

107TH CONGRESS
1ST SESSION

H. CON. RES. 60

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 violence.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2001

Mr. EVANS (for himself, Mr. KENNEDY of Rhode Island, Ms. NORTON, Mr. KUCINICH, Ms. BALDWIN, Mr. MCGOVERN, Mr. RUSH, Mr. CAPUANO, Mr. STARK, Mr. ANDREWS, Mr. WOLF, Mr. KIRK, Ms. PELOSI, Mr. HOFFEL, Mrs. LOWEY, Mr. FRANK, Mr. FALEOMAVAEGA, Mr. LANTOS, Mr. UDALL of Colorado, and Mr. WAXMAN) submitted the following concurrent resolution; which was referred to the Committee on International 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 violence.

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 in East Timor at least 1,000 people were killed, thousands of people were injured, 500,000 people were displaced, much of the infrastructure was destroyed, and

scores of communities and villages were completely destroyed by roving bands of militias and paramilitary organizations;

Whereas some Indonesian military officers and personnel and 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 after the referendum on national independence, but 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, particularly in preparation for, in the conduct of, and in 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 authority of the National Human Rights Commission of Indonesia to investigate such crimes is limited;

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 the 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 gross violations of the human rights of the people of East Timor and of United Nations personnel who render basic humanitarian services in East and West Timor, have gone unpunished since January 1, 1999, and

the perpetrators of these violations have not been brought to justice: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring),*

3 **SECTION 1. VIOLENCE IN EAST TIMOR.**

4 (a) DEPLORING VIOLENCE.—The Congress—

5 (1) deplores the widespread and systematic vio-
6 lence that—

7 (A) has occurred in East Timor and in the
8 refugee camps of West Timor since January 1,
9 1999; and

10 (B) has resulted in many murders and
11 rapes and the near-total destruction of numer-
12 ous villages on East Timor and of the infra-
13 structure of that troubled island;

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

21 (3) denounces the leaders of the militias and
22 paramilitary groups who are responsible for the vio-
23 lent attacks, pillaging, and mayhem that has caused
24 so much suffering and property destruction in East

1 Timor, as well as their accomplices in Indonesia in-
2 side and outside of that sovereign country's armed
3 forces; and

4 (4) continues to support the courageous efforts
5 of those in Indonesia working toward domestic pros-
6 ecutions of the individuals most responsible for the
7 violence following the 1999 referendum on national
8 independence, but recognizes that these efforts face
9 overwhelming obstacles.

10 (b) SENSE OF THE CONGRESS.—It is the sense of
11 the Congress that the President and the Secretary of State
12 should—

13 (1) endorse and support the establishment of an
14 international criminal tribunal for the purpose of
15 prosecuting culpable Indonesian military and police
16 officers and personnel, leaders of local militias and
17 paramilitary organizations, and other individuals
18 who are responsible for crimes—

19 (A) against humanity in East Timor, in-
20 cluding the unlawful use of force and system-
21 atic murder, rape, and terrorism; and

22 (B) against United Nations personnel de-
23 ployed in East Timor and in the refugee camps
24 of West Timor;

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

3 (A) to begin collecting and organizing such
4 information (including from intelligence
5 sources), and to provide such appropriate re-
6 sources, as will be necessary to assist in prepa-
7 ration of indictments and prosecution of such
8 crimes before an international criminal tribunal;
9 and

10 (B) to undertake any additional inquiries
11 and investigations that would further such ef-
12 forts; and

13 (3) work actively and urgently within the inter-
14 national community for the adoption of a United
15 Nations Security Council resolution establishing an
16 international criminal court for East Timor.

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