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Table with 5 columns: Reference ID, Created, Released, Classification, Origin. Row 1: 07DILI338, 2007-10-05 06:51, 2011-08-30 01:44, CONFIDENTIAL, Embassy Dili

VZCZCXRO7484 OO RUEHCHI RUEHHM DE RUEHDT #0338/01 2780651 ZNY CCCCC ZZH O 050651Z OCT 07 FM AMEMBASSY DILI TO RUEHC/SECSTATE WASHDC IMMEDIATE 3729 INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS RUEHBY/AMEMBASSY CANBERRA IMMEDIATE 1074 RUEHWL/AMEMBASSY WELLINGTON IMMEDIATE 0876 RUEHPB/AMEMBASSY PORT MORESBY IMMEDIATE 0019 RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 0994 RUEHGV/USMISSION GENEVA IMMEDIATE 0107 RUEHDT/AMEMBASSY DILI 3125

C O N F I D E N T I A L SECTION 01 OF 04 DILI 000338

SIPDIS

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STATE FOR EAP/MTS, DRL, AND S/WCI

E.O. 12958: DECL: 10/5/2017 TAGS: PHUM PGOV PREL KJUS KAWC TT ID SUBJECT: COMMISSION ON TRUTH AND FRIENDSHIP HOLDS HEARINGS IN TIMOR-LESTE

REF: JAKARTA 908, JAKARTA 909

DILI 00000338 001.2 OF 004

CLASSIFIED BY: Henry M. Rector, Charge d'affaires a.i., U.S. Embassy Dili, Department of State. REASON: 1.4 (b), (d)

(C) 1. Summary. The bilateral Commission On Truth and Friendship (CTF), established by Indonesia and Timor-Leste in 2005 to determine facts and accountability in connection with human rights abuses committed at the time of the 1999 referendum on independence, held public hearings in Dili on September 25 - 27.

The hearings took testimony from Timorese perpetrators, witnesses, and victims. Although little new information was brought to light - most of the participants repeated accounts previously presented in earlier UN and Timorese inquiries - participants tended to stress the role of the Indonesian military and political leaders. Timorese civil society expressed little interest in the hearings, regarding the CTF as at best irrelevant to the cause of justice and at worst a political exercise meant cement good ties to Indonesia at the cost of the truth. The Timorese CTF Commissioners counter that critics misunderstand or willfully ignore the body's true mandate. Moreover, the country's political leadership remains firmly committed to the CTF, regarding it as indispensable for future good relations with its giant neighbor, Indonesia. This was stressed by President Ramos-Horta in his September 27 address to the UN General Assembly and by Deputy Prime Minister Guterres at the CTF's opening session. End summary.

¶2. (U) The bilateral Indonesian-Timor Leste Commission On Truth and Friendship (CTF) held its fifth and final public session in Dili, Timor-Leste, on September 25 - 27. In the hearings, the CTF, which was formed to determine accountability for human rights abuses committed at the time of the 1999 referendum on independence, sought to address crimes committed by Timorese members of pro-integration militias as well as by members of the pro-independence FALINTIL guerilla group.

¶3. (U) Monday, September 24, the CTF Commissioners met in closed session with Prime Minister Kay Rala Xanana Gusmao, the former FAINTIL commander, who was arrested in 1992 and subsequently imprisoned in Jakarta. In a second closed session on September 28, the Commissioners interviewed another former senior FALINTIL commander, Taur Matan Ruak, who is now chief of Timor-Leste's defense forces.

¶4. (U) On Tuesday, September 25, Deputy Prime Minister Jose Luis Guterres opened the session, reaffirming the GOTL's strong support for the CTF. In his remarks, Guterres praised the progress the CTF had made to date and acknowledged the difficulty in dealing with painful episodes of the past. Stressing the importance of the CTF's work to the bilateral

Timorese-Indonesian relationship, he said that the two sides must recognize that Timor-Leste and Indonesia had deep cultural ties that preceded the trauma of the Indonesia annexation; these links must reinforce the future relationship. The CTF's findings, he said, must ensure that the crimes of the past never be repeated. He also said that both sides must respect the sacrifice that had been made in the struggle for independence.

¶15. (U) In his brief opening remarks, Indonesian CTF Co-Chair Benjamin Mangkoedilaga announced the witnesses who would give testimony. He reiterated the CTF's mandate, stressing that it was not a judicial or prosecutorial body. The CTF, he said, aimed to reveal to determine what happened, why it happened, who was responsible (emphasizing institutional responsibility), and lessons learned to prevent non-recurrence of events in the future.

Timorese Victims, Perpetrators Implicate Indonesia

¶16. (U) On Tuesday, September 25, the CTF heard testimony from Tomas Aquino Goncalves, a former leader of the pro-integration group APODETI and regent of Ermera. Goncalves has also testified before the UN's Serious Crimes Unit and the Commission on Reception, Truth and Reconciliation (CAVR). In his testimony, Goncalves described support from the Indonesian military and other agencies to pro-integration militias dating back to 1974. He claimed that he and others had been trained by an Indonesian Special Forces unit near Belu, West Timor, led by two Timorese, Kalbuadi and Mahedi. After training, Goncalves and his comrades broke up into three groups for the purpose of

DILI 00000338 002.2 OF 004

infiltrating East Timor. He claimed that during a 1999 trip to Jakarta, he received orders and commitments of support from two Indonesian Cabinet members, Minister of Information Yunus Yosfiah and Transmigration Minister Hendropriyono. Hendropriyono, he said, had authorized him to divert funding from transmigration programs to support militias.

¶17. (U) Goncalves said that in reality, his own role was as a "double agent" in the years prior to 1999. He explained that although he took orders from Jakarta, he also made a good faith effort to perform his duties as regent of Ermera and also had contacts with FALINTIL. Goncalves said that at the request of Xanana Gusmao, imprisoned at the time, he had taken documents to Macao to publicize the plight to East Timor internationally. When pressed on this point further, Goncalves refused to elaborate, saying that he was withholding certain information until such time as it could be presented to an international tribunal with the power to prosecute. (Goncalves has said elsewhere that these documents outline Indonesia's plan to infiltrate and annex East Timor.) Goncalves said that he supported the CTF's mandate to expose the truth, but said that justice had not yet been done.

¶18. (U) The afternoon session consisted of a statement by Sancho Ramos Reissurreicao, a victim of Battallion 745. Ramos, a cab driver, was stopped by six Indonesian soldiers in 1999 while driving two foreign journalists and their interpreter. The interpreter was led away never to be seen again, while the soldiers severely beat Ramos and the two journalists with rifle butts. They managed to escape when the captors, intending to shoot them, told them to march down the road. Ramos hid in a ditch, but was found by the journalists later when they returned to the scene to search for him. He received medical treatment in Australia.

¶19. (U) On Wednesday, September 26, the CTF heard testimony from Francisco de Carvalho Lopes, a founder of the pro-integrationist groups FPDK (Forum For Unity, Democracy and Justice) and BRTT (East Timor People's Front). Carvalho was asked about his ties to pro-integration militia, MAHIDI (Life Or Death With Indonesia), founded by his brother Cancio di Carvalho. Carvalho Lopes replied that FPDH has provided some financial support to this group, and that it had also received funding from the Indonesia military. In closing his testimony, Carvalho Lopes stated that the victims of human rights violations under the Indonesian occupation were still awaiting justice. If this were not forthcoming from either the Timor-Leste or Indonesian authorities, it should be referred to the UN, he said. He said Indonesia should pay restitution to victims of human rights violations and their families, and urged the GOI to apologize publicly.

¶10. (U) The Commission then heard testimony from Marcus, a survivor of a forced march in Oecussi on September 8-9, 1999. A pro-integration militia from Pasabe burned the villages of Tumi, Bisibiselo, and Nalbaba, killing 18 inhabitants and forcing 74 others to march towards Pasabe. The militia was led by Gabriel Colo, a Timorese soldier in the Indonesian army, and Antonio Sabraka, a village leader from Pasabe. During the march Colo ordered the execution of some of the villagers. Marcus managed to escape.

¶11. (U) Also on September 26, the CTF heard testimony from Jhony

Marques, leader of the pro-integrationist militia Team Alfa currently serving a 33-year prison sentence in for the September 1999 murder of nuns in Lospalos. He admitted that he had carried out the murder, but claimed he had done so under the influence of a mind-altering drug. He testified that he Indonesian military battalion 621 had raped 300 Timorese women in the Lautem area. Marques also claimed that the Alfa militia had received orders and materiel from then-President B.J. Habibie and his security minister Feisal Tanjung as well as from Indonesia's military leaders. In the late afternoon, testimony was heard from Mario Goncalves, a victim of human rights violations committed in Loloti, near Ermera.

¶12. (U) Thursday, September 27 was devoted to victim testimony from Mario Goncalves, a former low-level FALENTIL operative, who described human rights abuses inflicted on him and others in the Bobonaro district had suffered at hands of Jony Franca, a pro-integrationist militia leader. He claimed that Indonesian police and military were present during the incidents. Franco cut off Goncalves' ear and forced him to eat it. Franca himself was supposed to testify as well, but he and Rui Lopes, a former pro-integration leader and former District Administrator of

DILI 00000338 003.2 OF 004

Covalima, failed to appear, so the session adjourned early.

¶13. (U) The proceedings were sparsely attended; those present were predominantly foreign diplomats, members of foreign NGOs, and journalists. This created the appearance of a boycott by members of Timorese civil society, an impression reinforced by a peaceful demonstration of about fifty people staged outside the building on the hearing's first day. The hearings were televised on the national station RTTL, but the transmission does not reach outside Dili, and most Timorese do not have televisions in any case.

NGO Alternative Hearing

¶14. (SBU) A coalition of NGOs organized an "alternative public hearing" on September 28 - 29. The organizers charged that to date, the CTF's public hearings had served primarily as a forum for Indonesian generals to defend themselves and to blame the UN and pro-independence forces for the human rights violations that took place (refuels).

¶13. (C) Angelina Sarmiento, one of the alternative hearings' organizers, elaborated on this in an October 2 meeting with DCM. She charged that the CTF was defeating its stated purpose of strengthening Indonesian-Timorese friendship by failing in its mission to reveal the truth. Reinforcing a culture of impunity for politicians and generals, she said, was no basis for future friendship between the two countries. In the meantime, the victims' desire for justice and material reparations was being ignored. Ms. Sarmiento said the purpose of the alternative hearings was to provide more balanced testimony in a context that was more credible to Timorese victims and witnesses.

Legal Questions Linger

¶14. (SBU) Some elements of civil society continue to challenge the legality of the Terms of Reference with Indonesia without either consulting Parliament or submitting the TOR for its approval. Legal analysis prepared by the Judicial System Monitoring Program found that the formation of the CTF and its TOR's amnesty provision are probably in violation of Timor-Leste's Constitution.

Church Ambivalent

¶15. (SBU) Timor Leste's Catholic hierarchy has been somewhat ambivalent about the CTF exercise. The Church has consistently made clear that while it supports reconciliation, it warns that "forgetting is not the same as forgiving." It has also emphasized the fact that the victims' need for justice has remained by and large unmet. On September 31, Bishop Basilio Nascimento of Baucau welcomed the CTF's hearings as an opportunity for Timorese victims of human rights violations to speak out. However, Rev. Martinho, the head of the Diocese of Dili's Peace And Justice Secretariat, spoke at the alternative hearings, representing the Bishop. He expressed concern that information and recommendations contained in the final report of the CAVR, which he endorsed, would be absorbed into the CTF's final report and put to unworthy political uses.

Political Establishment Still On Board

¶16. (C) Jacinto Alves, a Timorese CTF Commissioner, expressed frustration that some elements of civil society do not grasp the

limited nature of the CTF's mandate. In an October 3 meeting with DCM, he said that by simply establishing the facts of what happened, the CTF can contribute to the reconciliation process by stopping the cycle of accusation and counter-accusation. However, it was never meant to serve as a tribunal. Alves freely stressed the importance of the CTF's role in establishing good relations with Indonesia. By jointly acknowledging the truth about the past, Timor-Leste and Indonesia could avoid the kind of difficulties that Japan has had with Korea and China over historical disagreements. With regard to the amnesty issue, he said that the TOR merely established the right of the CTF to recommend amnesties, but did not oblige governments to

DILI 00000338 004.2 OF 004

accept them. Any amnesties granted, he said, would ultimately be the doing of the two governments, presumably in accordance with their respective legal requirements.

¶17. (SBU) At any rate, Timor-Leste's political leadership remains firmly committed to the CTF, convinced that it is indispensable to future good relations with its giant neighbor. President Jose Ramos-Horta defended it in no uncertain terms in his September 27 address to the UN General Assembly, saying "For Indonesia and Timor-Leste, two developing countries and emerging democracies, facing a multitude of domestic and regional challenges, we simply cannot walk the path some of suggested to us, the path of justice at any cost. We must guard against destabilizing our fragile democracies." There has been no criticism from the FRETILIN opposition, which was in government at the time the CTF was set up. The lone voice of criticism from Parliament has been that of CNRT MP Cecilio Caminha, who voiced mild concern about the body being "politicized."
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