

We are currently investigating the trial proceedings to ensure they conform to international standards.

While it would not be true to say that nothing is happening on this front, it is clearly inadequate and slow and the government has not so far shown much determination to confront the issue. However, the international community must also do its part to help rebuild civil institutions. A significant contribution will be to disburse the already promised assistance to the Truth Commission. In any case, from what we can gather, as well as the six or so cases the government itself said it was investigating, many victims and victims' relatives have presented complaints to the authorities so it is not for lack of cases that little progress has been made. It is imperative that impunity in Haiti be broken; time and again we have seen how those who terrorized once can terrorize again.

Amnesty International certainly welcomes what steps have been taken so far to bring perpetrators of past and current abuses to justice and urge the government, as a matter of urgency, to further strengthen the judiciary to ensure that as many cases as possible can be pursued and that all such trials adhere to international standards for a fair trial. We believe it would be very useful if more was made public concerning the progress of investigations and trials.

Insofar as prison conditions are concerned, these are said to be improving gradually and a national overseer of prisons has been appointed. We understand that nutrition has modestly improved and the International Committee of the Red Cross has had access.

[From the Washington Times; Sept. 18, 1995]  
HAITI, ONE YEAR LATER

Remember Haiti? One year ago, our attention was focused on that small island country, as 20,000 American troops waited for the signal to invade. Self-styled American ambassador at large Jimmy Carter was busy negotiating with Gen. Raoul Cedras, hoping to persuade him to exit peacefully rather than face the U.S. forces with his ill-equipped army of thugs. On that day also, Gen. Colin Powell was in the news, having accompanied Mr. Carter to lend some muscle to the mission. And back in Georgetown was President Jean-Bertrand Aristide, urging the U.S. government on to deal with his enemies.

Haiti may have been as tiny a nation as we could have found to invade, but the thought of sending American soldiers into harm's way in a place known for its brutal, corrupt regimes and abject poverty, nonetheless made many here at home highly skeptical about the whole enterprise. Nor did it inspire confidence that the Clinton administration had shown itself particularly inept at handling foreign affairs and previously endured the humiliation of having to withdraw a transport ship with U.N. troops, including 200 Americans, from Port-au-Prince when faced with an unruly mob. It would not be too much to say that the operation was attended by the lowest possible level of expectation here at home.

One year later, the good news is that the dire misgivings, expressed among others by this page, have not come true. The only deaths experienced by U.S. soldiers there have been due to suicide. Significant armed resistance to the Americans did not materialize, and the military strongmen finally agreed to depart the scene back in October (with much of their ill-gotten gains). That meant the crippling sanctions could be lifted and President Aristide returned. The flood of boat people, which spurred the U.S. action in the first place, was stopped. By March 31, the bulk of the U.S. troops could be sent home,

and the mission officially over to the United Nations. The remaining Americans are scheduled to leave after the presidential elections early next year.

So far, so good. Nevertheless, a huge question remains about Haiti's long-term future. Certainly the return of Mr. Aristide has not meant much improvement materially for most Haitians. And the elections held in June were not much of a cause for celebration. The international community had more than half a year to prepare for them, yet due to incompetence and the intransigence of the Haitian election committee, dominated by Aristide supporters, the event which so many Haitians had longed for turned into a dreadful mess. There was murder and violence, and some 100,000 Haitians were unable to vote; make-up elections had to be held in August. Just this weekend, we had yet another act in this drama as run-off elections were held between candidates in a tie for their seats. The voting was boycotted by opposition politicians who claim fraud perpetrated by Lavalas and its sister parties. Nor is it clear whether Mr. Aristide will in fact step down at the end of his five-year term; quite a "movement" has gotten under way to "persuade" him to stay on.

Still, there may be some important lessons to be learned here for the United States. One, which is now being applied in the former Yugoslavia, is that American leadership can work, and that it helps tremendously when it is backed by the willingness to use overwhelming force. The Bosnian Serb army this weekend started to withdraw its heavy weapons from around Sarajevo. For three murderous years, the Serbs stubbornly refused to do just that, until the NATO bombing campaign changed their minds. What was also learned in Haiti (as in Somalia and Bosnia) is that such operations cannot be trusted to the United Nations because that means essentially no one is in charge and no one is responsible for the outcome. The conclusion here should not be that the United States must become international policeman and nanny; it is still debatable whether U.S. interests are at stake in Haiti. What is clear, however, is that where the stakes are deemed high enough, American initiative and muscle can be as effective as ever.

[From the New York Times, Sept. 21, 1995]  
MR. ARISTIDE'S FIRST YEAR

A year after American troops landed in Haiti to secure the return of its exiled President, the country is clearly in better shape. Despite the fears of his detractors, Jean-Bertrand Aristide has not incited his followers against their former oppressors, but urged reconciliation. Most Haitians no longer live in fear of political violence. Mr. Aristide has reached out to business leaders. He has made a credible beginning, but there is still much to do.

Mr. Aristide wisely declared he will not run for another presidential term, resisting the temptation to take advantage of his popularity to carry on the Haitian tradition of government-by-personality cult. Now he needs to use the time left in his term to broaden his governing skills. Mr. Aristide is not much of an administrator.

Mr. Aristide's senior officials operate with little direction, and the country is still chaotically governed. The simple necessities for doing business—such as electricity—are still in short supply. While there has been some domestic investment, virtually no money has come into the country from foreign investors, and international lending institutions are leery of providing aid with few government structures in place. Inflation, however, has fallen below 25 percent from 52 percent last year, and gross domestic product

has risen by 3 percent, compared to a 10 percent decline last fiscal year.

The recent highly flawed parliamentary elections—which resulted in overwhelming victories for Mr. Aristide's Lavalas Party—have left opposition parties feeling disgruntled and cheated. Although there was little evidence of outright fraud, the electoral commission was unacceptably disorganized. The electoral commission's inept chairman was dismissed, but reform of the commission itself has been stalled.

The United Nations force of 6,000—including 2,400 American troops—is due to leave at the end of February. The new police force has made a good start. Recruiting has been selective, and officers have won confidence in neighborhoods where police were regarded as the enemy. Reform of the justice system is proceeding well, with judges and prosecutors receiving training from international experts. But with no civil service tradition, much of the government bureaucracy is still dysfunctional.

Given Haiti's violent history, simply calming the country's polarized political climate is an impressive achievement. But Mr. Aristide now needs to break his isolation, cooperating with his senior ministers to come up with a coherent plan for getting the country back on its feet.

For now most Haitians are simply grateful that they can sleep free from fear. But that gratitude will wear thin if Mr. Aristide does not figure out how to take the next steps, which include everything from creating jobs to collecting the garbage.

#### INDONESIA'S DEPLORABLE HUMAN RIGHTS RECORD

Mr. FEINGOLD. Mr. President, as the Senate considers the foreign operations appropriations bill, I want to discuss two provisions which sanctioned Indonesia for its deplorable human rights record in East Timor, and which were eliminated in the chairman's bill. I want to make it clear that Indonesia has done nothing to improve its human rights record in the past year which would recommend any change in United States policy.

As my colleagues know, Indonesia has brutally occupied the Catholic population of East Timor since 1975. In that time, East Timor has been the focus of many international human rights efforts, not the least of which are those that have been spearheaded by my friend and colleague from Rhode Island, Senator PELL. To my disappointment, those causes have not been championed by any U.S. administration.

But in recent years the Indonesia military rule has become particularly cruel. Today, I want to dispel any myths among my colleagues that despite Indonesia's economic successes in the past few years, its human rights record continues to be dismal, and is particularly deplorable in its activities in the last year in East Timor. Such instability and violations can only destabilize the regime that some business interests are all too quick to invest in.

Since the Indonesians invaded East Timor 20 years ago, over 200,000 East Timorese have died—about a third of the entire population. Indonesia's self-styled annexation of the territory has

not been recognized by the United Nations, nor the United States, which acknowledges that "no act of self-determination has ever taken place." The military is practically omnipresent throughout the island, and according to diplomats stationed in Indonesia, "its callousness in dealing with the local population" is shocking.

East Timor made international headlines in 1991 when the military massacred, by conservative estimates, at least 100 East Timorese who were attending a funeral. It was all videotaped before international cameras. Today, the National Human Rights Commission in Jakarta says it has evidence that the massacre was "not a spontaneous reaction to a riotous mob, but rather a planned military operation designed to deal with a public expression of political dissent." Today, 66 people remain unaccounted for, and the commander of the operation is Vice President of Indonesia.

Congress has acted twice since then. First, in 1992 we cut off IMET funding for Indonesian soldiers to distance our support for the Indonesian military that committed the atrocity at Dili. Last July, to signal further disappointment with the disintegrating situation, we codified administration policy on the linkage between the sale of small arms and human rights.

I have a letter from the administration, addressed to Senator LEAHY and myself, which indicates that the administration will continue its ban on the sale or licensing of small and light weapons, and crowd control instruments, until there has been significant progress on Indonesia's human rights record. The letter also says the administration will offer only expanded-IMET—human rights training for the military—to the Indonesians. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, I regard this as a commitment from the administration that current policy will remain in place, whether we legislate it or not. I expect the administration to continue to consult with Congress on Indonesia. I am particularly concerned that we agree upon what "significant progress" means. Our legislation has included six conditions, including significant troop withdrawals from East Timor and Indonesian participation in the U.N. Secretary General's peace talks. Indonesia must understand that there is an international price to pay for their continuing occupation.

Since last July, when Congress passed this amendment, there have been several developments in East Timor—most of them quite discouraging, some quite violent, and some hopeful.

The tension in East Timor has been intensifying for the past year—influ-

enced in part by the ongoing power struggles in Jakarta, the increased resentment of the presence of Indonesian military officers and vigilante groups, and the immigrant settlers brought in by Indonesia to consolidate their occupation of the island.

The Indonesians have had some bizarre responses. For instance, last summer, they went to great lengths to pressure their ASEAN partners to prevent private conferences on East Timor to take place in the Philippines, Malaysia, and Thailand.

But the violence has been on the increase as well—particularly since the APEC summit in November. During the summit protesters were detained and, by most accounts, tortured. Reports of deaths of protesters at the hands of Indonesian soldiers have been constant all year.

On January 12, 1995, there is documented evidence that the military tortured and killed six civilians in Liquicia in a horrendous incident. Even the Government-appointed National Commission on Human Rights acknowledged that "a process of intimidation and torture by security officials" occurred and resulted in "unlawful shootings by the military." It found that "there was intimidation and torture by the security officers in charge at the time to extract confessions."

Recently, there has also been an outbreak of gang violence, of hooded vigilantes terrorizing, abducting, assaulting, intimidating, and harassing East Timorese. These gangs—commonly known as Ninjas—have been described by residents and human rights monitors as military-related death squad-type bands. Travelers describe walking on the tropical island on a sunny Sunday afternoon, and being passed by armed youths, covered in ski masks.

Notably, the Ninjas have not been reigned in by the same military that has so effectively suppressed the East Timorese. For that reason, there is reason to believe that they are tolerated by the military. There is even some evidence that they were created by the military to do what uniformed soldiers cannot because of international attention.

Mr. President, there must be an investigation into the operations of these groups, and why they are permitted to continue functioning in East Timor.

Other forms of torture by the military are still commonplace in East Timor as well. In January 1994, the U.N. Human Rights Commissioner's Special Rapporteur on Torture reported that the most common forms of torture are beating on the head with wood, iron bars, bottles, and electric cables; kicking with heavy boots; electric shocks—mostly with cattle prods; slashing with razor blades and knives; death threats and faked executions; hanging people upside down by their feet; isolation; sleep deprivation; and the rape of East Timorese women.

The U.N. Special Rapporteur for Torture reported last year that there were

"patterns of dealing violently with political dissent and [a] virtual impunity enjoyed by members of the security forces responsible for human rights violations."

The U.N. Human Rights Commission this year once again condemned Indonesian abuses in East Timor. It also forced Indonesia to invite the U.N. Human Rights Commissioner to visit East Timor. This was the first time that happened since 1975.

The United States, in my view, has not lived up to its leadership responsibilities on this issue. While administration rhetoric—though measured—sounds supportive of human rights protections, the policy has not been forceful enough, given the extreme extent of the brutality that I described. For example, the United States defers to the U.N. peace process by which the Indonesians and Portuguese are supposed to work with the East Timorese, yet the United States has not applied sufficient—if any—pressure to get the Indonesians to participate seriously in the talks. The administration says it is concerned about the military troop presence in East Timor, yet it has never devised a plan of action to work with the Indonesians, or requested a plan for Indonesian troop withdrawal from the island. In fact, at most, the administration seems to investigate the level of troop presence in East Timor only when a Member of Congress asks whether the promised reductions ever took place.

I am also perplexed why the United States is even trying to placate Indonesia. The administration permits Indonesia to buy IMET: However, for years they have been lobbying to get the taxpayer to subsidize the Indonesian military training. And while there is a small arms ban in place to prevent United States weaponry for being used in human rights violations, the administration is now trying to sell F-16's to the Indonesian military.

Mr. President, given Indonesia's defiant human rights policies, I see no reason to weaken United States policy toward it. In fact, the record of the past 2 years only indicates continued repression, continued deterioration, and increased violence against the East Timorese.

I appreciate the administration's commitment to continue its current policy, and only hope that it will redouble its efforts on behalf of human rights in Indonesia and East Timor.

I thank the Chair and yield the floor.

#### EXHIBIT 1

U.S. DEPARTMENT OF STATE,  
Washington, DC, September 21, 1995.

DEAR SENATOR FEINGOLD: I am writing about your continuing concern about the human rights situation in Indonesia, including in East Timor, and your interest in the Administration's policy towards that country, specifically our current arms sales policy and our proposed International Military Education and Training (IMET) program.

We too are concerned about the human rights situation in Indonesia, including in East Timor, and we raise our concerns with

the Indonesian government regularly. Our current arms sales policy, codified in law last summer and included in S. 908, prohibits the sale or licensing for export of small or light arms and crowd control items until the Secretary has determined that there has been significant progress on human rights in Indonesia, including in East Timor. Current law also forbids funding of International Military Education and Training (IMET) for Indonesia. As you are aware, the Administration has proposed that this ban be rescinded, and there is language in the House authorization and appropriations bills that would permit funding for Expanded IMET (E-IMET) courses.

We understand that you or other Senators may be considering amendments to the Foreign Operations Appropriations Bill that would further restrict the types of defense items that can be sold or licensed for export to Indonesia. We also have heard that some Senators who oppose any IMET funding for Indonesia are considering working to have the complete ban on such funding retained.

You have proposed that you and others in the Senate will refrain from attaching language to the Senate's version of the bill restricting arms sales to Indonesia and banning IMET funding if the Administration will agree to abide by our current arms sales policy and accept only funding for E-IMET in FY 1996.

We will abide by our current arms sales policy and, though we would have preferred restoration of full IMET, will fund only Expanded-IMET during the coming fiscal year.

I hope this information will be useful to you. Please do not hesitate to contact us if we may be of further assistance.

Sincerely,

WENDY R. SHERMAN,  
Assistant Secretary, Legislative Affairs.

#### ORDER OF PROCEDURE

Mr. DOLE. Mr. President, this will be the last vote tonight. Tomorrow morning, starting at 9:30 we will take up the MilCon conference report, to be followed by the D.C. appropriations bill, to be followed by the legislative appropriations conference report. Therefore, I would expect one, two, three, and maybe one amendment on the D.C. bill, so maybe four votes tomorrow. We should finish early. Then I will tell you what will happen next week. Hopefully, we will finish those bills and take the next week off. But we are not there yet.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. McCONNELL. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 458 Leg.]

#### YEAS—91

Abraham	Ford	McCain
Akaka	Frist	McConnell
Ashcroft	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Bradley	Gregg	Packwood
Breaux	Harkin	Pell
Brown	Hatch	Pressler
Bryan	Hatfield	Pryor
Bumpers	Heflin	Reid
Burns	Hutchison	Robb
Campbell	Inhofe	Rockefeller
Chafee	Inouye	Roth
Coats	Jeffords	Santorum
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Shelby
Conrad	Kennedy	Simon
Coverdell	Kerrey	Simpson
D'Amato	Kerry	Snowe
Daschle	Kohl	Specter
DeWine	Kyl	Stevens
Dodd	Lautenberg	Thomas
Dole	Leahy	Thompson
Domenici	Levin	Thurmond
Dorgan	Lieberman	Warner
Exon	Lott	Wellstone
Feingold	Lugar	
Feinstein	Mack	

#### NAYS—9

Bingaman	Faircloth	Kempthorne
Byrd	Helms	Nunn
Craig	Hollings	Smith

So the bill (H.R. 1868), as amended, was passed.

Mr. McCONNELL. Mr. President, I want to take one moment to thank Tim Rieser and Luke Albee of Senator LEAHY's staff; and from the Appropriations Committee staff Jim Bond, and Juanita Rilling; and, particularly, Mr. President, I want to extend my great appreciation to my personal staff members, Billy Piper, and my long-time foreign policy adviser, Robin Cleveland, for their determined work in helping us to produce this bill.

I am extremely grateful to Billy, particularly to Robin, for good advice not only on this occasion but over the years.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, I thank the chairman for his gracious words, and I was also glad—I mentioned a number of these folks earlier—but I was also glad to have my chief of staff, Luke Albee, to join us also on this bill, as well as John P. Dowd, my legislative director.

Tim Rieser, I think all of us on our side will agree, was a dynamo. Tim handled just about everything for everybody.

I do appreciate all of them.

Mr. President, before we voted earlier, the Senator from Wisconsin was going to speak in relation to this matter on this bill. As a courtesy to the other 99 Senators, he withheld for the vote on the assurance that he could be heard. I hope that it might be possible for the Senator from Wisconsin to be heard.

I assume we will appoint conferees. I wonder if we could yield for that.

Mr. BENNETT. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair be au-

thorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. SMITH) appointed Mr. McCONNELL, Mr. SPECTER, Mr. MACK, Mr. GRAMM, Mr. JEFFORDS, Mr. GREGG, Mr. SHELBY, Mr. HATFIELD, Mr. LEAHY, Mr. INOUE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD conferees on the part of the Senate.

#### MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNITED STATES/UNITED KINGDOM AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to express my great disappointment that an agreement further liberalizing United States/United Kingdom aviation relations was not struck in London last week. Once again, I believe the British Government put the interests of one constituent above the best interests of British consumers.

The United Kingdom is one of our largest and most important trading partners. For many years that trading relationship has flourished. Open market principles have been the engine responsible for its success. Without a doubt, the free flow of commerce between our two nations has significantly benefited both economies. Perhaps the biggest winners of all have been consumers on both sides of the Atlantic who have reaped the benefits of enhanced consumer choice and competitive prices.

Regrettably, over the last few decades, the British have repeatedly rebuffed our attempts to extend our open trade relationship to include commercial aviation rights. In fact, the United States/United Kingdom bilateral aviation agreement is our most restrictive international aviation agreement. For good reason, that agreement, the so-called Bermuda II agreement signed in 1977, is widely regarded as being the high water mark for international aviation protectionism.

In London last week, the United States and United Kingdom had an historic opportunity to further liberalize our aviation relationship. Instead of taking a major step forward, United States/United Kingdom aviation relations seem to have taken a giant leap backward. I am very concerned that the failure to reach agreement last week has squandered hard earned momentum from the phase 1 deal in June and resurrected mistrust between the countries that has plagued negotiations for years.

Mr. President, despite these concerns, the United States and United Kingdom must press forward with