

## CHAPTER ONE

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### INTRODUCTION

NINETEEN NINETY-NINE was a bad year in East Timor. Between January and late October, at least fifteen hundred civilians were killed among a total population of well under a million. Some of the victims were shot dead; others were decapitated, disemboweled, or hacked to death with machetes. Many were beaten or tortured, while women and girls were singled out for rape and other crimes of sexual violence. The vast majority of the victims were real or suspected supporters of East Timor's independence from Indonesia, including Catholic clergy, local UN staff, and political activists. The perpetrators were overwhelmingly members of armed East Timorese militia groups and their Indonesian army patrons.

The worst of the violence followed the announcement, on September 4, that 78.5 percent of the population had voted for independence in a UN-supervised referendum held just days earlier. Twenty-four years after invading and occupying the tiny former Portuguese colony, the Indonesian army and its local allies were not about to let it go without a fight. Over the next few weeks, the capital Dili along with many other towns and villages were burned to the ground. Warehouses, shops, and homes were looted, their contents loaded onto trucks and ships, and then taken to Indonesia. The systematic violence also fueled the displacement of the population on a massive scale. By the time it ended, at least four hundred thousand people had been forced to flee their homes, and an estimated 70 percent of the country's infrastructure had been burned or destroyed. For ten days in September, at the height of the violence, the UN compound in Dili where I worked became a place of refuge for some two thousand East Timorese and UN staff, and partly for that reason, came under siege.<sup>1</sup>

The swiftness with which the violence spread as well as its apparently



FIGURE 1.1. The market in Suai, December 1999. An estimated 70 percent of East Timor's infrastructure was burned or destroyed, at least four hundred thousand people were forced to flee their homes, and fifteen hundred were killed in the violence before and after the August 30, 1999 ballot. (Ross Bird)

orchestrated character led some observers to fear an impending genocide.<sup>2</sup> That was not an idle fear. In the late 1970s, at least a hundred thousand East Timorese, and perhaps twice that number, had died as a direct consequence of the Indonesian invasion and occupation.<sup>3</sup> Yet even as the possibility of a second genocide was being discussed, the tide suddenly turned. In response to mounting public outrage, in mid-September the United States and other key governments finally took steps to rein in the Indonesian army and its militia proxies, cutting military ties to Indonesia and threatening to suspend economic aid. Under this unprecedented pressure, Indonesian authorities agreed to accept international assistance to restore order. Then, in another unusual move, the UN Security Council authorized the deployment of a multinational military force under Chapter VII of the UN Charter. That force landed about one week later, and within a week or two of its deployment, the

worst of the violence had stopped and the distribution of humanitarian assistance had begun.

This book tells the story of that terrible yet strangely uplifting year. It is a history not only of mass political violence that threatened to degenerate into genocide but also of a rare success in bringing such violence to an end. Viewing the events of 1999 against East Timor's longer history, this book examines the structural origins and logic of the violence, the historical conditions that shaped and ended it, and the related questions of personal and institutional responsibility. More specifically, it asks: Why did the violence of 1999 occur as and when it did? What best explains the central part played by East Timorese militias? What finally brought about the surprising international military intervention of late September? And finally, who was responsible for the violence, and what efforts have been or might yet be made to ensure that they are brought to justice?

The answers to these questions matter because they lie at the heart of the pressing moral, legal, and political problems with which East Timorese continue to grapple. They also matter because the story of East Timor is in some respects emblematic of many of the most important political and legal developments of the final decades of the twentieth century. Despite its small size, East Timor has lived in the crosshairs of the central ideological and geopolitical challenges of each of the last several decades, including the struggle for decolonization, the tragic consequences of cold war "realism," the problems of militarism and extreme nationalism, debates over humanitarian intervention and UN trusteeship, and the emergence of new regimes of international humanitarian law and justice.<sup>4</sup> For Americans, moreover, the violence in East Timor has a special significance because of the U.S. government's historical complicity in it. Against the backdrop of the war in Iraq and the wider "war on terror," a discussion of that history may help citizens and leaders alike as they struggle to make sense of their nation's place in the world, and the political and moral foundations of its public life.

Without suggesting that East Timor's experience is typical, I hope that this account may also contribute to broader scholarly and public debates about political violence, genocide, international humanitarian intervention, and transitional justice. More specifically, I believe it may shed new light on some of the following questions: Under what historical conditions are crimes against humanity and genocide most likely to occur, and under what conditions can they be prevented or stopped? Is

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armed humanitarian intervention an effective method of preventing mass violence, or stopping such violence once it has started? What role do human rights organizations, religious institutions, the media, and individuals play in the genesis and prevention of genocide? And is it possible to balance the pursuit of justice and reconciliation in a society that has experienced widespread and systematic violence?

My interest in the subject of this book is partly intellectual and partly personal. Most of my work as a scholar over the past twenty years or so has been devoted to understanding the history and dynamics of political violence, particularly in Indonesia and East Timor. Over the same period, I have been directly engaged in efforts to end such violence and to protect basic human rights in those places, among others. For several years in the late 1980s and early 1990s, I worked as the principal researcher for Indonesia and East Timor at Amnesty International's headquarters in London. From that vantage point, I became familiar not only with the seemingly intractable problem of violence in East Timor and the unusual brutality of Indonesia's New Order regime but also with the extraordinary courage of those inside East Timor who were fighting for their rights and independence. So when the opportunity arose in early 1999 to serve with the UN mission overseeing the historic referendum on the country's future, it is safe to say that nothing could have kept me from going. But if I felt honored to be part of that process, and if I felt reasonably well equipped to do the job, I was not fully prepared for the complexity or the sheer horror of what I witnessed there. That experience, more than any other, drove me to write this account.

In view of my somewhat unusual position as both a historian of and participant in the events described in this book, I have approached the subject from two complementary perspectives. On the one hand, in seeking to explain the origins and character of the violence, I have relied primarily on the methods and perspectives of the historian. Using a range of historical documents, interviews, and secondary sources, and informed by pertinent comparative and theoretical literature, I do my best to locate the events of 1999 in a broader historical and analytic framework, paying special attention to the legacies of Portuguese and Indonesian rule and to shifts in the international political environment. On the other hand, in examining the logic of events in 1999, I provide a detailed portrait from the point of view of those who were directly involved. Relying primarily on firsthand observations and interviews conducted during and after 1999—as well as contemporary UN and Indo-



FIGURE 1.2. Map of East Timor. (UN Cartographic section)

nesian documents—I recount the actions and the apparent motives of militia members, soldiers, civilians, and UN officials, and explore the difficult moral and political dilemmas they faced. The book concludes with a discussion of the relevance of East Timor's experience for the larger debates to which I have referred.

My involvement in these events has undoubtedly affected my interpretation of them, and the more general conclusions I draw. Indeed, some might say that it has interfered with my capacity for objectivity. That may well be the case. If it is, I hope that there may nevertheless be some value in this account, and that others may treat it as one of many possible perspectives on the violence and its wider significance.

### East Timor: A Brief History

For roughly three centuries, East Timor was a colony of Portugal. While Portuguese colonial authorities liked to imagine that East Timorese wel-

comed their rule, the truth was that their compliance was secured only through a series of ruthless pacification campaigns in the late nineteenth and early twentieth centuries. Those campaigns deliberately pitted “loyal” chiefs (*liurai*) against rebellious ones, laying the groundwork for deep-seated enmity among East Timorese. The same may be said of the brief but bloody Japanese occupation (1942–45), in the course of which some forty thousand Timorese died. Nevertheless, largely because of the absence of any meaningful nationalist movement in East Timor at the time, the Portuguese managed to return without much difficulty after the war. As the rest of the colonized world fought for and won independence from European powers, East Timor remained under Portuguese rule, and lived more or less harmoniously with its immediate neighbor, Indonesia.

That arrangement began to unravel in 1974 as Portugal, in the throes of its own momentous political transformation, set about to relinquish its colonies in Asia and Africa. Portuguese disengagement stimulated the growth of political parties in East Timor, including a social democratic party called Fretilin (Frente Revolucionária de Timor Leste Independente, or Revolutionary Front for an Independent East Timor), which advocated immediate independence, and a more conservative party, the UDT (União Democrática Timorense, or Timorese Democratic Union), which favored eventual independence but with continued ties to Portugal. Against that backdrop, Indonesia began to interfere in East Timorese politics by lending support to a small party called Apodeti (Associação Popular Democrática Timorense, or Timorese Popular Democratic Association), which advocated integration with Indonesia, and encouraging the UDT to fight against Fretilin. That meddling soon contributed to a growing hostility between Fretilin and the UDT, and to a coup by UDT forces in mid-August 1975. The UDT coup triggered a brief but intense civil war in which some two thousand Timorese died. Though Fretilin quickly emerged as the dominant party, it faced repeated cross-border attacks by Indonesia, and political sniping from both Apodeti and the UDT. Finally, anticipating a full-scale Indonesian invasion, in late November 1975 Fretilin declared East Timor’s independence.

That declaration was the final straw for Indonesia’s President Suharto, an army general who had seized power in an anti-Communist coup in October 1965. In the weeks and months after that coup, military forces under Suharto organized the killing of as many as one million real or alleged members of the PKI (Partai Komunis Indonesia, or Indonesian

Communist Party), a legal political party at the time. Another half a million people were imprisoned, the vast majority of them without charge or trial.<sup>5</sup> Claiming that an independent East Timor posed a threat of Communist insurrection and political instability on its border, and with the tacit support of the United States and other major powers, in early December 1975 Indonesia launched its invasion of East Timor. The UN Security Council and General Assembly passed several resolutions condemning the invasion, and East Timorese resisted with a tenacity that surprised Indonesian military officers. Indonesia responded by declaring East Timor its twenty-seventh province and launching a major counter-insurgency war, which led to massive displacement, disease, and death. That military campaign and the humanitarian crisis that flowed from it were greeted by silence and inaction by powerful states, most notably by the United States, Australia, and the United Kingdom. By the late 1970s, human rights organizations estimated that at least a hundred thousand people had already died, many of them due to starvation and disease, but a substantial number by summary execution or as the result of torture. At least in the colloquial sense of the word—and arguably even by its strict legal definition—this was genocide. For the next twenty-four years, Indonesia faced continued military and political resistance from East Timorese, but steadfastly rejected any suggestion that it should withdraw. Still, events on the ground in East Timor, widening fissures in Suharto's sclerotic New Order regime, and a gathering storm of international protest began gradually to weaken Indonesia's position through the 1990s.

The watershed event was the Santa Cruz massacre of November 12, 1991, in which as many as 270 East Timorese, most of them teenagers, were gunned down or beaten to death by Indonesian soldiers. Shocking video footage of the massacre was broadcast worldwide, prompting outrage and stimulating the formation of new East Timor support groups throughout the world. Under pressure from these groups and from international solidarity networks that had been forming since the invasion, as well as the media and the Catholic church, some Western governments voiced rare criticism of Indonesia and backed these with limited sanctions. A further critical development came in 1996 when two East Timorese, the international spokesperson for the resistance, José Ramos-Horta, and the bishop of Dili, Monsignor Carlos Filipe Ximenes Belo, were awarded the Nobel Prize for Peace. The Nobel Prize raised hopes for independence to unprecedented levels, and further increased the leverage of East Timor support groups and nongovernmental organiza-

tions (NGOs). Yet in spite of the widespread sympathy for the victims of human rights abuse, and the international legitimacy bestowed by the Nobel Prize, the prospects for East Timorese independence continued to appear bleak. Indonesian authorities were adamant that East Timor would remain a part of Indonesia, and key governments remained reluctant to criticize Indonesia, much less to insist on its withdrawal from East Timor.

All of this began to change in May 1998, when a surge of prodemocracy protest in Indonesia, coupled with a serious financial crisis and rioting in major cities, forced President Suharto to step down after more than thirty years in office. In East Timor, thousands of people took to the streets to demonstrate in favor of independence and against a proposal for “special autonomy” under Indonesian rule that had begun to be discussed in the context of UN-sponsored talks in New York. As details of the special autonomy proposal were being finalized, reports began to trickle out of East Timor about the mobilization of militia groups dedicated to maintaining the tie with Indonesia. And when Indonesia’s new president, B. J. Habibie, unexpectedly proposed in late January 1999 that the East Timorese should be given a chance to vote for or against special autonomy, the trickle became a flood. More than a dozen militia groups appeared in a matter of months.<sup>6</sup>

It was soon evident that these groups were involved in a coordinated campaign of terror against supporters of independence. In February and March 1999, dozens of people were reported to have been killed, some in gruesome ways, and tens of thousands were forced to flee, after which their homes were burned to the ground. Many of those who fled sought refuge in nearby churches or the residences of prominent citizens. It was against these people, and in these places of refuge, that some of the most egregious acts of militia violence were committed in April. Against this inauspicious backdrop, the United Nations brokered a set of agreements with Indonesia and Portugal to conduct a referendum on the special autonomy proposal. The May 5 Agreements, as they were known, called for a vote to be held sometime in August, just three months away.<sup>7</sup> Regrettably, those agreements stipulated that security both before and after the popular consultation would be the responsibility of Indonesia, and that the United Nations Mission in East Timor (UNAMET) would be entirely unarmed. Despite well-founded concerns about that arrangement, the violence slowed somewhat with the arrival of UNAMET and other observers in May and June, lending some support to the view that



the presence of hundreds of international observers would serve as an effective brake on the violence. Yet the violence continued in some form as the ballot day approached—and reached a terrible crescendo in the days and weeks after the results of the vote were announced in early September.

Certain distinctive patterns and variations in the violence were almost immediately evident. The clearest pattern was that notwithstanding claims of their independence, the militias operated with the full acquiescence and support of the military, police, and civilian authorities. A second pattern was that all of the militia groups adopted virtually identical rhetoric and repertoires of action, all mouthed the same slogans threatening violence against supporters of independence, and with a few exceptions, all were armed with an array of “traditional” weapons, including machetes, spears, and “homemade” guns. There were also some significant variations. For one thing, the worst of the violence was concentrated overwhelmingly in the western districts bordering Indonesia. The violence also varied substantially over time, with a peak in the first few months of the year, followed by a marked decline during the three months after UNAMET’s deployment, and a dramatic spike in the immediate aftermath of the vote.

The postballot violence provoked outrage around the world, and led not only to the armed international intervention of late September 1999 but also to a round of international investigations and vows that the culprits would be punished. No fewer than six independent investigations concluded that crimes against humanity had been committed, that Indonesian authorities appeared to bear the primary responsibility for those crimes, and that they should be criminally prosecuted, if necessary before an ad hoc international tribunal. The international community, however, displayed a marked lack of resolve in seeing that the perpetrators of the violence were brought to justice. Indeed, some ten years later—and despite strong indications of their culpability—no Indonesian official had been successfully prosecuted for any crime related to the violence of 1999.

### **Understanding the Violence**

Existing explanations of the violence of 1999 generally make one of three principal claims. The first, most commonly expressed by Indonesian military officials, is that the militias formed spontaneously in re-

sponse to proindependence provocation in late 1998, and that their acts of violence were an expression of ostensibly traditional cultural patterns. The second, more common among Western journalists, NGOs, and scholars, is that the militias were formed at a stroke by the Indonesian army in late 1998, and that the violence was carefully orchestrated by high-ranking military commanders. The third, also stressed by outside observers, is that certain powerful states and the United Nations bear responsibility for the violence because of their failure to act decisively until it was too late.<sup>8</sup>

There is an element of truth in all of these claims, and my own approach draws in some way on all of them. In fact, without them I could scarcely have begun to make sense of what happened. Still, having examined the evidence carefully, and having viewed it in relation to my own experience and to the wider literature on genocide and mass violence, my sense is that most existing characterizations are in some important respects incomplete. Three problems stand out. First, with some notable exceptions, they tend to elide crucial historical questions about the violence. They often obscure the fact, for example, that the events of September 1999 were only the most recent act in a long history of state-sponsored violence in East Timor that included colonial pacification campaigns, civil war, and genocide. That history certainly casts serious doubt on the Indonesian claim that the violence of 1999 was purely spontaneous. But it also raises questions about the suggestion that the violence was solely the product of conscious official manipulation. The insistence that the militias and the violence of 1999 were created overnight by the army has meant that basic questions about the historical conditions that motivated the Indonesian army, and shaped the existence, character, and repertoires of the militias, have scarcely been asked. With that in mind, this book examines that history in some detail, considering in particular the legacies of Portuguese and Indonesian rule. Drawing on the wider literature on genocide and mass violence, it also considers the various ways in which states and state agencies played a role in shaping the violence.

Second, to varying degrees, existing explanations fail to take sufficient account of the changing international environment within which the longer history of violence played out, and that arguably both facilitated the violence of 1999 and brought it to an end. While critics have correctly noted that the violence was facilitated by the reluctance of powerful states to offend the government of Indonesia, they have generally

failed to consider, much less explain, why those states ultimately decided to intervene militarily to stop the violence in late 1999. The fact is that without that unusual intervention, we might now be speaking of tens of thousands of casualties—and even genocide—rather than a terrible flurry of violence that was brought swiftly to an end. That key distinction requires some kind of explanation. Accordingly, this book devotes a good deal of attention to examining the logic and dynamic of international action with respect to East Timor, both in 1999 and in earlier decades. In doing so, it focuses not only on the self-interested behavior of powerful states that contributed so much to the violence but also on the countervailing tendencies that complicate the story of international complicity and ultimately brought about a critical, if short-lived, change in policy in mid-September 1999.

Finally, most explanations pay scant attention to the role of individual motives and actions, and the impact of unexpected events, in understanding both the violence and its aftermath. My sense from having observed developments at close hand is that such individual actions and events were important not only in determining the course of the violence but also the decision to stop it, and the subsequent failure to make good on promises to bring the perpetrators to justice. This book thus pays close attention to the motives and actions of individuals, not all of them powerful, and to the unusual conjuncture of historical events and trends that gave rise to the violence and ended it, while also shaping international action in the subsequent months and years. To gain a clearer sense of what I have in mind, it may be helpful to examine each of these themes in somewhat greater detail.

### **Culture and Violence**

In an apparent effort to divert attention from their moral and legal responsibility for the violence, Indonesian military officials have consistently claimed that their security forces behaved professionally and did their utmost to contain the regrettable violence among East Timorese.<sup>9</sup> From the outset, they have insisted that the militias formed spontaneously in response to proindependence provocation, and acted violently out of an understandable but uncontrollable anger at alleged UN bias and cheating.<sup>10</sup> They have also argued that the violence in the postballot period was the result of timeless cultural patterns common among Indonesian peoples. In early 2000, for example, the senior Indonesian mili-

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tary officer in East Timor during the events, Major General Zacky Anwar Makarim, told journalists that the violence had been part of an Indonesian cultural pattern of “running amok.”<sup>11</sup> In using this term, Makarim unwittingly evoked a common colonial caricature in which indigenous forces or individual assailants appeared to be in a state of “frenzy,” and acting emotionally, uncontrollably, and without discipline.<sup>12</sup>

While they have been greeted with derision by many observers, official Indonesian claims are not wholly without foundation. East Timorese were divided, though by no means evenly, on the question of independence, and the tensions surrounding that division undoubtedly encouraged some to join the pro-Indonesian militias in late 1998 and 1999. Likewise, at least some part of the violence did stem from genuine anger at alleged UN bias and cheating in the course of the referendum. Moreover, as discussed in detail below, those militias did draw on or seek to replicate older traditions of warfare in the area, including head taking, house burning, and the amok style of attack. Nevertheless, such explanations are unsatisfactory for a number of reasons. For one thing, they seem deliberately to obscure the fact that the events of 1999 were only the final act in a story of systematic state-sponsored violence in East Timor that reached back at least to 1975—and earlier. They also take no account of the broader international political environment in which that long history of violence played out, and that arguably both facilitated it and brought it to an end. Perhaps most obviously, as discussed below, they ignore a substantial body of evidence demonstrating that the militias were mobilized and supported by Indonesian military and civilian authorities.

More generally, the contentions that lie at the heart of official Indonesian explanations share the shortcomings of most efforts to explain mass violence and genocide by reference to universal psychological conditions or cultural traits.<sup>13</sup> As I have argued at some length elsewhere, the principal problem with such explanations is their inability to account for variation across time and place.<sup>14</sup> If a people really are psychologically and culturally predisposed toward extreme mass violence, it must be asked why genocides and mass violence happen only in a few places and at specific moments. As the more sophisticated proponents of culturally based arguments acknowledge, the answer lies in the specific historical and political context within which any culture exists and evolves, and in the ways that it is deployed and understood by those who are part of it.<sup>15</sup> Similarly, those who have offered the most convincing accounts

of the significance of psychological factors in the logic of genocide have been careful to note that these operate within a complex set of historical and political conditions. In his groundbreaking account of the murder of some fifteen hundred Jews committed by a German reserve police battalion in Poland in 1942, for instance, Christopher Browning maintains that those who killed were in fact “ordinary men” who had been conditioned to kill not only by certain universal sociopsychological tendencies but also by specific historical and political conditions, including war, officially sanctioned racism, propaganda, ideological indoctrination, and bureaucratization.<sup>16</sup> “If the men of Reserve Police Battalion 101 could become killers under such circumstances,” he asks, “what group of men cannot?”<sup>17</sup> The relevance of this observation for the case of East Timor can scarcely be overstated. There, Indonesian soldiers, police, and above all East Timorese militias were quintessentially ordinary men, driven by fear, propaganda, the brutalization of war, and self-preservation, but also by ties of family, political patronage, and institutional culture, to become “willing executioners.”

The wider implication of these arguments, I think, is that history itself has a defining importance in the dynamic of genocide and other forms of mass violence. Most obviously, perhaps, past violence can significantly increase the likelihood of future violence. That is partly because the experience or memory of violence can help to create or deepen a sense of group identity and enmity. In part too it is because history, including memories of past violence, provides the essential raw material for political leaders seeking to mobilize populations to take part in or at least acquiesce to mass violence.<sup>18</sup> Crucially, historical experience and memory also provide the organizational and behavioral models as well as the rhetorical tool kit that are the foundation of future violence, and shape its character.<sup>19</sup> These observations certainly appear to make sense for East Timor, which has had a long history of violence, where political leaders on all sides have appealed to that history in mobilizing their followers, and where both identities and enmities appear to have stiffened through the long experience of violence.

### **States and Violence**

Perhaps not surprisingly, many scholars and human rights advocates have taken issue with the official Indonesian position. Far from being spontaneous, they have claimed, the violence was deliberately organized and

encouraged by army officers and civilian officials at the highest levels. Some of these accounts in fact have claimed that the violence was planned and orchestrated in its entirety by military officials. In November 1999, for example, the Indonesian Human Rights Campaign (Tapol) wrote that “there is overwhelming evidence that the destruction was a well-prepared military operation.”<sup>20</sup> Virtually all independent investigations of the violence have reached similar, if somewhat less categorical, conclusions. Even pro-Indonesian militia leaders have taken up this refrain, declaring that the postballot violence was explicitly ordered by President Habibie at a meeting less than two weeks before the vote.<sup>21</sup>

The idea of a centrally ordered plan certainly comes much closer to the truth than the claim of a spontaneous, culturally rooted eruption of violence. Indeed, as discussed in some detail in this book, there is now a substantial body of documentary and circumstantial evidence demonstrating that the pro-Indonesia militias were mobilized, armed, trained, supplied, and financed by Indonesian military and civilian officials. A careful analysis of that evidence leaves little room for doubt that several dozen high-ranking military, police, and civilian officials bear either individual or command responsibility for crimes against humanity committed in 1999.<sup>22</sup> That conclusion, moreover, is consistent with a common pattern in the general history of mass violence: that it is more often the result of deliberate calculation by state leaders than the consequence of spontaneous action by individuals or groups. Benjamin Valentino has argued that mass political killing is *always* the product of a conscious strategic decision on the part of political leaders to achieve political or military goals, such as the defeat of an insurgency, the revolutionary transformation of class relations, or territorial expansion.<sup>23</sup> That insight helps to explain the otherwise puzzling fact that mass violence and genocide have been perpetrated by regimes with different political ideologies, and in a wide variety of cultural, social, and economic contexts.

Nevertheless, the suggestion that the violence of 1999 was planned in its entirety by high-ranking military authorities has tended to obscure the possibility that there were other historical or political dynamics at work. Most important, the insistence that the militias and the violence were manufactured at a stroke by the TNI (Tentara Nasional Indonesia, or Indonesian Armed Forces) has meant that basic questions about the motives and methods of the Indonesian army, and the historical origins and internal dynamics of the militias, have scarcely been asked. Why, for instance, would the Indonesian army have decided to encourage vio-

lence in the context of the UN-sponsored referendum, especially one year after the authoritarian Suharto regime had been swept away on a tide of prodemocracy and antimilitary protests? And having opted for a policy of violence, why would the army have chosen to deploy a network of local militias armed mainly with traditional weapons? As for the militias themselves, how were they mobilized so quickly? Why did they act in the ways that they did? And what accounts for the significant geographic and temporal variations in the violence they committed? I believe that a satisfactory answer to these questions requires a careful examination of the history of the Indonesian military, including its institutional culture and patterns of behavior, and of militia formations, both in East Timor and Indonesia. It also requires a close-grained analysis of the actual patterns of violence in 1999, with a view to understanding both its patterns and variations.

Some clues to these questions may also be found in the wider literature on mass violence and genocide. That literature suggests, among other things, that the nature and relative power of key state institutions—such as the military and police—and the distinctive qualities of those institutions, can have a profound impact on the likelihood and patterns of violence.<sup>24</sup> For example, as human rights organizations have long recognized, where states are dominated by military institutions, the likelihood of mass violence increases dramatically. That pattern stems partly from the fact that in such regimes, the military tends to have broad autonomy and to exist beyond the control of other state institutions. In those circumstances, commanding officers—and other authorities—commonly fail to control or punish unlawful or exceptionally brutal behavior. That failure invariably leads to a climate of impunity, which in turn makes future unlawful violence far more likely to occur. These general patterns are arguably compounded in the context of war, partly because of war's brutalizing effects on soldiers and civilians alike, and partly because it provides both the opportunity and rationale for the use of extreme violence.<sup>25</sup> In such contexts, furthermore, military and police forces—and their proxies—frequently develop distinctive institutional cultures that can make the resort to unlawful violence by their members more likely.

These general arguments square well with the evidence from East Timor, where military dominance of the state after 1965, and a long-standing pattern of impunity, gave rise to what I call a “culture of terror” within the Indonesian army and its affiliated institutions. In addition,

during the decades of its dominance, the Indonesian military developed a distinctive approach to handling opposition, which entailed the systematic use of violence and the mobilization of local militia forces as provocateurs and enforcers. All of these tendencies, moreover, were exacerbated by the context of more or less constant war between 1975 and 1999. Given these historical patterns, the extreme brutality of Indonesian forces, the deployment of militias in 1999, and their use of violent methods to achieve the desired result in the referendum made perfect sense.

The literature also suggests that mass violence and genocide are shaped significantly—though not always in obvious ways—by the degree of centralization of power in a given state. There is broad agreement, for example, that genocide is most likely to occur under the aegis of a centralized authoritarian state—as it did in East Timor in the late 1970s.<sup>26</sup> On the other hand, some recent scholarship has suggested that other forms of mass violence—including mass killing, riots, and pogroms—may be more common in newly democratizing or decentralizing states—a fair description of Indonesia in 1999.<sup>27</sup> One explanation for this pattern is that the processes of democratization and decentralization constitute “critical historical junctures,” in which the accepted rules of the political game are suddenly open to question and debate. In such circumstances, the leaders and members of different political, ethnic, or religious communities have reason either to worry about losing past prerogatives or hope that they may gain new ones. That in turn creates the conditions in which leaders have both an incentive and an opportunity to mobilize their communities, sometimes through resort to violence. This contention may offer some insight into the violence in East Timor in 1999, which came precisely at the moment when Indonesia’s claim to East Timor faced its most serious challenge.

Finally, the wider literature points to the importance of state ideology in fueling genocide and mass violence. While some scholars have sought to portray genocide as a direct and perhaps inevitable by-product of either communist or fascist ideology, most paint a more complex picture. Some have argued, for example, that the critical variable is not the specific content of an ideology, but its utopian or revolutionary quality, and the degree to which state leaders have the will and capacity to carry out their vision. Eric D. Weitz, for instance, has highlighted the significance of a utopian vision and state power in four of the twentieth century’s worst genocides.<sup>28</sup> The evidence from East Timor lends some support to



that view, but also suggests the need for its refinement.<sup>29</sup> Even though the ideology of Indonesia's New Order evinced a strident anti-Communism and contained a powerful undercurrent of racism, it could hardly be characterized as utopian or revolutionary. Indeed, if any ideology can be said to have driven the genocide in East Timor in the late 1970s and the mass killings of 1999, it was the ideology of an arrogant, bellicose militarism, wrapped in the guise of a benign nationalism and a commitment to economic development.<sup>30</sup>

### **International Context**

Without ignoring the part played by the Indonesian Armed Forces and its militia proxies, some observers have stressed the role of powerful states and international institutions in facilitating the violence in 1999. They have maintained in particular that the violence was made possible by the self-serving policies of the United States, Australia, and other Western governments, which were reluctant to offend the government of Indonesia, and so resisted calls for peacekeepers or armed intervention both before and immediately after the vote.<sup>31</sup> Similarly, a number of commentators have blamed the violence on the incompetence and hubris of the United Nations, noting especially its failure to heed credible predictions that there would be widespread violence after the vote.

There is a good deal of truth in these charges. As discussed in some detail in this book, the weak posture of the United States and other powerful states in 1999 had roots in a long tradition of active international support—on the part of the same governments—for Indonesia's unlawful invasion and occupation of East Timor, and near-total silence in the face of its appalling human rights record. The repeated assurances of U.S. understanding given to President Suharto by President Gerald R. Ford and Secretary of State Henry Kissinger on the eve of the 1975 invasion are only the most obvious in a long pattern of such support.<sup>32</sup> And it is true that the United Nations—or at least its most powerful body, the Security Council—failed to enforce its condemnation of Indonesia's invasion and occupation, and declined to act decisively to stop the violence of 1999 even when presented with compelling evidence that it was being organized by Indonesian authorities, and that worse was likely to come.

Such criticisms are, moreover, broadly consistent with a substantial body of literature that has highlighted the role of powerful states and the

United Nations in facilitating mass violence and genocide.<sup>33</sup> That literature argues, for example, that powerful states have historically contributed to genocide and mass violence not only by providing direct military or economic assistance to those responsible for it but also by remaining silent as the death toll mounts. Scholars assert that such support gives genocidal regimes, and perhaps even individual perpetrators, confidence that they may pursue their campaign without fear of penalty or punishment. In a similar vein, the reports on UN failings in Rwanda in 1994 and Srebrenica in 1995 as well as the Brahimi report on UN peacekeeping operations have made it abundantly clear that there is much room for improvement in the United Nations' handling of major humanitarian and political crises, and that it has often shared responsibility for allowing such violence to happen.<sup>34</sup>

And yet, this simple portrait of national self-interest and UN incompetence cannot easily explain why the most powerful states and the UN Security Council ultimately decided to intervene militarily in East Timor in mid-September 1999 to stop the violence. In that respect, East Timor in 1999 was fundamentally different from East Timor in 1975–79, when forced displacement and genocide were met with silence and inaction on the part of the world's major powers, and the United Nations was rendered powerless to act. It was also different from most other cases of genocide and mass violence in the twentieth century. Such differences require some kind of explanation.

Here again, the wider literature on genocide and mass violence provides some helpful clues. Against the tide of scholarship that has described the apparent inevitability of genocide and mass violence in certain historical conditions, a number of scholars have highlighted the ways in which the choices and acts of individuals and groups did, or might have, mitigated the killing. In his harrowing account of the massacre of sixteen hundred Jews by their Polish neighbors in July 1941, for example, Jan Gross has stressed that the terrible outcome in the town of Jedwabne, and in Europe more widely, was in part the consequence of individual choices: "And thus it is at least conceivable," he observes, "that a number of those actors could have made different choices, with the result that many more European Jews could have survived the war."<sup>35</sup> Other scholars have pointed to the possibility that acts of conscience on the part of a wide range of nonstate actors—including the media, religious groups, and NGOs—might prevent, stop, or at least slow the dynamic of mass violence.<sup>36</sup> Finally, some scholars have drawn attention to

the ways in which shifts in international norms and legal regimes might affect the prospects for intervention to stop mass killing and genocide.<sup>37</sup> Whether they focus on the acts of individuals and groups, or on the more amorphous realm of international norms, these approaches all stress the essentially contingent quality of genocide and mass violence, and thus reject any notion that they are inevitable or unstoppable.

A careful reconstruction of the decisions and events of mid-September 1999, against the background of this literature, suggests that the intervention was the result of an unusual conjuncture of historical trends and events that distinguished that moment decisively from the situation in the late 1970s. These included: the presence of a good many foreign observers and journalists in the midst of the postballot violence; the credibility and strength of the international NGO and church networks that exerted influence on their governments, and mobilized popular demonstrations around the world, most notably in Canberra and Lisbon; the impact of myriad acts of conscience and extraordinary courage by East Timorese; a temporary shift in prevailing international norms and legal regimes that strongly favored humanitarian intervention in cases where national governments commit crimes against their own populations; the presence in a position of power of a strong proponent of humanitarian intervention in such circumstances—UN Secretary-General Kofi Annan; and the recent memory of egregious UN failures to protect civilians from mass killing in comparable situations, notably in Rwanda and Srebrenica.

What I am suggesting, then, is that the decision to intervene militarily in East Timor in mid-September 1999 stemmed from an unusual, but temporary, confluence of historical trends and political pressures that briefly altered the calculus by which key states assessed their national interest, making inaction more costly than humanitarian intervention. That view accords well with Samantha Power's argument about the reasons for U.S. inaction in the face of genocide in the twentieth century. U.S. failure, she argues, can be traced to the fact that there have been no significant domestic political costs to such inaction.<sup>38</sup> It follows that where, as in East Timor, there was some clear domestic political cost for inaction, one should expect to see a change in that posture of indifference.

Paradoxically, the historical conjuncture of September 1999 may also offer the best explanation of the curious ambivalence of the international community with respect to the question of justice for East Timor. Within a few months of the international intervention—and by some

accounts, within a matter of weeks—the unique combination of forces and trends that had made it possible had largely dissipated, allowing major powers to return to a more conventional calculus of their national interests. As far as powerful countries like the United States were concerned, that meant a return to strong ties with Indonesia, especially its military, and away from any policy or action that would offend them. That logic was further reinforced after the attacks of September 11, 2001, and the U.S. declaration that Indonesia was an essential ally in the “war on terror.” The U.S. shift, in turn, destroyed any chance of a consensus on the Security Council, and rendered moot the possibility of an international criminal tribunal for East Timor for at least the next decade.

These, then, are the main contours of the story and the argument that I hope to convey in this book. In its simplest form, my contention here is that the violence of 1999 in East Timor was neither spontaneous, nor conditioned primarily by psychological urges, ancient hatreds, or cultural predispositions or traditions, as Indonesian authorities have claimed. Nor do I find much support for the idea that it stemmed from long-standing ethnic, religious, or socioeconomic conflicts among East Timorese, or between them and Indonesians. Rather, I maintain that the violence was shaped by the long history of Portuguese and Indonesian rule that served to structure political identities and tensions; by the decision of those in positions of power in Indonesia and East Timor to deploy violence for strategic ends; by the violent institutional culture of the Indonesian army and its militia proxies; and by the complicity or acquiescence of powerful states both in the genocide of 1975–79 and in the subsequent occupation. In seeking to explain the unexpected intervention that brought the violence to an end in September 1999, and the subsequent failure to make good on the promise to bring the perpetrators to account, I draw particular attention to shifts in international context and norms over the final decades of the twentieth century, to many individual acts of conscience and courage inside East Timor and abroad, and more generally to a unique and unpredictable concatenation of historical events and trends in late 1999 that distinguished that moment from all that came before and all that followed.