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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO
COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation in East Timor

Report of the Secretary-General

Addendum

Information submitted by the Government of Indonesia

By letter dated 12 February 1997, the Government of Indonesia transmitted information about developments in East Timor and requested that it be included in the report of the Secretary-General. Due to its late arrival that information could not be included in the main report and is, therefore, reproduced below.

"Introduction

1. On 19 April 1996, the Chairman of the fifty-second session of the Commission on Human Rights read out a statement agreed upon by consensus on the situation of human rights in East Timor. It was the third time such a statement was adopted in three consecutive years. The Government of Indonesia, out of its strong commitment to fully cooperate with the main United Nations human rights machinery, is pleased to provide the Commission with information concerning initiatives and measures taken by the Government, as transpired from the statement.

Missing persons in the Dili incident of 12 November 1991

2. At the time that it was last reported to the United Nations Secretary-General the number of remaining missing persons totalled 54. As the Commission may recall, in its previous statement on the question, the Indonesian Government unequivocally stressed that 'one particular problem in this matter is that many of those who were involved in the violent demonstrations leading to the incident have not come forward or have left the country clandestinely'. In this connection, some new developments which occurred in the last two years have given us some clear clues on those who were thus far still missing:

(a) Among the East Timorese youths who forced their way into several embassies in Jakarta and were subsequently given government permission to leave the country for Portugal, scores of them have admitted that they were involved in the 1991 Dili incident.

(b) A number of East Timorese who succeeded in fleeing to Australia by boat in May 1995, clearly admitted to taking part in the 1991 Dili incident. They fled the province with a group of fishermen with whom they mingled following the tragic incident.

(c) Some other followers of the anti-integrationist elements who either surrendered or were caught alive by the security forces recently confirmed their involvement in the unfortunate incident. Evading arrest and persecution, they decided to join the armed insurgents in the jungles in the wake of the incident.

- Geronimo (32) and his two accomplices, Angelina (21) and Valente (16), surrendered to the authorities in June 1996 and were immediately returned to their respective families. Geronimo, who has a wife and two children, admitted that he fled to the jungle together with his friends at the time of the Dili incident on 12 November 1991.
- Manuel Amaral (27), together with his two friends, Theofilo de Jesus (36) and Manuel (27), were arrested by the security forces in December 1996 when their small armed unit tried to ambush the government military patrolling platoon. Manuel Amaral, who was shot in the leg in the ensuing skirmish, told the authorities that he fled to the jungle in 1992, feeling that his life was in danger from his involvement in the Dili incident. He thanked the Government for the humane treatment he received and for the chance accorded to him to continue his studies at the University of East Timor in Dili.
- It remains the policy of the Government to grant amnesty to members of the anti-integrationist group who surrendered to the authorities voluntarily, and to return them to their families.

(d) A number of insurgents who were killed in skirmishes with the security forces in 1996 were believed to be members of an anti-integration group which fled Dili as a result of their involvement in the 1991 Dili incident.

(e) A number of suspects who were arrested for their involvement in violent riots at the time when Bishop Belo arrived in Dili on 24 December 1996 from Europe to receive his 1996 Nobel Peace Prize were also suspected to be directly involved in the 1991 tragic Dili incident.

Those facts represent solid grounds to believe that almost all 54 people reported as unaccounted for were either fleeing to the jungles and joined the armed separatist group or mixed in with ordinary people. It now seems to have become futile for the Government of Indonesia to continue the search for the missing persons.

Closer cooperation with the ICRC

3. To date, cooperation between the Government of Indonesia and the ICRC has never been closer.

(a) The ICRC representatives were given full authority to perform their regular visits to all East Timorese under custody and to those serving their terms in jail, including the jailed Xanana Gusmao at Cipinang prison in Jakarta. The last visits of the ICRC representatives took place between 19 and 22 August 1996 and 25 November to 2 December 1996.

(b) The ICRC representatives were also granted free access to people they wanted to meet during their visits both in East Timor and in other parts of Indonesia.

(c) The continued assistance given by the ICRC to further improve the living conditions of the prisoners and the sanitation in several prisons is appreciated.

(d) Since 1979, the ICRC has been playing its part in the repatriation programme involving the reunification of East Timorese from the province with their relatives in Portugal and other countries, and those living abroad, especially in Portugal, with their relatives in East Timor.

(e) Beginning in 1994, the East Timor provincial government, the National Red Cross Society and the ICRC, as well as the armed forces, launched a joint humanitarian programme to assist the needy. Under the programme, 44 clean water supply facilities were developed in 6 regencies.

(f) The ICRC played a facilitating role in the departure and travel of more than 100 East Timorese youths to Portugal after their bid for political asylum was turned down by several embassies in Jakarta in the last two years.

(g) Although they were unsuccessful, the Government paid tribute to the ICRC's intermediary efforts to free 13 members of a scientific research expedition who were held hostage by a group of separatist terrorists in Irian Jaya in 1996.

(h) In a rare situation, the ICRC Office in Dili, East Timor, handed over a fugitive who sought refuge on the ICRC premises and was wanted by the police as one of the suspects in the brutal killing of an off-duty soldier during a welcoming ceremony for the Bishop of Dili, Monsignor Belo, 1996 Nobel Peace laureate, on 24 December 1996.

Access to East Timor

5. Believing that 'seeing is believing', the Government welcomes and encourages more and more visitors to visit the province. Yet, such openness has in several cases been abused by some visitors who land on the island with an a priori perception and produce biased and unbalanced reports.

The province is as a matter of policy open to foreign tourists. The facts have shown that freelance writers or journalists passing as tourists are pouring into East Timor to fish for spurious information which they then sell as a commodity to the international public. Human rights have become a thriving industry for them. Their presence on the island, if it becomes known to local hatred mongers and conflict entrepreneurs, will be exploited to the latter's advantage. Then a pattern of mutuality of interest becomes established between them. The foreign journalist posing as a tourist who is found to be breaking the national established code of journalistic work is subject to deportation. This, of course, discredits the genuine desire demonstrated by the host country and does a disservice to the people in the province who have long been yearning for peace and harmony.

Almost no single month throughout the year has passed without some programme of visits for foreign visitors as shown in the following list:

- (i) Manuel Macedo, Chairman of the Portugal-Indonesia Friendship Association (PIFA), 5-7 April 1996.
- (ii) Sra. Marinella Castagno, Head of the World Salesian Congregation Order 'Filhas de Maria Auxiliadora' (FMA), 24-30 April 1996.
- (iii) Mr. Hans-Josef Thesen, Senior Officer of the Ministry for Economic Cooperation of Germany, 16-24 May 1996.
- (iv) United States Senator Claiborne Pell (D-Rhode Island), 30 May - 1 June 1996.
- (v) Mr. Leslie James, Deputy Director of the Southeast Asia Division, Foreign Ministry, Canada, 31 May - 5 June 1996.

- (vi) H.E. Mr. Utula Utuoc Samana, Permanent Representative of Papua New Guinea to the United Nations in New York and Vice-Chairman of the United Nations Special Committee on Decolonization, in his personal capacity, 19-20 July 1996.
- (vii) Mr. Brian Atwood, USAID Administrator, 28-29 June 1996.
- (viii) A number of foreign journalists including Jeremy Wagstaff (Reuters), James Edward della Giacoma (AFP), Michel Bret Maher and David John Henry (ABC); Patrick John Reynell Walters (The Australian), Jose Sarni Ocampo (Reuters), Nobuo Fukuda (Asahi Shimbun), Philip W. Senon (New York Times), David Jenkins (Sidney Morning Herald), Ivan Lopes de Goody (Brazil), several Portuguese journalists, Adrian Bradsaw and Jurgen Kremb (Germany).
- (ix) Alex Townsend, an officer of USAID, end of first week of July 1996.
- (x) Two Portuguese scholars, first week of July 1996.
- (xi) Dr. Abilio Araujo and Prof. Dr. Antonio Colaco, members of the Portuguese Academician Group, 6-8 August 1996.
- (xii) Cardinal Edward Clancy, head of the Catholic Church in Australia, 9-18 August 1996.
- (xiii) Mr. L. B. Labuschagne, Senior Officer of the South African Ministry of Foreign Affairs, 15-17 August 1996.
- (xiv) Mr. Grover Rees and Mr. Robert Hathaway, United States House of Representatives, International Relations Committee, 11-13 October 1996.
- (xv) Ambassador Sally Shelton, USAID headquarters in Washington, 24-25 October 1996.
- (xvi) Dr. Thomas Glaser, Deputy Director of the Federal Foreign Ministry of Germany, 25-27 November 1996.
- (xvii) Prof. Dr. Luis Felipe Thomas, Portuguese historian, 14-18 December 1996.
- (xviii) A Brazilian parliamentary delegation led by Deputy Aracely de Paula and Senator Antonio Carlos Valadares, Deputy Pedro Valadares, Deputy Feu and Mr. Wellington Franco de Oliveira as members, 16-17 December 1996.
- (xix) Mrs. Judith Sefi Attah, Minister for Women's Role and Social Welfare of Nigeria, Chairman of the forty-sixth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 17-18 December 1996.

- (xx) Mr. Patrick Kennedy, United States Congressman (D-Rhode Island), 23-24 December 1996.
- (xxi) Mr. Frank R. Wolf, United States Congressman (R-Virginia) with two members of his staff, Mr. Charles White and Mr. William Gray, 12-14 January 1997.
- (xxii) Ambassadors and representatives of various embassies and international organizations accredited to Indonesia, throughout the year 1996.
- (xxiii) Some foreign correspondents based in Jakarta, throughout the year 1996.

Cooperation with the United Nations human rights mechanisms

6. The Government of Indonesia is fully committed to cooperating with the United Nations human rights mechanisms. Therefore, it has always replied to communications concerning the allegations of human rights violations addressed to it, be they from the thematic special rapporteurs, working groups or other mechanisms, including urgent appeals under the 1503 procedure.

7. In the course of the visit of Mr. José Ayala Lasso, United Nations High Commissioner for Human Rights, to Indonesia, from 2-7 December 1995, several agreements in principle were reached between the Government of Indonesia and the High Commission, with a view to enhancing technical cooperation in the field of human rights. Both parties agreed, *inter alia*, to upgrade the current memorandum of intent so that it can become a more practical memorandum of understanding on technical cooperation in the field of human rights. In this context, it was also provisionally agreed to look into the possibility of the High Commissioner assigning a programme officer to the UNDP office in Jakarta in order to follow up the implementation of the technical cooperation agreement. Talks on the MOU are at present entering their final stage, particularly with regard to the modalities and terms of reference governing the appointment of the programme officer.

Recent developments in East Timor

Measures to improve fundamental human rights

8. The Indonesian Government firmly believes that sustainable development is the only viable means of promoting the fundamental rights of the people, namely the rights to adequate food, housing, jobs, health and education, of which they have been deprived for more than 400 years under the colonial rule.

(a) Thanks to the Government's vigorous development programmes, the East Timor province has booked an annual economic growth rate of 10 per cent - much higher than the average 6.8 per cent growth registered by the other 26 Indonesian provinces. In fact, the

province's per capita income has increased from US\$ 34.20 in the mid-1970s to US\$ 265.50 at present, i.e. eightfold.

(b) Houses, hospitals and schools now exist, in sharp and telling contrast to centuries of Portuguese neglect. Under the Portuguese yoke, East Timor had only 2 hospitals and 14 clinics. Today, there are 11 hospitals and 332 village health centres, and they continue to increase. In regard to the schools, there were only 47 elementary schools, 2 junior high schools and 1 senior high school when Portugal abandoned East Timor. Today, every East Timorese child attends school. There are 715 elementary schools, 114 junior high schools, 58 senior high schools and 4 centres of higher education, including the University of East Timor. With the cooperation of the United States Agency for International Development, 2 professors from Georgetown University are now teaching at the University of East Timor.

(c) The province has also dramatically improved its economic infrastructure since 1991 when the province received some US\$ 199 million in government grants, almost one hundred times more than the average yearly development expenditure for East Timor during the final years of Portuguese rule.

(d) The business volume of 73 village cooperative units in the province in 1996 reached a value of Rp. 21,013,504,000 (US\$ 8.9 million).

(e) On 16 October 1996, President Soeharto inaugurated several development projects worth US\$ 45 million, covering paved roads, bridges and irrigation to further boost the economy of the province. Thousands of hectares of land are now arable through technical irrigation systems.

(f) As is the case in many provinces in Indonesia, unemployment among the East Timorese youth remains a problem which still needs to be addressed. In this regard, in the last five years, a total of 1,506 young East Timorese have been employed in the business sector in 10 other provinces in Indonesia, namely South, West, Central and East Kalimantan, Jambi, Riau, Lampung, South Sumatra, South Sulawesi and Maluku. They have been recruited through an interprovincial manpower distribution programme to take up jobs in those provinces. On 20 September 1996, the East Timor provincial administration sent off one thousand personnel to Central Java to follow an orientation course for new civil service recruitment. East Timor is the only Indonesian province where the Government has been inducting people into the civil service on such a large scale. A total of 75 East Timorese young people signed working contracts with 5 timber companies in Maluku on 16 January 1997, after completing a three-month occupational training course in Ambon. Domestic investment projects in East Timor which were approved by the Government in 1996 comprise 12 projects with a total investment value of Rp. 270,715 billion or about US\$ 142 million. The industrial sector ranks first, followed by transportation, services, fishing, industrial and construction sectors. Meanwhile, foreign investment projects valued at Rp. 29,240 billion or about US\$ 15 million will be operating in the services sector. These projects are expected

to help combat unemployment in the province. By Presidential Decree No. 65/1984, 285 former members of the Portuguese colonial military forces (Tropas), who later on fought for the integration with Indonesia, were granted the status of government civil servants after undergoing an administrative process. They are now serving with the Provincial Administration.

(g) Indonesia's constitutional commitment to freedom of worship for all religions throughout the province is fully upheld.

(a) The number of new churches in the province has risen to over 800, from 100 in 1974, and the percentage of Catholics rose from just over 27 per cent in 1972 to over 92 per cent by 1994. During his last visit to the province on 15 October 1996, President Soeharto inaugurated the giant statue of Christ the King, at Fatucama Hill, 7 km east of Dili. Bishop Belo blessed the statue on 24 November 1996. The blessing, attended by 25,000 people, was covered by dozens of local and foreign journalists. In his blessing, the Bishop called for no more demonstrations. The statue is the second highest statue of Christ in the world after the famed statue above Rio de Janeiro in Brazil. The 27 m-high statue symbolizes East Timor as the country's 27th province.

(b) To serve the interest of the increasing number of Catholics, Pope John Paul II ordained Basilio do Nascimento in the Vatican on 6 January 1997 as the new Bishop of Baucau, East Timor, which has a population of 200,000 Catholics. Bishop do Nascimento, who was born in East Timor, received his theological education in Portugal and France. Baucau Diocese will also oversee the regencies of Manatuto, Viqueque and Lautem.

(c) Imbued with the high spirit of religious tolerance, Bishop Belo attended a fast-breaking gathering during Ramadhan in Dili, on 2 February 1997, together with the Chairman of the East Timor Indonesian Ulemas Council, H. Abdullah Sagan, and the Regional Military Commander, Major General H.A. Rivai.

9. By the same token, the Indonesian Government is also fully committed to the promotion of the individual rights of the East Timorese.

(a) The Government gives strong support to the activities of the Indonesian National Commission on Human Rights branch office in Dili in order to monitor the human rights situation, and enhance the promotion and protection of human rights of the people in the province. Offers from certain countries to give assistance to the Dili office so that it can function more efficiently and effectively deserve appreciation.

(b) In preparation for the May 1997 general elections to elect members of the national and local House of Representatives, 450,772 people in East Timor have been registered as eligible voters by the Voters Registration Committee. It will be the sixth national

general election in which the East Timorese participate since the majority of them expressed the wish to integrate with Indonesia in 1976. It is confirmed that the Bishop of Dili, Carlos Filipe Ximenes Belo, has been officially registered on the electoral roll of Bidau Lecidere, East Timor regency.

(c) On humanitarian considerations, the Government of Indonesia gave free passage to East Timorese youths who had tried to seek asylum at several embassies in Jakarta in the last two years, allowing them to leave the country for Portugal. Mention should be made of the fact that there were no valid grounds whatsoever to support their request for political asylum, as these youths were not being persecuted by any authorities of the Government of Indonesia. In fact, the Government does not even have any files on them. That their request for political asylum was groundless was emphasized by the reaction of the embassies into which they entered forcibly, all of which rejected the East Timorese youths' request.

(d) The Government supported the establishment of a fact-finding mission on Portuguese atrocities during the colonial rule by the National Commission on Human Rights and the Dili 'Trisula' Legal Aid Foundation in 1996. The team would also look into the plight of comfort women (Juqun Ianfu) during World War II. According to the team's initial report, there are at least 500 East Timorese comfort women now living in the sub-districts of Ambeno, Bobonaro and Liquisa.

(e) It is a well-known policy on the part of the Government to desist from using lethal weapons and excessive force in dealing with demonstrations and riots. The power to disperse and handle demonstrators and rioters is solely invested in the State police and no longer rests with the security forces.

- The year 1996 has been characterized by no fatalities and not a single shot was fired by the law enforcement officers when they were called in to control the demonstrations.
- In line with that policy, the Catholic Church entrusted the Catholic youths with the task of organizing and keeping the welcoming ceremony for the 1996 Peace Nobel Laureate, Bishop Belo, on 24 December 1996, in order. But regrettably a group of irresponsible youths started a violent riot which resulted in the tragic death of one off-duty soldier and in 11 bystanders being injured. Again, observing a high degree of self-restraint the police apparatus handled the case with great care not to be provoked by the culprits to react excessively.
- That kind of reaction was expected by the latter whose only intention is to create trouble, hatred and tensions among people and, ultimately, to besmirch the good name of the Government of Indonesia. The Bishop of Dili, Carlos Filipe Ximenes Belo, not only expressed deep regret but also condemned the brutal incident that killed Army Corporal

Alfredo Liga dos Santos, and sent his condolences to the bereaved family. Clementino dos Reis Amaral, a member of the National Human Rights Commission and a native of East Timor, said in Dili that the brutal killing of Corporal dos Santos was a glaring violation of human rights.

The military role in socio-economic development

10. The role of the armed forces in socio-economic development throughout the country should be understood proportionally and should not be underestimated. The armed forces emphasize that territorial operations or civic missions are a combination of efforts by the military, government agencies and the local population. These missions, covering all 27 provinces including East Timor, are conducted routinely to improve the overall conditions of the rural areas. In East Timor, as in all the other provinces, the objective of the military civic mission is first and foremost to combat poverty and underdevelopment as well as to serve and protect the people. In a unique situation, not found in other countries, members of the armed forces actively participate in joint family planning and health campaigns to promote the people's quality of life and public welfare through the National Polio Immunization Week. The scheme helps decrease the mortality rate and increase the life expectancy of the people. Development projects within the framework of the military civic mission are open to foreign visitors so that they can understand the missions and measures carried out by the armed forces."
