

X-Sender: fbp@pop.igc.org
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To: ccr@igc.org, cja@sirius.com, Shawn Roberts <shawnroberts@igc.org>
From: "John M. Miller" <fbp@igc.org>
Subject: Indonesian General Sued in U.S. for Timor Rights Violations

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Contact

John M. Miller, (718)596-7668, john@etan.org
Jennie Green, Center for Constitutional Rights (CCR), (212)614-6434,
(347)489-0370
Ross Hanig, Center for Justice and Accountability (CJA), 415-544-0444

**East Timor Action Network Applauds Lawsuit Against Indonesian General
Suit Targets Role in Post-Independence Vote Violence**

The East Timor Action Network (ETAN) applauds the filing of a lawsuit against Indonesian General Johnny Lumintang for his role in devastating human rights abuses in East Timor.

Lumintang, who was the Vice Chief of Staff of the Indonesian Army, was served notice of the lawsuit late this afternoon at Dulles International Airport.

"All available avenues must be used to bring justice for East Timor," said John M. Miller of ETAN. "Lawsuits like this one can help insure that those responsible for last year's devastation of East Timor are called to account, while putting future rights abusers on notice."

The suit was filed on behalf of a mother whose son was killed, a man who was beaten and shot in the foot which had to be amputated, and a man whose father was injured and brother killed. The plaintiffs also had their property destroyed or were forced from their homes in the aftermath of the August 30, 1999 vote on East Timor's independence. The lawsuit was filed by the New York-based Center for Constitutional Rights (CCR), San Francisco-based Center for Justice and Accountability (CJA), and DC-based James Klimaski. (Additional background can be found at <http://etan.org/news/2000a/11suit.htm>; for a copy of the legal complaint filed in court send a blank e-mail to complaint@etan.org).

"The suit here is especially necessary because the U.N. has put an international tribunal on hold, and Indonesia's Attorney General has stated that he plans to focus his efforts on a mere handful of the best known incidents and a small number of Indonesian military commanders."

Legal papers filed in U.S. District Court this morning cite a telegram signed by Lumintang and sent to the regional military head Major General Adam Damiri and other commanders just hours before the agreement to conduct the plebiscite was signed at the United Nations on May 5. The telegram ordered the commanders to plan a crackdown should the East Timorese vote in favor of independence. This was to include "a plan to move to the rear/evacuate if the second option independence is chosen." Soon after the vote, such a plan was put into action and hundreds of thousands were forced from their homes.

The suit also cites a June 1999 army manual, also signed by Lumintang, which states that Kopassus intelligence operatives were to be trained in propaganda, kidnapping, terror, agitation, sabotage, infiltration, undercover operations, wiretapping, photographic intelligence and psychological operations. Kopassus operatives were involved in the kidnapping of East Timorese independence activists prior to and after the independence vote.

In 1994, CCR successfully sued Major-General Sintong Panjaitan for his role in a 1991 massacre in Dili, East Timor in which more than 270 Timorese were gunned down. U.S. District Court Judge Patti Saris ordered the general to pay \$4 million in compensatory damages and \$10 million in punitive damages to Helen Todd, the mother of Kamal Bamadhaj, the only non-East Timorese killed that day.

The Lumintang lawsuit, like the Panjaitan case, is based in part on the Alien Tort Claims Act of 1789 which allows anyone, citizen or not, to sue for acts committed outside the United States "in violation of the law of nations or a treaty of the United States." The 1992 Torture Victim Protection Act restates the 1789 law and applies it to torture victims. Lawsuits can only go forward if the defendant is served legal papers while in the U.S.

The plaintiffs wish to remain anonymous at this time because East Timor remains subject to Indonesian military and militia attacks.

A U.N. Commission of Inquiry in a report issued earlier this year concluded that the Indonesian military was involved in systematic human right violations before and after the vote. An Indonesian government investigation reached similar conclusions saying it found evidence "that a planned, systematic and massive scorched-earth campaign was launched" and that among the perpetrators were "those who held responsibility for national security policy, including but not limited to, high-level military officials who actively or passively were involved in these crimes."

The East Timor Action Network/U.S. founded following the November 1991 massacre supports genuine a peaceful transition to an independent East Timor. ETAN has 27 local chapters throughout the U.S.
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John M. Miller Internet: john@etan.org
Media & Outreach Coordinator, East Timor Action Network
48 Duffield St., Brooklyn, NY 11201 USA
Phone: (718)596-7668 Fax: (718)222-4097
Web site: <http://www.etan.org>

Send a blank e-mail message to info@etan.org to find out how to learn more about East Timor on the Internet
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