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## Local Group Wins Victory for East Timor Victims

By Ross Hanig  
The Recorder  
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In a case brought by a local legal nonprofit, a U.S. district judge has ordered a high-ranking Indonesian general to pay \$66 million in compensatory and punitive damages for massive human rights violations committed in East Timor.

Lt. Gen. Johnny Lumintang learned just one week ago that Washington, D.C., District Court Judge Alan Kay found him liable for the massacre in East Timor after the vote for independence from Indonesia in 1999.

"It's significant because the court made an independent finding of Lumintang's responsibility for the atrocities of the Indonesian troops in East Timor," said Joshua Sondheim, director of civil litigation at The Center for Justice & Accountability.

The center, a legal advocacy human rights nonprofit in San Francisco, along with the Center for Constitutional Rights in New York and Patton Boggs in Washington, D.C., represented the six anonymous plaintiffs in the suit.

"It's important for us to send a message to military commanders that troops under their command observe standards for human rights," Sondheim said.

The ruling came under the doctrine of command responsibility -- the principle that a commander can be held liable for the crimes committed by his subordinates.

"Lumintang had responsibility for the actions against plaintiffs and a larger pattern of gross human rights violations," Judge Kay stated in the ruling. Kay went on to say that a telegram signed by Lumintang "was part of a plan that ultimately led to a campaign of killing, torture and terror that forced the exodus of one-third of the East Timorese population."

The decision followed a default judgment after a three-day trial held in

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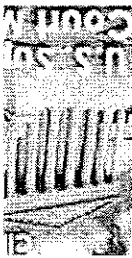
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Lumintang's absence in late March. The claims were filed under the Alien Tort Claims Act and Torture Victim Protection Act, which allow individuals to be sued in civil suits for actions including human rights violations committed abroad. Lumintang was served notice of the suit on March 30, 2000, during a visit to Washington, D.C.

In the Oct. 6 edition of *The Jakarta Post*, Lumintang, who is now secretary-general of the Ministry of Defense in Indonesia, denied responsibility for the violations and deferred to the Indonesian government on how to respond to the suit. Foreign Minister Hassan Wirayuda told the newspaper the government planned to ignore the decision, saying U.S. law could not be enforced abroad and that Lumintang's assets could not be seized unless they were in a U.S. bank account.

"We plan to pursue enforcement of the judgment against his assets wherever they may be," Sondheimer said. "There are mechanisms for enforcing U.S. court judgments in foreign countries."

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