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S. CON. RES. 9

Condemning the violence in East Timor and urging the establishment of an international war crimes tribunal for prosecuting crimes against humanity that occurred during that conflict.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2001

Mr. HARKIN (for himself, Mr. FEINGOLD, Mr. REED, Mr. LEAHY, Mr. KENNEDY, Mr. WELLSTONE, and Mr. KOHL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Condemning the violence in East Timor and urging the establishment of an international war crimes tribunal for prosecuting crimes against humanity that occurred during that conflict.

Whereas the people of East Timor experienced an unprovoked and violent attack in the aftermath of a peaceful referendum in which they cast an overwhelming vote for national independence;

Whereas at least 1,000 people were killed, thousands more people were injured, 500,000 people were displaced, much of the infrastructure was destroyed, and scores of communities and villages were completely destroyed in East

Timor by roving bands of militias and paramilitary organizations;

Whereas some Indonesian military officers and personnel along with some Indonesian civilian police helped to train and arm the militias and paramilitary organizations before setting them loose to terrorize the people of East Timor and destroy their homes, businesses, and personal property;

Whereas the Indonesian ranking military officers and civilian police officers not only failed to keep the peace in East Timor once the referendum on national independence was conducted but also, in some cases, actually incited violence and participated in widespread killing, rape, forced displacement, mayhem, and wholesale property destruction;

Whereas numerous militia leaders who have been implicated in various crimes against humanity in East Timor continue to operate with impunity in West Timor and throughout Indonesia and none have been formally charged and brought to trial in Indonesia for the wave of violence, murder, rape, and terror inflicted on the people of East Timor, in particular, in preparation for, the conduct of, or the aftermath of the 1999 referendum;

Whereas Indonesia is a party to the Universal Declaration on Human Rights and other international human rights agreements and is legally obligated to comply with those agreements;

Whereas the continuing failure to investigate, indict, prosecute, and secure convictions and appropriate punishment for those responsible for so much death, violence, and destruction among the people of East Timor continues to

fuel an environment of terror, fear, and crime in East and West Timor and along their common border, thus trapping tens of thousands in squalid refugee camps and preventing their safe return to their homes;

Whereas the Indonesian government has failed to follow through on its agreement to provide evidence and accused criminals to the justice system of the United Nations Transitional Administration in East Timor, creating circumstances whereby lower-level East Timorese militia members are brought to justice in East Timor, while East Timorese militia leaders and Indonesian military officers with command responsibility reside in Indonesia without fear of prosecution;

Whereas the Indonesian government has yet to take all necessary steps to create a court with authority to prosecute past crimes under internationally-recognized human rights and humanitarian law, and the National Human Rights Commission of Indonesia has limited authority to only investigate such violations;

Whereas, in August, 2000, Indonesia's upper house of parliament passed a constitutional amendment prohibiting retroactivity in prosecutions;

Whereas repeated assurances to the international community and to Congress by the Indonesian government of impending action against the perpetrators of crimes against humanity in East Timor have produced few noticeable or substantive results; and

Whereas Congress is deeply disturbed that gross violations of the human rights of the people of East Timor and United Nations personnel rendering basic humanitarian services in East and West Timor have gone unpunished since

January 1, 1999, and the perpetrators have not been brought to justice: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That (a) Congress—

3 (1) deplores the widespread and systematic vio-
4 lence that—

5 (A) has occurred in East Timor and in the
6 refugee camps of West Timor since January 1,
7 1999; and

8 (B) has resulted in many murders, rapes,
9 and the near-total destruction of East Timor's
10 infrastructure and numerous villages on that
11 troubled island;

12 (2) decries the continued existence of an envi-
13 ronment of intimidation, misinformation, instability,
14 terror, and fear among the people living in the ref-
15 ugee camps housing tens of thousands of displaced
16 people, many of whom wish to return to East Timor,
17 but are too scared to freely repatriate and return
18 safely to their home communities;

19 (3) denounces the leaders of the militias and
20 paramilitary groups who are responsible for the vio-
21 lent attacks, pillaging, and mayhem that has caused
22 so much suffering and property destruction in East
23 Timor as well as their accomplices in Indonesia in-

1 side and outside of that sovereign country's armed
2 forces; and

3 (4) continues to support the courageous efforts
4 of those in Indonesia working toward domestic pros-
5 ecutions of the individuals most responsible for the
6 post-referendum violence, but recognizes that these
7 efforts currently face overwhelming obstacles.

8 (b) It is the sense of Congress that the President and
9 the Secretary of State should—

10 (1) endorse and support the establishment of an
11 international criminal tribunal for the purpose of
12 prosecuting culpable Indonesian military and police
13 officers and personnel, leaders of local militias and
14 paramilitary organizations, and other individuals
15 who are responsible for crimes against humanity in
16 East Timor, including systematic murder, rape, and
17 terrorism, the unlawful use of force, and crimes
18 against United Nations personnel deployed in East
19 Timor and in the refugee camps of West Timor;

20 (2) direct the pertinent agencies of the execu-
21 tive branch—

22 (A) to begin collecting and organizing such
23 information (including from intelligence
24 sources), and to provide such appropriate re-
25 sources, as will be necessary to assist in prepa-

1 ration of indictments and prosecution of cases
2 before an international criminal tribunal; and

3 (B) to undertake any additional inquiries
4 and investigations that would further such ef-
5 forts; and

6 (3) work actively and urgently within the inter-
7 national community for the adoption of a United
8 Nations Security Council resolution establishing an
9 international criminal court for East Timor.

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