

INFORMATION RELEASE FROM THE SERIOUS CRIMES UNIT

CRIMES AGAINST HUMANITY CHARGES FOR FORMER INDONESIAN MINISTER OF DEFENCE, TOP INDONESIAN MILITARY COMMANDERS AND EAST TIMOR GOVERNOR

United Nations Security Council Resolution 1272 of 25 October 1999 established the United Nations Transitional Administration in East Timor (UNTAET) endowing it with overall responsibility for the administration of East Timor, exercising all legislative and executive authority, including the administration of justice. Resolution 1272 condemned all violence and acts in support of violence in East Timor and demanded that those responsible for such violence be brought to justice.

In the Secretary General's Report to the Security Council dated 17 April 2002, the Secretary General stated, among other things, that the United Nations Mission of Support in East Timor (UNMISET) Serious Crimes Unit would focus its investigations on those persons who had organised, ordered, instigated or otherwise aided in the planning, preparation and execution of the crimes.

In an effort to fulfill that mandate, the Deputy General Prosecutor for Serious Crimes filed an indictment on 24 February 2003 with the Special Panel for Serious Crimes at Dili District Court in East Timor. The indictment specifically charges the following individuals with Crimes Against Humanity committed in East Timor during 1999. The ranks and positions indicated are those held in April-September 1999:

General WIRANTO

(Defence Minister and Commander of the Armed Forces of Indonesia)

Maj. Gen. Zacky Anwar MAKARIM

(Head of Special Team, TNI Adjutant General's Task Force)

Maj. Gen. Kiki SYAHNAKRI

(Commander of the Martial Law Operations Command in East Timor)

- **Maj. Gen. Adam Rachmat DAMIRI**

(Commander of the Regional Military Command IX covering East Timor)

Colonel Suhartono SURATMAN

(Commander of Sub-Regional Military Command 164 in East Timor until 13 August 1999)

Colonel Mohammad Noer MUIS

(Commander of Sub-Regional Military Command 164 in East Timor from 13 August 1999)

Lt. Col. Yayat SUDRAJAT

(Commander of the Tribuana VIII Task Force; Commander of the Intelligence Task Force Sub-Regional Military Command 164, East Timor)

- **Governor Abilio Jose Osorio SOARES**

(Governor of East Timor)

The accused have all been charged with Crimes Against Humanity for Murder, Deportation and Persecution in that these crimes were all undertaken as part of a widespread or systematic attack directed against the civilian population of East Timor and specifically targeted those who were believed to be supporters of independence for East Timor.

As part of the widespread or systematic attack, Major Generals MAKARIM, SYAHNAKRI, DAMIRI, Colonel SURATMAN, Lieutenant Colonel SUDRAJAT and Governor SOARES are specifically charged with participating in the establishment of violent militia groups. The 6 accused allegedly cooperated in a policy of funding, arming, training and directing the militia. The indictment alleges that money used to support militia groups was drawn from Central Government funds. The militia groups acted together with TNI in a planned and systematic campaign which led to crimes against humanity being committed across East Timor during the 1999 period.

The indictment alleges that the 7 accused Indonesian military commanders, in their positions of command authority, are responsible for the acts or omissions of their subordinates in the Indonesian military due to their failure to take reasonable measures to prevent such crimes or to punish the perpetrators. It is further alleged that by the nature of the relationship between the Indonesian military and the militia, the accused Indonesian military commanders had effective control over militia groups operating in East Timor and are responsible for crimes they committed.

All the accused are charged with the persecution and murder of civilians who were believed to support independence for East Timor. The persecution consisted of murder, physical assaults, unlawful detention, intimidation, arson and destruction of property.

The indictment documents more than 280 murders based on over 1500 witness statements and reports. The indictment includes 10 major attacks in addition to over 40 other incidents of murder from before and after the popular consultation on 30 August 1999. This includes the following attacks:

In the **Liquica Church attack**, it is alleged that TNI soldiers, Brimob police forces and militia surrounded the church where people were seeking refuge. On the afternoon of **6 April 1999**, police mobile brigade opened fire on the church and militia attacked the people inside. As the refugees tried to flee the compound, TNI soldiers and militia fired into the crowd killing men, women and children.

On **12 April 1999** in **Cailaco-Bobonaro District**, it is alleged that TNI soldiers and militia murdered 7 people in 2 incidents. In the first incident, TNI soldiers in the presence of a TNI officer allegedly killed 3 villagers. In the second incident, 4 people were shot one after another behind an Indonesian Military Intelligence post by a group of TNI soldiers and militia in the presence of TNI commanding

officers. In the days that followed, it is alleged that TNI and militia were responsible for the murders of at least 6 more civilians in Cailaco sub district who were suspected of being independence supporters.

It is alleged that on **17 April 1999**, the **Dili Rally** was organised by militia commanders of the Integration Fighter's Force [PPI] in front of the main government office in Dili. Present at the rally were Major General SYAHNAKRI, Colonel SURATMAN, Governor SOARES and militia members from all over East Timor. During the rally, the Deputy Commander of PPI, Eurico Guterres, addressed the gathering and ordered all militia from that day onwards 'to seek out and capture' pro-independence supporters and turn them into an 'international tribunal' stating that if they resisted 'to shoot them.' In the speech, Guterres identified the Carrascalao family as traitors to the integration cause. After the rally, TNI soldiers and militia members attacked various neighborhoods in Dili and targeted civilians thought to be independence supporters. In one attack on the house of Manuel Carrascalao, TNI soldiers and militia killed 12 people including Carrascalao's son.

The **Dili Diocese compound** attack took place on **5 September 1999**. It is alleged that TNI soldiers and militia attacked the Diocese and the civilians seeking refuge there, resulting in the death of at least 11 civilians.

Between January 1999 and September 1999, **Suai Church** was a place of refuge for villagers of Cova Lima district fleeing widespread TNI and militia violence. It is alleged that on **6 September 1999**, TNI soldiers, police and militia attacked unarmed civilians inside the Church compound. The Indonesian District Administrator was present during the attack dressed in TNI uniform and armed with a rifle. During the church attack, TNI soldiers and militia fired into the crowd killing men, women and children. 3 priests at the church were also killed in the attack. The bodies of 30 victims of the attack were later recovered from West Timor.

In early September 1999, it is alleged that TNI soldiers and militia began a violent campaign to force civilians in and around Maliana to leave their homes. independence supporters were ordered to go to the **Maliana Police Station**. On **8 September 1999**, a TNI officer identified a number of independence supporters who had taken shelter at the police station and ordered TNI soldiers and militia to kill them. In the subsequent attack on the police station at least 13 independence supporters were killed. On the following day, a TNI-led group hunted down and killed another 13 independence supporter who had escaped from the police station.

The **Passabe** and **Makelab killings** took place in Oecussi District. It is alleged that on **8 September 1999**, TNI soldiers and militia attacked 3 villages in Passabe sub-district resulting in the destruction of villages and the murder of 18 people. On **10 September 1999**, TNI soldiers and militia shot and hacked to death 47 young men they had singled out from other villagers.

The **Makelab killings** occurred on **20 October 1999**. It is alleged that TNI soldiers and militia captured civilians hiding in the Betunes Mountains. The civilians were forcibly taken to the market place at Makelab where they were held by TNI soldiers and militia. 6 civilians who were identified as independence supporters by militia were shot to death. Later that day another independence supporter was

located hiding in the Betunes mountains by militia and then shot and stabbed to death.

TNI Battalion 745 was stationed in Lautem District during 1999. After the announcement of the results of the popular consultation, it is alleged that Battalion 745 carried out a campaign of violence against the people of Lautem District. Soldiers of the Battalion targeted people thought to be independence supporters resulting in the destruction of property, assaults of individuals and, in some cases, torture and killing. Between **8 September** and **21 September 1999**, soldiers of the Battalion murdered 21 civilians with the last murder being that of Dutch journalist, Sander Thoenes in Dili.

In Lautem District, the **Tim Alfa** militia had been established in the 1980's but was strengthened in early 1999 by TNI soldiers and the civil administration to fight against independence supporters in Lautem District. On **25 September 1999**, it is alleged that Tim Alfa militia killed 3 priests, 2 nuns and 4 other people in an ambush. Militia members stopped the group's vehicle at a roadblock and opened fire with SKS rifles. Their vehicle was then pushed into a river and a grenade thrown inside to ensure there were no survivors.

The indictment also charges the accused with responsibility for the forcible transfer of civilians from districts across East Timor to West Timor. Following the announcement of the results of the popular consultation on 4 September 1999, TNI and militia are alleged to have forced approximately 200,000 people from their homes and forced them across the border into Indonesian West Timor.

All of the accused are currently believed to be in the Republic of Indonesia. Arrest warrants have been requested from Dili District Court and when received they will be forwarded to the Attorney General of Indonesia. The arrest warrants will also be forwarded to Interpol as Timor Leste became a member of Interpol in October 2002.

PROFILES OF THE ACCUSED:

WIRANTO held the rank of General and was the Indonesian Minister of Defence and Security [*Menteri Pertahanan dan Keamanan, Menhankam*] and the Commander of the Armed Forces of Indonesia [*Panglima Angkatan Bersenjata Republik Indonesia* and, as of April 1, 1999 *Panglima Tentara Nasional Indonesia*]. On November 5, 1999 **WIRANTO** ceased to be Minister of Defence and Security and was appointed the Coordinating Minister for Political and Security Affairs [*Menteri Koordinasi Bidang Politik dan Keamanan, Menko Polkam*] from November 5, 1999 until May 17, 2000. He is now retired from the Armed Forces of Indonesia

ZACKY ANWAR MAKARIM held the rank of Major General. In 1999 he held various military positions and was a member of several special teams. In January 1999 he was a Senior Officer at the headquarters of the Armed Forces of Indonesia [*Pati Mabes ABR*]. From May 1999 until September 1999 he was a member of the Task Force to Oversee the Popular Consultation in East Timor [*Tim Pengamanan Penuksesan Penentuan Pendapat Otonomi Khusus Timor Timur - TP4 OKTT*]. As of July 1999 he was Head of the Special Team/Adjutant General's Task Force [*Ketua Tim Khusus/Satgas AJU*]. In one or more of these capacities, **MAKARIM** served as a Liaison Officer between the Armed Forces of Indonesia and UNAMET. After the popular consultation in East Timor, **MAKARIM** served as a Senior Officer at the headquarters of the Armed Forces of Indonesia.

KIKI SYAHNAKRI held the rank of Major General and served as Assistant for Operations to the Army Chief of Staff [*Asisten Operasi KSAD*] from May 1998 to November 1999. He also served as the Commander of the Martial Law Operations Command in East Timor [*Panglima, Komando Operasi Penguasa Darurat Militer*] in September 1999. **SYAHNAKRI** served as the Commander of the Regional Military Command IX/Udayana [*Pangdam IX/Udayana*], covering Bali, East and West Nusa Tenggara and East Timor, from December 1999 until November 2000 and then served as the Deputy Army Chief of Staff [*Wakil KSAD*] from November 2000 to May 2002. He is now retired from the Armed Forces of Indonesia.

ADAM RACHMAT DAMIRI held the rank of Major General and served as the Commander of Regional Military Command IX/Udayana [*Pangdam IX/Udayana*], covering Bali, East and West Nusa Tenggara and East Timor, from June 1998 to November 1999. In November 1999 **DAMIRI** was appointed Assistant for Operations to the Chief of the General Staff [*Asisten Operasi Kepala Staf Umum TNI*].

SUHARTONO SURATMAN held the rank of Colonel and between June 1998 and August 13, 1999 was the Commander of the Sub-Regional Military Command 164/Wira Dharma [*Komandan Korem 164/Wira Dharma*], East Timor. In August 1999 **SURATMAN** was posted as the Deputy Head of the Armed Forces of Indonesia Information Center [*Wakil Kepala Puspen TNI*] and was promoted to the rank of Brigadier General.

MOHAMMAD NOER MUIS held the rank of Colonel and served as the Commander of Sub-Regional Military Command 164/Wira Dharma [*Komandan Korem 164/Wira Dharma*], East Timor from August 13, 1999 until March 3, 2000. In June 2001 **MUIS** was posted as the Deputy Governor of the Military Academy [*Wakil Gubernur Akademi Militer*] and was promoted to the rank of Brigadier General.

YAYAT SUDRAJAT held the rank of Lieutenant Colonel. In 1999 he held multiple positions. He was the Commander of Tribuana VIII Task Force [*Komandan, Satuan Tugas Tribuana VIII*] and the Commander of the Intelligence Task Force, Sub-Regional Military Command 164/Wira Dharma [*Komandan Satuan Tugas Intelijen, Korem 164/Wira Dharma*], East Timor. Tribuana VIII Task Force was the operations name for a contingent of Special Forces Command [*Komando Pasukan Khusus*] personnel deployed in East Timor. Tribuana VIII personnel were assigned to the Intelligence Task Force.

ABILIO JOSE OSORIO SOARES was the Governor of East Timor.

25 February 2003