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Briefing Note: Commission of Truth and Friendship – Indonesia-Timor Leste

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The joint Commission of Truth and Friendship established by the governments of Indonesia and Timor Leste in August 2006

> to establish the conclusive truth in regard to the events prior to and immediately after the popular consultation in 1999, with a view to further promoting reconciliation and friendship, and ensuring the non-recurrence of similar events.

A copy of what was said to be the Commission's final report, due to be released shortly, was leaked to Australian journalist Tom Hyland. This was followed by commentaries in the Australian and Indonesian media, and by a major statement by Alexander Downer, Australian Foreign Minister in 1999. According to media reports, the commission's report not only confirms that Indonesian military and government agencies were behind the killings and atrocities carried out by Indonesian military forces and East Timorese militia in their control, but provides new details of these activities.

Much media commentary has focussed on the political difficulties expected to be faced by the governments of Indonesia and Timor Leste as a result of the release of the report, especially in the light of the complete failure of Indonesia to bring any important military figure to justice for crimes against humanity in East Timor during its quarter-century colonial occupation of the country. The question of reopening the case against former TNI figures will now figure large.

Yet more questions are being raised in the wake of Mr Downer's statement that he and the Australian government knew in 1999 that TNI was behind the ongoing militia violence, and that the head of TNI, General Wiranto, knew full well of TNI's involvement. This knowledge derived from Australian military electronic intelligence surveillance of Indonesian military and government communications, is documented by Desmond Ball in his study "Silent Witness: Australian Intelligence and East Timor".

Mr Downer's current position stands in contradiction to his statements at the time. For example, on March 7, 1999, Mr Downer said

> If it is happening at all, it certainly isn't official Indonesian Government policy; it certainly isn't something that is being condoned by General Wiranto, the head of the armed forces…"(John Lyons, 'The Secret Timor dossier', The Bulletin, 12 October, 1999)

The consequences of this policy of denying access to almost all real time comprehensive verified intelligence information for the people of East Timor were profound and bitter, undoubtedly prolonging the Indonesian state terror. Not only were the Australian and Indonesian publics mislead by Mr Downer's knowingly inaccurate remarks, but Mr Downer's statements contributed to a policy of denying full intelligence access to both the United Nations Secretariat and the United States.

But there was one further casualty of this inept realpolitik of denial of the truth from both the public and Australia's allies. Mervyn Jenkins was the Defence Intelligence Organisation's attache in Washington from 1996. A former career army intelligence officer, Jenkins was directed to withhold much Australian intelligence information on East Timor from the US, at a time when militia violence was mounting, and the Australian government was maintaining it knew little. As documented by Desmond Ball and others, when the Defence Intelligence Organisation initiated an investigation into Jenkins for allegedly passing or attempting to AUSTEO (Australian Eyes Only) material to US intelligence liaison officers, Jenkins committed suicide on 13 June 1999.

Commission of Truth and Friendship report:

Final Report of the Commission for Truth and Friendship (CTF) Indonesia-Timor Leste 2008

> The Commission's goals were to conduct a shared inquiry with the aim of establishing the conclusive truth about the reported human rights violations and institutional responsibility, and to make recommendations which can contribute to healing the wounds of the past and further promoting reconciliation and friendship and ensuring the non-recurrence of similar events. This Report presents the results of the two and a half years of work by the world's first bilateral Truth and Friendship Commission.

Terms of Reference for the Commission of Truth and Friendship Established by The Republic of Indonesia and The Democratic Republic of Timor-Leste

Indonesia was behind Timor atrocities, says report, Tom Hyland, Age, 2008-07-11

> Indonesian soldiers, police and civilian officials were involved in an "organised campaign of violence" that prompted Australian military intervention in East Timor in 1999, according to a leaked report by a government inquiry. The report is a major embarrassment – and potential test – for Indonesian President Susilo Bambang Yudhoyono, who is due to jointly release it with East Timorese President Jose Ramos Horta early next week. Its findings are likely to reignite calls for such a tribunal, by undermining longstanding official Indonesian denials of involvement in violence that claimed up to 1500 lives. The report says the Indonesian state bears "institutional responsibility" for atrocities including murder, rape, torture, illegal detention and forced mass deportations.

Amid the major flaws, a minor act of courage, Tom Hyland, 2008-07-11

Timor sleuth names torture officers, Lindsay Murdoch, Age, 2008-07-12

> An Australian investigator has named Indonesian military officers responsible for crimes against humanity committed in East Timor in 1999, including acts of torture in which victims were forced to eat their own ears. David Savage delivered a key report to the Indonesia-East Timor Truth and Friendship Commission that was scathing of Indonesian authorities who have for years denied responsibility for violence that left at least 1400 Timorese dead. He said that in the north-western Bobanaro district, where he was posted in 1999, there were thousands of witnesses to the involvement of TNI (Indonesian military) members in attacks on civilians.

Australian and Indonesian prior-knowledge:

Downer 'tried to prevent Timor violence', Mark Forbes, Age, 2008-07-12

> Former foreign affairs minister Alexander Downer admits knowing the Indonesian army was behind outbreaks of violence at the time of East Timor's independence vote, but says he and former prime minister John Howard tried their hardest to prevent it.

Downer diplomacy: if you don't succeed, bully again, Hamish McDonald, SMH, 2008-07-12

> It might be assumed from what Downer wrote that this letter set out the case for an independent East Timor that resulted in the United Nations referendum in August 1999 and the destructive exit of Indonesian forces a few weeks later. But the letter was proposing a fudge designed to diffuse the pressure for independence in the territory, and clearly based on a hope in Canberra that if the Indonesians got their act together East Timor would eventually decide to remain inside Indonesia.

Silent Witness: Australian Intelligence and East Timor, in Richard Tanter, Desmond Ball and Gerry Van Klinken (eds.), Masters of Terror: Indonesia's Military and Violence in East Timor in 1999, (Rowman and Littlefield, second edition, 2006)

Wiranto knew of Timor abuse: Downer, Age, 2008-07-11

Masters of Terror, Gerry van Klinken and David Bourchier (Database searchable by name and event/location)

Defence Intelligence Organisation attache Mervyn Jenkins:

The death of Mervyn Jenkins, Australian Forces Abroad, Nautilus Institute

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Nautilus Institute

608 San Miguel Ave., Berkeley, CA 94707-1535 | Phone: (510) 423-0372 | Email: nautilus@nautilus.org