Ramos-Horta was elected President, and Xanana Gusmão was named Prime Minister. This caused further unrest; former Prime Minister Alkatiri’s FRETILIN party had been voted in to Parliament as the largest party, but without a majority. Though Xanana Gusmão had been deeply involved with FRETILIN during the independence struggle, he led the National Congress for Timorese Reconstruction (CNRT) party beginning in 2007. President Ramos-Horta was wounded in an assassination attempt by army rebels in 2008, but returned to office. See: Jill Jolliffe. 2008. “Ramos-Horta Shot Twice.” Sydney Morning Herald. February 11. http://www.smh.com.au/news/world/ramoshorta-wounded/2008/02/11/1202578639815.html
11. ibid
12. ibid
16. ibid
17. ibid
21. This mission was supported by the Interchurch Organisation for Development Cooperation (ICCO) and an anonymous donor.
22. EAAF members Luis Fondebrider and Mercedes Salado Puerta.
23. During the Indonesian occupation of East Timor, the owners of the site were removed from their property by the Indonesian military.