

Calendar No. 842

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, Mr. KENNEDY, Mr. WELLSTONE, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. HELMS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

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

14 (2) Most of the East Timorese refugees in West
15 Timor would like to return to East Timor but have
16 been prevented from doing so by militia forces oper-
17 ating with the cooperation of Indonesian army ele-
18 ments.

19 (3) Hundreds of the refugees in West Timor
20 have died from preventable illnesses while many
21 thousands continue to live in a state of danger, un-
22 certainty and severe threats, including that of forced
23 resettlement to other areas of Indonesia.

24 (4) Elements of the Indonesian army have at-
25 tempted to infiltrate armed militia members into

1 East Timor, and reportedly have planned a militia
2 invasion of East Timor.

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

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

9 (7) An estimated 200,000 of East Timor's
10 original estimated population of 700,000 perished
11 from the effects of Indonesia's occupation of East
12 Timor before the violence of 1999.

13 (8) Many East Timorese were killed in violence
14 perpetrated by Indonesian army elements and militia
15 in 1999.

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

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

22 (11) United States funds have been provided to
23 help rebuild East Timor.

24 (12) Communications and logistical units of the
25 United States Armed Forces have formed part of

1 the international peacekeeping forces that entered
2 East Timor in 1999.

3 (13) Following historic elections in October
4 1999, Indonesia's first democratically elected Presi-
5 dent, Abdurrahman Wahid, has pledged reform and
6 accountability within the Indonesian government and
7 military.

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

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

20 It is the sense of the Congress that the United States
21 Government should utilize all diplomatic and economic
22 means to press for—

23 (1) the safe repatriation to East Timor of all
24 East Timorese in West Timor and elsewhere who
25 wish to return to East Timor;

15 SEC. 4. PROHIBITION ON MILITARY COOPERATION WITH
16 AND ASSISTANCE TO THE ARMED FORCES OF
17 INDONESIA.

(a) PROHIBITION.—Notwithstanding any other provision of law (other than section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000), United States military cooperation with, and military assistance for, the armed forces of the Republic of Indonesia suspended by the President pursuant to the directive of the President issued on September 9, 1999, may not be resumed until the President deter-

1 mines and certifies to the appropriate congressional com-
 2 mittees that the Government of Indonesia and the Indo-
 3 nesian Armed Forces are—

4 (1) taking effective measures to bring to justice
 5 members of the armed forces and militia groups
 6 against whom there is credible evidence of human
 7 rights violations;

8 (2) taking effective measures to bring to justice
 9 members of the armed forces against who there is
 10 credible evidence of aiding or abetting militia
 11 groups;

12 (3) allowing displaced persons and refugees to
 13 return home to East Timor, including providing safe
 14 passage for refugees returning from West Timor;

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

17 (5) demonstrating a commitment to preventing
 18 incursions into East Timor by members of militia
 19 groups in West Timor; and

20 (6) demonstrating a commitment to account-
 21 ability by cooperating with investigations and pros-
 22 ecutions of members of the Indonesian Armed
 23 Forces and militia groups responsible for human
 24 rights violations in Indonesia and East Timor.

25 (b) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 2 TEES.—The term “appropriate congressional com-
 3 mittees” means the Committee on Foreign Relations
 4 and the Committee on Appropriations of the Senate
 5 and the Committee on International Relations and
 6 the Committee on Appropriations of the House of
 7 Representatives.

8 (2) CRIMES AGAINST HUMANITY.—The term
 9 “crimes against humanity” includes crimes of geno-
 10 cide, torture, forced disappearance, extrajudicial kill-
 11 ing, and rape, if committed as part of a widespread
 12 or systematic attack against the civilian population.

13 **SEC. 5. RECOGNITION OF UNITED STATES ARMED FORCES**
 14 **ASSISTING THE INTERNATIONAL PEACE-**
 15 **KEEPING OPERATION IN EAST TIMOR.**

16 The Congress recognizes and salutes those members
 17 of the United States Armed Forces who have assisted the
 18 international peacekeeping operation in East Timor.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “East Timor Repatri-*
 21 *ation and Security Act of 2000”.*

22 **SEC. 2. FINDINGS.**

23 *The Congress finds the following:*

1 (1) Widespread violence and destruction were
2 carried out in East Timor both before the August 30,
3 1999 United Nations referendum and thereafter.

4 (2) In the latest of numerous attacks on aid
5 workers in West Timor, 3 workers of the United Na-
6 tions High Commission for Refugees, including an
7 American citizen, Carlos Caceres, were murdered on
8 September 6, 2000 in Atambua, West Timor by a mi-
9 litia mob while Indonesian armed forces and police
10 stood by.

11 (3) Indonesian armed forces have failed to ensure
12 the security of foreign aid workers and have allowed
13 militias to terrorize refugee camps in West Timor.

14 (4) Indonesian armed forces have trained and
15 organized the militias.

16 (5) An estimated 125,000 East Timorese remain
17 in refugee camps in West Timor.

18 (6) After the September 6, 2000 attack, all
19 UNHCR staff and other international aid workers
20 were evacuated from West Timor, leaving remaining
21 East Timorese refugees at the mercy of the militias.

22 (7) Militia groups have returned to West Timor
23 with the collusion of Indonesian armed forces.

1 (8) *Militia attacks have claimed the lives of two*
 2 *United Nations peace keepers, from Nepal and New*
 3 *Zealand, during border operations.*

4 (9) *Jafar Siddiq Hamzah, a leading human*
 5 *rights lawyer from Aceh, Indonesia, and a permanent*
 6 *resident of New York, was found murdered on Sep-*
 7 *tember 3, 2000.*

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

9 *It is the sense of the Congress that the United States*
 10 *Government should utilize all diplomatic and economic*
 11 *means to press for—*

12 (1) *the safe repatriation to East Timor of all*
 13 *East Timorese in West Timor and elsewhere who wish*
 14 *to return to East Timor;*

15 (2) *an end to border incidents and infiltration*
 16 *of militias and an end to any other violent actions*
 17 *by militias and the armed forces of the Republic of*
 18 *Indonesia against the people or territory of East*
 19 *Timor;*

20 (3) *processes and prosecutions leading to justice*
 21 *for the victims of the violence in East Timor;*

22 (4) *rapid reconstruction of East Timor, includ-*
 23 *ing maximum consultation with and inclusion of*
 24 *local personnel; and*

1 (5) *a significant increase in employment for*
 2 *East Timorese in all internationally-sponsored recon-*
 3 *struction and United Nations efforts relating to East*
 4 *Timor.*

5 **SEC. 4. PROHIBITION ON MILITARY COOPERATION WITH**
 6 **AND ASSISTANCE TO THE ARMED FORCES OF**
 7 **INDONESIA.**

8 (a) *PROHIBITION.*—*Notwithstanding any other provi-*
 9 *sion of law (other than section 589 of the Foreign Oper-*
 10 *ations, Export Financing, and Related Programs Appro-*
 11 *priations Act, 2000), United States military cooperation*
 12 *with, and military assistance for, the armed forces of the*
 13 *Republic of Indonesia suspended by the President pursuant*
 14 *to the directive of the President issued on September 9,*
 15 *1999, may not be resumed until the President determines*
 16 *and certifies to the appropriate congressional committees*
 17 *that the Government of Indonesia and the Indonesian*
 18 *Armed Forces are—*

19 (1) *taking effective measures to bring to justice*
 20 *members of the armed forces and militia groups*
 21 *against whom there is credible evidence of human*
 22 *rights violations;*

23 (2) *taking effective measures to bring to justice*
 24 *members of the armed forces against who there is*
 25 *credible evidence of aiding or abetting militia groups;*

1 (3) *allowing displaced persons and refugees to*
 2 *return home to East Timor, including providing safe*
 3 *passage for refugees returning from West Timor;*

4 (4) *not impeding the activities of the United Na-*
 5 *tions Transitional Authority in East Timor;*

6 (5) *demonstrating a commitment to preventing*
 7 *incursions into East Timor by members of militia*
 8 *groups in West Timor; and*

9 (6) *demonstrating a commitment to account-*
 10 *ability by cooperating with investigations and pros-*
 11 *ecutions of members of the Indonesian Armed Forces*
 12 *and militia groups responsible for human rights vio-*
 13 *lations in Indonesia and East Timor.*

14 (b) *DEFINITIONS.—In this section:*

15 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 16 *TEES.—The term “appropriate congressional commit-*
 17 *tees” means the Committee on Foreign Relations and*
 18 *the Committee on Appropriations of the Senate and*
 19 *the Committee on International Relations and the*
 20 *Committee on Appropriations of the House of Rep-*
 21 *resentatives.*

22 (2) *CRIMES AGAINST HUMANITY.—The term*
 23 *“crimes against humanity” includes crimes of geno-*
 24 *cide, torture, forced disappearance, extrajudicial kill-*

1 *ing, and rape, if committed as part of a widespread*
2 *or systematic attack against the civilian population.*

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

6 *The Congress recognizes and salutes those members of*
7 *the United States Armed Forces who have assisted the inter-*
8 *national peacekeeping operation in East Timor.*

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