

warder died in daughter's arms', *The Independent*, 3 Sept. 1993. 'Protestant terrorists round on their own', *The Guardian*, 4 Sept. 1993.

79. Hall (note 12) p.91.

80. P. Buckland, *The Northern Ireland Question: 1886-1986* (London: The Historical Association 1987) p.9. See comments of Rev. Ivan Foster, 'Fire and Brimstone', *Magill* (Dublin) 14 Nov. 1985, p.27.

## State Terrorism? Applying a Definitional Model

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This article has a dual purpose. The first is to propose a model by which acts of state violence may be adjudged to be state terrorism. The second is to apply empirical evidence to the theoretical model in order to highlight some of the obstacles in constructing an indictment of terrorism against a state. It represents an attempt to provide a test of a theoretical model that I have been developing as part of a programme of research into the use of terrorism by states, employing a number of historical case studies representing different types of repressive activity. Using comparative methods I aim to understand the policy-making process that leads to the use of terror and establish whether there are patterns in the application of terror under particular circumstances.

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There are numerous reports of widespread human rights violations in the former Portuguese colony of East Timor, which was invaded by Indonesia in 1975, and annexed to become the 27th Indonesian province the following year. The invasion and subsequent pacification of the population is widely believed to be responsible for the deaths of up to 200,000 Timorese. If genuine this figure represents, in proportion to a population of some 700,000 people, a higher mortality rate than Pol Pot's Kampuchea.<sup>1</sup> Thus the allegation facing the Indonesian government is one of responsibility for deaths on a genocidal scale. Of course Indonesian officials deny the figure, and certainly reject that there is any policy that might be regarded as terrorist. The official line is that East Timor is a 'rough place' and that sometimes soldiers overreact in those circumstances. An Indonesian official told me, when I asked if the security forces use terror:

No we don't. That's exactly my point of what I've been telling you, that's why the army is doing a lot of civic missions. But if they are shooting at us we'll shoot back, its just the convention, yeah?

So, while the Indonesian government acknowledges that violence is used, and that sometimes human rights abuses are committed, it is unprepared to state that there is any deliberate policy of terror.

Of course the rhetoric of a state is often no indication of its actual practice and it is for this reason that a definitional model is crucial. In order to be able to understand the process and function of state terrorism it is

obviously necessary to identify acts or policies that can be considered terrorist. For this purpose I have developed a seven-point definitional model of state terrorism.

### The Development of a Definitional Model

Terrorism is an emotive term. In casual use its meaning is widely understood. It is naturally associated with small anti-state extremist groups who employ familiar tactics to achieve their goals – kidnap, hijack, the concealed bomb and assassination are the standard methods. Yet academics and law-makers have been singularly unsuccessful in agreeing upon a definition of something that is apparently so commonly understood. When we start to talk about *state terrorism* producing a definition becomes further complicated by a lack of common understanding of the phenomenon and its implications.

One major difficulty is that, in many circumstances, it is the business of the state to use, or threaten, violence (say imprisonment or execution, or acts of war) in order to protect the society to which it belongs from internal and external disruption. Indeed Weber's famous analysis that the state is the entity that 'claims the *monopoly of the legitimate use of physical force* within a given territory' presupposes that the very existence of the state is determined by the right to use violence.<sup>2</sup> However, it is obviously not the case that all acts of state violence are legitimate. When a state uses violence as a means of *coercing* society, rather than defending it, it initiates an abuse of the '*monopoly of the legitimate use of physical force*'; and if a state institutes a policy of *elimination* of entire sections of its own (or another) society it is clearly behaving in an unacceptable and illegitimate manner – beyond the limits of its sovereignty. Much of the body of international law that has evolved over the last fifty years represents an attempt to constrain the tendency of states to use excessive violence and to codify the circumstances under which the state can be regarded as having transgressed acceptable limits of its sovereign right.<sup>3</sup> Despite these efforts to undermine the power of the nation state it continues to occupy the most exalted position in our construct of political superiority. This condition is sustained by the Article 2(7) of the United Nations Charter which states that, 'nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State'. Because of this principle, and also at least partially because of the contradictory nature of the modern nation state system – where power continues to be derived from violence and yet where states are expected to be restrained by the lack of acceptability in its application – the right of the state to inflict varying degrees of violence upon its own population is rarely challenged.<sup>4</sup> Furthermore, in many instances where a state is involved in

violent, coercive and destructive activity 'emergency' legislation is introduced as a means of disguising and legitimising its actions. Under an international regime that favours state sovereignty separating acts that are intended to protect from those that are intended to coerce is an increasingly challenging task.

As I have already suggested, when the state terrorises it generally adapts and perverts existing legal and security structures, following a pseudo-democratic framework of arrest, charge, trial and sentencing, usually facilitated by the introduction of emergency legislation which can also be used to bypass any or all of these stages while maintaining a facade of legitimate behaviour.<sup>5</sup> Alternatively, the right of the state to indulge in war is often used as a means to justify and disguise the use of terrorism. One only has to think of the frequent Turkish incursions into northern Iraq against the Kurdish civilians, or of Russian terror bombing in Chechnya, to understand how civil war and ethnic conflict can raise considerable concern about serious human rights violations in areas where military forces are operating. Whichever route is chosen by the state the aim is to give an impression that exceptional measures are being employed in exceptional circumstances.

So where does a definitional model of state terrorism fit into this rather murky area between legitimate use of force and violent abuse? It seems to me that there are two (somewhat contradictory) uses for such a model. The first is as a device to facilitate the academic study of state terrorism. As we have seen, in order to be able to understand the processes and functions of terror we have to be able to identify terroristic acts. While an academic can ultimately (and quite properly) condemn state terrorism, objective identification and description are vital if any meaningful analysis is to be undertaken. A well constructed definitional model should provide a means of classification by setting distinct criteria, and facilitate effective comparative analyses of cases. The second application of a definitional model is intended for practitioners rather than academics. It requires objectivity in its use, but also makes use of the subjectivity of the word 'terrorism'. To call one's opponent a 'terrorist' is regarded as the ultimate condemnation of their political strategy. The rhetoric of practically every state condemns terrorism as a totally immoral means of achieving a political goal. The classic example of this situation is the Iranian regime which supports terrorist groups to varying degrees while indulging in fiery rhetoric accusing its western and regional opponents of sponsoring anti-Iranian terrorist acts.<sup>6</sup> A further example is the Reagan administration, whose foreign policy was built upon a counterterrorist strategy, and who called terrorism:

... a cancer, eating away at civilized societies and sowing fear and chaos everywhere. This barbarism is abhorrent. And all of those who

support it, encourage it and profit from it are abhorrent. They are barbarians.<sup>7</sup>

Yet the same administration was sponsoring the Contras in Nicaragua, death squads in El Salvador and Guatemala, and supplying arms to the same Iranian regime that it was accusing of terrorist activity! A model of state terrorism allows human rights activists a means of reproof that can expose the hypocrisy of governments who are employing terrorist strategies.

With this application of the model in mind I have decided to base my definition of *state* terrorism on the premise that in its psychological functions and basic methods of operation it is essentially the same as *anti-state* terrorism, although the actual tactics might differ. So where the non-state terrorist uses kidnap, the state has an equivalent tactic in enforced 'disappearance'. Similarly the use of market-place bombings by non-state terrorist groups and large-scale massacres by armed troops, such as the Tiananmen Square massacre, have an equivalency in the number of casualties and in the overall 'shock' effect, although the method of application of the violence is different. In principle, then, it is not the nature of the perpetrator, or the type of violence that is used that makes a terrorist act, it is the effect that it has on the immediate victims, and upon a wider audience. The first stage in the development of a model for *state* terrorism, then, requires a generic definition. Having studied a wide range of academic and governmental definitions I have arrived at the following:

*Terrorism is the systematic threat or use of violence, whether for, or in opposition to, established authority, with the intention of communicating a political message to a group larger than the victim group by generating fear and so altering the behaviour of the larger group. Either the victim or the perpetrator, or both, will be operating outside a military context; both will never be operating within a military context.*

Most of this is fairly self-explanatory, but some aspects require a little elaboration.

One of the key features of a terrorist strategy is its systematic nature, and it is this that distinguishes it from what Wilkinson calls 'spasmodic, random acts of sanguinary terror'.<sup>8</sup> That is not to say that terrorism cannot be exhibited in a single violent act, but that there must be evidence of a *deliberate* strategy being employed. The question of intent is the definition's most important trait, but it is probably also the most difficult to support with hard evidence. It is for this reason that I stress that terrorism is systematic rather than deliberate, although it is an implicit assumption that it is both. For the purpose of the model, evidence of systematised terror is taken as proof of intent.

Also in need of further discussion is the assertion that terrorism is intended to 'generate a response outside of the immediate victim group'. Some equivalent expression regularly appears in social science definitions of terrorism.<sup>9</sup> Again the onus is upon the social scientist to establish intent. With limited resources, and a clear aspirational political agenda, a strategy of limited but spectacular violent acts is a natural partner for the insurgent terrorist. For states, though, it is much more difficult to clearly prove a deliberate strategy of demonstrative violence. The first problem is that states indulge in various forms of violence, only some of which conform to the conditions specified in this definition. As we have already seen some of these forms may be legitimate. Sometimes states may temporarily arrest opponents at a sensitive time or use violent methods against selected oppositionists without the intention of terrorising others; actions which Stohl and Lopez describe as *repression*.<sup>10</sup> On other occasions states may slaughter entire political, religious or ethnic groups, again without the specific intention of placing other groups in terror; this is genocide (or politicide).<sup>11</sup> State terrorism exists between these two extremes, but it is often difficult to precisely demarcate. The situation is further confused by the fact that both these strategies almost certainly *do* place those outside the immediate victim group in fear, even if it is not the intention. Also, because the terrorist tactics employed by states are often disguised as legitimate law enforcement it is often the case that acts which appear to be fairly innocuous to an outside observer can actually place a domestic population in extreme terror.

This problem, and that of establishing intent, are serious obstacles to the successful operation of a model for state terrorism. However, there are some partial solutions which can be operated in combination. The first obvious answer is to let the facts speak for themselves. The number of people affected provides some indication of how destructive the perpetrators intended to be in a given situation. The second is that some violent tactics employed by states are extremely well-suited to terrorising. An example is public execution, or the leaving of a mutilated corpse in a prominent place. The use of 'disappearance' removes opponents and sends a clear message to others. Similarly the use of torture has the effect of visibly breaking an opponent, and the physical consequences provide a vivid warning.<sup>12</sup> The third method that can be employed to establish whether a policy of terrorism is in operation is to tally the evidence of violence with first-hand testimony. This is often (for obvious reasons) difficult to obtain, but survivors and refugees can provide enlightening accounts of the degree to which terror has permeated a population, and the methods by which it is applied.

The final part of the definition is unfortunately unwieldy, and represents my only concession to the fact that the definition is ultimately intended to be applied to terrorism by states. However, in the murky darkness of state

violence it is vitally important to be able to distinguish between acts of terrorism and acts of war. Recent research suggests that most human rights abuses occur in a war situation, particularly during civil war,<sup>13</sup> and I am concerned that actions such as aerial bombing of civilian areas be regarded as terrorist if the evidence suggests that the intention was to terrorise. It is for this reason that I have tried to introduce some notion of innocence into the definition. I base my judgement about 'military context' upon the Geneva Conventions which make a clear distinction between civilians, who are to be protected from aggression at all costs, and combatants, who are legitimate targets.<sup>14</sup> For these purposes a combatant is someone who is armed and organised for aggression.

Finally, and diverging from the definition, it is necessary to consider what distinguishes state terrorism from the non-state variety. Fundamentally, the only difference is that it is committed *by* the state, and *to the benefit of* the state. To qualify that statement, there must be evidence of involvement of agents or resources of the state. Terrorism by proxies employed by the state are acceptable to the model, if it can be shown that they have been trained, armed or financed by the state. It is not enough to show that a particular group is pro-state, although Mitchell *et al.* submit that, 'the longer abuses occur without corrective state actions the more confident we may be in attributing the violence to the upper echelons of the state'.<sup>15</sup> While this is an important consideration, and prolonged government inactivity is certainly highly suggestive of the sympathy of the state for terrorist activity, it does not provide sufficient evidence of direct state involvement. However, the very fact that we are discussing *state*, rather than *government*, terrorism suggests that it is quite acceptable to include terrorist acts committed by, or for, agents of the state, whether or not it has the acknowledgement of *all* those in formal positions. Nevertheless, the higher in the chain of command one can show the stimulus for terror to be located, the more convincing the argument that systematic and deliberate application of terror by the state exists.

Bearing these qualification in mind I have derived a model of state terrorism that exhibits the following dimensions:

1. it is systematic;
2. it is actually or potentially violent;
3. it is political;
4. it is committed by agents of the state, or by proxies who operate with the resources of the state;
5. it is intended to generate fear;
6. it is intended to communicate a message to a wider group than the immediate victim(s); and

7. the victim(s) will not be armed and organised for aggression at the time of the incident.

### The Application of the Model

Of course, this theoretical discussion is all very well, but does the model work when applied to actual events? It is widely documented that the Indonesian military government of President Suharto has been a significant human rights abuser since it came to power in 1965. The invasion of East Timor in 1975 was followed by a brutal counterinsurgency campaign which lasted until the mid-1980s and allegations of human rights violations still emerge on a fairly regular basis.<sup>16</sup> Despite governmental repression a significant proportion of the Timorese people continue to strive for their right to self determination, and independence from Indonesia. A small but obstinate guerrilla war and protest campaign has been waged by the pro-independence party, Fretilin (Frente Revolucionária do Timor-Leste Independente) and its military wing Falintil (Forças Armadas de Libertação Nacional de Timor-Leste), since the invasion. That the Indonesian military represses the Timorese population is hardly in doubt. Amnesty International, among others, has gone so far as to accuse the Indonesians of using 'intensive military surveillance...combined with the risk of torture or death' to create 'a climate of fear'.<sup>17</sup> It is my intention here to test this assertion, by considering two aspects of Indonesian repression in East Timor: the Santa Cruz massacre of November 1991, and the activity of pro-state death squads locally known as *ninjas*.

#### *The Santa Cruz Massacre*

On 12 November 1991 Indonesian soldiers opened fire on a crowd demonstrating in favour of independence for East Timor. Three or four thousand people had gathered at the Santa Cruz cemetery in the Timorese capital, Dili. As the crowd entered the cemetery Indonesian troops opened fire, and then moved into the cemetery attacking survivors with clubs and bayonets, altogether killing between 150 and 270 people.<sup>18</sup> Despite Indonesian claims that the crowd were armed with knives and grenades and had tried to seize the weapons of the troops present, numerous eyewitness reports state that the crowd were unarmed and demonstrating in a peaceful manner.<sup>19</sup> Subsequent to the massacre there were a number of arrests and 'disappearances'.

Applying the model, the massacre clearly fits four of the conditions: it was violent, it was political, it was committed by agents of the state (namely Indonesian soldiers) and the victims were civilians. As I have suggested, the other dimensions of the model are dependent on being able to establish intent.

So, were the killings a systematic and deliberate attempt to put the Timorese in fear? The Indonesian National Commission of Inquiry (NCI) into the massacre claimed that the soldiers were provoked into opening fire by demonstrators who unfurled Fretilin flags, shouted anti-integration slogans and insulted the security apparatus.<sup>20</sup> To quote from their report:

In a condition of rising tension which began with the stabbing of an officer and the injuring of a soldier, the provocative savagery of the masses, and opposition by the masses which the security forces deemed could endanger their weapons and their lives, there was a spontaneous reaction by servicemen who, without any command control, exercised self-defence and excessive shooting at the demonstrators.<sup>21</sup>

In fact while an officer had been stabbed, it was an hour earlier and some distance away from the cemetery. Otherwise the demonstration was high-spirited but peaceful, and was certainly not in any position to threaten the estimated 200 soldiers who arrived as the demonstrators filed into the cemetery.<sup>22</sup> Of course, even if the crowd had been acting with 'provocative savagery' the reaction of the soldiers would have been unjustifiable. Contrary to Indonesian claims a British journalist who was present at the massacre called it 'cold-blooded and premeditated',<sup>23</sup> a view shared by all the foreigners present. Their accounts show that this conclusion was based on a number of factors: first, as other eye-witness accounts confirm, the troops emerged from trucks parked nearby and formed into lines of ten to fifteen men, close to the crowd who were at the gates of the cemetery. The soldiers opened fire without warning, shooting many of the fleeing demonstrators in the back.<sup>24</sup> Many fled into the cemetery, which is enclosed by high walls. The soldiers followed, attacking the demonstrators, some of whom were already wounded, with bayonets, sticks and rifle butts. Two American journalists and a British photographer were among those who were severely beaten. This organised procedure is at odds with the Indonesian claim that the soldiers panicked.

Second, the events that followed suggest that the Indonesians were prepared for a 'mopping up' operation. All the eye-witnesses report that the shooting continued sporadically for between ten and fifteen minutes, as the soldiers moved through the cemetery, and, as one foreign witness reported, chased demonstrators through the back alleys of Dili.<sup>25</sup> Those who were still alive in the cemetery were stripped to the waist, tied up and placed into trucks. The wounded were piled on to the back of trucks and taken to the military hospital.<sup>26</sup> There are unconfirmed reports that up to 200 of the wounded were poisoned while they were in the hospital.<sup>27</sup> Amnesty International estimates that 300 people were arrested in the days following

the massacre, with most probably being subjected to torture.<sup>28</sup> Unconfirmed reports suggest that about 80 of these prisoners were taken to a mass grave outside Dili and executed.<sup>29</sup> According to the United Nations Working Group on Disappearances some 224 people disappeared in connection with the massacre.

Third, it has been suggested that the military had prepared by digging large trenches some time before the massacre.<sup>30</sup> There have been problems in establishing the whereabouts of this grave, and an Indonesian official that I spoke with suggested that it was 'ridiculous' to draw any conclusions from the rumours when no excavation attempt has been made, either by the NCI or the United Nations Special Rapporteur who investigated the Santa Cruz incident. However, a British cameraman testified to the Parliamentary Human Rights Group that he had filmed just such a trench being dug at a notorious mass grave site at Tasi-Tolo.<sup>31</sup> Whatever the purpose of these trenches the rumours themselves could have been intended to intimidate the Timorese, and it is quite likely that if they did exist they were intended as a place to receive the bodies from the forthcoming massacre.

Fourth, the circumstances under which the massacre took place are important. During November 1991 a visit by a joint UN-Portuguese delegation had been arranged, but was called off at the last moment because of Indonesian objections. The independence movement had been secretly preparing for the visit for some time, planning demonstrations, making banners and so on. When the delegation's visit was called off the organisers decided to link the demonstrations to the funeral of a man who had been shot by Indonesian soldiers a fortnight before. The demonstration would also coincide with the visit of the UN Special Rapporteur on Torture. As the UN investigation into the massacre has concluded it is inconceivable that the Indonesian security forces, who maintain a highly developed intelligence and informer network in Dili, would not have known that the demonstration was to go ahead.<sup>32</sup> In fact there had been several reports of rising tension in Dili in the preceding months as the security forces began to make pre-emptive arrests, followed by torture, and made threats such as that they possessed lists of those marked out for extermination, or that certain villages were to be wiped out.<sup>33</sup> This period also saw the first emergence of the masked *ninja* death squads.<sup>34</sup> The diary of Kamal Bamadhaj, a citizen of New Zealand, and the only foreigner killed at the Santa Cruz massacre, describes rising tension in East Timor:

The Indonesians too have been preparing for the visit, launching an intensive campaign of intimidation and rounding up Timorese for public lectures where they are threatened with imprisonment or death if they dare speak up.... In the past month or so, Timorese have been

taking extraordinary risks organising among themselves in anticipation of the delegation. They claimed any risk they took was worth it because it offered them so much hope. And they were banking on placing themselves on a security list held by the Portuguese which would guarantee them (under UN agreements) freedom from persecution if they spoke up. But now the visit is off, and the Timorese are once again in the all-too-familiar position of being defenceless from arbitrary arrest, maltreatment or even death.<sup>35</sup>

It seems highly likely, then, that the Indonesians were fully aware that a demonstration was going to take place and that the massacre was simply part of a wider campaign intended to terrorise the Timorese at a time when the independence movement was growing in strength. In the words of the UN Special Rapporteur who investigated the massacre:

There are ... reasons to believe that the actions of the security forces were not a spontaneous reaction to a riotous mob, but rather a planned military operation designed to deal with a public expression of political dissent in a way not in accordance with international human rights standards.<sup>36</sup>

The weight of evidence suggests that the Santa Cruz massacre was not an isolated event, but part of some wider pattern of human rights abuse that was intended to stifle Timorese opposition to the Indonesian occupation, and prevent news of Indonesian repression becoming known to the outside world. In December 1991 Amnesty International reported that:

The security forces appear to have used the 12 November incident and the national investigation as an opportunity for intimidating and imprisoning suspected opponents of Indonesian rule in East Timor.<sup>37</sup>

The tactics that were employed before, during and after the massacre were clearly intended to generate fear. Threats, arbitrary arrest, torture and 'disappearance' are classic intimidatory tactics. That the intention of the military was to bring the resistance under control is apparent in a statement made by the Commander-in-Chief of the Indonesian army on the day after the massacre. He said, 'these delinquent people have to be shot ... and we will shoot them.'<sup>38</sup>

Indonesia has continued to use fear to prevent a full investigation of the incident. The UN Special Rapporteur's report notes that as of 1994 'families are afraid of reporting the death or "disappearance" of their relatives, because they think they will be brought to court for having links with the clandestine resistance, or having supported the demonstration. Indeed, the Special Rapporteur was told that anyone who presents a complaint is

automatically considered to be subversive.'<sup>39</sup> Furthermore, by their actions the Indonesians are clearly intending to show that to be associated, in even the most minor way, with the demonstration, and by extension with the independence movement, is to put oneself at risk. The massacre and the subsequent operation served to illustrate to the Timorese the dangers of opposition. Unfortunately for the Indonesian army it also brought a considerable amount of unwelcome attention upon what must be regarded as a policy of state terrorism.

#### *The Return of the Ninjas*

Increased world attention is almost certainly the explanation for the return to East Timor of the *ninja* death squads. Since the Santa Cruz massacre little had been heard of them, but in early 1995 they have become active again. Timor once again entered the news during the Asia-Pacific Economic Conference (APEC) held in Jakarta in November 1994. Twenty-nine students held a sit-in on the grounds of the US Embassy in protest at the Indonesian presence in East Timor, sharply focusing international attention on the situation there. At the same time there were a number of demonstrations and violent clashes with police in Dili. However, as Human Rights Watch note in a recent report, 'for the most part, the police acted with restraint and seemed to be on their best behaviour for the APEC meeting'.<sup>40</sup> January of 1995 saw UN-supported talks between Portugal and Indonesia on the question of East Timor, and further demonstrations in Timor. Meanwhile Indonesian troops killed six civilians in the town of Liquiça, whom they claimed they thought were guerrillas, and arrested others. This caused an international outrage, again focusing unwelcome publicity on Indonesia.

The point of this brief synopsis of events is that the reports of *ninja* activity date from around the time of the Liquiça killings. It is probable that the Liquiça killings were not part of some overall strategy but were the result of the an overreaction by frustrated troops at a local level (which partially explains the willingness of the Indonesian military to bring those responsible before a court-martial).<sup>41</sup> If this analysis is correct, the incident is illustrative of the mind-set of the military in East Timor as they are faced with increasing international pressure. It is my suggestion that the Indonesians, having learned the lessons of Santa Cruz, are resorting to the use of death squads when international attention makes direct terrorisation by the security forces impossible. It seems likely that following the restraint that was shown during and after the APEC conference the military felt a need to regain control of the security situation and to reassert themselves in the face of what was quite probably perceived as a humiliating few months.

There is very little hard evidence of specific *ninja* attacks, mostly because East Timor has effectively been closed to foreign journalists for

several months. However, there have been enough reports to piece together a general pattern. The *ninjas* wear black, are masked and armed with knives. They have attacked people on the streets of Dili at night, stoned and burned houses and killed livestock. Amnesty International reported on 13 February 1995 that the *ninjas* had abducted 29 people in the preceding weeks.<sup>42</sup>

That the *ninjas* fulfil the conditions of the generic definition of terrorism is undeniable. The only difficulty is making the connection between the Indonesian state and *ninja* activity. The Indonesian government has two explanations for the increased violence on the streets of Dili. One claim is that it is the result of rivalry between pro- and anti-integration factions, or between various factions within the independence movement.<sup>43</sup> The alternative Indonesian position is that the *ninjas* are actually independence activists who were trying to cause unrest in order to gain publicity to coincide with the commencement of the 1995 session of the UN Human Rights Commission in February. The Indonesian police in East Timor arrested 12 men they claimed were responsible for the *ninja* activity, but an interview with the chief of police has led human rights groups to suspect that those arrested were in fact members of groups formed with the intention of *defending* the population from the *ninja* attacks.<sup>44</sup> An Indonesian newspaper reported that the men had confessed to spreading rumours that they were linked to the security forces.<sup>45</sup>

However, the reports of *ninja* activity are strongly suggestive of military involvement, particularly in the selection of targets. On 8 February *ninjas* attacked the house of the sister of the jailed-guerrilla leader Xanana Gusmao.<sup>46</sup> It was reported that the police and military were present and encouraged the attackers.<sup>47</sup> It was also reported that four youths were abducted from the house of an aid worker.<sup>48</sup> The youths were almost certainly members of the independence movement. A member of the Indonesian provincial assembly in East Timor recounted that eight pro-independence activists have been murdered by the *ninjas* since the beginning of 1995.<sup>49</sup> He also suggested that the *ninjas* had begun to operate outside Dili, stating that 5,000 farmers had stopped tending their fields due to threat and attacks.<sup>50</sup> Despite the patchiness of information outside East Timor on the threat posed by the *ninja* gangs, reports that have emerged have talked of genuine terror being generated by the masked men.

There are a number of reports directly linking the military to the *ninjas*. TAPOL, the British human rights campaign for Indonesia, has no doubts about connecting the group with the elite KOPASSUS regiment who have a fearsome reputation as human rights abusers in East Timor.<sup>51</sup> According to an unnamed Timorese source in a report obtained by TAPOL:

Indonesian troops are playing a major role in all this. They have

promised money to certain East Timorese to attack and kill others in the night.<sup>52</sup>

The Australian group Affet point out that the strategy has been used before in Timor, when it was linked to President Suharto's son-in-law Colonel (now General) Prabowo, as well as in other parts of Indonesia at various times. Both organisations refer to the involvement of a Timorese man, Labut Melo, who is variously described as a 'well-known collaborator'<sup>53</sup> and 'the worst betrayer of all among the Timorese.'<sup>54</sup> Little else is known about Labut Melo, beyond the fact that he is in charge of the civil service car pool in Dili, and has been linked to the head of military intelligence in East Timor, Lt. Colonel Amir, in unconfirmed reports. Amir has himself been linked to *ninja* activity at the time of the Santa Cruz massacre. The most concrete statements regarding the *ninja* come from the National Council for Maubere Resistance (CNRM) which is linked with the independence movement itself. As an interested party CNRM material must be handled with some caution; however, their information network provides one of the few sources outside of Indonesian control in the absence of foreign journalists. The CNRM report that Labut Melo has been entrusted with the task of recruiting and training 600 mercenaries, paying them \$750 each, with the intention of using them to fight 'the East Timorese resistance and their civilian supporters'.<sup>55</sup> In a separate press release the CNRM report that two *ninjas* captured by protection squads in Dili confessed to having been recruited by the military at a cost of \$25 per action. It was also reported that *ninjas* who were pursued by the protection squads were taken to safety in Indonesian Hino military trucks.<sup>56</sup> It seems highly likely, then, that the Indonesian military are involved in the *ninja* attacks. However, there is certainly no concrete proof of their involvement. To repeat the words of western diplomat quoted in *The Guardian*:

Whether the military organised these gangs, I can't say... But I don't think the military is unhappy about what the gangs have been doing.<sup>57</sup>

The *ninja* attacks provide an opportunity to portray the situation in East Timor as an unstable one, with Indonesian forces providing a stabilising influence. They are also an extremely successful way of terrorising the population, which is something that the Indonesian military have shown they favour before.

### Conclusion

To conclude, then, it can be difficult to fulfil every condition of the model of state terrorism. It is often necessary to make assumptions about the

identity and the intentions of the perpetrators, which inevitably undermines the conclusions that can be reached. As the Santa Cruz case shows it is possible to construct, with sufficient evidence, a convincing argument in favour of the successful operation of the model. The Santa Cruz massacre was a considerable watershed for East Timor because there were foreign observers present. It was certainly not an isolated incident in the twenty years since the Indonesian invasion, which have seen many massacres, but the evidence provided by the foreign witnesses made 12 November 1991 unique.<sup>38</sup> The *ninja* case, however, illustrates how lack of evidence ultimately prevents the model from fully functioning in every instance. Two lessons can be drawn from this. The first is that if, as seems likely, the Indonesian state does support the *ninjas*, its goal of avoiding blame has, to a certain extent, paid off. The second is that for this reason it is vital that human rights researchers pursue evidence with increased vigour.

So what are the implications of this slightly negative conclusion? After all, there are few instances of state repression as well documented as the Santa Cruz massacre. Does it mean that the academic study of state terrorism is ultimately doomed? On the contrary, while acknowledging that there are difficulties, I would suggest that they provide valuable insight into the rationale behind the use of terror by states. States use terror because they want to control, and while terror is occasionally associated with a massive and expensive bureaucratic structure it is more often used as a 'cost effective' means of providing that control. It seems that there are (at least) two basic types of terrorism, the 'spectacular' and the prolonged campaign, and states use these types as effectively as non-state groups. The examples provided here are representative of these types: the *ninjas* provided low level but continual fear over several weeks. This allowed the Indonesian military to control at very little financial, physical or political cost. The failure of the definitional model to 'pick up' what was almost certainly a policy of state terrorism reveals the success of the Indonesian damage limitation exercise. The 'spectacular' Santa Cruz massacre performed a different function, at some considerable political cost. It was clearly intended to send a message to a new breed of activists in East Timor, to prevent what Peter Carey has called an *intifada* led by pro-independence students.<sup>39</sup> It failed, but then terrorist spectacles are a high risk strategy. Interestingly, and rather ironically, the Indonesian Technology Minister Jusuf Habibie (perhaps the most senior member of the Indonesian government below Suharto himself) has acknowledged the spectacular nature of the Santa Cruz massacre:

'It was an accident, it was an accident.' Habibie said in an interview with the Australian Broadcasting Corporation television...Habibie

said that Indonesians were 'disappointed' that the killings had occurred. 'Something like that in Timor could happen any place in the world, including any province in Indonesia.' Habibie said, *comparing it to the recent Oklahoma bombing*.<sup>40</sup> [my italics]

An unfortunate comparison perhaps? Certainly neither was an accident.

#### NOTES

1. John Pilger, *Distant Voices* (London: Vintage 1994) p. 234.
2. Max Weber, *Essays in Sociology*, (London: Routledge and Kegan Paul 1948) p.78.
3. In times of war the *Geneva Conventions* (1949) and their *Additional Protocols* (1977) afford protection to civilians and other non-combatants, the *Convention on the Prevention of Genocide* (1948) is an enforceable attempt to limit the use of violence by states in restricted circumstances, the *International Covenant on Civil and Political Rights* (1966) is binding only upon its signatories, the *Universal Declaration of Human Rights* (1948) and the *Declaration on the Protection of all Persons from Enforced Disappearance* and a similar declaration on *Torture* (1992) lack any degree of enforceability.
4. Reuters, 'Gang Terror in East Timor', *International Herald Tribune* (New York) 12 Feb. 1995.
5. Christopher Mitchell *et al.*, 'State Terrorism: Issues of Concept and Measurement', in Michael Stohl and George Lopez (eds.), *Government Violence and Repression* (Westport, CT: Greenwood 1986) pp.1-25, esp. p.13.
6. For example First Deputy Foreign Minister Ali Mohammed Besharati interviewed in the *Tehran Times* (Tehran), 15 Oct. 1991, referring to attacks upon Iranian diplomatic delegations in several European cities, said, 'Well, I do not claim that such an attack occurred according to the wishes of the US, but I can't deny that the US had no role in such terrorist activities...Do those who claim to be the champions of freedom want it for terrorist activities?'
7. 'President's Statements on Terrorism', *Washington Post* (Washington) 30 June 1985.
8. P. Wilkinson, 'The Laws of War and Terrorism', in D.C. Rapoport and Y. Alexander (eds.), *The Morality of Terrorism: Religious and Secular Justifications* (NY: Pergamon 1982) p.312.
9. Alex Schmid and Albert Jongman, *Political Terrorism* (Amsterdam: North Holland Publishing 1988).
10. Michael Stohl and George A. Lopez (eds.), *The State as Terrorist* (London: Aldwych 1984) pp.7-9.
11. *Ibid.*, see also Barbara Harff and Ted Robert Gurr, 'Toward an Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases since 1945', *International Studies Quarterly*, 32/3 (1988) pp.359-71; and Barbara Harff and Ted Robert Gurr, 'Victims of the State: Genocides, Politicides and Group Repression Since 1945', *International Review of Victimology* 1 (1989) pp.23-41.
12. Edward Peter, *Torture* (Oxford: Blackwell 1985) p.162.
13. Steven C. Poe and C. Neal Tate, 'Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis', *American Political Science Review* 88/4 (1994) pp.853-72.
14. *Geneva Convention (I) 1949*, Article 13.
15. Mitchell *et al.* (note 5) p.8.
16. For example, since the beginning of 1995 there have been reports of disappearances, political imprisonments and most notably the shooting of six civilians by the army in the village of Liquiça.
17. *Indonesia/East Timor: The Suppression of Dissent* (Amnesty International 1992) ASA 21/09/92, p.4.
18. *Report by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on his visit to Indonesia and East Timor from 3 to 13 July 1994* (United Nations 1994) par.21.



19. *Ibid.*, par.47.
20. 'Advance Report of the National Commission of Inquiry into 12 November 1991 Incident in Dili-East Timor', Indonesian National Commission of Inquiry, 26 Dec. 1991, section IV, par.4.
21. *Ibid.*, sec.IV, par.6.
22. Testimony of a foreign eyewitness, 'Hearing on East Timor: The Santa Cruz Massacre, Dili, 12 November 1991', Parliamentary Human Rights Group, 17 Dec. 1991, pp.8-9; and Max Stahl, 'Massacre among the graves', *The Independent on Sunday* (London) 17 Nov. 1991.
23. Stahl, 'Massacre among the graves', *The Independent on Sunday*, 17 Nov. 1991.
24. *Indonesia and East Timor: Power and Impunity - Human Rights under the New Order* (Amnesty International 1994) ASA 21/17/94, p.51.
25. Testimony of a foreign eye-witness, *Hearing on East Timor*, 1991, Parliamentary Human Rights Group, p.17.
26. *Ibid.*, p.5.
27. John Pilger, 'On Her Majesty's Bloody Service', *New Statesman and Society* 7/16-18 (18 Feb. 1993) p.17, for the number of deaths see Pilger's film *Death of A Nation* (Central TV), first shown 22 Feb. 1993.
28. *East Timor: After the Massacre* (Amnesty International 1991) ASA 21/24/91, p.4.
29. 'The Killing Fields of East Timor', *TAPOL Bulletin* (Dec. 1991) pp.1-3.
30. *Ibid.*, p.1.
31. *Hearing on East Timor* (note 25) p.7.
32. *Report by the UN Special Rapporteur on Extrajudicial Executions* (note 18) par.45.
33. Stahl (note 22).
34. Renetil statement, 'The Motael Shooting' translated in *TAPOL Bulletin* 108 (Dec. 1991) p.14.
35. Extracts from the Diary of Kamal Bamadhaj, 3 Nov. 1991, in the possession of the author, obtained from TAPOL.
36. Report by the UN Special Rapporteur on Extrajudicial Executions, par.48d.
37. 'East Timor: Violations and Doubts Remain Over Official Inquiry', (Amnesty International, 26 Dec. 1991).
38. General Try Sutrisno speaking at the National Defence Institute, reported in *Jayakarta*, 14 Nov. 1991, and translated in *TAPOL Bulletin* 108 (Dec. 1991) p.9.
39. Report by the UN Special Rapporteur on Extrajudicial Executions, par.62d.
40. 'Deteriorating Human Rights in East Timor', *Human Rights Watch - Asia* 7/3 (27 Feb. 1995) p.3.
41. I am grateful to Kerry Brogan for this point.
42. 'East Timor: 29 abducted by "Ninja" gangs in Dili' (Amnesty International, 13 Feb. 1995) ASA 21/14/95, Urgent Action.
43. John McBeth, 'Deja Vu: Violence returns to troubled East Timor', *Far Eastern Economic Review* 18 (2 March 1995) p.18.
44. 'Situation in Timor goes from bad to worse', *TAPOL Bulletin* (April 1995) p.3.
45. 'Ninja arrests', *Kompas* (Jakarta) 15 Feb. 1995.
46. McBeth (note 43) p.18.
47. Eye-witness report obtained by TAPOL, 10 Feb. 1995, in the possession of the author.
48. Reuters, 'Gang Terror in East Timor', *International Herald Tribune* (New York) 12 Feb. 1995.
49. 'Situation in Timor goes from bad to worse' (note 44).
50. Associated Press, 6 Feb. 1995.
51. *Ibid.*
52. Unnamed report obtained by TAPOL, in the possession of the author.
53. 'Killings escalate in East Timor', TAPOL, 8 Feb. 1995, Press release.
54. Unnamed report obtained by TAPOL, in the possession of the author.
55. 'East Timor: Indonesia trains mercenaries to harass civilian population, terror increases, disappearances continue', National Council of Maubere Resistance, 1 Feb. 1995, Press release.
56. 'Ninja terrorists attack Australian aid worker in East Timor. Further night-time abductions by

- masked thugs. Links to Indonesian military clearly evident', National Council of Maubere Resistance, 11 Feb. 1995, Press release.
57. Philip Shenon, 'Army accused after hooded gangs terrorise East Timor', *The Guardian* (London) 28 Feb. 1995.
58. Peter Carey. Paper under preparation and kindly shown to the author.
59. *Ibid.*
60. Reuters, 'Indonesian terms Dili killings an accident', 31 May 1995.

