



PRESS RELEASE

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U.S. Court Holds Indonesian General Liable for \$66 Million for East Timor Abuses

SAN FRANCISCO -- San Francisco's Center for Justice & Accountability (CJA) announced Friday, Oct. 5 a \$66 million federal court judgment against former Indonesian Army Chief of Staff Johnny Lumintang for his role in widespread human rights abuses in East Timor. General Lumintang received notice Friday of the ruling by United States Magistrate Judge Alan Kay of the federal district court in Washington, D.C.

Plaintiffs in the suit included six civilian victims of the violence that followed East Timor's overwhelming vote for independence from Indonesia in a 1999 U.N.-sponsored referendum. They filed suit against General Lumintang in March 2000 under federal laws permitting victims of grave human rights violations abroad to sue perpetrators of such violations who enter the United States. Lumintang was served with court papers during a visit to Washington, D.C.

In March of this year, Judge Kay heard three days of testimony from the four surviving plaintiffs and several expert witnesses in a Washington, D.C. federal courtroom. Two of the victims were killed during the post-referendum violence. The plaintiffs were represented by CJA, a San Francisco human rights law organization, New York's Center for Constitutional Rights (CCR), and the Washington, D.C. law firm Patton Boggs, LLP.

The plaintiffs' suit focused on Lumintang's role in what the court called a "coordinated program of massive destruction" unleashed by the Indonesian military following the overwhelming popular vote for independence from Indonesia in a 1999 U.N.-sponsored referendum.

The court found that Lumintang, as Army Vice Chief of Staff at the time, was responsible for scrutinizing army operations, strategic planning, and military discipline. The court also noted that Lumintang issued a telegram to Army troops viewed as signaling the campaign of violence, and that he signed a training manual distributed to troops in East Timor that included instructions in abduction, killing, kidnapping, and terror.

"It has been established . . . that Lumintang has responsibility for the actions against plaintiffs and a larger pattern of gross human rights violations," wrote Judge Kay. "[H]e - along with other high-ranking members of the Indonesian military - planned, ordered, and

instigated acts carried out by subordinates to terrorize and displace the East Timorese population ... and to destroy East Timor's infrastructure following the vote for independence."

East Timor, formerly a Portuguese colony, was occupied by the Indonesian military in 1975. The United States and the international community refused to recognize Indonesian rule over the island nation, which occupies half of the island of Timor, north of Australia.

The violence by the Indonesian military and related militia was widely viewed as an effort to overturn the results of the independence referendum, and to discourage popular independence movements in other Indonesian provinces. In what the court called a "coordinated program of massive destruction" by these forces, over 2,000 East Timorese lost their lives, and 70-80 percent of the country's infrastructure was destroyed. Some 240,000 persons, one third of the population, fled from their homes and were forcibly relocated to the Indonesian province of West Timor.

CJA hailed the court's ruling as an important victory for the people of East Timor and sends an important message to human rights violators around the world. "The tragic events of September 11 have reminded us all of the horror of attacks on innocent civilians. The court reaffirmed that defendant bears responsibility under U.S. and international law for his role in such attacks against civilians in East Timor," said CJA's Joshua Sondheimer, an attorney for the plaintiffs. "The court's ruling sends a message that if those responsible for attacks against civilians wish to enter the United States, they will be held accountable in our courts."

The court's decision comes on the heels of the first independent parliamentary elections in East Timor on August 30, 2001, and a state visit to Washington, D.C. weeks ago by new Indonesian President Megawati Sukarnoputri.

The case against Lumintang is the only one brought in any country or jurisdiction against an Indonesian commander for the systematic destruction and violence that followed the independence referendum. General Lumintang, who was served with court papers during a visit to the Washington, D.C. area, chose not to defend himself in court. After he failed to respond to plaintiffs' claims, which included charges of crimes against humanity, summary execution and torture, a judge declared Lumintang in default.

While there has been a movement to establish an international tribunal to judge human rights crimes committed in East Timor on the model of the tribunals established for Rwanda and the former Yugoslavia, the U.N. has yet to authorize such a court. The Indonesian government recently issued a decree establishing a special Human Rights Court for East Timor in Indonesia. However, human rights groups say the effort falls far short of addressing the Indonesian military's responsibility for the violence in East Timor, as it allows review of events only from August and September 1999 in 3 out of 13 districts.

Plaintiffs who traveled to Washington to testify in the proceedings included:

--a 30-year-old man who was shot by Indonesian soldiers and subsequently needed to have his foot amputated;

--a 27-year old who was threatened with death after being abducted by the military, and whose brother was killed and father injured in post-election attacks; and

--a mother whose son was killed and whose home was destroyed by Indonesian soldiers.

In 1992, a judgment for \$14 million was issued in a similar case against Indonesian General Sintong Panjaitan for his involvement in the November 12, 1991, massacre of over 270 East Timorese during a funeral at the Santa Cruz cemetery in East Timor.

The Lumintang lawsuit, like the Panjaitan case, is based on two U.S. laws, known as the Alien Tort Claims Act and the Torture Victim Protection Act, that allow victims of grave human rights violations committed abroad to bring suit in federal court against the perpetrators or commanders responsible. Lawsuits can only go forward if the defendant is served legal papers while in the United States.