

106TH CONGRESS
2D SESSION

S. 2621

To continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2000

Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. L. CHAFEE, Mr. HARKIN, Mr. KOHL, Mrs. BOXER, Mr. DURBIN, Mr. WYDEN, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “East Timor Repatri-
5 ation and Security Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) More than 100,000 East Timorese refugees
2 remain in West Timor, where they fled or were fore-
3 ibly driven by militia and members of the armed
4 forces of the Republic of Indonesia following the
5 United Nations sponsored popular consultation of
6 August 30, 1999, in which 78.5 percent of East
7 Timor's population voted for independence from In-
8 donesia.

9 (2) Most of the East Timorese refugees in West
10 Timor would like to return to East Timor but have
11 been prevented from doing so by militia forces oper-
12 ating with the cooperation of Indonesian army ele-
13 ments.

14 (3) Hundreds of the refugees in West Timor
15 have died from preventable illnesses while many
16 thousands continue to live in a state of danger, un-
17 certainty and severe threats, including that of forced
18 resettlement to other areas of Indonesia.

19 (4) Elements of the Indonesian army have at-
20 tempted to infiltrate armed militia members into
21 East Timor, and reportedly have planned a militia
22 invasion of East Timor.

23 (5) Border attacks by militia groups remain a
24 threat to peace and stability in the region and to
25 international peacekeeping forces.

1 (6) Much of East Timor's infrastructure was
2 destroyed in the violence of 1999 and remains to be
3 rebuilt.

4 (7) An estimated 200,000 of East Timor's
5 original estimated population of 700,000 perished
6 from the effects of Indonesia's occupation of East
7 Timor before the violence of 1999.

8 (8) Many East Timorese were killed in violence
9 perpetrated by Indonesian army elements and militia
10 in 1999.

11 (9) The prospects for justice for the victims of
12 the violence in East Timor remain unclear.

13 (10) An estimated 80 percent of East Timor's
14 population remains unemployed and East Timor's
15 Nobel Prize winning Catholic Bishop, Carlos
16 Ximenes Belo, has made a plea on their behalf.

17 (11) United States funds have been provided to
18 help rebuild East Timor.

19 (12) Communications and logistical units of the
20 United States Armed Forces have formed part of
21 the international peacekeeping forces that entered
22 East Timor in 1999.

23 (13) Following historic elections in October
24 1999, Indonesia's first democratically elected Presi-
25 dent, Abdurrahman Wahid, has pledged reform and

1 accountability within the Indonesian government and
2 military.

3 (14) The Government of Indonesia, led by
4 President Abdurrahman Wahid and Vice President
5 Megawati Sukarnoputri, has made good faith com-
6 mitments to end Indonesian military support for mi-
7 litias and to establish a fair and transparent mecha-
8 nism to bring to justice the perpetrators of gross
9 human rights violations in East Timor and else-
10 where, but efforts of the elected leadership of Indo-
11 nesia have been resisted, and in some cases actively
12 disobeyed, by elements in the military and in the bu-
13 reaucracy.

14 **SEC. 3. SENSE OF THE CONGRESS.**

15 It is the sense of the Congress that the United States
16 Government should utilize all diplomatic and economic
17 means to press for—

18 (1) the safe repatriation to East Timor of all
19 East Timorese in West Timor and elsewhere who
20 wish to return to East Timor;

21 (2) an end to border incidents and infiltration
22 of militias and an end to any other violent actions
23 by militias and the armed forces of the Republic of
24 Indonesia against the people or territory of East
25 Timor;

1 (3) processes and prosecutions leading to jus-
2 tice for the victims of the violence in East Timor;

3 (4) rapid reconstruction of East Timor, includ-
4 ing maximum consultation with and inclusion of
5 local personnel; and

6 (5) a significant increase in employment for
7 East Timorese in all internationally-sponsored recon-
8 struction and United Nations efforts relating to
9 East Timor.

10 **SEC. 4. PROHIBITION ON MILITARY COOPERATION WITH**
11 **AND ASSISTANCE TO THE ARMED FORCES OF**
12 **INDONESIA.**

13 (a) PROHIBITION.—Notwithstanding any other provi-
14 sion of law (other than section 589 of the Foreign Oper-
15 ations, Export Financing, and Related Programs Appro-
16 priations Act, 2000), United States military cooperation
17 with, and military assistance for, the armed forces of the
18 Republic of Indonesia suspended by the President pursu-
19 ant to the directive of the President issued on September
20 9, 1999, may not be resumed until the President deter-
21 mines and certifies to the appropriate congressional com-
22 mittees that the Government of Indonesia and the Indo-
23 nesian Armed Forces are—

24 (1) taking effective measures to bring to justice
25 members of the armed forces and militia groups

1 against whom there is credible evidence of human
2 rights violations;

3 (2) taking effective measures to bring to justice
4 members of the armed forces against who there is
5 credible evidence of aiding or abetting militia
6 groups;

7 (3) allowing displaced persons and refugees to
8 return home to East Timor, including providing safe
9 passage for refugees returning from West Timor;

10 (4) not impeding the activities of the United
11 Nations Transitional Authority in East Timor;

12 (5) demonstrating a commitment to preventing
13 incursions into East Timor by members of militia
14 groups in West Timor; and

15 (6) demonstrating a commitment to account-
16 ability by cooperating with investigations and pros-
17 ecutions of members of the Indonesian Armed
18 Forces and militia groups responsible for human
19 rights violations in Indonesia and East Timor.

20 (b) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means the Committee on Foreign Relations
24 and the Committee on Appropriations of the Senate
25 and the Committee on International Relations and

1 the Committee on Appropriations of the House of
2 Representatives.

3 (2) **CRIMES AGAINST HUMANITY.**—The term
4 “crimes against humanity” includes crimes of geno-
5 cide, torture, forced disappearance, extrajudicial kill-
6 ing, and rape, if committed as part of a widespread
7 or systematic attack against the civilian population.

8 **SEC. 5. RECOGNITION OF UNITED STATES ARMED FORCES**
9 **ASSISTING THE INTERNATIONAL PEACE-**
10 **KEEPING OPERATION IN EAST TIMOR.**

11 The Congress recognizes and salutes those members
12 of the United States Armed Forces who have assisted the
13 international peacekeeping operation in East Timor.

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